

ATTACHMENTS UNDER SEPARATE
COVER

ORDINARY COUNCIL MEETING
26 OCTOBER 2021

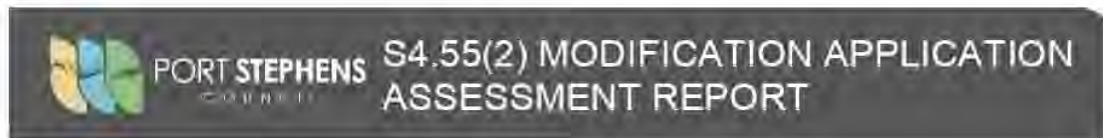


PORT STEPHENS
C O U N C I L

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ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.



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

Background

The modification application was lodged on 22 March 2021. On the 30 June, the application was called to Council by three Councillors in accordance with Council's Planning Matters to be Reported to Council Policy.

Following the completion of Council staff's assessment of the application it was reported to Council for determination at its meeting of 27 July 2021. At its meeting of 27 July 2021, Council resolved to defer consideration of the application, and to request the applicant modify the application to limit works to be within the existing approved development footprint, and that Council seek independent legal advice.

Subsequent to that meeting, the applicant provided amended plans to address the matters raised at the 27 July Council meeting.

A brief summary of the key changes to the application since the 27 July 2021 Council Meeting have are as follows:

- Tennis Court – Removed from the proposal.
- Retaining Walls and visual impact - The applicant has introduced rural style fencing, mature tree plantings to screen view of the wall forward of the western boundary retaining wall.
- Stormwater basins - Stormwater basins have been re-designed to include landscaping and environmental engineering design features.
- Compensatory Plantings – Increase to the pot size of compensatory koala feed tree plantings to 200L (3-4.5m tall).

This report assesses the amended plans submitted to Council.

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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 approved Caravan Park:

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

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

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.

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 consent - Approved on 29th April 2019.

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

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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

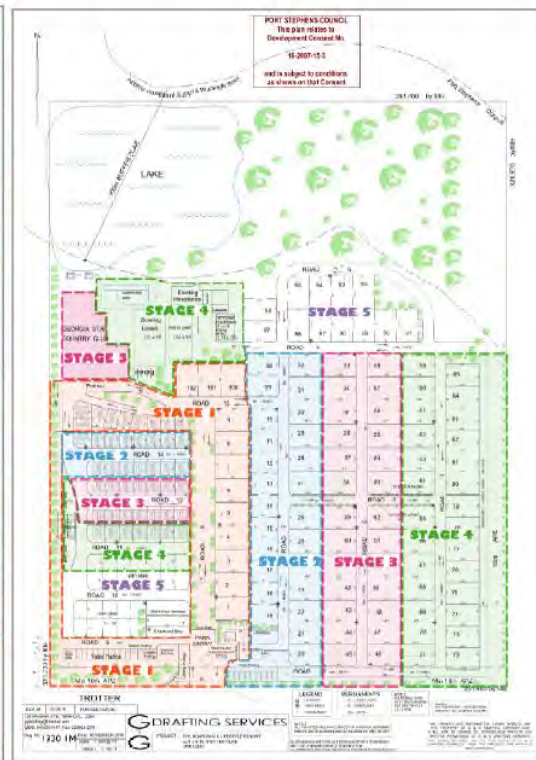


Figure 2: Approved Site Plan

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Figure 3: Proposed Club House facilities

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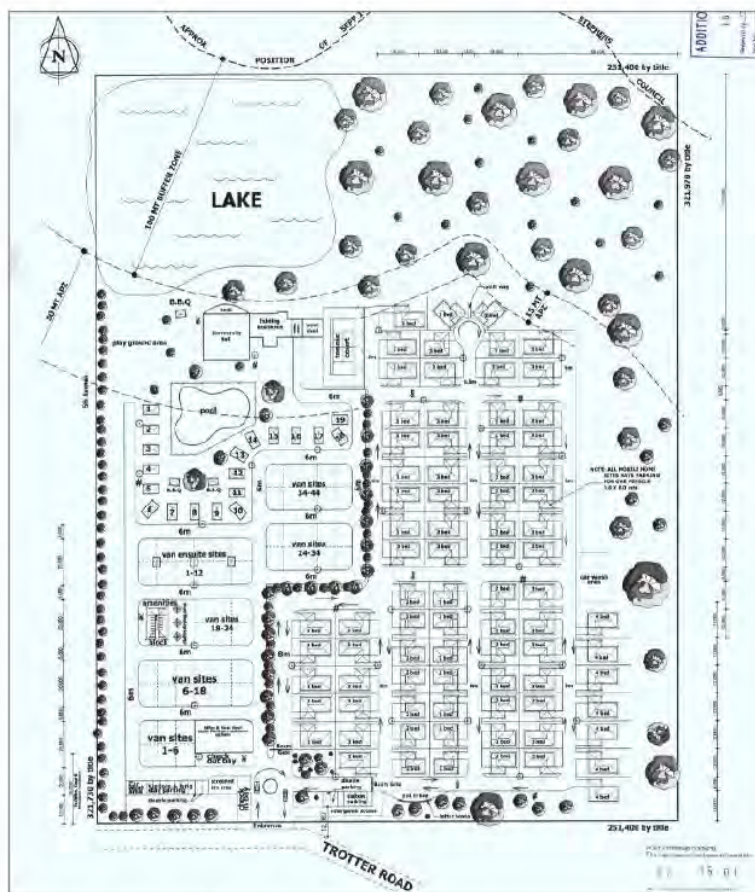


Figure 4: Original Approved Development

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	<p>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</p>

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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

Internal Referrals

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.

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

Natural Resources – 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.

Development Contributions – The application was supported, subject to modified conditions for development contributions.

Environmental Health – 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:

RFS – 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.

TfNSW – 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.

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NRAR – The original application was not referred to the Natural Resource Access Regulator (NRAR) as integrated development. However, the proposed modification includes additional works which are located in proximity to a coastal wetland and watercourse, therefore the application 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.

Environment Protection Authority – A referral was sent to the Environment Protection Authority (EPA) due to the presence of PFAS 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 Williamstown 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.

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

OTHER MODIFICATIONS – S4.55(2)**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 a minor extension towards side boundaries;
- The land use remains unchanged from original approval, being for a Caravan Park;
- Community facilities are of the same nature and generally in the same location. The community hall and swimming pool included in the original application have been retained as part of the proposed modification.
- The development retains the offering of both long-term and 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 reduction in total number of sites from 171 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 application proposes 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

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

RFS – 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 additional works, which are located in proximity to a coastal wetland and watercourse, therefore the application 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 first notified and advertised for a total of 24 days from 6 April to the 30 April 2021. The notification period was extended beyond the required 14 days, due to complications with the DA tracker during the first week of exhibition. During the first exhibition period, 3 submissions were received from a total of 4 individuals/organisation.

On 3 September 2021 amended plans were submitted by the applicant in response to the matters raised by Council when the application was deferred during the 27 July 2021 Council meeting. Due to the submission of the amended plans, a second notification and advertising period occurred for a period 14 days, from 21 September 2021 to 5 October 2021. During this time, 3 submissions were received from 4 individuals/organisations.

S4.55(2)(d) – Submissions

There were a total of 6 submissions from 5 individuals/organisations received during the combined notification and advertising period. The matters raised in the submissions objecting to the development are discussed in the table below:

Objection	Comments
Landscape Character <ul style="list-style-type: none"> - Impacts to character of the land. - The proposed palisade and colourbond fencing will cause impact to landscape character. 	<ul style="list-style-type: none"> - 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 development's compatibility with the zone objectives. - Rural style timber fencing and hedging is proposed along the western and southern boundary to ensure the amenity of the adjoining site to the west and public road from the south is maintained and landscape character unchanged from that approved. - No colourbond fences are proposed as

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Objection	Comments
	part of the application.
Bushfire Threat <ul style="list-style-type: none"> - Insufficient Asset Protection Zones 	<ul style="list-style-type: none"> - 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 <ul style="list-style-type: none"> - The proposed development is not substantially the same. 	<p>The development as modified is substantially the same as the approved development for the following reasons:</p> <ul style="list-style-type: none"> - 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 and swimming pool 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. <p>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.</p> <p>Despite the quantitative changes, no material or essential physical aspects of the development would be lost, nor any new uses or physical aspects added.</p>
Environmental Impacts <ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - The biodiversity assessment submitted with the application has been assessed by Council's Natural Resources officer and found to cover an appropriate range of species. - Existing conditions of consent restricting pet ownership are not proposed to change. - A koala corridor is maintained between

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Objection	Comments
<p>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.</p> <ul style="list-style-type: none"> - Adverse impacts to koalas generally. 	<p>the northern perimeter road and wetland to the north that provides a sufficient corridor for safe koala movement. 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.</p> <ul style="list-style-type: none"> - Areas to the north have been reserved for the replanting of 80 compensatory koala feed trees (including 68 from the proposed modification and 12 already required as part of the existing conditions), in accordance with the relevant legislative requirements and specifically Council's Comprehensive Koala Plan of Management (CKPoM). - The application was notified and advertised publically on Councils website. Council no longer advertises development applications in the local newspaper. - The proposal originally included removing 7 koala feed trees. At Council's request one additional tree was retained, resulting the removal of only 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). 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.
<p>Stormwater</p> <ul style="list-style-type: none"> - Water runoff will impact neighbouring properties. 	<ul style="list-style-type: none"> - A Stormwater Management Plan was submitted with the application and includes adequate quality and quantity

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Objection	Comments
<ul style="list-style-type: none"> - Increase in hardstand will cause runoff and pollution. - The kerb for the road along the western boundary is insufficiently sized and will overflow on the neighbouring properties. 	<p>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.</p> <ul style="list-style-type: none"> - Detailed roads and kerbing design will be provided at the Construction Certificate stage and are required to meet Council's infrastructure specification requirements.
<p>Caravan Park Definition</p> <ul style="list-style-type: none"> - The proposal will not include relocated or moveable dwellings. 	<ul style="list-style-type: none"> - 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 is separate to this S4.55 assessment process.
<p>Density</p> <ul style="list-style-type: none"> - The proposed development is of a high residential density with reduced setback distances between dwellings. - The density compromises amenity and design standards. 	<ul style="list-style-type: none"> - 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 sites.
<p>Amendments to Conditions of consent</p> <ul style="list-style-type: none"> - Conditions relating to bus services, fencing and restrictions on animals 	<ul style="list-style-type: none"> - Conditions relating to bus services and restrictions on animals are not proposed to be changed.

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Objection	Comments
<p>should be maintained.</p> <ul style="list-style-type: none"> - BASIX requirements should not be removed. 	<ul style="list-style-type: none"> - Conditions relating to koala fencing have been amended to minimise koala 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.
<p>Landscaping</p> <ul style="list-style-type: none"> - Landscaping around the boundaries is insufficient. - More street tree plantings should be included. - Landscaping must be maintained. 	<ul style="list-style-type: none"> - Perimeter landscape plantings of hedges are proposed to provide screening of the development from adjoining properties and Trotters Road. - 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. - A new condition of consent has been implemented (72.1) requiring all approved landscaping works are to be maintained in perpetuity. Where landscape plantings die, replacement plantings of the same species are to be implemented.
<p>Physical Commencement</p> <ul style="list-style-type: none"> - No proof is available that physical commencement of the application has occurred. 	<ul style="list-style-type: none"> - Evidence has been submitted to Council demonstrating 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.
<p>State Environment Planning Policy No. 21 – Caravan Parks (SEPP No. 21)</p> <ul style="list-style-type: none"> - The proposal is not well located for this form of development. 	<ul style="list-style-type: none"> - 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.

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Objection	Comments
	<ul style="list-style-type: none"> - 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.
Traffic/Access <ul style="list-style-type: none"> - The access to the site is narrow and insufficient. 	<ul style="list-style-type: none"> - An upgrade of trotters Road was proposed as part of the original application and is to be maintained as part of the current modifications. The proposed upgrade would provide a sealed road and achieve Council's minimum road width requirements. - 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, even when taking into account fluctuations in demand for the previously approved 45 short term sites and 24 caravan spaces. - 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 no objection to the DA.
Earthworks <ul style="list-style-type: none"> - The proposed earthworks will have a detrimental effect on neighbouring properties. 	<ul style="list-style-type: none"> - The proposed fill has been included as part of the stormwater management plan. The proposed fill would allow stormwater to be directed to the proposed detention basins.
Public Interest <ul style="list-style-type: none"> - The development is not in the public interest. 	<ul style="list-style-type: none"> -

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 as outlined below.

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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 was supported by a Preliminary Site Investigation (PSI) to investigate potential contamination of the site. The PSI included a review of historic land-uses 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 PFAS concentration was above the adopted ecological based criteria, but as advised by EPA, the proposed development is not located within any of the three zones of the Williamstown PFAS Management Area. As such, the Caravan Park does not require ongoing monitoring or tailored precautionary dietary advice

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 character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence;	<p>The existing development comprises a mix of both long term and short term sites, catering for affordable residential accommodation and tourist accommodation. The proposed modification would remove all but two short term sites, leaving 117 long term sites.</p> <p>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</p>

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	<p>in the area.</p> <p>The provision of long-term accommodation at this location would positively contribute to housing supply.</p> <p>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.</p>
(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 all but two caravan sites 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 housing purposes. The provision of the additional dwellings in the locality 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, 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 (Caravan Parks and Camping Grounds) Transitional Regulation 1993.	Consideration of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is given elsewhere in this report. The Local Government (Caravan Parks 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

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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 (including 68 as a result of the modification and 12 already required as part of the existing conditions) 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 within the Coastal Environment Area, Coastal Use Area and land within the proximity area of a coastal wetland.

The application was reviewed by Council's 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.

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

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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). The application has demonstrated the application is operational, with physical commencement occurring 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.

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 sites can be constructed above the flood planning level with flood free access in the site to be constructed to 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

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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)
	<input checked="" type="checkbox"/> There are no draft EPI's that are relevant to the proposed development	
	<input type="checkbox"/> 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)
B	<input checked="" type="checkbox"/> General Controls	<p>B2 – Natural Resources</p> <p>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.</p> <p>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.</p> <p>The applicable Biodiversity Offset Scheme 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.</p> <p>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,</p>

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		<p>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.</p> <p>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.</p> <p>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.</p> <p>Subject to the recommended conditions, the application satisfies the requirements of Section B2.</p> <p>B3 - Environmental Management <u>Acid Sulfate Soils</u></p> <p>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.</p> <p><u>Noise</u></p> <p>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).</p> <p>With regard to No. 20 Trotter Road, sites 3 and 4 are long term dwelling sites and represent</p>
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		<p>less likelihood of producing offensive noise, than the previously approved short term caravan sites at this location. In addition, the application proposes to remove the amenities block currently approved on this boundary.</p> <p>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.</p> <p>As a result, the proposed modification is considered to result in an improved acoustic environment for neighbouring residential receivers.</p> <p><u>Earthworks</u></p> <p>Balanced cut and fill is proposed to create a level building footprint. The proposed drainage infrastructure includes excavation to a depth of approximately 2m.</p> <p>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.</p> <p><u>Waste</u></p> <p>Each proposed dwelling site will be provided with a two-stream bin system consisting of:</p> <ul style="list-style-type: none"> • 240L Red Bin for General Waste; and • 240L Yellow Bin for Recycling. <p>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.</p> <p>B4 – Drainage and Water Quality</p> <p>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</p>
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		<p>certificate.</p> <p>B5 – Flooding The site is partially mapped as flood prone land, with a flood planning level of 3.2m. The proposal demonstrates that sites can be constructed above the flood planning level with flood free access to be constructed to Trotters Road. Subject to the recommended modifications to conditions of consent, the development complies with the requirements of this section.</p> <p>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.</p> <p>B8 – Traffic and Car Parking <u>Traffic and Access</u> 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, even when taking into account fluctuations in demand for the previously approved 45 short term sites and 24 caravan spaces. 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 no objection to the DA.</p> <p><u>Car Parking</u> 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</p>
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		spaces have been provided in the proposed modification, including 8 within stage 1 and 15 within Stage 3.
C	<input type="checkbox"/> Development Types	N/A.
D	<input type="checkbox"/> Specific Areas	N/A.

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

	Notes (where needed)
<input checked="" type="checkbox"/> 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

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) 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 6.9% 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, 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 requires essential services to be 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 to 118 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)
<input checked="" type="checkbox"/> 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.
<input checked="" type="checkbox"/> Built Environment: The proposed development would not cause harm to the 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.
<input checked="" type="checkbox"/> Natural Environment: There are no adverse impacts expected as a result of the proposed development and appropriate conditions have been added.	The environmental impacts of the development have been assessed by Council's 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 vegetation clearing has been assessed and found to be acceptable with regard to the relevant legislative requirements and stormwater plan is proposed that is consistent with Council's stormwater quantity and quality controls.

The proposal, as modified maintains appropriate perimeter landscaping to soften views of the development from key locations, consistent with the original approval.

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 DA16-2007-15-5.
Comment: Condition no longer required. The approved plans table is located within condition 132 and achieves the intent of this condition.	
9. 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.	
11. 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.	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

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<p>The following design precautions must be adhered to:</p> <ol style="list-style-type: none"> 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; 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; All electrical wiring below the Flood Planning Level shall 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; All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply. 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 	<p>adhered to:</p> <ol style="list-style-type: none"> 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; 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; All electrical wiring below the Flood Planning Level shall 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; All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply. 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
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<p>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;</p> <p>h. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning;</p> <p>i. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level;</p> <p>j. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level; and</p> <p>k. THIS CONDITION DELETED UNDER DA16-2007-15-3.</p>	<p>storage tanks shall be vented to an elevation above the Flood Planning Level;</p> <p>s. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning;</p> <p>t. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level;</p> <p>u. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level; and</p> <p>v. THIS CONDITION DELETED UNDER DA16-2007-15-3.</p>
<p>Comment: Condition amended to reflect latest flood planning level.</p>	
<p>12A. Refer to existing Development Contributions table following this table.</p>	<p>12B. Refer to proposed Development Contributions table following this table.</p>
<p>Comment: Development contributions have been amended to reflect the revised number and type of sites as well as staging.</p>	
<p>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.</p>	<p>34. CONDITION DELETED UNDER DA 16-2007-15-5</p>
<p>Comment: The condition is a duplicate of condition 4 and therefore it is appropriate to delete this condition.</p>	
<p>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</p>	<p>37. CONDITION DELETED UNDER DA 16-2007-15-5</p>

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applicable.	
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.	
38. The development shall 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.	41 A. 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	

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<p>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.</p>	
<p>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.</p>	
<p>New Condition 41.3 The pond indicated on the Concept masterplan, dwg. 240060-DA-001-E, Version Q, prepared by ADW Johnson and dated 2/09/2021 is not to be used for recreational purposes such as swimming or fishing.</p>	
<p>Suitable signposting is to be installed to indicate the use limitations of the pond.</p>	
<p>Comment: The condition is required to satisfy the requirements of SEPP 55.</p>	
<p>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 been contacted and conducted a thorough assessment.</p>	
<p>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.</p>	
<p>Where remediation work is required, the applicant will be required to obtain consent for the remediation works.</p>	
<p>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.</p>	
<p>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.</p>	<p>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.</p> <p>Prior to operation, the applicant shall obtain separate approval to operate a caravan park under Section 68 of the Local Government Act.</p>
<p>Comment: The condition has been amended to reflect the new ratio of short and long term sites (117 Long-</p>	

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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 stamp.	48A. CONDITION DELETED UNDER DA 16-2007-15-5.
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 3 September 2021 (Drawing Number: 2112, Revision F, Sheet L100 to L110). 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 3 September 2021 (Drawing Number: 2112, Revision F, Sheet L100 to L110).
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	60A. The approved landscape plan prepared by Mara Consulting and dated 3 September 2021 (Drawing Number:

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<p>a species that reaches a minimum mature height of 1.5 metres. This hedge shall be maintained at this minimum height in perpetuity.</p>	<p>2112, Revision F, Sheet L100 to L110), is to be amended to include the following:</p> <p>a) Additional hedge planting on along the southern (front) boundary, with a species that reaches a minimum mature height of 1.5 metres.</p> <p>The amended plans are to be submitted to Council for approval, prior to the issue of any Construction Certificate.</p>
<p>Comment: Amended to apply the original intent of condition to the new landscape plan.</p>	
<p>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.</p>	<p>61. CONDITION DELETED UNDER DA 16-2007-5-5.</p>
<p>Comment: The requirements of the condition have been captured under condition 60 above and therefore can be deleted.</p>	
<p>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:</p> <ul style="list-style-type: none"> a. fences where the bottom of the fence is a minimum of 200mm above ground level that would allow koalas to move underneath; b. 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 c. open post and rail or post and wire (definitely not barbed wire on the bottom strand). 	<p>62A. Fencing within the area to the north of the northern most perimeter road, must not compromise the potential for safe movement of koalas across the site. Suitable fencing may include:</p> <ul style="list-style-type: none"> 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 b. a koala friendly alternative as agreed in consultation with Council's natural resources team. <p>Fencing around the developed areas to the south of the northern most perimeter road must include measures to deter Koala movement through the development.</p>
<p>Comment: The original condition sought to permit koala movement throughout the development with fences 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.</p>	

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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.
- c. 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:
 - i. 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);
- i. 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 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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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.	<p>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.</p> <p>All compensatory plantings are to have a minimum pot size of 200L.</p> <p>Documentary evidence of koala feed tree planting must be provided to and approved by Council prior to the issue of any Occupation Certificate.</p>
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.	<p>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.</p>
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.	<p>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.</p> <p>The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.</p>
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	

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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.

All approved landscaping works are to be maintained in perpetuity. Where landscape plantings die, replacement plantings of the same species are to be implemented.

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.

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

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	<p>incorporate the runoff from the external catchment.</p> <p>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.</p> <p>d. The bio-retention basin design must be informed by a groundwater assessment to consider rises in groundwater level.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority, Prior to the issue of a Construction Certificate for Each Stage.</p>
<p>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.</p>	
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 Q, prepared by ADW Johnson and dated 2/09/2021. 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.
<p>Comment: Condition updated to reflect latest plan amendments to car parking.</p>	
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.	<p>131A. The development is to be carried out in accordance with the General Terms of Approval Issued by the following agencies:</p> <p>a. NSW Rural Fire Service - Bushfire Safety Authority (Reference Number DA-2007-00971-S4.55-1) dated 20 May 2021.</p>

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		b. Natural Resource Access Regulator – General Terms of Approval (Reference Number S901135700) dated 3 June 2021.
Comment: Condition updated to reflect latest GTAs.		
132. Refer to existing Plan table condition following this table.		132A. Refer to proposed Plan Table condition following this table.
Comment: Condition amended to reflect latest development plans and relevant supporting documents.		
New Advisory Note: 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.		

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 Reserves	\$968.00	\$8,712.00
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 Reserves	\$968.00	\$11,616.00
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

15 SHORT TERM SITES

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Facility	Per lot/dwelling	Total
Civic Administration	\$178.00	\$2,670.00
Public Open Space, Parks and Reserves	\$968.00	\$14,520.00
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 Reserves	\$968.00	\$24,200.00
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 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 Reserves	\$968.00	\$25,168.00
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

14 SHORT TERM SITES		
Facility	Per lot/dwelling	Total

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Civic Administration	\$178.00	\$2,492.00
Public Open Space, Parks and 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 Reserves	\$968.00	\$26,136.00
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 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 Reserves	\$968.00	\$11,616.00
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 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.

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

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

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		\$7,428.00

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 Staging Plan	1320-1M	1 of 1	November 2016	G&G Drafting Services
Landscaping Plan	US 50665 LP.01B	1 of 3	May 2015	Forum Urban Sanctum
Stormwater Management Design and Plan	34062B	1 of 1	June 2016	North Point Surveys
Community Hall Plans	1320/A1	1 and 2 of 2	January 2016	G&G Drafting Services
Community Hall Section and Swimming Pool Plans	1320/A3	7	Undated	G&G Drafting Services
Managers Residence Plans	1320/A4 to 1320/A7	4 to 7	January 2016	G&G Drafting Services
Sales Office Plan	1320/S01	1 of 1	June 2016	G&G Drafting Services
Machinery and Mens Shed	1320/M1 and 1320/M2	1 and 2 of 2	June 2016	G&G Drafting Services
Bushfire Attack Level Map	-	-	-	Peak Land 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 Masterplan	240060-DA-001-E, Version Q	1 Sheet	2 September 2021	ADW Johnson
Landscape Plans (9 sheets)	Rev F	L-100 – L110	3 September 2021	Mara Consulting
Western Boundary Perimeter Road – Sites 3-14	TP144-001 Rev A	1 Sheet	2 September 2021	Torque Projects
Trotter Road Caravan Park Modification Concept Engineering Lot 2 D.P. 954600 DA 16-2007-15-4	240060 Issue No. B	001, 002, 1101, 102, 211, 231, 232, 233, 501, 701, 801 and 802	4 June 2021	ADW Johnson
Temporary Clubhouse siting	Issue A	01	5 March 2021	MB
Ground Floor Plan (Temporary Clubhouse)	20L000AA Rev A	1 of 8	25 January 2021	Ingenia
Community Building Plans (7 sheets)	21-0008 Issue B	DA-A1-0-02, DA-A1-2-01, DA-A1-2-02, DA-A1-6-01, DA-A2-1-01, DA-A2-1-02	2 March 2021	Arqus Design
Maintenance Shed	Issue A	01	5 March 2021	Ingenia Lifestyle

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

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**

1. 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.
3. 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,

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

10. 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
 - j. 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 sewerred 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;
 - b. 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 shall 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;
- i. 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.

- 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

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:
- Access to the public reserve;
 - Use of the reserve by vehicles or machinery;
 - 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.
- 15. 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 L10 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 a 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 6842 - 1996 Guide to evaluation of human exposure to vibration in buildings (1Hz to 80 Hz);
 - b. 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; and
 - 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 be designed by a Practising Structural Engineer.

Where retaining walls exceed 1m in height and are 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.

29. 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.

33. 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 shall 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 Q, prepared by ADW Johnson and dated 2/09/2021 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 been 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 3 September 2021 (Drawing Number: 2112, Revision F, Sheet L100 to L110). The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the landscaping has been

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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 3 September 2021 (Drawing Number: 2112, Revision F, Sheet L100 to L110).
- 59. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 60A. The approved landscape plan prepared by Mara Consulting and dated 3 September 2021 (Drawing Number: 2112, Revision F, Sheet L100 to L110), 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.

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 northern most perimeter road, must not compromise the potential for safe movement of koalas across 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
 - b. a koala friendly alternative as agreed in consultation with Council's natural resources team.

Fencing around the developed areas to the south of the northern most perimeter road must include measures to deter Koala movement through the development.
- 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.
- c. 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:
 - i. 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).

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.

All compensatory plantings are to have a minimum pot size of 200L.

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.
70. 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

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works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.

All approved landscaping works are to be maintained in perpetuity. Where landscape plantings die, replacement plantings of the same species are to be implemented.

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:

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- 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.

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 UNDER 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 manual/ 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.

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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.
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 Australia 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.

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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.

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:
 - a. 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

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- 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.

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.**
- 112. 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

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minimum distance of 2.0 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**.

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 until:
 - 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:
 - a. 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.

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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.
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 Q, prepared by ADW Johnson and dated 2/09/2021. 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 10₆ ESAs) across the frontage of the development to the intersection of Trotter Road and Nelson Bay Road.
125. 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:
 - a. 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;

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- c. 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

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 Masterplan	240060-DA-001-E, Version Q	1 Sheet	2 September 2021	ADW Johnson
Landscape Plans (9 sheets)	Rev F	L-100 – L110	3 September 2021	Mara Consulting
Western Boundary Perimeter Road – Sites 3-14	TP144-001 Rev A	1 Sheet	2 September 2021	Torque Projects
Trotter Road Caravan Park Modification Concept Engineering Lot 2 D.P. 954600 DA 16-2007-15-4	240060 Issue No. B	001, 002, 1101, 102, 211, 231, 232, 233, 501, 701, 801 and 802	4 June 2021	ADW Johnson
Temporary Clubhouse siting	Issue A	01	5 March 2021	MB

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Ground Floor Plan (Temporary Clubhouse)	20L000AA Rev A	1 of 8	25 January 2021	Ingenia
Community Building Plans (7 sheets)	21-0008 Issue B	DA-A1-0-02, DA-A1-2-01, DA-A1-2-02, DA-A1-6-01, DA-A2-1-01, DA-A2-1-02	2 March 2021	Arqus Design
Maintenance Shed	Issue A	01	5 March 2021	Ingenia Lifestyle

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

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 or 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.

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- 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.
- 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 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 and 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.

ITEM 1 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.

- 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
- N) Consideration should be given to the following enhanced access and facilities provisions for the proposed development:
- I. Australian Standard 1428.2 Design for access and mobility - Enhanced and additional requirements - buildings and facilities; and
 - II. 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.



ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.**FILE NUMBERS**

Council: 58-2020-1-1

Department: PP-2021-3689

SUMMARY

Proponent: Port Stephens Council

Proposed changes: The planning proposal includes 13 items that will achieve the following outcomes:

- Item 1 – update the aims of the Port Stephens Local Environmental Plan (LEP);
- Item 2 – correct an error to enable exceptions to minimum lot sizes for attached dwellings;
- Item 3 – correct drafting errors, including to ensure dwelling entitlements are retained for allotments that have been the subject of a boundary adjustment under the LEP;
- Item 4 – remove redundant provisions relating to the conversion of serviced apartments;
- Item 5 – Remove redundant provisions relating to development at Boundary Road, Medowie;
- Item 6 - Remove redundant provisions relating to development at Medowie Road, Medowie;
- Item 7 – clarify that environmental protection works are permitted with consent in the neighbourhood centre zone;
- Item 8 – clarify that flood mitigation works are permitted without consent in the public recreation zone;
- Item 9 – align the land use prohibitions in the commercial core zone with all other commercial zones by prohibiting single dwelling houses;
- Item 10 – clarify that caravan parks are prohibited in residential and business zones;
- Item 11 – permit child care centres with consent in the rural landscape zone; and

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.

- Item 12 – allow temporary events on Council managed land, schools and places of public worship as exempt development;
- Item 13 – allow signage on sports fields as exempt development.

BACKGROUND

The planning proposal seeks to amend the Port Stephens Local Environmental Plan 2013 (LEP) to give effect to the Port Stephens Local Strategic Planning Statement (LSPS) and Port Stephens Local Housing Strategy (Live Port Stephens), adopted by Council on 14 July 2020. The proposal also includes various 'housekeeping' amendments to address minor administrative matters.

On 16 August 2021, the NSW Department of Planning Industry and Environment (DPIE) issued a Gateway determination for the amendment (**ATTACHMENT 1**). The planning proposal was placed on exhibition for a period of 14 days, consistent with the Gateway determination. There are proposed amendments to the planning proposal following public exhibition which are detailed throughout the planning proposal.

PART 1 – Objectives or intended outcomes

The objective of the planning proposal is to align the LEP with Council's principal land use strategies, the LSPS and Live Port Stephens. The planning proposal will also correct errors and make minor changes throughout the LEP.

The planning proposal is intended to create the following outcomes:

- Item 1 – update the aims of the LEP to reflect the LSPS;
- Item 2 – correct an error to enable exceptions to minimum lot sizes for attached dwellings;
- Item 3 – correct drafting errors, including to ensure dwelling entitlements are retained for allotments that have been the subject of a boundary adjustment under the LEP;
- Item 4 – remove redundant provisions relating to the conversion of serviced apartments;
- Item 5 – Remove redundant provisions relating to development at Boundary Road, Medowie;
- Item 6 - Remove redundant provisions relating to development at Medowie Road, Medowie;
- Item 7 – clarify that environmental protection works are permitted with consent in the neighbourhood centre zone;
- Item 8 – clarify that flood mitigation works are permitted without consent in the public recreation zone;

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- Item 9 – align the land use prohibitions in the commercial core zone with all other commercial zones by prohibiting single dwelling houses;
- Item 10 – clarify that caravan parks are prohibited in residential and business zones to implement an action in Live Port Stephens;
- Item 11 – permit child care centres with consent in the rural landscape zone to implement an action in Live Port Stephens;
- Item 12 – allow temporary events on Council managed land, schools and places of public worship as exempt development to implement an action in Live Port Stephens
- Item 13 – allow signage on sports fields as exempt development to implement an action in the Port Stephens Recreation Strategy.

PART 2 – Explanation of provisions

The objectives of the planning proposal will be achieved by the following amendments to the LEP:

Item no.	Explanation of provisions
1	<p>Proposed amendment: Omit cl.1.2(2) and replace with the following:</p> <p>1.2 Aims of Plan</p> <p>...</p> <p>(2) <i>The particular aims of this Plan are as follows—</i></p> <ul style="list-style-type: none"> (a) <i>to cultivate a sense of place that promotes community wellbeing and quality of life,</i> (b) <i>to provide for a diverse and compatible mix of land uses,</i> (c) <i>to protect and conserve environmental values,</i> (d) <i>to facilitate economic growth that contributes to long-term employment,</i> (e) <i>to provide opportunity for housing choice and support services tailored to the needs of the community,</i> (f) <i>to conserve and respect the heritage and cultural values of the natural and built environments,</i> (g) <i>to promote an integrated approach for the provision of infrastructure and transport services,</i> (h) <i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.</i> <p>Justification: The current 'Aims of Plan' refer to two strategies that are now repealed. The changes above propose to remove reference to the Port Stephens Futures Strategy 2009 and Port Stephens Planning Strategy 2011, and to update and consolidate the other aims of the</p>

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.

	<p>plan to align with Council's current strategic planning framework and planning priorities.</p> <p>Aims that duplicate the objects of the EP&A Act are proposed to be removed pursuant to LEP Practice Note PN 11-001 'Preparing LEPs using the Standard Instrument: standard clauses' which states that LEP aims should not duplicate the objects of the Act.</p> <p>The proposed aims include the mandatory aim in the Standard Instrument Local Environmental Plan Order related to arts and cultural activity.</p>
2	<p>Proposed amendment: Amend clause 4.1C(4) to correct an error by replacing '2 lots' in subclause (a) with 'two or more lots'.</p> <p>Justification: In clause 4.1C Exceptions to minimum lot sizes for certain residential development, subclause (4)(a) states that development consent may be granted for the subdivision of land 'into 2 lots' for the purpose of an attached dwelling, a dwelling house or a semi-detached dwelling.</p> <p>However, the definition of an 'attached dwelling' under the Standard Instrument LEP is limited to:</p> <p style="padding-left: 40px;">'a building containing 3 or more dwellings, where –</p> <p style="padding-left: 80px;">(a) each dwelling is attached to another dwelling by a common wall, and</p> <p style="padding-left: 80px;">(b) each of the dwellings is on its own lot of land, and</p> <p style="padding-left: 80px;">(c) none of the dwellings is located above any part of another dwelling.'</p> <p>The effect of the current is that clause 4.1C would not facilitate subdivision for the purpose of attached dwellings below the minimum lot size that meet the standards in subclause (4)(b)(i). This is believed to be an error given the clause is intended to be facilitative of attached dwellings that meet these standards.</p> <p>The model clause (https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/model-local-clauses-for-standard-instrument-leps-4-1c-exceptions-to-minimum-lot-sizes-for-certain-residential-development.pdf) provides guidance on drafting clause 4.1C and refers to inserting a number of lots 'not less than 3' into 4.1C(3)(a).</p> <p>If the guidance in the model clause was adopted, a semi-detached dwelling that met the standards in the clause would not be possible given the definition of a 'semi-detached dwelling' under the Standard</p>

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.

	<p>Instrument LEP is a dwelling that is on its own lot of land and is attached to only one other dwelling.</p> <p>A review of other LEPs demonstrates that other councils have avoided these errors by referring to 'two or more lots' in the clause rather than adopting the model clause guidance.</p> <p>This item also gives effect to actions 5 and 15 of Live Port Stephens by implementing a recommendation of the Infill Housing Study.</p>
3	<p>Proposed amendment: Amend clause 4.2B to corrects drafting errors including:</p> <ol style="list-style-type: none"> 1. To rectify an error that could extinguish dwelling entitlements on land following boundary adjustments facilitated by clause 4.1E. 2. To rectify an error in clause 4.2B(2) because of the inclusion of the R5 zone, which is not also included in clause 4.2B(3) 3. To correct an error to clarify that 4.2B applies to both dwelling houses and dual occupancies. <p>Justification:</p> <p>1. An error in clause 4.2B(3) that could extinguish dwelling entitlements on land following boundary adjustments facilitated by clause 4:</p> <p>On the 14 October 2016, the LEP was amended to introduce clause 4.1E 'Boundary adjustments of land in certain rural, residential and environment protection zones'. The clause is intended to allow certain boundary adjustments between lots with an area below the minimum lot size in rural and environmental zones. This amendment failed to include a corresponding change to clause 4.2B to enable lots subject to boundary adjustments under cl.4.1E to retain dwelling entitlements.</p> <p>Clause 4.1E(3)(b) requires Council to be satisfied that 'the number of dwellings or opportunities for dwellings on each lot after the subdivision will remain the same as before the subdivision' prior to issuing development consent.</p> <p>Clause 4.2B(3) restricts the erection of dwelling houses on lots with an area below the minimum lot size that were created after the current LEP commenced, including lots created as a boundary adjustment under clause 4.1E.</p> <p>Exceptions to the restrictions set out in Clause 4.2B are included in clause 4.2B(3)(c), including for lots 'affected by a minor realignment of its boundaries that did not create an additional lot'. However, 'a</p>

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.

minor realignment' is not a defined term, and clause 4.1E is not limited to boundary adjustments that are 'minor realignment'.

The effect of clause 4.2B is a restriction on the operation of clause 4.1E for lots that contain existing dwelling entitlements, to only a minor realignment of boundaries. The restriction is not consistent with the object of clause 4.1E.

To correct this error, an additional exception is proposed to be added to clause 4.2B(3)(c) for lots created in accordance with clause 4.1E.

A review of other Local Environmental Plans shows that other councils have adopted similar amendments to clause 4.2B (or other equivalent clauses) on the adoption of clause 4.1E. This amendment is administrative and corrects an error as it is a consequential amendment that should have been made when clause 4.1E was introduced. It also gives effect to a Notice of Motion of Council (27 August 2019, Minute No. 214).

2. An error in clause 4.2B(2) because of the inclusion of the R5 zone, which is not also included in clause 4.2B(3)

Clause 4.2B(2) states that the clause applies to the R5 zone, however cl.4.2B(3) then does not list the R5 zone.

The Model Clause 4.2B drafting note does not allow for zones to be listed in cl.4.2B(2) and not also referred to in cl.4.2B(3).

The result of the error is that there are R5 lots in Port Stephens that are below the minimum lot size that had dwelling entitlements prior to the SI LEP in 2014 that cannot be developed. It is not logical that these lots should have retained a residential zoning on adoption of the Standard Instrument if that was the policy intent, and therefore reference to the R5 zone in cl.4.2B(2) should be omitted, and the heading of the clause amended to reflect that this clause restricts the erection of dwelling houses on land in certain rural and environmental protection zones.

The solution to correcting the error is not listing the R5 zone in clause 4.2B(3)(b) because there is undeveloped R5 zoned land in Port Stephens with a minimum lot size of less than 4,000 square metres. This would sterilise that residential land.

3. Clarify that clause 4.2B applies to both dwelling houses and dual occupancies

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	<p>Clause 4.2B applies to 'dwelling houses' specifically, and does not refer to other types of residential development such as dual occupancies. Dual occupancies are however permissible in all of the zones listed in cl.4.2B(2). The result of the error is that the requirements listed in cl.4.2B(3) apply to dwellings houses only, and therefore do not apply to dual occupancies in these zones. This makes it possible to legally erect a dual occupancy on a lot which does not meet the requirements of cl.4.2B(3) but an applicant could not erect a single dwelling house on the same land.</p> <p>The Model Clause drafting notes for cl.4.2B state that if the intention is to permit dual occupancies as well as dwelling houses in the zones, then the specific types of dwellings to which the clause is to apply to should be listed and the heading of the clause altered. Therefore, dual occupancies should be referred to in the heading, and throughout the clause where it currently refers to a 'dwelling house'.</p>
4	<p>Proposed amendment: Delete clause 7.13 'Converting serviced apartments to residential flat buildings'.</p> <p>Justification: The object of clause 7.13 is to prevent substandard accommodation occurring through conversion of serviced apartments to residential flat buildings.</p> <p>The conversion of a serviced apartment to a residential flat building requires a development application for a change of use, which considers the standard of resulting accommodation through consideration of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (e.g. through the application of SEPP 65 - Design Quality of Residential Apartment Development).</p> <p>Clause 7.13 unnecessarily duplicates the requirements of section 4.15(1)(a)(i) and therefore is redundant.</p>
5	<p>Proposed amendment: Delete clause 7.19 'Development at Boundary Road, Medowie'.</p> <p>Justification: Clause 7.19 refers to a requirement for a conservation agreement for a specific proposed development at Medowie. The agreement has been executed and registered on the land, the development application determined, and therefore the clause is redundant.</p>
6	<p>Proposed amendment:</p>

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	<p>Delete clause 7.21 'Development at Medowie Road, Medowie'</p> <p>Justification: Clause 7.21 refers to a requirement to decommission a specific poultry farm on land at Medowie. The poultry farm has now been decommissioned, the development application determined, and therefore the clause is redundant.</p>
7	<p>Proposed amendment: Amend the land use table for the B1 Neighbourhood Centre zone to remove 'environmental protection works' from being permitted without consent.</p> <p>Justification: 'Environmental protection works' are currently listed as both 'permitted without consent' and 'permitted with consent' in the B1 Neighbourhood Centre zone.</p> <p>This use is not 'permitted without consent' in any other zones in the LEP except for the RE1 Public Recreation Zone, which was the intent at the time the LEP commenced in 2013.</p> <p>The amendment will remove uncertainty and resolve the error.</p>
8	<p>Proposed amendment: Amend the land use table for the RE1 Public Recreation zone to remove 'flood mitigation works' from being permitted with consent.</p> <p>Justification: In the RE1 Public Recreation zone, 'flood mitigation works' are listed as both 'permitted without consent' and 'permitted with consent'. The intent at the time of commencement of the LEP in 2013 was that this use should be permitted without consent in the RE1 zone.</p> <p>The amendment will remove uncertainty and resolve the error.</p>
9	<p>Proposed amendment: Amend the land use table for the B3 Commercial Core zone to prohibit 'dwelling houses' in the zone.</p> <p>Justification: Dwelling houses are currently permitted with consent in the B3 Commercial Core zone. In Port Stephens, the B3 Commercial Core zone applies to land within the Raymond Terrace town centre and Salamander Bay shopping centre precinct and the zone is the highest order commercial centres zoning in the LGA.</p> <p>The objectives of the B3 Commercial Core zone are:</p>

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	<ul style="list-style-type: none"> • To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. • To encourage appropriate employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To facilitate the growth of Raymond Terrace as a regional centre. <p>The development of single dwelling houses is inconsistent with the objectives of the zone.</p> <p>LEP Practice Note PN 11-002 'Preparing LEPs using the Standard Instrument: standard zones' states that the B3 zone should be used for centres that provide a wide range of uses including large-scale retail, office, businesses, entertainment and community uses directly linked to major transport routes. These centres are intended to meet the needs of a wider region as well as those of the local community.</p> <p>It also states that the zone should be applied in major metropolitan or regional centres only where the focus is on the provision of employment and services and that in some areas inclusion of higher density residential accommodation that would activate the area outside of working hours, may be appropriate depending on the scale, role and location of the commercial core.</p> <p>In the Port Stephens LGA, the B3 Commercial Core zone is used in two locations including the Raymond Terrace town centre and the Salamander Bay shopping centre precinct. Given that 'dwelling houses' are a low density form of residential accommodation, it is considered that 'dwelling houses' are an incompatible land use for the B3 zone.</p> <p>Given that dwelling houses are already prohibited in all lower order commercial centres in Port Stephens (the B1 Neighbourhood Centre and B2 Local Centre zones) it is considered that permitting dwelling houses in the B3 zone is inconsistent with the intent of the LEP when it commenced in 2013.</p> <p>The amendment will align the uses permitted in centres under the LEP.</p>
10	<p>Proposed amendment:</p> <p>Amend the land use table for the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones to nominate 'caravan parks' as a specific prohibited land use.</p> <p>Justification:</p>

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	<p>The amendment gives effect to Action 18 of Live Port Stephens to review local provisions to better plan for lifestyle villages.</p> <p>Caravan parks are defined in the LEP as land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed. Caravan parks can also be developed as lifestyle villages consisting of moveable dwellings (e.g. manufactured homes).</p> <p>Port Stephens Council has planned for the location of caravan parks and lifestyle villages by only permitting the use within the RE1 Public Recreation and RE2 Private Recreation zones.</p> <p>The amendment will put it beyond doubt that caravan parks and lifestyle villages cannot be characterised as some other permissible residential land use in residential and business zones by expressly nominating 'caravan parks' as a prohibited use in those zones.</p> <p>The amendment will enable Council to better plan for the location of caravan parks and lifestyle villages and will provide the community with more certainty about the locations where the land use is permitted with consent.</p> <p>This amendment also gives effect to a resolution of Council (12 March 2019, Minute No. 045).</p>
11	<p>Proposed amendment:</p> <p>Amend the land use table in the RU2 Rural Landscape zone to allow 'centre-based childcare facilities' and 'respite day care centres' to be permitted with consent.</p> <p>Justification:</p> <p>Priority 4.2 of Live Port Stephens is to ensure that communities are connected. Strong communities have the capacity to meet people's needs as families grow or circumstances change. Maintaining and improving liveability requires housing, infrastructure and services in the right locations to ensure residents remain connected to the facilities they need and value.</p> <p>A review undertaken to inform the preparation of Live Port Stephens identified that some rural areas in Port Stephens lacked access to essential services such as child care.</p> <p>Providing housing with convenient access to essential services is an important influence on quality of life. Access to services, such as education and child care, is one of the key measures common to most liveability indexes and contributes to individual health and wellbeing and community cohesion.</p>

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	<p>Live Port Stephens consequently includes Action 23 to review access to essential services in rural areas, such as child care centres. This amendment implements Action 23.</p> <p>The amendment will provide opportunities for more accessible and convenient locations for child care, in particular in the western parts of Port Stephens. This amendment will positively impact on affordable living by reducing costs associated with accessing distant child care and respite services.</p>
12	<p>Proposed amendments: Delete clause 7.17 'Events permitted without development consent' and amend Schedule 2 Exempt development to insert provisions that allow temporary events on Council owned and managed land, schools and land used as a place of public worship as exempt development.</p> <p>For land owned by Council or where Council has care, control or management (including roads and Crown land), temporary events (including temporary structures) will be exempt development if it is:</p> <ul style="list-style-type: none"> • consistent with any applicable plan of management prepared under the Local Government Act 1993 for the land. • in accordance with a licence or hire agreement issued by the Council. • consistent with all other approvals, licences, permits or authorities required under any other Act. <p>Note: Other approvals, licences, permits or authorities may include those required under the Local Government Act 1993, the Roads Act 1993 or the Crown Land Management Act 2016.</p> <p>The amendment gives effect to Action 10.2 of the LSPS.</p> <p>Justification:</p> <p>Currently clause 7.17 of the LEP allows for temporary events to be carried out without consent on public reserves. Temporary events on all other land requires development consent if they are not otherwise part of an existing approved use of the land.</p> <p>Only a limited amount of Council owned land is also a designated 'public reserve'. In particular most operational land (classified under the Local Government Act 1993) and Council managed Crown land is not a gazetted reserve.</p>

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	<p>The proposed amendment would replace this clause and insert new clauses in Schedule 2 Exempt development to include provisions that would allow temporary events on all land managed or owned by Council (including both community and operational land), schools, and places of public worship as exempt development.</p> <p>For events on land owned and managed by Council, an adopted commercial operator's policy, an events and culture strategy and a robust event assessment and licensing process is in place under the Local Government Act 1993. This process includes assessment of amenity impacts, traffic management, environmental health, parks management, waste services, asset management, electrical services, building trades, work health and safety and corporate risk. Assessment of a development application duplicates the assessment of temporary events, adding unnecessary time and expense to the process.</p> <p>For events on land used as a place of public worship or schools, there are existing approvals that regulate the activities associated with temporary events (e.g. parking, hours of operation etc).</p> <p>Action 10.2 of the LSPS is to support the activation of public spaces, including events, public art, small business opportunities, markets and other temporary uses. This amendment will give effect to this LSPS action as well as:</p> <ul style="list-style-type: none"> • Planning Priority 3 Support tourism development and attract events • Planning Priority 10 Create people friendly spaces in our local centres where people can come together <p>The amendment is also consistent with directions and strategies contained within the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036 as discussed below in response to Question 3.</p>
13	<p>Proposed amendments:</p> <p>Amend Schedule 2 Exempt Development to allow signs on sports fields and amenity facilities at sports fields as exempt development if the signs:</p> <ul style="list-style-type: none"> • provide information about sponsors, products of sponsors, teams or organisations using the sporting facility. • Are not illuminated. • Are installed in accordance with— <ul style="list-style-type: none"> (a) AS/NZS 1170.0—2002, Structural design actions, Part 0: General principles, (b) AS/NZS 1170.2—2011, Structural design actions, Part 2: Wind actions.

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	<p>Justification:</p> <p>Currently signage on sporting fields to advertise the business of sponsors requires a development application.</p> <p>Council is currently preparing a Sports Facility Signage Policy and Guidelines. The Policy and Guidelines will apply to Council owned and managed facilities, including a comprehensive assessment process to ensure signage is appropriate. The requirement for an additional layer of assessment is considered to be unnecessary. This amendment will enable clubs to acknowledge the contribution of sponsors and generate additional income.</p> <p>There are currently no sporting fields that are privately owned in Port Stephens.</p> <p>The amendment will result in provisions similar to those included in local environmental plans of other councils including Lake Macquarie, Port Macquarie-Hastings and Holroyd.</p> <p>This amendment implements Direction 7.3 of the Port Stephens Recreation Strategy.</p> <p>In response to a submission made during exhibition, it is proposed to defer commencement of this change until Council's Sports Facility Signage Policy and Guidelines have been exhibited and adopted.</p>
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PART 3 – Justification

Section A – Need for the planning proposal**Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

Yes, the planning proposal is a result of the strategic work undertaken to prepare the LSPS and Live Port Stephens, adopted by Council on 14 July 2020. The planning proposal will give effect to Action 10.2 of the LSPS and implements Actions 5, 15, 18 and 23 in Live Port Stephens. The planning proposal also gives effect to Direction 7.3 of the Port Stephens Recreation Strategy.

The proposal also contains various housekeeping amendments that seek to address, errors, omissions, and anomalies.

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The amendments to the LEP as described by this planning proposal are the best means of achieving the stated objectives. Items 2 to 9 are necessary to correct errors, omissions, and anomalies in the LEP and an amendment to the LEP is the only way to address these matters. Items 1, 11, 12 and 13 are necessary to give effect to adopted Council strategies, with an amendment to the LEP being the only way to address these matters.

Section B – Relationship to strategic planning framework**Q.3 Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan 2036 or Greater Newcastle Metropolitan Plan 2036?**Hunter Regional Plan 2036 (HRP)

The planning proposal is consistent with the aims of the HRP, including encouraging initiatives that revitalise centres, improve housing choice, and make better use of existing infrastructure.

The planning proposal gives effect to the following directions of the HRP:

- Direction 6 – Grow the economy of MidCoast and Port Stephens
- Direction 8 – Promote innovative small business and growth in the service sectors
- Direction 13 – Plan for greater land use compatibility
- Direction 17 – Create healthy built environments through good design
- Direction 20 – Revitalise existing communities
- Direction 22 – Promote housing diversity
- Direction 24 – Protect the economic functions of employment land
- Direction 26 – Deliver Infrastructure to support growth and communities

The planning proposal gives effect to the following actions of the HRP:

- Action 6.5 – Plan for and provide infrastructure and facilities that support the ageing population.
- Action 10.4 – Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.
- Action 13.3 – Amend planning controls to deliver greater certainty of land use.
- Action 17.2 – Enhance access to fresh food by promoting initiatives that increase urban food production and access to produce from local farmers.

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- Action 21.6 – Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations.
- Action 21.7 – Promote new housing opportunities in urban areas to maximise the use of existing infrastructure.
- Action 22.2 – Encourage housing diversity, including studios and one and two-bedroom dwellings, to match forecast changes in household sizes.
- Action 23.5 – Focus commercial and retail development within existing centres and transport hubs and ensure that locations for new centres are integrated with existing or planned residential development; do not undermine existing centres; encompass high quality urban design; and consider transport and access requirements.
- Action 25.4 – Maintain an adequate supply of employment land that is appropriately serviced and to respond to changing industry demands for land use, location and floor space.
- Action 26.2 – Enable the delivery of health facilities, education, emergency services, energy production and supply, water and waste water, waste disposal areas, cemeteries and crematoria, in partnership with infrastructure providers.

As the proposal involves housekeeping amendments, the HRP has limited application to some of the proposed items.

Greater Newcastle Metropolitan Plan 2036 (GNMP)

The planning proposal will give effect to the vision of GNMP for Australia's newest and emerging economic and lifestyle city offering great lifestyles minutes from bushland and the airport

The planning proposal will give effect to the following strategies of the GNMP:

- Strategy 6 – Promote tourism, major events and sporting teams on the national and international stage
- Strategy 9 – Plan for jobs closer to homes in the metro frame
- Strategy 16 – Prioritise the delivery of infill housing opportunities within existing urban areas

The planning proposal will give effect to the following actions of the GNMP:

- Action 6.3 – enable major events in strategic centres and other suitable locations along with the development of hotels, event and conference capacity
- Action 7.1 – build capacity for new economy jobs in areas well serviced by public transport and close to established centres by responding to the challenge of balancing the vibrancy of a night-time economy with residential amenity

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- Action 10.1 – improve amenity of centres and urban renewal corridors through placemaking initiatives that strengthen the connection between people and the places they share
- Action 11.1 – Greater Newcastle councils with support from the Department of Planning and Environment, will create and activate public spaces in the strategic centres that are suitable for community events like markets, festivals, commemorations and assemblies
- Action 16.1 – Greater Newcastle councils will focus new housing in existing urban areas, particularly within strategic centres and along urban renewal corridors.

As the proposal involves housekeeping amendments, the GNMP has limited application to some of the proposed items.

Q4. Will the planning proposal give effect to the Port Stephens Local Strategic Planning Statement, or another local strategy or strategic plan?

Port Stephens Local Strategic Planning Statement (LSPS)

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 will give effect to the following planning priorities of the LSPS:

- Planning Priority 1 – Support the growth of strategic centres and major employment areas
- Planning Priority 3 – Support tourism development and attract events.
- Planning Priority 5 – Increase diversity of housing choice.

The planning proposal will give effect to the following actions of the LSPS:

- Action 10.2 – Support the activation of public spaces, including events, public art, small business opportunities, markets and other temporary uses.

Item 1, which amends the aims of the plan, will also give effect to the LSPS because on the adoption of the LSPS, the previous land use strategy (Port Stephens Planning Strategy) was repealed, and is currently referred to in the aims of the plan.

Port Stephens Local Housing Strategy (Live Port Stephens)

The planning proposal will give effect to the following priorities of Live Port Stephens:

- Priority 1.2 – Remove barriers to unlock housing supply
- Priority 1.3 – Increase the proportion of infill housing
- Priority 2.2 – Provide more affordable housing near jobs

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- Priority 3.1 Facilitate new housing within existing urban areas
- Priority 3.2 Encourage a range of housing types and sizes

The planning proposal will give effect to the following actions of Live Port Stephens:

- Action 5 –Consider recommendations in the Infill Housing Study to facilitate infill housing in centres, including considering incentives to encourage selected types of infill
- Action 15 – Consider the recommendations of the Infill Housing Study and create opportunities for Council to encourage a greater diversity of infill housing around local centres
- Action 18 –Review local provisions to better plan for lifestyle villages and provide controls to ensure high quality design outcomes and liveable communities are created
- Action 23 –Review access to essential services in rural areas, such as child care centres

Port Stephens Recreation Strategy

The planning proposal will give effect to Objective 7 of the Recreation Strategy to achieve well managed and maintained recreation facilities through a coordinated and planned approach. The proposed amendment will facilitate sports sponsorship and utilisation of external funding sources to manage and upgrade community recreation facilities (Direction 7.3). The amendment will enable clubs to generate income and facilitate sponsorship opportunities at minimal cost.

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

No inconsistencies with applicable SEPPs have been identified.

Table 1 Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP (Exempt and Complying Development Codes) 2008	This SEPP aims to provide streamlined assessment processes for development by identifying types of exempt and complying development that have minimal impact	<p>The planning proposal seeks to add exempt provisions to the LEP, which are in addition to the exempt development identified in the SEPP.</p> <p>Under the SEPP, exempt development is subject to general requirements that will not apply to the LEP amendments to list temporary events on certain</p>

		<p>land and signage on sports fields as exempt development.</p> <p>Council has a comprehensive process for assessing events and licensing under the Local Government Act 1993 which addresses the same requirements for exempt development listed in the SEPP.</p> <p>Similarly, for signage on sporting fields, Council has a robust policy and assessment framework already in place that addresses the same requirements for exempt development listed in the SEPP.</p>
SEPP (Coastal Management) 2018	This SEPP aims 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	<p>The amendment proposes to make centre-based childcare centres and respite day centres permissible with consent in the RU2 zone. Some of the RU2 zoned land is within the coastal zone. Any DA lodged would consider the requirements of this SEPP and the Coastal Design Guidelines.</p> <p>The planning proposal is consistent with this SEPP.</p>
SEPP (Educational Establishments and Child Care Facilities)	This SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.	<p>The amendment proposes to make centre-based childcare centres and respite day centres permissible with consent in the RU2 zone. Any DA lodged for this use would need to consider the requirements of this SEPP.</p>

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		The planning proposal is consistent with this SEPP.
SEPP (Infrastructure) 2007	This SEPP identifies assessment pathways for different infrastructure projects and prevails to the extent of any inconsistency with the LEP.	<p>The SEPP identifies flood mitigation work carried out by or on behalf of a public authority as permitted without consent.</p> <p>The planning proposal is consistent with this SEPP.</p>
SEPP No. 21 - Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, moveable dwellings, as defined in the Local Government Act 1993, are also permitted. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years	<p>Whilst the amendment proposes to expressly prohibit caravan parks in a number of zones, caravan parks are already prohibited in these zones. The amendment is only necessary to put it beyond doubt that this use (or some other characterisation of the use) is not permitted in these zones.</p> <p>The amendment is not inconsistent with the SEPP.</p>
SEPP No 64 – Advertising and Signage	Contains requirements for certain signs including assessment criteria.	<p>The Policy does not apply to signage that is exempt development under an environmental planning instrument.</p> <p>Council has a robust policy and assessment framework already in place for signage on sporting fields that addresses similar requirements listed in the SEPP.</p>

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		The amendment is not inconsistent with the SEPP.
SEPP 65 - Design Quality of Residential Apartment Development	Provides standards and requirements for residential flat buildings.	The Policy will ensure that serviced apartments converted to residential flat buildings maintain high quality standards and are consistent with the Apartment Design Guide. This supports the item in the planning proposal to delete clause 7.13 of the LEP. The amendment is supported by the SEPP.
SEPP (Primary Production and Rural Development) 2019	The Primary Production and Rural Development SEPP aims to facilitate the orderly economic use of rural lands, protect important agricultural lands and reduce land use conflict.	The Primary Production and Rural Development SEPP relates specifically to State significant agricultural land, artificial water bodies, livestock industries and aquaculture and no longer contains the Rural Planning Principles that provide broad strategic direction for all rural land. The Rural Planning Principles were transferred to Ministerial Direction 1.5 Rural Lands and are addressed in response to Question 6 of this planning proposal. 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 2 Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres.	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The planning proposal affects land within an existing or proposed business or industrial zone by amending the land use table in the B1, B2, B3 and B4 zones.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment. <p>The planning proposal is consistent with Ministerial Direction 1.1 Business and Industrial Zones.</p>
1.2 Rural Zones The objective of this direction are to protect the agricultural production value of rural lands.	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>The planning proposal will affect land within an existing or proposed rural zone by amending the land use table for the RU2 zone to allow for 'centre-based child care facilities' and 'respite day care centres'.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Ministerial Direction	Consistency and Implications
	<p>The planning proposal is consistent with Ministerial Direction 1.2 Rural Zones.</p>
<p>1.5 Rural Lands</p> <p>The objectives of this direction are to protect the agricultural production value of rural land</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal that:</p> <ul style="list-style-type: none"> (a) <i>will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</i> (b) <i>changes the existing minimum lot size on land within a rural or environment protection zone.</i> <p>The direction applies because the planning proposal will affect land within an existing or proposed rural or environmental protection zone by amending the land use table for the RU2 zone to allow for 'centre-based child care facilities' and 'respite day care centres'</p> <p>When this Direction applies a planning proposal must:</p> <ul style="list-style-type: none"> (a) <i>be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i> (b) <i>consider the significance of agriculture and primary production to the State and rural communities</i> (c) <i>identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i> (d) <i>consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i> (e) <i>promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i> (f) <i>support farmers in exercising their right to farm</i>

Ministerial Direction	Consistency and Implications
	<p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</p> <p>(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>The planning proposal is consistent with Ministerial Direction 1.5 Rural Lands.</p>
2. ENVIRONMENT AND HERITAGE	
<p>2.1 Environment Protection Zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>This direction applies to all planning proposals.</p> <p>A planning proposal:</p> <p>(4) must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) 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).</p> <p>The planning proposal does not include any provisions that will reduce the environmental protections standards that already apply to land within Port Stephens.</p> <p>The planning proposal is consistent with Ministerial Direction 2.1 Environment Protection Zones.</p>
<p>2.3 Heritage Conservation</p>	<p>This direction applies to all planning proposals.</p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p>

Ministerial Direction	Consistency and Implications
<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>(a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p>(b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p>(c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p> <p>The planning proposal does not relate to any heritage items and will not affect provisions relating to the conservation of heritage.</p> <p>The planning proposal is consistent with Ministerial Direction 2.3 Heritage Conservation.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
<p>3.1 Residential Zones</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>When this direction applies a planning proposal must:</p> <p>(4) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p>(a) <i>broaden the choice of building types and locations available in the housing market, and</i></p> <p>(b) <i>make more efficient use of existing infrastructure and services, and</i></p> <p>(c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p>

Ministerial Direction	Consistency and Implications
	<p><i>(d) be of good design.</i></p> <p><i>(5) A planning proposal must, in relation to land to which this direction applies:</i></p> <p><i>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p> <p><i>(b) not contain provisions which will reduce the permissible residential density of land.</i></p> <p>The Ministerial direction does not apply to the amendment as there are no proposed changes that will affect future residential development in an existing or proposed residential zone.</p>
<p>3.2 Caravan Parks and Manufactured Home Estates</p> <p>The objectives of this direction are to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates.</p>	<p>This direction applies to all planning proposals.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p><i>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</i></p> <p><i>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</i></p> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p><i>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</i></p> <p><i>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</i></p> <p><i>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the</i></p>

Ministerial Direction	Consistency and Implications
	<p><i>Community Land Development Act 1989 be permissible with consent.</i></p> <p>Schedule 2 to SEPP 36 - Manufactured Home Estates prohibits manufactured home estates in Port Stephens. Further to this, 'Caravan parks' are already prohibited in the zones where it is proposed to expressly nominate this use as prohibited.</p> <p>The planning proposal is consistent with Ministerial Direction 3.2 Caravan Parks and Manufactured Home Estates.</p>
<p>3.3 Home Occupations</p> <p>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</p>	<p>This direction applies to all planning proposals.</p> <p><i>Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</i></p> <p>The planning proposal will not affect the permissibility of home occupations.</p> <p>The planning proposal is consistent with Ministerial Direction 3.3 Home Occupations.</p>
5. REGIONAL PLANNING	
<p>5.10 Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans</p>	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>The planning proposal is consistent with the Hunter Regional Plan 2036 as provided in response to Question 3.</p> <p>The planning proposal is consistent with Ministerial Direction 5.10 Implementation of Regional Plans.</p>
6. LOCAL PLAN MAKING	
<p>6.1 Approval and Referral Requirements</p> <p>The objective of this direction is to ensure that LEP provisions encourage the</p>	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must:</p> <p><i>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i></p>

Ministerial Direction	Consistency and Implications
<p>efficient and appropriate assessment of development.</p>	<p>(b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i></p> <p>(i) <i>the appropriate Minister or public authority, and</i></p> <p>(ii) <i>the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i></p> <p>(c) <i>not identify development as designated development unless the relevant planning authority:</i></p> <p>(i) <i>can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i></p> <p>(ii) <i>has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>The planning proposal does not propose provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.</p> <p>The planning proposal is consistent with Ministerial Direction 6.1 Approval and Referral Requirements.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p>The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for</p>	<p>The direction applies to all planning proposals.</p> <p>(4) <i>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i></p>

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.

Ministerial Direction	Consistency and Implications
public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	<p>The planning proposal is not seeking to reserve land for public purposes.</p> <p>The planning proposal is consistent with Ministerial Direction 6.2 Reserving Land for Public Purposes.</p>

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

The planning proposal does not relate to critical habitat or threatened species, populations or ecological communities or their habitats and the proposed amendments are unlikely to adversely impact on them.

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

No. There are no other likely environmental effects as a result of this planning proposal due to the administrative nature of the changes.

Items 12 and 13 propose to add items to Schedule 2 – Exempt Development. There are already rigorous assessment processes detailed above that will ensure there are no adverse environmental impacts.

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

The amendments are considered to result in positive social outcomes for the community. The housekeeping items of the amendment will address errors and uncertainty and remove minor anomalies in the LEP. The items that will align the LEP with the LSPS, Live Port Stephens and other Council strategies will promote liveability and improve quality of life by providing housing with convenient access to essential services such as childcare, increase opportunities to activate public spaces, and will enable Council to better plan for diverse housing stock in appropriate locations.

Section D – State and Commonwealth interests

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.

Q10. Is there adequate public infrastructure for the planning proposal?

This proposal is unlikely to have any impacts on infrastructure provision. The amendment items are unlikely to generate the need for significant public infrastructure.

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

The Gateway determination did not require consultation with State and Commonwealth public authorities.

PART 4 – Mapping

The amendment does not propose any changes to mapping.

PART 5 – Community consultation

Extensive consultation was undertaken with State agencies, neighbouring councils, peak industry bodies and the community in developing the LSPS, Live Port Stephens and Recreation Strategy.

In accordance with the Gateway determination (**ATTACHMENT 1**), the planning proposal was exhibited for 14 days from 26 August 2021 to 9 September 2021. Notice of the public exhibition period was placed in the local newspaper, the Port Stephens Examiner. The planning proposal was also available on Council's website.

Two submissions were received, including one in support. A summary of submissions is at (**ATTACHMENT 2**).

There are amendments to the planning proposal following public exhibition. In relation to item 3 of the planning proposal, it is proposed to make additional amendments to clause 4.2B of the LEP to correct drafting errors identified in consultation with DPIE and as outlined above. In relation to item 13 of the planning proposal, the planning proposal has been amended in response to a submission to defer commencement of this change until Council's Sports Facility Signage Policy and Guidelines have been exhibited and adopted.

PART 6 – Project timeline

	Mar '21	Apr '21	May '21	Jun '21	Jul '21	Aug '21	Sep '21	Oct '21	Nov '21	Dec '21	Jan '22	Feb '22	Mar '22
Gateway Determination													
Public Exhibition													

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.

Review of Submissions													
Council Report													
Parliamentary Counsel													



Planning,
Industry &
Environment

Gateway Determination

Planning proposal (Department Ref: PP-2021-3689): to amend the *Port Stephens Local Environmental Plan 2013* to update, correct errors, ensure consistency, remove redundant clauses and identify additional exempt development.

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Port Stephens Local Environmental Plan 2013* to update, correct errors, ensure consistency, remove redundant clauses and identify additional exempt development should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 days**;
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); and
 - (c) public exhibition is to commence **by 1 December 2021**.
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

ITEM 2 - ATTACHMENT 1 HOUSEKEEPING PLANNING PROPOSAL.

4. The time frame for completing the local environmental plan is to be **9 months** following the date of the Gateway determination.

Dated 16th day of August 2021.

**Dan Simpkins
Director
Central Coast and Hunter Region
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**

PP-2021-3689 (IRF21/2500)

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.



Guudji Yiigu (Goo-jee ik-koo)

We welcome you to Port Stephens - part of the Worimi Aboriginal Nation

Port Stephens Council acknowledges the Worimi people as traditional owners and custodians of the lands and waterways on which we all live, learn, work and play. We value and respect the Worimi people and the legacy 60,000 years of Aboriginal Nation traditions and culture brings with it. As part of Council's culture of acceptance, diversification and harmony we walk alongside the Worimi people on a journey of listening and learning. Together we will strive to make this a better place for all peoples.

As guardians of these lands, we ask that you tread lightly to help preserve the biodiversity and respect those who came before as well as those who will follow.



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PORT STEPHENS
COUNCIL

ETHOS
URBAN





What is a Place Plan

Explaining Place Plans

Place Plans are a new way of planning for the growth of the unique towns and villages across Port Stephens. Place Plans provide a local filter on the Port Stephens Local Strategic Planning Statement and other strategic documents to create actions which improve the liveability and wellbeing of our communities.

Actions

The actions in our local Place Plans create alignment in the way we plan for future land use, invest in infrastructure, attract investment and bring life to our streets. Place Plans recognise the importance of our public spaces in creating great places to live, work and visit.

Community

Most importantly, Place Plans start with our community; they respond to the community's values and aspirations; they enable partnerships between residents, business and council and guide a collaborative approach to the delivery of great place outcomes.

understand
current community
participation



encouraging
community
participation...



... to all areas,
from visioning to
implementation



ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.



Local values

Through the Port Stephens Liveability Index, we know the values and priorities of our individual communities. This information creates the foundations of our Place Plans and helps guide planning decision making across our community.



Start with yes

A culture that supports innovation and ideas is critical to the success of our Place Plans. By starting with yes, we can encourage new thinking, new ideas and attract more people to share in creating great places.



Test and trial

Great places don't appear by accident; they take time and effort and a shared understanding that not every project will work every time. By testing and trialling low cost, short term ideas we learn by doing and create the stepping stones to bigger and better things.



Civic pride

The Port Stephens community is abundant with energy and expertise and people who want to be involved in planning and creating for their place. Place Plans will create opportunities for collaboration, foster pride and create connections.



Measure benchmark

When we trial a new idea, launch a new program or invest in our public spaces, we need to understand what works and what does not. Measuring the success of our projects and comparing these to the best possible examples we can find will help build amazing places where people will want to live, work and play.



Character principles

Land is valued as spiritual by the Worimi people, local sense of place is enriched through Aboriginal oral story telling traditions in the Gathang* language.

Key habitat corridors are reinstated and protected, highly valued by locals. Future development respects the village character and is located to limit impact on native natural ecology, including vegetation and habitat.

Karuah is underpinned by a network of accessible and inclusive local infrastructure that meets the needs of the community.

The Karuah River should be acknowledged and celebrated for its historical and cultural significance and it's value to the local economy, the environment and the people of Karuah. Traditionally the river was an



important part of the Worimi people's daily lives for fishing, lobster freediving, oyster collection and rituals

About Karuah

Karuah is a peaceful village built around the shores of the Karuah River, which begins on the stunning slopes of the Gloucester Tops and ends on the waters of Port Stephens. Over its 101 kilometre course, the river descends more than 600 metres and is joined by 11 tributaries before it meets the sea.

The Worimi are the traditional custodians of Port Stephens. Their connection to the land and waters of Karuah stretches back thousands of years and remains strong today.

The character of the town is deeply connected to its Aboriginal heritage. The historic Karuah Mission (established in 1884) and the Karuah Local Aboriginal Land Council (established in 1983) continue to reinforce this connection to land and culture, so that it can be shared with and kept alive by future generations.

European settlers began timber milling in Karuah in the early 1800s and the town continues to be renowned for its timber industry today. The town is also known for its fishing and aquaculture, in particular, the

fresh oysters sold by farmers on the shores of the Karuah River.

Karuah has continued to evolve and change. The town is now emerging as an attractive place for those looking for an affordable lifestyle destination with an easy commute to key employment areas like Williamtown, Raymond Terrace and Newcastle. Karuah is also a much-loved holiday destination, particularly for those who enjoy boating and fishing.

Surrounded by the leafy bushland of the Karuah National Park, the cool waters of the Karuah River and the unique wetlands, it's no surprise the local community place a high value on the incredible environment on their doorstep.

Karuah is moving forward with new housing developments, bringing an increasing number of young families to the town. Future planning is focused on driving social wellbeing, creating a more connected town centre, better accessibility to the waterfront and improved community facilities for all to enjoy.

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.



The residents of Karuah are unique, knowing who they are helps us understand what they think and what type of community they can create.



Population
1,296

15%

Aboriginal & Torres Strait Islander population



160
Families

99
Active Businesses
trading in Karuah



Most common age cohort
60-69 YEARS

Remplan October 2021

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.



We've been listening



Community Engagement

What makes a place a great place to live?
That's the question we asked our community
in September 2020. More than 3,700 people
told us what they value about a place and
how our places are performing.

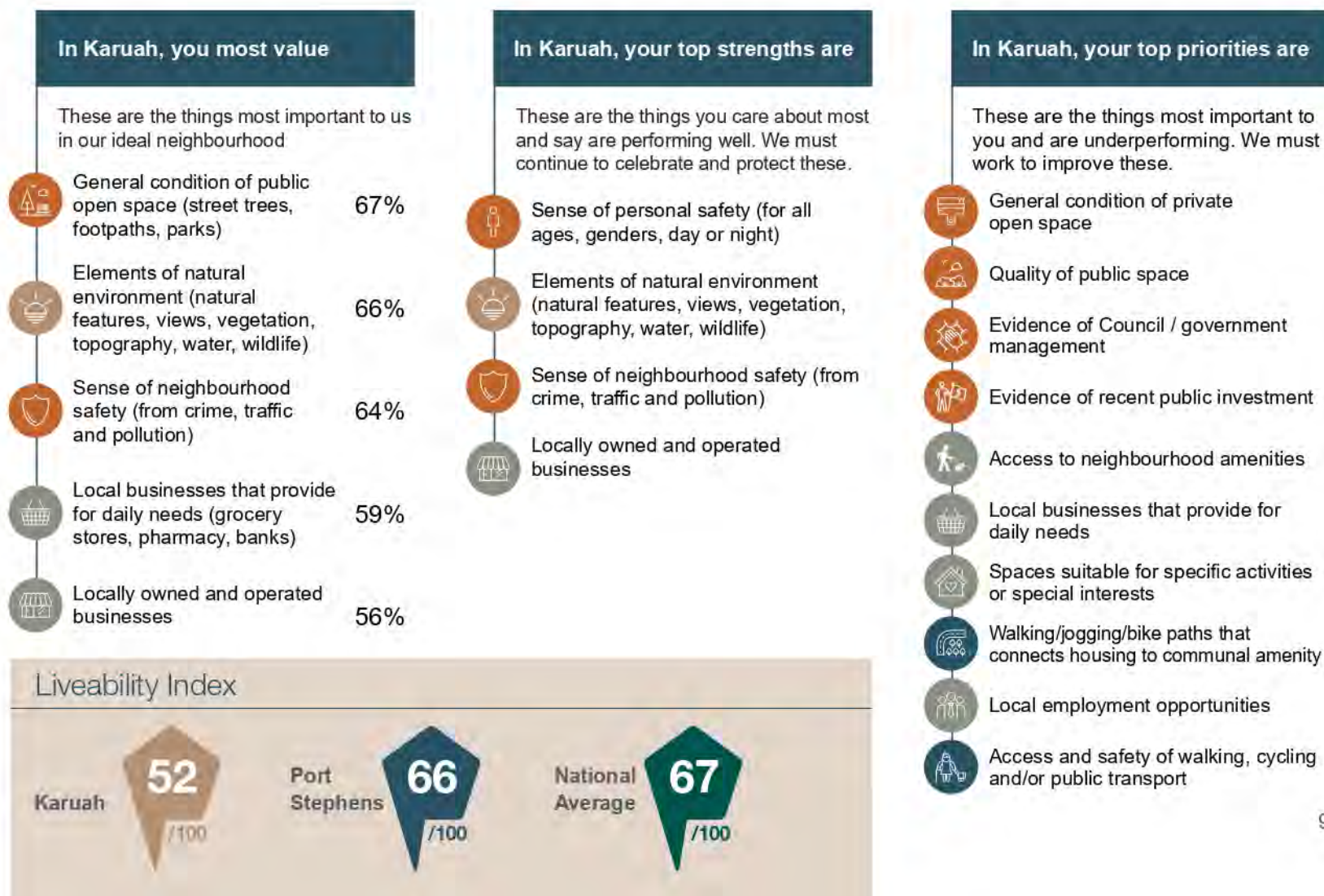
We have used this data to shape our Place
Plan, to set the vision and the actions that
best benefit the wellbeing of Karuah locals.

Key Themes

The results of the Liveability Index that
communities found some themes for
liveability were more commonly raised than
others. The five most important elements of
liveability for the people of Karuah are:



ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.





Planning for the future of Karuah

The Karuah Growth Strategy was adopted by Council in 2011 to guide future town growth. The strategy was very central to identifying how Karuah could adapt following the completion of the highway bypass in 2004. The Strategy established a land use plan to identify appropriate locations for new housing while considering economic and social development, environmental management and local infrastructure needs.

Since the adoption of the Karuah Growth Strategy, most of the land identified as suitable for residential development has been rezoned and new housing estates complete or under construction.

However, over the past few years, new population forecasts and most importantly, housing demand tells us that this current strategy needs to be reviewed and new land identified for future growth. The Karuah Place Plan has been designed to support the Karuah Growth Strategy by identifying additional opportunities for residential development, employment lands and public infrastructure.

Employment land

For many years, the oyster and timber industries have been the leading employment industries in Karuah and have been an important element in forming the identity of the people and the place.

Through the community engagement process, the need to ensure the long term viability of these industries was identified as important to the local community. New development will need to be assessed and consider these industries to minimise their impact and ensure their long term sustainability.

As Karuah grows and new residential land is released, new business and employment opportunities close to their home.

The 2011 Karuah Growth Strategy identifies land to the west of the town as suitable for industrial or employment land. Further investigation will be required to understand the short and long term needs for employment land, the amount of employment land needed, the appropriate land use zone, the infrastructure required to service this land, and the recommended staging of any land release.

Planning proposal process

To rezone land, a land owner or developer (the proponent) can request Council to change the planning laws to allow a different type of development on the land. The application needs to provide very specific detail of the proposed use of the site and the potential impacts on this new type of use on the place.

Once this process is complete, Council makes a request to the NSW Government (called a Planning Proposal) to amend the Port Stephens LEP. You can find out more about this process [here](#).

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.



Housing demand and growth

With a growing demand for regional and rural lifestyle opportunities, an increasing ability to work from home, along with favourable conditions for home buyers, housing demand across the Hunter Region continues to grow at a very high rate.

A 2019 Residential Land Needs Assessment outlined that in order to meet demand for housing in Karuah over the next 15 years, land for an additional 340 lots (or 27 hectares at 12.5 dwellings per hectare) needs to be rezoned and made suitable for residential housing development.

Using this data and taking into account the current market conditions, a short to medium term high growth scenario for Karuah has

Applications to rezone land

All applications to rezone land must continue to consider the requirements of the following strategies:

- Karuah Growth Strategy
- Local Strategic Planning Statement
- Live Port Stephens
- Hunter Regional Plan 2036

been assumed for this plan. This includes two stages of land release with Stage three identifying land for future investigation.

Stage one identifies land that has the necessary infrastructure to be rezoned now. This includes servicing by Hunter Water which has been scheduled for implementation following planned local facility upgrades.

Stage two and three identify opportunities for medium to long term development. To move forward with these stages, developers will need to work closely with the relevant authorities to manage critical infrastructure such as sewerage and water which is not currently available to service this land.

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Habitat protection

The community of Karuah places a high value on the local environment and we know that the river, the wetlands and native bushland are all key to why people love living in Karuah.

We also know that this natural environment provides important habitat for native wildlife and is home to a diverse range of flora and fauna. Karuah's wetlands and bushland play an important role in keeping waterways healthy by absorbing excess nutrients, slowing over land flows, and reducing sediment, pollution and erosion. Preserving the natural environment is key to ensuring the long term productivity of Karuah's waterways and river.

When planning for future land use, Council needs to ensure the protection of these valuable habitats. As development in a place intensifies, consideration needs to be given to the function and importance of natural areas

including the way in which native animals access food sources, breeding sites and water.

As part of any new development, applicants must show how they will minimise this impact and demonstrate how new habitat and movement corridors will be created. In Karuah, two important biodiversity corridors have been identified.

The North – South Corridor has been identified as part of the Watagans to Stockton green corridor and recognised as a high priority regional conservation area within the Lower Hunter Regional Strategy and subsequent Hunter Regional Plan 2036, and the Lower Hunter Regional Conservation Plan. The North-South Corridor is also identified in the Port Stephens Biodiversity Connectivity Mapping Project as a location where improvements to connectivity are required. As part of any rezoning, an

Biodiversity

Biodiversity and fauna movement corridors are not designed to restrict development but to enhance the liveability of the place, protect local habitat and increase the wellbeing of those that live, work and visit the place.

Biodiversity Assessment Report (BDAR) will need to be undertaken to determine the appropriate location, size and scale for a biodiversity corridor.

The proposed East-West Corridor will provide connectivity to allow the movement of native animals away from proposed housing developments. This is not a defined corridor, it is a guide to where a corridor can be created. As part of any rezoning, an Ecological Assessment or BDAR will need to be undertaken to determine the best location, size and scale for a fauna movement corridor, along with detailing how this corridor will support the protection and enhancement of valuable environment that makes Karuah so unique.



Planning for the future of Karuah

What is the plan?

Karuah's focus for the future is identifying a sustainable and beneficial growth pattern to add value to the existing town, prioritise protection of habitat and valuing it's existing cultural and environmental context.

The Karuah Place Plan identifies new urban release and should be read in conjunction with the 2011 Karuah Growth Strategy. The Karuah Place Plan overrides the Karuah Growth Strategy only where inconsistencies exist.

All rezoning proposals must include evidence of an agreement with Hunter Water Corporation confirming that land can be adequately serviced.

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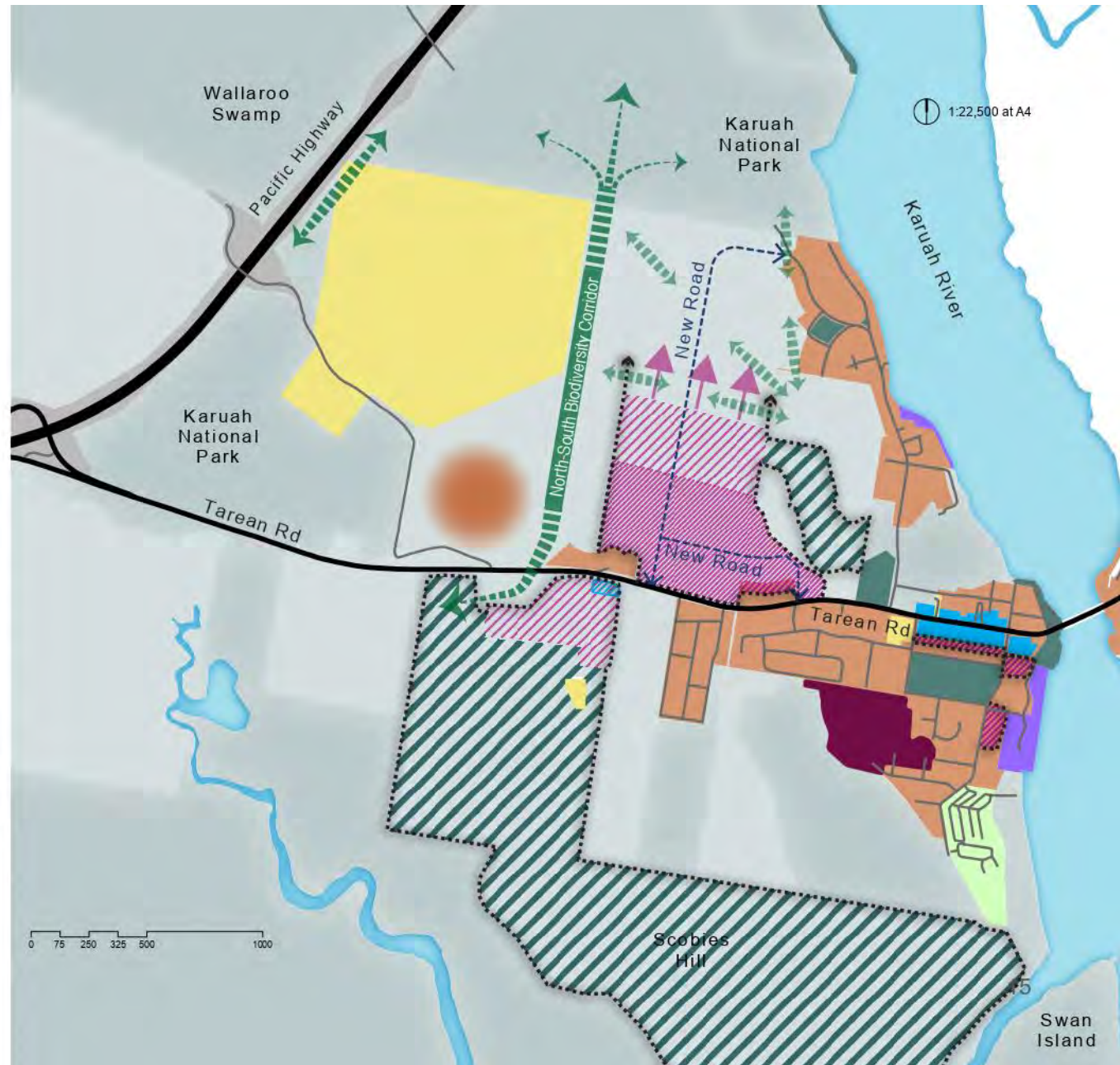
Key

Existing Structure

- Commercial Land
- Residential
- Vegetation
- Forestry / Rural Landscape
- Public Recreation
- Caravan Park
- Working Waterfront
- Hunter Water Land
- Existing Fauna Movement

Proposed Structure Changes

- Stage 1 Residential Land Release
- Stage 2 Residential Land Release
- Infill Housing Opportunity
- Future Investigation Area
- Existing Zoned Land for New Development
- Environmental Conservation
- Short Term Employment Land
- Future Investigation Employment Land
- Possible Future Fauna Movement Corridor
- Future Connecting Road
- Proposed Changes





A shared responsibility for our place

Aboriginal community

Place-making activities that are based on strong indigenous cultural values, developed in partnership with our Indigenous community, enhance the nature of place and a sense of community.



Local workers

Port Stephens workers and volunteers contribute to place creation through their work with local business, industry and tourism. Collective working power is a strong resource in place-making activities.

Image: John Chambers, Citizen of the Year 2020



Business and tourism leaders

Businesses have many opportunities to contribute place making, these may include funding community projects, collaborating, sharing resources, training local workers, or simply ensuring up-keep of their slice of the main street.



Port Stephens Council

Council has three main roles in place-making; it acts as a coordinator, an advocate or a delivery partner. Council also seeks partnership with business and community to create place-based events.

Karuah

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Community



Residents

All kinds of residents in Port Stephens make an important contribution to the place they live through individual or collective effort. Residents might plant trees, share their knowledge or skill with community, voice an opinion on a strategic direction from Council or initiate a street party!



Investment stakeholders

A town or city need people who believe in it's potential and celebrate it's success. Investors play an active role in ensuring development aligns with strategic directors and invests in it's future.



Community groups

Community groups have a can-do and proactive attitude which is a highly valued quality in place-making projects. These groups are wide-ranging and may include sports, teams, schools, charities, clubs and social groups.

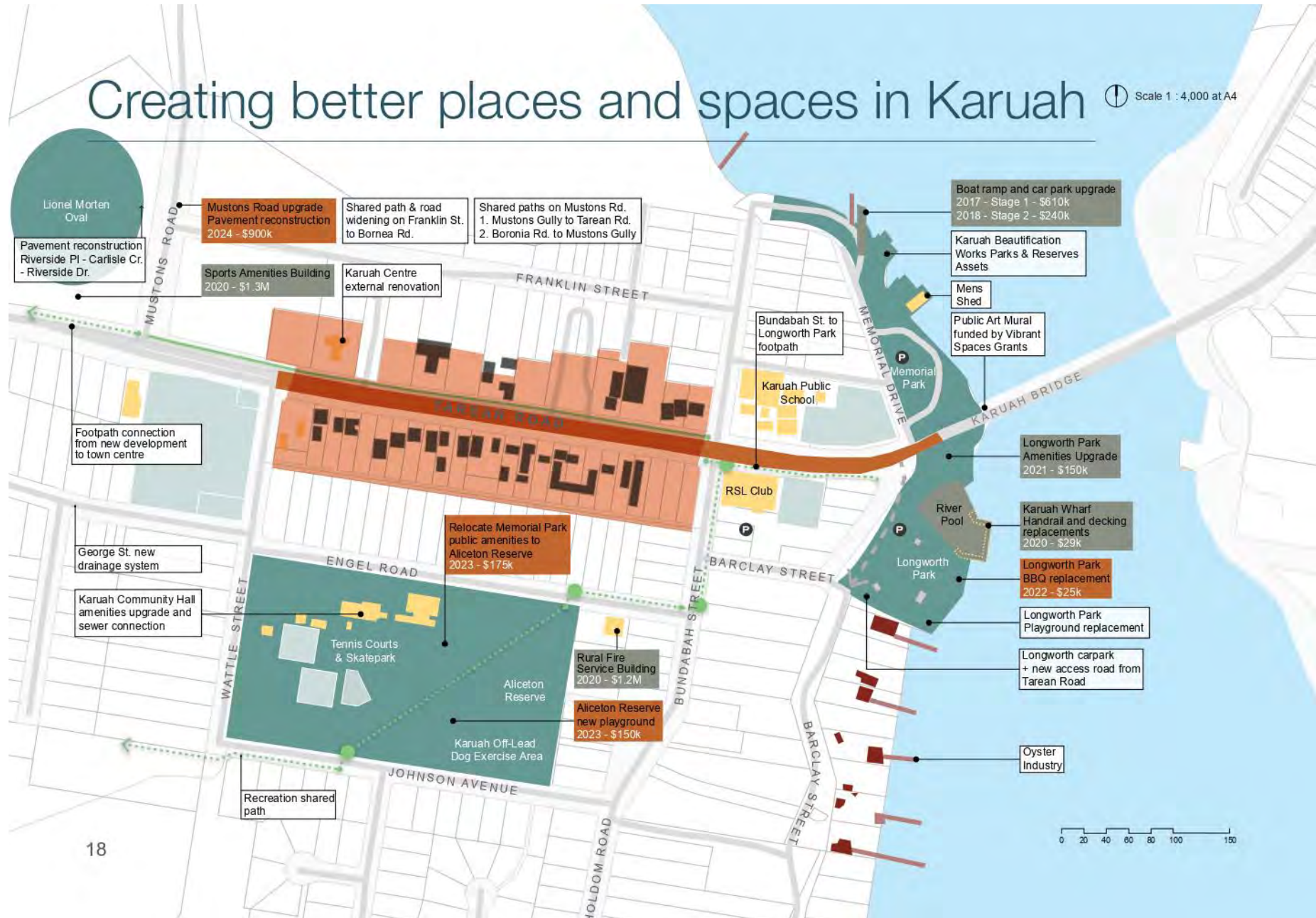


State Government

State government has three roles in place-making; an authority, a strategic visionary and a funding body. Importantly, they have a significant role in the management of roads, parks and heritage - all important parts of place identity.

Creating great places requires a collaborative approach and ownership from all those that live, work and visit the place. By working together we can harness people-power to achieve more and best of all, create lasting connections that improve liveability and increase the wellbeing of the Karuah community.

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ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

What are we doing?

Great places bring people together. They are places you feel good in and want to spend time in. Great places don't appear by accident, they are shaped and nurtured by deliberate actions from an engaged community. Great places are accessible and well connected, they are comfortable and project a good image, they attract people to participate in their activities and they are social environments where people want to gather.

Key

Built Form

- Current town centre
- Commercial/retail buildings
- Community buildings

Transport / Parking

- Pedestrian
- Car park

Access / Connections

- Upgraded shared path
- Recreation shared path
- Proposed vehicle access

Council Works Labels

- Recent Investment
- Upcoming Projects
- Potential Community Projects



Look and feel for Karuah

Creating an attractive streetscape brings people into town and compels people to stay and linger. A beautiful town can be supported by a consistent 'look and feel'; a consistent material and colour palette. Small projects, shop front renovations, fence replacements, street furniture may all present opportunities to link your project to Karuah's considered palette - a gesture of belonging to the community.

The colour palette, of earthy tones, represents the many attributes of Karuah.



Clear-finished timber for the local natural timber, produced in Karuah and used far and wide.



C: 19% **M:** 69% **Y:** 94% **K:** 6%

R: 193 **G:** 102 **B:** 50

Hex: C16632

Burnt orange for the bright coloured ochre found in around Karuah, which was used for ceremonial dances by the Worimi.



C: 29% **M:** 41% **Y:** 56% **K:** 3%

R: 181 **G:** 146 **B:** 117

Hex: B59275

Brown for the natural materials of stone and other natural materials found within Karuah and surrounds.



C: 86% **M:** 58% **Y:** 44% **K:** 26%

R: 43 **G:** 83 **B:** 101

Hex: 2A5364

Deep blue for the cool waters of the Karuah River, where fishing and boating have long been popular pastimes.



C: 10% **M:** 15% **Y:** 22% **K:** 0%

R: 227 **G:** 210 **B:** 192

Hex: E3D2C0

Oyster pink for Karuah's world-famous oysters – salty, fresh and delicious.



C: 47% **M:** 36% **Y:** 45% **K:** 4%

R: 140 **G:** 144 **B:** 134

Hex: 8C9086

Grey for the iconic Karuah Bridge that spans the river and connects our town.



C: 91% **M:** 44% **Y:** 66% **K:** 35%

R: 0 **G:** 86 **B:** 78

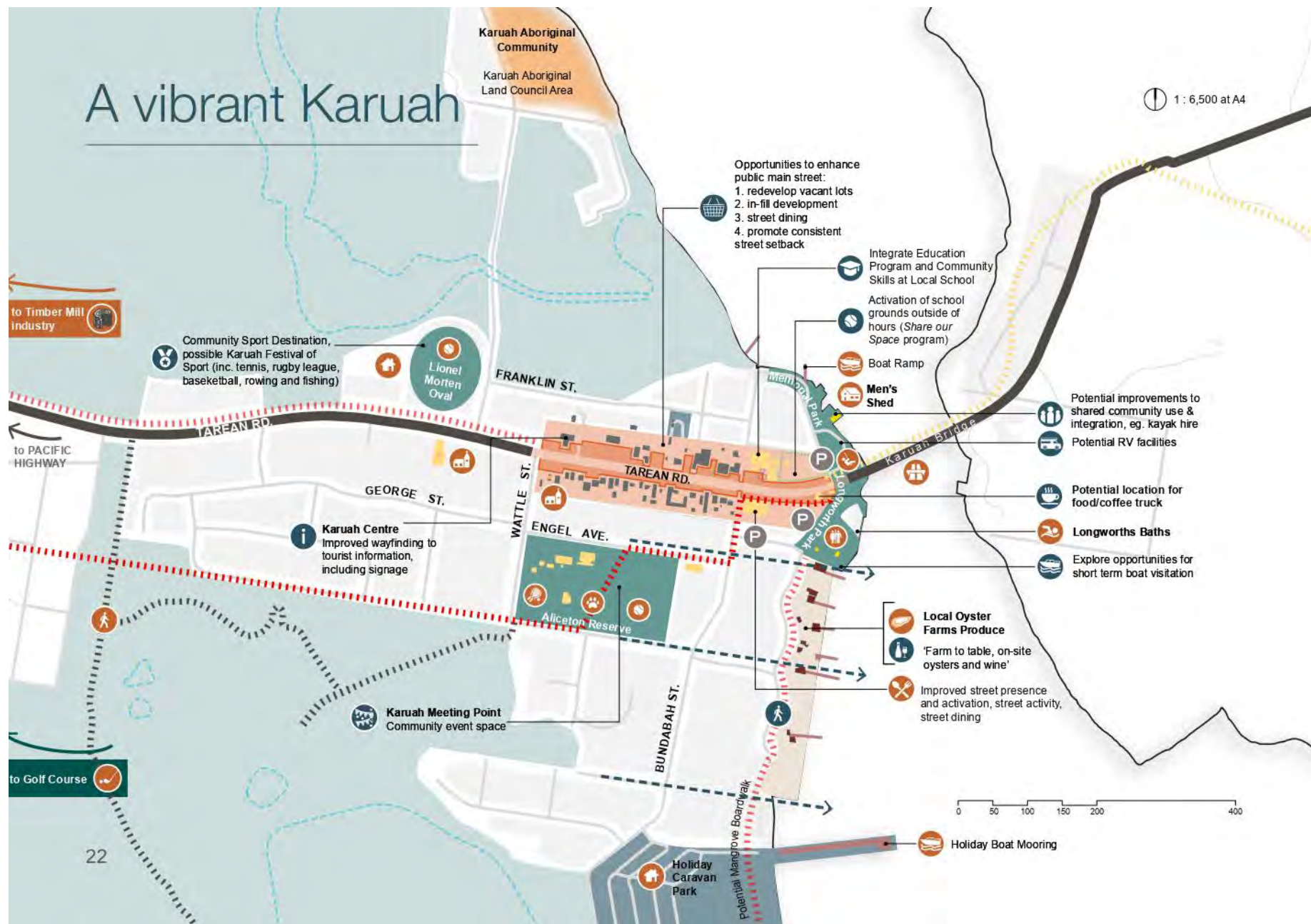
Hex: 00554D

Green for the diverse vegetation of native bushland and the dense mangroves that line the Karuah River.

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.



ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.







ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

Key**Land Use**

-  Pedestrian-focused main street at town centre
-  Community buildings
-  Local oyster industry
-  Public recreation
-  Forest reserves
-  Holiday caravan park
-  Wetlands



Access / Connections

-  Existing shared paths
-  Possible future shared paths
-  Heritage walk to Tahlee
-  Promote permeability from town to river where possible

Public Amenities

-  Community church
-  Tennis courts
-  Dog park
-  Sports and recreation

Activation Icons

-  Opportunity for activation
-  Existing opportunities

What can we do?

Creating vibrancy in our town centres and public spaces requires a collaborative approach. It requires ownership from Council, business and the community to create places that are resilient, welcoming and inclusive. Place activation is not about big budgets and big infrastructure. It is about creating unique and innovative experiences and testing new ideas which are connected to our local identity both through the built form of the place and the Programming of the space.



ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

Living and working in your community

Karuah's Placscore™ results have inspired a series of action items. Port Stephens Council is part of the community and we have one of three roles in delivering these actions. As a coordinator, we will help by identifying approvals required or advise you about funding opportunities. As an advocate, we may provide support, permission, encouragement or funding. In delivering, we will fund and deliver the project.

Key



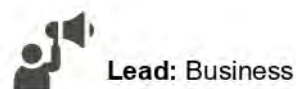
Note: budget and delivery time-frames are an estimate and subject to further investigation.

Short term actions

1.1 Coffee in the crook

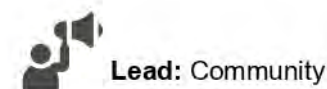
Submit an expression of interest to Council or coordinate with a local shop to locate a coffee truck or food truck on the main street or in Longworth Park.

A prime location that draws in the school drop off crowd and services the riverside parks is shown on the map (page nr. 22). Talk to Council about our business toolkit for outdoor trading.



1.2 Community collaboration

Karuah already has a number of great facilities but these are not used to their full potential. There is opportunity to diversify the use of these spaces; explore opportunities to collaborate with the owners of waterfront sheds, under-utilised buildings or other spaces to create a new uses or business, such as a kayak hire, or a lunchtime river tour destination that showcases the local oysters.

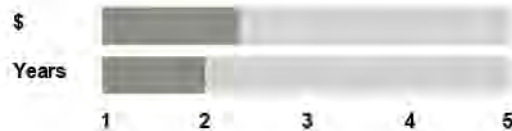


ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

1.3 Growth through beautification

A more beautiful main street will draw in more visitors and increase demand for a variety of local businesses. Initiate a public art project, investigate asphalt art projects, create a pot plant garden on the street, or start a town pride group to run street beautification activity. Talk to building owners who might support a beautification project on their property.

Check in with Council for what activities can be done without approval and to discuss grant opportunities.



Lead: Community

1.4 Take a seat

A comfortable walking environment includes places for rest and leads to higher occupation of a street. Build a space for sitting, maybe with cover, shade or weather protection.

Give people a reason to stay on the street, in front of your business, which will draw in other customers. Check in with Council about what can be built without approval.



Lead: Council/Business

1.5 Pride of place

A tidy and visually appealing main street will create pride of place and encourage others to keep their town tidy.

Consider reviewing how your business presents to the street; evaluate whether your business signage could be freshened up, or re-finish the façade by aligning with the colours and material on the look and feel page.



Lead: Business

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

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Key



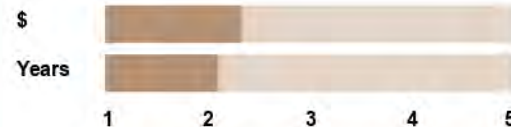
Note: budget and delivery time-frames are an estimate and subject to further investigation.

Short term actions

1.6 Start a conservation project

Are you passionate about conservation? Share your knowledge and time with school or community groups by organising regular 'explore your habitat' walks or hold a workshop on how to build nesting boxes for birds, nurture pollinator habitat or plant butterfly attracting gardens.

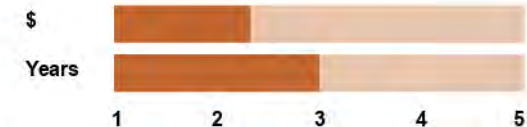
These conservation projects could be located in public places or within backyards.



Lead: Community / Business

2.1 Short stay RV visitors

Karuah is an ideal location for short-stay visitors, with a desirable amenity and access to goods and services. Investigate providing RV friendly locations within the town to generate new tourist activity, this will include clarifying tourist stay options to avoid illegal parking and providing infrastructure and amenity needs.



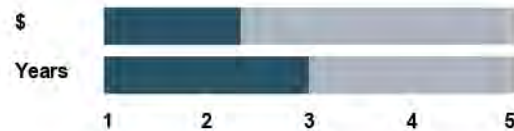
Lead: Council

Medium term actions

2.2 Help them find a way

Help visitor's ability to navigate to Karuah by improving virtual wayfinding; advocate to have local information on Google Maps updated and the Karuah placename moved to the correct location.

Engage with State Government to initiate highway by-pass signage to draw in passing travellers.

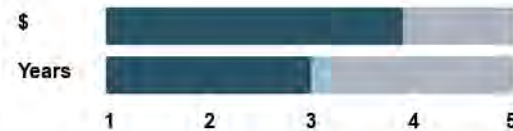


Lead: Community

2.3 Improve the streets for people

Create a pedestrian friendly main street by slowing down traffic, providing more pedestrian crossing opportunities and making it easier to cross the road.

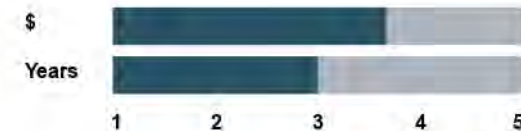
While closing traffic lanes is expensive, lower cost initiatives to provide a pedestrian friendly environment can be investigated.



Lead: Council

2.4 Connect main street to river

The riverfront is one of Karuah's best assets, yet it is not well connected to the town centre. Creating interest points, removing barriers and installing activation spaces between Tarean Rd and Longworth Park will improve this connection. This could be achieved through artwork, signage, removal of impermeable fences and hedges or by business reorientating or creating an opening to Tarean Rd.



Lead: Business

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

Living and working in your community

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Key

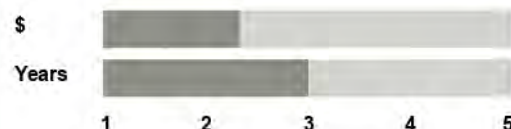


Note: budget and delivery time-frames are an estimate and subject to further investigation.

Medium term action ideas

2.5 Fill in the gaps (on the main street)

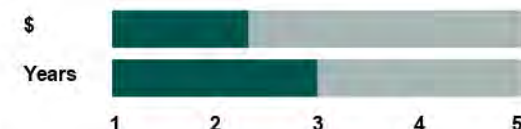
Gaps between buildings and empty shops have a de-activation effect, creating a sense of neglect and an underused main street. Empty lots could be used for community gardens, alfresco dining opportunities, play spaces or interactive art installations. Consider using empty shops for community run pop up libraries, galleries / studios or co-working facilities. Short-term or reduced rent options of these spaces could be negotiated. Talk to Council about funding opportunities for trial activation projects.



Lead: Business / Community

2.6 Make way for festivities

Karuah has some great locations for festivals and larger scale gatherings. Longworth Park, Aliceton Reserve and Lionel Morten Oval have high quality facilities that might be suitable for your next festival. Talk to Council about opportunities to host an event in Karuah.

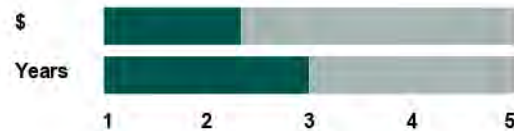


Lead: Community

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

2.7 Showcase the local cultural heritage

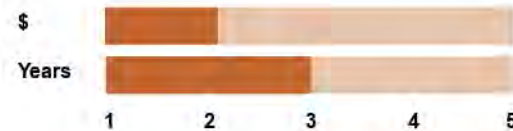
Karuah has a strong Aboriginal heritage that has shaped and formed the identity of the town. Explore opportunities to showcase Aboriginal cultural heritage through public art and signage.



Lead: Community

2.8 Review the Karuah development control plan

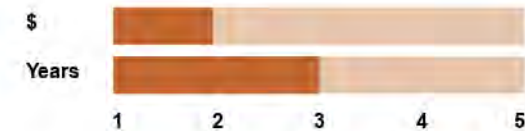
The Karuah chapter of the Development Control Plan will require review to ensure that new development incorporates the values and liveability priorities of the community.



Lead: Council

2.9 Review the Port Stephens local infrastructure contributions plan

An update to the Local Infrastructure Plan is required to ensure that infrastructure, services and facilities are provided to support the local community.



Lead: Council

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

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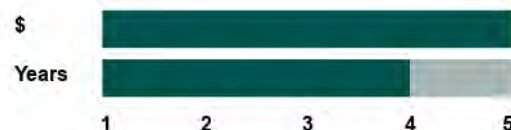


Note: budget and delivery time-frames are an estimate and subject to further investigation.

Long term action ideas

3.1 Park access and connection

Improve wayfinding and create safer pedestrian and vehicle access to Longworth Park. Investigate options to improve entry and egress to the car park to reduce congestion during peak times. Review pedestrian access to determine usability and safety and investigate funding for improvements. Work with the community or business leaders to create better wayfinding from the town centre.



Lead: Council

3.2 Park furniture improvements

Amenity improvements give community better enjoyment of their public spaces. Council has recently built new toilet facilities in Longworth Park and has plans to provide new barbecues and, in the longer term, a new playground. In the shorter term, Council has plans for a new playground and public amenity project in Aliceton Reserve, which will replace the aging playground in Memorial Park.



Lead: Council

ITEM 3 - ATTACHMENT 1 KARUAH PLACE PLAN.

3.3 Sustainable development

Karuah's community wants development to happen sustainably, prioritising biodiversity and nature, which we know is highly valued by the community. While additional houses in Karuah will help build the local economy, it is important that the location of new development considers the avoid, manage and offset principles of sustainable development.



Lead: Investor





ITEM 3 - ATTACHMENT 3 MACROPLAN RESIDENTIAL NEEDS
ASSESSMENT AND REMPLAN REVIEW.

339 Tarean Road, Karuah

Residential Land Needs Assessment

July 2019



 MacroPlanDimasi

**ITEM 3 - ATTACHMENT 3 MACROPLAN RESIDENTIAL NEEDS
ASSESSMENT AND REMPLAN REVIEW.**

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Prepared for:

Oracle Investment

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ITEM 3 - ATTACHMENT 3 MACROPLAN RESIDENTIAL NEEDS ASSESSMENT AND REMPLAN REVIEW.

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Disclaimer: The information in this report has been obtained from, and opinions herein are based on, sources believed to be reliable. Although great care has been taken to ensure accuracy and completeness in this report, MacroPlan have not independently verified and does not accept responsibility for its completeness and accuracy of the factual information on which its opinions and assumptions are based. Further, as the report involves future forecasts, it can be affected by a number of unforeseen variables. It represents for the party to whom or which it is addressed the best estimates of MacroPlan, but MacroPlan can give no assurance that any forecasts will be achieved.



ITEM 3 - ATTACHMENT 3 MACROPLAN RESIDENTIAL NEEDS ASSESSMENT AND REMPLAN REVIEW.

Executive Summary

This land needs assessment presents an independent assessment of the need and demand for residential land in Karuah. The report demonstrates that less than 15 years supply exists in Karuah and supports the Planning Proposal at the subject land. Our research focus is on understanding the level of supply, type of product mix and the spatial distribution. Our findings support a comparative assessment of the identified supply conditions within the context of the key demand drivers for residential land.

Karuah has been prolific in terms of population growth. The town has become a more attractive place to live since the construction of the highway bypass, there has been considerable recent investment in community infrastructure (i.e. community facilities, parks and open space), the business community is beginning to rebound after a dramatic reduction in highway trade, and there is likely to be new land developments which will offer greater housing choice than previously.

The current planning proposal seeks to rezone the subject land from RU2 (Rural Landscape) to R2 (Low Density Residential), B2 (Local Centre) and E2 (Environmental Conservation) to permit new housing, greatly enhanced open space and recreational areas, and tailored facilities for a range of new businesses. A Planning Proposal for Zone R2 is likely to be accompanied by a minimum lot size (MLS) of 500 m², which potentially results in 252 lots.

This additional capacity will allow Karuah to continue to contribute to the future growth in regional economy and employment of Port Stephens and the Hunter region generally.

A summary of the key study outcomes is outlined below:

- Between 2011 and 2016, Karuah has led the recent population growth of the SA2 area and the wider LGA (i.e. Port Stephens), which grew by an average growth rate of 3.7% per annum. There has been prominent growth in the 20-29 age cohort as well as the 30-39 age cohort indicating that there has been an inflow of young couples and families in the suburb (i.e. potential first home buyers). We also note that there is a considerable proportion of elderly population.
- It appears that there has been a solid inflow of residents and migrants in Karuah. However, Karuah saw no growth in the share of detached houses. Our analysis points to the lack of release of additional land for residential development, and also indicate that most of the population growth in Karuah has been absorbed through higher utilisation of existing housing stock (i.e. rental properties).
- The current NSW DPE & TPA population projections for Karuah are consistent with current Council planning structure for housing development and outdated dwelling demand projections. It seems likely that these current Government projections are based on what Karuah and Port Stephens can achieve based on current zoning and

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outdated growth projections (Karuah Growth Strategy 2011), rather than what it should seek to deliver for the community.

- The current population projections are not consistent with what is reported in the 2016 Census of Population and Housing. Karuah has led the recent population growth of Port Stephens, which grew by an average growth rate of 3.7% per annum. Our strong view is that Council should aim for a rate of expansion in the number of young families, rather than accepting that a decline is inevitable based on the outdated projections from Karuah Growth Strategy 2011.
- MacroPlan envisage that 70-80% of the identified potential lots may eventuate by 2036, equivalent to between 350 and 400 lots. Taking a conservative approach based on the considerable environmental and other constraints (i.e. personal reasons – Landowners) in the area, potential exists for around 360 lots¹.
- The total number of land sales in Karuah increased significantly from Calendar Year 2015 (i.e. 5 lots per annum). Aggregate lot sales in Karuah increased to 11 lots in 2016, 22 lots in 2017 and 26 lots in 2018. Our expectation is that if a greater number of smaller lots were available, then the sales rate would have been greater.
- Our expectation is that first home buyers should account for a rising share of demand for new housing over the next five to ten years. As the Greater Newcastle and Hunter regional economic growth gathers pace, Karuah will become a much more prominent place of residence. Port Stephens Local Government Area (LGA) contains a mix of rural land, towns, villages and coastal areas that are a major recreational, tourist and retirement destination. The regionally significant Newcastle Airport provides capacity to support growth in defence and aerospace-related industries. The Port Stephens LGA by itself is figured to generate 5,665 jobs by 2036². More young adults will move to this region to be closer to their place of work, and this is likely to generate higher demand from first home buyers.
- MacroPlan anticipate that there is less than 15 years of supply existing in Karuah. Under the base case (Section 6), the Karuah population is expected to grow by 65 people. At this rate, there is 12.4 years of supply existing in Karuah which would not be sufficient to satisfy the increasing demand to 2036.

Our professional view is that Council should be aiming for solid growth in its workforce-aged population. Karuah should be aiming to have a healthy rate of expansion in the number of young families, rather than becoming a place that is failing to provide for residential needs. Such a pattern in demographic structure in our view is likely to support sustainable growth in the future. Therefore, a change of zoning at key sites would be imperative in avoiding a lack of access to appropriate and affordable housing in Karuah.

¹ Our research and findings are discussed further in section 2

² Hunter Regional Plan 2036 (DPE, Oct 2016)

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Although land is identified in a land-use strategy (e.g. Karuah Growth Strategy) or is zoned for development by planning controls (e.g. Port Stephens Local Environment Plan 2013), however, it does not necessarily mean that all identified land will be fully developed and directly translated to constructed houses as planned and promptly. This is reflected in recent building approval and lot construction trends. This illustrates that not all building approvals are being turned into dwellings and that dwellings are being constructed on existing vacant lots - there is typically a significant 'lag time' between approval and construction³.

The process that leads to the identification of land is not a robust one, that is, detailed analysis has not been provided to land-use suitability and/or feasibility. Further to this, once identified, the landowner may be unwilling to sell to a developer due to personal reasons, such as nostalgia.

Therefore, it is a common approach by land-use planners to provide an adequate supply of residential land to ensure that houses are constructed and delivered on time, to accommodate anticipated population and employment growth. A numerical 'over-supply' increases the likelihood that houses are achieved in an existing town centre, which is a more desirable outcome (i.e. if this planning proposal is approved) than proposals being received to rezone 'out of centre' land. Moreover, a numerical 'over-supply' of residential land also increases competition, which places downward pressure on price.

The planning proposal also seeks to rezone part of subject land to permit some commercial and retail uses. It provides for a range of business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. This provides for an optimal employment and housing outcome that is sustainable in the long-term.

Importantly, the planning proposal provides opportunity for synergistic relationships to be formed between these surrounding land uses, allowing for the development of a strong economic cluster that will deepen Karuah's service offer and core business credentials. The subject land's ongoing commercial and retail uses would help to 'fill a void' and would complement other existing nearby businesses without compromising the primary retail/business role of the Karuah town centre. Moreover, the proposed development will consolidate the significance of the Karuah town centre and provide an important western 'entry' to the town centre.

³ Our research and findings are discussed further in section 2

**ITEM 3 - ATTACHMENT 3 MACROPLAN RESIDENTIAL NEEDS
ASSESSMENT AND REMPLAN REVIEW.****Section 1: Introduction**

MacroPlan have been engaged by the Oracle Investment to undertake a residential land supply and needs review to support a Planning Proposal at 339 Tarean Road, Karuah. This report identifies the supply and demand for residential land and demonstrates that less than 15 years of supply exists in Karuah.

This report includes:

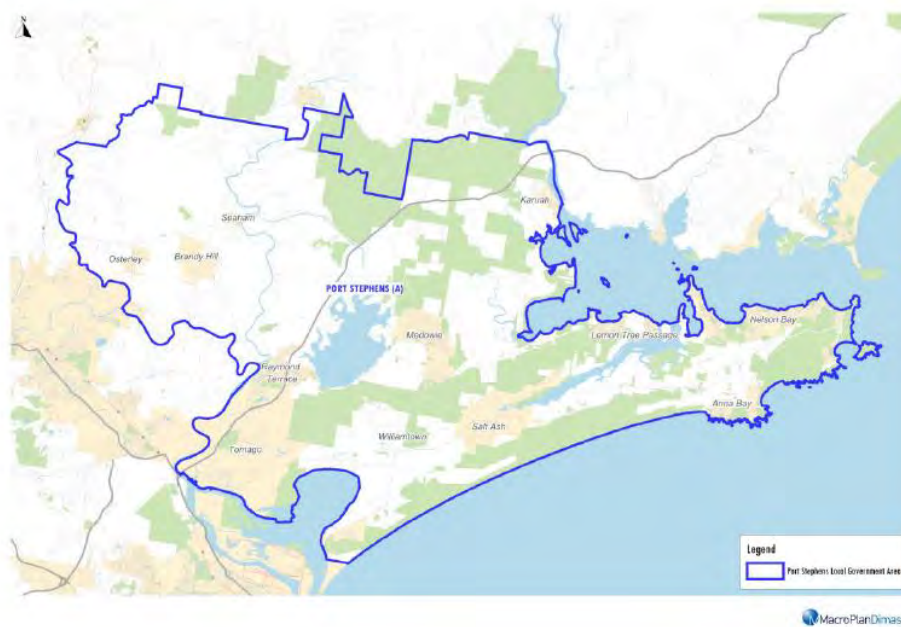
- An audit of existing and potential land for residential development. This includes a review of Karuah Growth Strategy report, and an assessment of residential zoned land in Karuah reporting on the availability with an assessment of development potential.
- A review to identify the level of residential development activity. This includes identification of current sales and market activity and updating the existing database on land sales and building activity.
- Develop demand projections for the next 15 to 20 years including review of economic trends and forecasts, analysis of population growth rates and development trends.
- Provide a direct comparison of the reviewed land supply and relative dwelling yield the observed/forecast demand conditions

For the purpose of our study, we define the study areas of the subject land as below

- Study area 1: Karuah SSC (Suburb)
- Study area 2: Williamtown-Medowie-Karuah SA2
- Study area 3: Port Stephens LGA

ITEM 3 - ATTACHMENT 3 MACROPLAN RESIDENTIAL NEEDS
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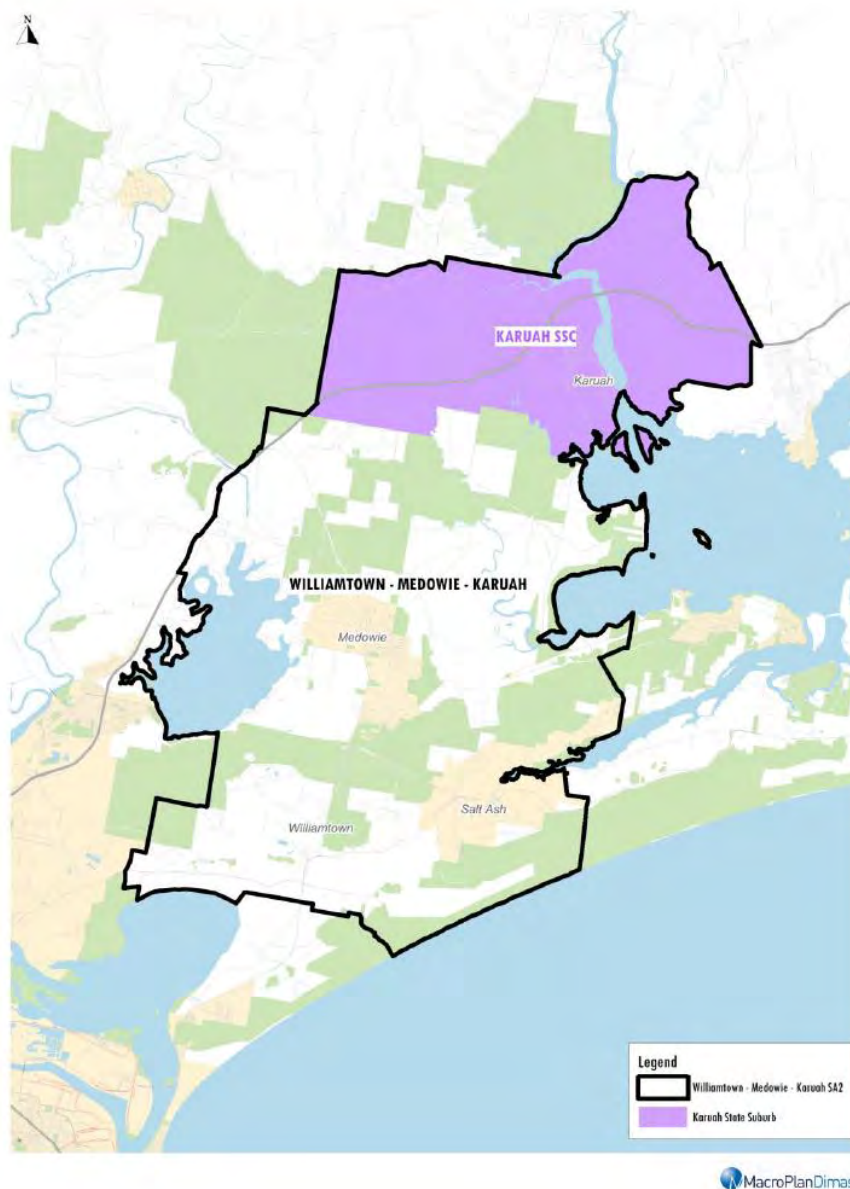
Figure 1: Port Stephens LGA



Source: MacroPlan (2019)

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Figure 2: Karuah SSC & Williamtown-Medowie-Karuah SA2



Source: MacroPlan (2019)



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Section 2: Residential Land Supply Review

This section assesses residential property market trends at both a regional and local level looking at existing and changes in property supply as well as product distribution (i.e. lot size).

2.1 Product Type Assessment

Karuah village had a population of 1,558 in the 2016 census, an increase of 248 people or 19% since the 2011 census. Most of this increase seems to be due to the number of occupied private dwellings increasing from 546 dwellings in 2011 to 637 dwellings in 2016 (excluding caravans, cabins or houseboats).

There were 637 occupied dwellings in Karuah in 2016, 81% of dwellings were separate houses, with 16% being other dwellings (i.e. semi-detached, flat or apartment). 45.4% of dwellings are fully owned relative to 38.6% for Port Stephens, with another 26.7% in the process of being purchased (i.e. with a mortgage), relative to 31.3% for Port Stephens. 25.9% of dwellings are rented, relative to 26.2% for Port Stephens.

Table 1: Dwelling Mix (2016), Karuah & Port Stephens

%	Karuah (suburb)	Port Stephens (LGA)
Separate House	79.0%	74.1%
Semi-detached, row or terrace house, townhouse	0.6%	15.5%
Flat or apartment	4.0%	7.6%
Other ⁴	16.4%	2.7%

Source: ABS Census (2016), MacroPlan (2019)

Table 2: Housing Tenure (2016), Selected Study Areas

%	Karuah (suburb)	Williamstown-Medowie-Karuah (SA2)	Port Stephens (LGA)
Owned outright	45.4%	33.0%	38.6%
Owned with a mortgage	26.7%	42.2%	31.3%
Rented	25.3%	21.4%	26.2%
Other tenure type	1.2%	0.7%	0.9%
Tenure type not stated	0.8%	2.7%	3.1%

Source: ABS Census (2016), MacroPlan (2019)

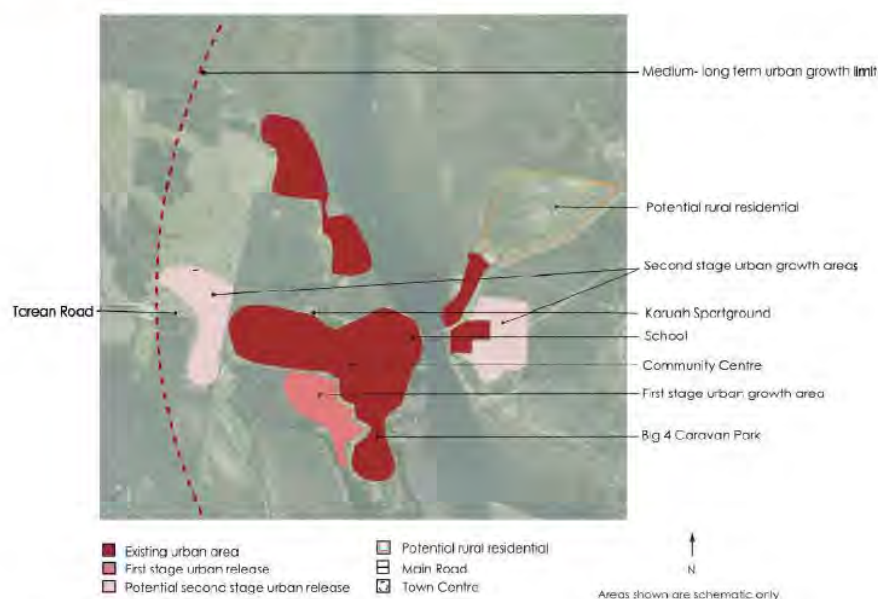
⁴ Including unoccupied dwellings for example caravan

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2.2 Product Distribution Assessment

Karuah Growth Strategy 2011 indicated the suggested staging of the release of new urban land in Karuah. The staging plan was based on initially releasing land adjacent to the existing urban area (shown red) and progressively moving outwards. Environmentally significant land is avoided, and a biodiversity corridor will define the medium-term western limit of the village (the red dashed line). These areas are shown in Figure 3.

Figure 3: Strategic Directions – Staging of Land Release



Source: KGS (2011)

An audit was conducted using aerial photographs based on overlays and cadastral information. An analysis was undertaken with follow up site inspections identifying vacant residential lots. There does not appear to be any development or residential subdivision of the areas 1, 2, 4, and 6. Perception Planning has advised us that Area 3 has been recently constructed for 40 lots.

Since 2011, there appears to be 105 new residential lots produced within the Area 5 (outlined in map below) in comparison to the map provided in the Karuah Growth Strategy plan (i.e. Figure 3). According to the Planning Portal NSW (DPE), most of those lots currently have some form of development, but 10 of them are currently undeveloped/vacant.

Of these newly released lots at Area 5, 85% of them are 650m² or larger. Our view is that housing affordability is compromised by the planning controls (e.g. minimum lot size) and lack of diversity of available lot sizes in Karuah. This can

**ITEM 3 - ATTACHMENT 3 MACROPLAN RESIDENTIAL NEEDS
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be addressed through easing planning standards, planning bonuses or concessions on development standards for designated affordable housing and fast track approvals.

Figure 4: Existing and Potential Land Yield. Karuah



Source: Perception Planning (2019)

Figure 5: Wattle and Holdom (Area 5)



Source: KGS (2011), MacroPlan (2019), Nearemaps (2019)

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2.3 Assessment of Classification and Inclusions

The following lot yields were derived by Perception Planning based on the existing planning framework, an examination of existing and proposed projects listed on the Port Stephens Council application tracker and Cordell Connect (CoreLogic), and subject to local conditions being met such as site-specific issues.

- **Area 1** (290 & 308 Tarean Road) – current DA for 110 lots
- **Area 2** (24 William Street) – zoned for 100 lots
- **Area 3** (Holdom Road) – recently constructed for 40 lots
- **Area 4** (488 Tarean Road) – zoned for 50 lots
- **Area 5** (Wattle and Holdom) – 10 lots undeveloped
- **Area 6** (The River Road) – potential for 30 lots

The Council has also indicated that there is a planning proposal for 400 lots on the adjoining western site (i.e. **Area 7**). Our view is that about 60% of the proposed rezoning on the adjoining site sits outside of the area identified in the Strategy (Karuah Growth Strategy 2011). Hence, MacroPlan have included 40% of the Area 7 (i.e. 160 lots) in our land supply/demand assessment.

In total, our land audit has identified a current potential of about 500 lots in Karuah⁵.

Although land is identified in a land-use strategy (e.g. Karuah Growth Strategy) or is zoned for development by planning controls (e.g. Port Stephens Local Environment Plan 2013), however, it does not necessarily mean that all identified land will be fully developed and directly translated to constructed houses as planned and promptly. This is reflected in recent building approval and lot construction trends. For a reference, we have reviewed previous residential land supply assessments done by Spatial Economics Pty Ltd, specifically monitored the residential land supply for the G21 region which includes the geographical areas of the City of Greater Geelong, Colac-Otway Shire, Surf Coast Shire, Borough of Queenscliff and the southern section of Golden Plains Shire. Particularly, as measured from July 2006 to July 2015, the study undertaken for the municipal areas of Surf Coast found that average lot construction and residential building approval activity has been 318 and 400 per annum (equivalent to the approximate ratio of 4:5), respectively. This illustrates that not all building approvals are being turned into dwellings and that dwellings are being constructed on existing vacant lots - there is typically a significant 'lag time' between approval and construction.

The process that leads to the identification of land is not a robust one, that is, detailed analysis has not been provided to land-use suitability and/or feasibility. Further to this, once identified, the landowner may be unwilling to sell to a developer due to personal reasons, such as nostalgia.

⁵ MacroPlan - Area 8 is excluded in our land supply/demand assessment as it contains the subject site under consideration.

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For these reasons, MacroPlan envisage that 70-80% of the identified potential lots may eventuate by 2036, equivalent to between 350 and 400 lots. Taking a conservative approach based on the considerable environmental and other constraints (i.e. personal reasons) in the area, potential exists for around 360 lots.

Our view is that a sufficient pipeline of new detached houses is essential to meet the higher quality housing that successful young families and local workers tend to choose. It is a common approach by land-use planners to provide an adequate supply of residential land to ensure that houses are constructed. A numerical 'over-supply' of residential land also increases competition, which places downward pressure on price.

The proposal is seeking to zone additional land that has frontage to the main road in Karuah (Tarean Road) and are in closer proximity to the town centre when compared to other land identified in the Strategy. A numerical over-supply increases the likelihood that houses are achieved in an existing town centre, which is a more desirable outcome (i.e. if this planning proposal is approved) than proposals being received to rezone 'out of centre' land.

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This section addresses the rationale for the current zoning conditions and boundaries for residential development. Our analysis indicates that if the existing Karuah Growth Strategy (KGS) is maintained, then widespread economic problems will gradually become evident, due to structural decline in the local workforce. This problem is complex but can be addressed in several ways – and this Planning Proposal is one method of advancing the supply and competitiveness of new housing, by allowing for suitable additions to the sites zoned for low density housing, which can encourage growth in the number of young families.

3.1 Karuah Growth Strategy 2011 (KGS)

The 'Karuah Growth Strategy' (KGS) report provides strategic level guidance for the future development of Karuah – a spatial and land use plan for the growth of the town. It identifies and considers several growth scenarios, infrastructure constraints and land for new residential development.

It was undertaken by the Port Stephens Council (Strategic Planning Unit, SPU). The Study was intended to further underpin local business and employment creation through residential growth and assist the Council to make decisions on accommodating these growths and meeting future demands for housing.

- The KGS report notes that Karuah is still recovering from the economic shock of the bypass, but local businesses have repositioned themselves and are reporting improved trade. The town is growing by about 11 dwellings per year.
- It also found that additional greenfield developments would not be necessary until at least 2035.

Our research shows that SPU's findings are not accurate on either count. This research is also now almost 8 years out of date and does not take into account the unprecedented new demand placed on Karuah and its surrounds for housing and employment.

3.2 Key Arguments of the KGS 2011

The population projections produced by 'Informed Decisions' (id, 2006) and the 'Community Settlement and Infrastructure Strategy' (CSIS, 2007) are central to the current policy approach adopted by the KGS. The above projections find that there is 'sufficient capacity under current controls' for Karuah to meet its housing needs until 2035. The following key projections from the KGS are reported below (table 3).

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Table 3: Future Population Projections for the Karuah – Swan Bay – Twelve Mile Creek Planning District

	2006	2011	2016	2021	2026	2031	Change (2006-31)	CAGR*
CSIS	1,530	1,810	-	2,860	-	3,680	-	-
id. 2009	1,456	1,609	1,738	1,872	2,001	2,102	646	1.5%

Source: Informed Decisions (2009), CSIS (2007)

According to the KGS report, it stated that the actual population growth rate is likely to be between the CSIS estimates (36 dwellings per annum) and the 2009 Informed Decisions' estimates (11 dwellings per annum). The SPU has indicated that it is unlikely that Karuah's growth rate will decrease below the Informed Decisions' dwelling projection.

However, the report also stated that the projected growth rate of the CSIS appeared quite optimistic. Assuming reasonable success of efforts to promote growth in Karuah⁶, there could be demand for some 20 dwellings per year (i.e. double the observed trends by id) or between 48 and 54 additional residents⁷ per year between 2006 and 2031.

The report then concludes that there is sufficient capacity under current controls to satisfy forecasted demand for Karuah until at least 2025. By applying Informed Decision's projection of 11 additional dwellings per year, it will take approximately 54 years for demand to take up the 600 identified potential lots around Karuah⁸.

The KGS report also noted that it is unlikely that Karuah's growth rate will decrease below an average of 11 dwellings per annum, and it is more likely that a higher growth rate will be achieved. The Council Indicated that Karuah will become a more attractive place to live since the construction of the highway bypass, there has been considerable recent investment in community infrastructure, the business community is beginning to rebound after a dramatic reduction in highway trade, and there is likely to be new land developments which will offer greater housing choice than previously.

Macroplan agree with this view, and our research and findings discussed further in later sections (i.e. sections 4 & 5) strongly support that Karuah is becoming an attractive area for people to live thus increasing the population.

3.3 NSW DPE Population Projections

The current NSW DPE & TPA population projections for Karuah are consistent with current Council planning structure for housing development and outdated dwelling demand projections. It seems likely that these current Government projections are based on what Karuah and Port Stephens can achieve based on current zoning and outdated growth projections (Karuah Growth Strategy 2011), rather than what it should seek to deliver for the community. Summary numbers are reproduced in the table below (Table 4).

⁶ KGS 2011

⁷ Based on 2.4 and 2.7 persons/dwelling respectively for and the CSIS (KGS 2011)

⁸ KGS 2011 - this was based on the existing planning framework and subject to local conditions being met such as development feasibility, and site-specific issues.

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Based on the population projections (summarised in table 4 below), the retiree age population is projected to surge. These DPE & TPA projections show a pessimistic outcome for growth in the workforce age population, which will present challenges for ageing in place by retirees. In 2011 the ratio of workforce-aged persons to retiree-aged-persons was 2.5:1, but this ratio is projected to drop to just 1.2:1 by 2036.

Table 4: NSW DPE & TPA Population Projections by age cohort (2016 edition), Karuah

Age Cohorts	2011	2016	2021	2026	2031	2036	2016-36 change p.a.
0-19	302	321	337	356	365	368	+46
20-64	709	790	825	855	872	882	+92
65+	364	474	565	663	734	782	+307
Total	1,375	1,586	1,726	1,874	1,970	2,031	445
Dependency ratio	1.9:1	1.7:1	1.5:1	1.3:1	1.2:1	1.1:1	

Source: TPA (2019), DPE NSW (2016)

Based on the latest NSW DPE projections, the outlook for Karuah residents is bleak. An increasingly aged population will present increasing challenges for business, and a more difficult environment for the less wealthy retirees. Our view is that this demographic structure is not one that most local households would wish for and a change can only occur through appropriate land uses for housing and local employment.

The NSW DPE projections are consistent with Council planning structure for housing development, allowing for supply up to 2036. It seems likely that these current Government projections are based on what the Port Stephens LGA can achieve based on current zoning and outdated dwelling demand projections (Karuah Growth Strategy 2011), rather than what it should seek to deliver for the community. Thus, a change of zoning at key sites would be imperative in avoiding a lack of access to appropriate and affordable housing in Karuah.

Our professional view is that Council should be aiming for solid growth in its workforce-aged population. Karuah should also be aiming to have a healthy rate of expansion in the number of young families, rather than becoming a place that is failing to provide for residential needs. Such a pattern in demographic structure in our view is likely to support sustainable growth in the future.

Our strong view is that Council should aim for a rate of expansion in the number of young families, rather than accepting that a decline is inevitable based on the outdated projections from Karuah Growth Strategy 2011. The means to achieve a balanced outcome for community development lie with Council, through its housing strategy. To keep and attract young families, the ample provision of new housing – and specifically new detached houses, which are the choice of the more successful and higher income households – must become a priority. There needs to be a greater rate of housing supply permitted at an aggregate level. There needs to be several development fronts being marketed at any given time, so that there is a competitive environment that limits developer pricing power. This will also result in a great increase in the workforce-aged population and improve employment and the economic growth of Karuah and the Port Stephens LGA.

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Section 4: Demand Assessment: Demographic Demand Drivers

This section of this report considers relevant economic and socio-demographic data, drawing a link between recent trends and the future demand for land and houses in Karuah.

4.1 Age Profile Forecasts and Assessment

As of 2016, the Port Stephens LGA entailed 69,557 people. The population grew by 4,759 people between 2011 and 2016, equating to average growth rate of 1.4% per annum. This annual rate of growth surpassed that were observed in the Rest of NSW⁹ (i.e. 1.0% per annum).

Table 5: Historical Population Growth by Age, Port Stephens LGA

Age Cohort	2011	2016	Change (2011-16)	CAGR*
0-19	16,843	16,625	-218	-0.3%
20-29	6,391	6,828	437	1.3%
30-39	7,109	6,931	-178	-0.5%
40-49	8,735	8,676	-59	-0.1%
50-64	13,203	14,532	1,329	1.9%
65+	12,517	15,965	3,448	5.0%
Total	64,798	69,557	4,759	1.4%

Source: ABS Census (2011 & 2016), MacroPlan (2019)

Between 2011 and 2016, the 'Williamstown-Medowie-Karuah' SA2 population increased at a higher average rate of 1.7% per annum. Particularly, Karuah (i.e. the suburb) has led the recent population growth of the SA2 area, which grew by an average growth rate of 3.7% per annum.

Table 6: Historical Population Growth by Age, William-Medowie-Karuah SA2 & Karuah

Age Cohort	Williamstown-Medowie-Karuah (SA2)				Karuah (Suburb)			
	2011	2016	Change (2011-16)	CAGR*	2011	2016	Change (2011-16)	CAGR*
0-19	3,637	3,744	107	0.6%	286	310	24	1.6%
20-29	1,457	1,500	43	0.6%	101	147	46	7.8%
30-39	1,665	1,698	33	0.4%	103	132	29	5.1%
40-49	1,848	1,972	124	1.3%	176	169	-7	-0.9%
50-64	2,362	2,654	292	2.4%	295	380	85	5.2%
65+	1,594	2,098	504	5.6%	349	434	85	4.4%
Total	12,563	13,666	1,103	1.7%	1,310	1,572	262	3.7%

Source: ABS Census (2011 & 2016), MacroPlan (2019)

⁹ The area not defined as being part of the greater capital city is represented by a Rest of State region (ABS 2011)

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Our demographic analysis points to strong growth in Karuah. There has been prominent growth in the 20-29 age cohort as well as the 30-39 age cohort indicating that there has been an inflow of young couples and families in the suburb (i.e. potential first home buyers). This interpretation is supported by first home buyer data, which is shown further into this section (Section 5).

More detailed analysis of population by age indicates that the Karuah demographic profile is somewhat older than that of the 'William-Medowie-Karuah' SA2 and Port Stephens LGA. More than half of the suburb population comprised of people aged 50 or older. However, the socio-demographic profile of the catchment has shifted over the past inter-census period, in a manner that is different to general shifts in the regional NSW. Young adults are tending to move into Karuah – the rate of growth in the young adult and family cohorts surpassed that observed in the 'William-Medowie-Karuah' SA2 and Port Stephens LGA.

We also note that there is a considerable proportion of elderly population, as seen across Australia. The rate of expansion in Karuah has exceeded the profile associated with ageing in place – it is evident that retiree age households are moving into the suburb. In many cases, this inward movement will be through the purchase of an established house. However, purchase of smaller lot housing (or retirement living housing) is likely to be relevant.

Demand from older families/upgraders is consistent with the aspirations for larger lots. However, it appears that there is also a solid inflow of upgraders in the 'William-Medowie-Karuah' SA2 and Port Stephens LGA, but no growth or declines compared to younger & older age cohorts in Karuah. Our analysis points to a further shift towards smaller lot housing in Karuah.

The observed age profile suggests that dwellings to suit both young families and downsizer / retirees (new and existing) will be in demand.

4.2 Housing Typology Assessment and Preferences

Our analysis indicates the planned subdivision of the subject land is expected to accommodate both young families and downsizer /retiree households through the provision of a range of lot sizes, particularly smaller residential lots.

4.2.1 Household Composition

Couple families with no children was the most dominant household type in Karuah accounting for 35.5% of total households (about 4% higher than the Port Stephens LGA) followed by lone person households, which made up 30.6% of total households (about 6% higher than the Port Stephens LGA). This is reflective of the age profile identified earlier which showed a large proportion of persons aged 50+ whom are likely to form couple only households due to their children having grown up and moved out, as well as the high proportion of persons aged 20-29 and 30-39, which are likely to form young couple households.

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Table 7: Household Composition (2016), Selected Study Areas

	Karuah (suburb)	Williamstown-Medowie-Karuah (SA2)	Port Stephens (LGA)
Family Household Only	%	%	%
Couple family with no children	35.5%	30.5%	31.8%
Couple family with children	20.1%	37.8%	28.3%
One parent family	10.1%	10.7%	11.6%
Other family	0.6%	0.9%	0.8%
Lone person household	30.6%	17.9%	25.0%
Group household	3.1%	2.3%	2.5%
Total	100.0%	100.0%	100.0%

Source: ABS Census (2016), MacroPlan (2019)

4.2.2 Household Size

In 2016, the average household size in Karuah was 2.2, smaller relative to the Port Stephens LGA's average of 2.5, a reflection of the number of couple family with no children & lone person households. When compared to the immediate locality, Karuah had a higher proportion of 1 & 2 person households (i.e. 70%) when compared to 'Williamstown-Medowie-Karuah' SA2 (i.e. 53%). This indicates the need for housing beyond detached dwellings with an existing market segment likely to be more attracted to smaller lot dwellings. This is particularly true for older couples looking to downsize.

Table 8: Household Size (2016), Selected Study Areas

%	Karuah (suburb)	Williamstown-Medowie-Karuah (SA2)	Port Stephens (LGA)
One person	29.9%	17.9%	25.0%
Two people	40.7%	35.3%	38.4%
Three people	12.1%	16.7%	14.0%
Four people	8.8%	17.9%	13.5%
Five or more people	8.5%	12.2%	9.1%
Average Household Size	2.2	2.8	2.5

Source: ABS Census (2016), MacroPlan (2019)

4.2.3 Housing Tenure

Karuah has a very high proportion of households who own their home outright. However, the proportion of homeowners with a mortgage is well aligned to the Port Stephens LGA. Karuah's economic shock since the construction of the highway bypass is reflected in the data, the town only grew by around 11 dwellings per annum. This can also be partly attributed to the households and homes that have existed in the region for many years, even before the region was identified as a growth area. The low proportion of renters is common in outer & regional areas (i.e. compared to the metropolitan area) with most people moving from inner and middle ring areas for the sole purpose of purchasing a property.

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Table 9: Housing Tenure (2016), Selected Study Areas

%	Karuah (suburb)	Williamtown-Medowie-Karuah (SA2)	Port Stephens (LGA)
Owned outright	45.4%	33.0%	38.6%
Owned with a mortgage	26.7%	42.2%	31.3%
Rented	25.9%	21.4%	26.2%
Other tenure type	1.2%	0.7%	0.9%
Tenure type not stated	0.8%	2.7%	3.1%

Source: ABS Census (2016), MacroPlan (2019)

4.2.4 Historic Migration Patterns

Table 10 highlights the Top 15 places of origin of residents who were living in 'Williamtown-Medowie-Karuah' SA2¹⁰ in 2016. The table highlights resident movement between 2015 and 2016 (Place of Residence 1 Year Ago) as well as 2011 and 2016 (Place of Residence 5 years ago). Historic migration patterns can be used to help determine where the likely buyers of property will come from and therefore the types of buyers they might be.

Both migration between 2011 & 2016 and 2015 & 2016 show a trend of outward migration with most SA2s located in Australia with the top places of origin in both time periods being 'Raymond Terrace' and 'Lemon Tree Passage - Tanilba Bay' SA2s. Outward migration is common amongst people looking to buy a home with a general trend toward housing being more affordable on the fringe¹¹. Interestingly, in both periods 'overseas' was ranked highly as the most common region of origin for migrants, a representation of the strong migration that was and continues to take place across NSW.

The Port Stephen LGA shares similar socio-demographic characteristics to 'Williamtown-Medowie-Karuah' SA2 with couple family with no children and lone person households the most common household type and supporting young populations. This reinforces the need for affordable and diverse housing at Karuah to support first home buyers as well as young families.

¹⁰ SA2 is the smallest geographical unit the ABS have released for this dataset (i.e. 2016 Census - Internal Migration).

¹¹ for example, the median house prices for January 2019 were \$365,000 in Karuah and \$500,000 in Lemon Tree Passage (RP Data, 2019)

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Table 10: Historical Migration to 'William-Medowie-Karuah' SA2, 2011-2016

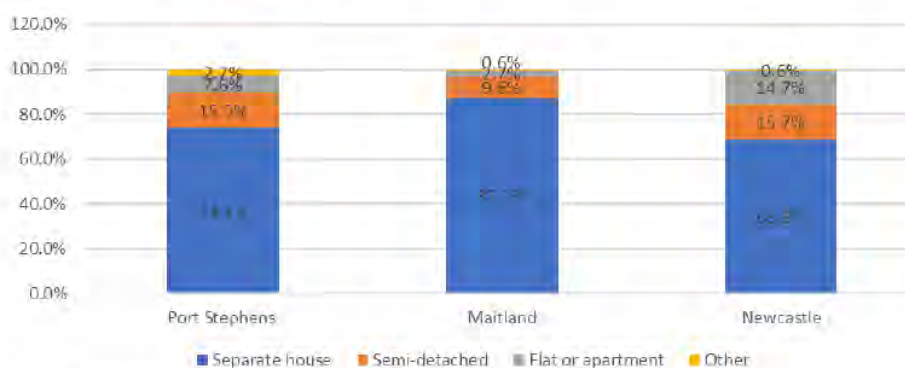
Rank	Place of Residence 1 year ago		Place of Residence 5 years ago	
	Location (SA2)	No. of Migrants	Location (SA2)	No. of Migrants
1	Williamtown - Medowie - Karuah	11,019	Williamtown - Medowie - Karuah	8,155
2	Raymond Terrace	132	Raymond Terrace	294
3	Lemon Tree Passage - Tanilba Bay	75	Lemon Tree Passage - Tanilba Bay	151
4	Nelson Bay Peninsula	48	Overseas	135
5	Stockton - Fullerton Cove	36	Nelson Bay Peninsula	115
6	Overseas	36	Bulahdelah - Stroud	62
7	Anna Bay	35	Anna Bay	57
8	Bulahdelah - Stroud	26	Mayfield - Warabrook	57
9	Katherine	25	Tea Gardens - Hawks Nest	52
10	Mayfield - Warabrook	24	Stockton - Fullerton Cove	50
11	Maitland - West	21	Katherine	50
12	Lambton - New Lambton	21	Thornton - Millers Forest	43
13	Tea Gardens - Hawks Nest	18	Maryland - Fletcher - Minmi	42
14	Hamilton - Broadmeadow	18	Richmond - Clarendon	42
15	Wagga Wagga - South	18	Edgeworth - Cameron Park	38

Source: ABS Census (2011 & 2016), MacroPlan (2019)

4.2.5 Housing Typology

In 2016, the Hunter Region of New South Wales had a very limited dwelling mix with almost all dwellings in Maitland separate houses, whilst 74% and 69% of dwelling stock in Port Stephens and Newcastle (respectively) were separate houses.

Figure 6: Dwelling Mix (2016), Selected LGAs



Source: ABS (2016), MacroPlan (2019)

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In line with Port Stephens LGA, Karuah's dwelling mix was skewed with 79.0% of stock separate houses. Over the five years to 2016, the share of flat or apartment increased in Karuah – rising from 1.6% to 4.0%. This increase has been achieved at the expense of 'Caravan', which decreased from 19.2% to 16.4%.

Table 11: Dwelling Mix (2016), Karuah & Port Stephens

%	Karuah (suburb)	Port Stephens (LGA)
Separate House	79.0%	74.1%
Semi-detached, row or terrace house, townhouse	0.6%	15.5%
Flat or apartment	4.0%	7.6%
Other ¹²	16.4%	2.7%

Source: ABS Census (2016), MacroPlan (2019)

Table 12: Dwelling Mix (2011), Karuah & Port Stephens

%	Karuah (suburb)	Port Stephens (LGA)
Separate House	78.8%	76.0%
Semi-detached, row or terrace house, townhouse	0.5%	12.3%
Flat or apartment	1.6%	9.3%
Other ¹³	19.2%	2.4%

Source: ABS Census (2016), MacroPlan (2019)

According to our demographic assessment, between 2011 and 2016, it appears that there has been a solid inflow of residents and migrants in Karuah. However, Karuah saw no growth in the share of detached houses. Our analysis points to the lack of release of additional land for residential development.

Our analysis suggests that new dwelling additions have been limited for young families and senior residents seeking more affordable housing and amenities, and also indicate that most of this population growth in Karuah has been absorbed through higher utilisation of existing housing stock (i.e. rental properties).

The median rent for all dwellings increased by 4.8% per annum over the five years to 2016. This annual rate of growth surpassed that were observed in the Port Stephens LGA (i.e. 4.1% per annum). Given that 26% of households living in Karuah are renters, this rate of rental escalation is expected to have a pronounced impact on household finances and test the ability of some households to remain within the locality. Furthermore, due to the strong rental prices in Karuah and its surrounds, young families would be more encouraged to purchase rather than rent (but still price sensitive) at Karuah.

¹² Including unoccupied dwellings for example caravan

¹³ Including unoccupied dwellings for example caravan

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Table 13: Median Weekly Rents, Selected study areas

Year	2011	2016	CAGR (%) ¹⁴ , 5 years to 2016
Karuah (suburb)	\$190	\$240	4.8%
Williamstown-Medowie-Karuah (SA2)	\$247	\$320	5.3%
Port Stephens (LGA)	\$250	\$305	4.1%

Source: ABS Census (2011 & 2016), MacroPlan (2019)

¹⁴ Compound Annual Growth Rate

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Section 5: Demand Assessment: Market Conditions

This section assesses residential property market trends at both a regional and local level looking at lot sales trends. A key product of our analysis is the economic justification of recommended housing formats and lot size composition for the subject site.

5.1 Historical Assessment of Consumption and Market Characteristics

Tables 14 & 15 show the lot sales composition by size cohort in Karuah between the 2008 and 2018 calendar years (CYs). The publishing of lot sales on CoreLogic is available, however, usually at a lag. This is due to slow registration processes and complexity in data definitions for house & land packages. As a result of the 2008 and 2018 calendar years are analysed as opposed to CY2019 with data likely to be more accurate.

Please note that our sales analysis only includes the transactions of newly released land for detached houses, excluding super lots, non-residential lots, and englobo sales.

Table 14: Sales composition by lot size, Karuah (Calendar Years)

Lot Size Cohort	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<300	0	0	0	0	0	0	0	0	0	0	0
300-349	0	0	0	0	0	0	0	0	0	0	0
350-399	0	0	0	0	0	0	0	0	0	0	0
400-449	0	0	0	0	0	0	0	0	0	1	1
450-499	0	0	0	0	0	0	0	0	2	0	0
500-549	0	0	0	0	0	0	0	0	0	0	0
550-599	0	0	1	0	0	0	0	1	0	1	0
600-649	0	0	0	0	0	0	0	0	1	1	13
650-999	2	1	0	2	3	4	4	1	4	17	12
1000+	0	1	0	1	0	0	0	3	4	2	0
Total	2	2	1	3	3	4	4	5	11	22	26

Source: Corelogic RP Data (2019), MacroPlan (2019)

As the above tables indicate, there has been a shift towards smaller lot sizes across the whole town. Prior to CY2017, 86% of lots sold were above 650m². This figure dropped significantly to represent 46% of sales during CY2018. By size cohort, lots sized between 650-999m² represented the majority of sales prior to CY 2017, however, in CY2018 lots sized below 650m² composed the majority of sales.

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Table 15: Median lot size (sold), Karuah (Calendar Years)

Lot Size Cohort	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Median lot size (m ²)	831	1,265	566	912	706	849	849	1,584	737	684	634

Source: Corelogic RP Data (2019), MacroPlan (2019)

The total number of land sales in Karuah increased significantly from CY2015 (i.e. 5 lots). Aggregate lot sales in Karuah increased to 11 lots in 2016, 22 lots in 2017 and 26 lots in 2018. Our expectation is that if a greater number of smaller lots were available, then the sales rate would have been greater.

Despite the slowing of the housing market in Sydney & NSW, demand for new houses has held up far stronger than we anticipated. The current level of demand should be expected to be sustained even though prices are likely to flatten out over the next few years.

Our expectation is that first home buyers should account for a rising share of demand for new housing over the next five to ten years. As the Greater Newcastle and Hunter regional economic growth gathers pace, Karuah will become a much more prominent place of residence. Port Stephens LGA contains a mix of rural land, towns, villages and coastal areas that are a major recreational, tourist and retirement destination. The regionally significant Newcastle Airport provides capacity to support growth in defence and aerospace-related industries. The Port Stephens LGA by itself is figured to generate 5,665 jobs by 2036¹⁵. More young adults will move to this region to be closer to their place of work, and this is likely to generate higher demand from first home buyers.

Figure 7: First Home Owner Grant, Postcode 2324 (Karuah)



Source: NSW Treasury OSR (2019)

¹⁵ Hunter Regional Plan 2036 (DPE, Oct 2016)

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The Karuah market (and its surrounds) has been characterised by larger lots. However, the new land market has gravitated to smaller lots, primarily driven by the high cost of land/housing, with new entrants accepting smaller lots as a means of affording to get into the market. In addition, young families & down-sizing retirees have been a source of demand for smaller lots in markets. While demand in Karuah will still retain a bias towards relatively larger lots (vs other markets), but it cannot escape the market shift towards smaller lots. That is, for the subject land at Karuah (i.e. 339 Tarean Road, Karuah), while there will be some continuing demand for lots sized above 600 m², it is going to need to include a mix of smaller lots (i.e. 450-550 m²) if it is to meet market preferences.

The means to achieve a balanced outcome for community development lie with Council, through its housing strategy. To keep and attract young families, the ample provision of new housing – and specifically new detached houses, which are the choice of the young professional households – must become a priority. There needs to be a greater rate of housing supply permitted at an aggregate level. There needs to be several development fronts being marketed at any given time, so that there is a competitive environment that limits developer pricing power. This will also result in a great increase in the workforce-aged population and improve employment and the economic growth of Karuah and the surrounding regions.

Lastly, while retirees are moving into this region, they are not tending to undertake typical 'downsizer' purchases of a smaller villa, unit or apartment. There will be a degree of demand growth for residential aged care facility (RACF) rooms, however, most of the movement involves purchase of a detached house (smaller lots) in Karuah, as these retirees are attracted to the peaceful local environment rather than smaller-format housing.

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Section 6: Comparative Review

Based on the analysis undertaken for this report, the supply of residential land in Karuah is limited. Moreover, current zoning patterns of land for residential development are not sufficient to sustain economic growth in Karuah and Port Stephens.

6.1 Supply and Demand Comparison

The following table (Table 16) summarises our scenario assessment by each scenario listed below. Our assessment confirms that Karuah is continuing its growth phase, which will remain in the coming years, there is less than 15 years of supply existing in Karuah.

- **Base Case** – Based on the observed population growth rate of 3.7% per annum (i.e. Section 4.1), the Karuah population is expected to grow by 65 people. By applying the household size of 2.2 (Census 2016), this is equivalent to a take-up rate of 29 lots per annum.
- **Low Scenario** – Based on the recent sales rate of 26 lots per annum (2018), the Karuah population is expected to grow by 57 people under this scenario (by applying the household size of 2.2).
- **High Scenario** – Under this high scenario, MacroPlan assumed that the Karuah population is expected to grow at a higher pace compared to the base case, 70 people per annum. This is equivalent to a take up rate of 32 lots per annum (by applying the household size of 2.2).

Table 16: Years of Supply Base Case, Low and High Scenarios

	Low	Base	High
Assumption	A take up rate of 26 lots per annum ¹⁵	Assuming that Karuah will grow by 65 people per annum ¹⁷	Assuming that Karuah will grow by 70 people per annum ¹⁸
Average Annual population growth	57 people ¹⁹	65 people	70 people
Average Household Size ²⁰	2.2 people per household	2.2 people per household	2.2 people per household
Annual lot take-ups	26.0 lots per annum	29.5 lots per annum	31.8 lots per annum
Population 2016 ²¹	1,572 people	1,572 people	1,572 people
Population 2019 (Indicative)	1,744 people	1,767 people	1,782 people
Available Lots ²²	360 lots	360 lots	360 lots
Years of Supply	13.9 years	12.2 years	11.3 years

Source: MacroPlan (2019)

¹⁵ CoreLogic RP Data (2019) & MacroPlan (2019)

¹⁷ ABS Census (2011 & 2016) & MacroPlan (2019)

¹⁸ MacroPlan (2019)

¹⁹ 26 lots x 2.2 = 57.2

²⁰ ABS Census (2016)

²¹ ABS Census (2016)

²² Perception Planning (2019) & MacroPlan (2019)

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6.2 Sensitivity Assessment

MacroPlan also conducted sensitivity analysis of our scenario assessment – future supply and demand of residential land in Karuah.

Our reconnaissance considers the following notion – *what would be the future gap if higher population growth is anticipated over the next 20 years?* The rationale is that Karuah represents as one of the fastest-growing suburbs in Port Stephens and the Hunter Region generally, with population growing rapidly over the last 5 years (i.e. grew by 3.7% per annum between 2011 and 2016).

For our sensitivity assessment, we have escalated and adjusted the annual population growth rates for every 5-year period, which effectively increase the indicative take-up rates under each scenario.

Table 17 below sets out the indicative population growth changes for applying higher growth rates every 5-year period. Consequently, our sensitivity analysis reveals that it returned a worsened shortage of residential land in Karuah.

Table 17: Sensitivity Assessment – adjusted population growth rate

	Low	Base	High
Assumption	Average annual population growth rate of 3.3% ²³	Average annual population growth rate of 3.7% ²⁴	Average annual population growth rate of 3.9% ²⁵
Average Annual population growth <i>(adjusted)</i>	67 people	78 people	85 people
Average Household Size ²⁶	2.2 people per household	2.2 people per household	2.2 people per household
Annual lot take-ups	30.4 lots per annum	35.6 lots per annum	38.5 lots per annum
Population 2016 ²⁷	1,572 people	1,572 people	1,572 people
Population 2019 (Indicative)	1,744 people	1,767 people	1,782 people
Available Lots ²⁸	360 lots	360 lots	360 lots
Years of Supply	11.9 years	10.1 years	9.4 years

Source: MacroPlan (2019)

²³ MacroPlan (2019)

²⁴ ABS Census (2011 & 2016) & MacroPlan (2019)

²⁵ MacroPlan (2019)

²⁶ ABS Census (2016)

²⁷ ABS Census (2016)

²⁸ Perception Planning (2019) & MacroPlan (2019)

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A sufficient pipeline of new detached houses is essential to meet the higher quality housing that successful young families tend to choose. Our analysis indicates that the higher rate of provision for new detached houses should be considered, as a foundation for ensuring enduring growth in Karuah's local population and workforce. In this event, the identified potential lots in Karuah, are not sufficient to meet the suburb's needs (i.e. 360 lots). This Planning Proposal will provide a vital source of much-needed new housing, at a point in time when regional demands ensuring that there is competition across a number of project locations in Karuah and the Port Stephens LGA.

Land that is identified in a land-use strategy (e.g. Karuah Growth Strategy) or is zoned for development by planning controls (e.g. Port Stephens Local Environmental Plan 2013) does not directly translate to constructed houses as planned and promptly – there is typically a significant 'lag time' between approval and construction. The process leads to the identification of land is not a robust one, that is, detailed analysis has not been provided to land-use suitability and/or feasibility. Further to this, once identified, the landowner may be unwilling to sell to a developer due to personal reasons, such as nostalgia.

Therefore, it is a common approach by land-use planners to provide an adequate supply of residential land to ensure that houses are constructed and delivered on time, to accommodate anticipated population and employment growth. A numerical 'over-supply' of residential land increases the likelihood that houses are achieved in an existing town centre, and also increase competition, which places downward pressure on price.

The proposed project will fit this niche, by providing a comparable mix of lot sizes and character of properties. Consequently, it will have a sympathetic edging along the established set of Karuah residences. The planning proposal will meet the local housing demand of families looking to move in and thereby commit to living and working in the Hunter region. The proposal also seeks to rezone part of subject land to permit some commercial and retail uses. It provides for a range of business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. This provides for an optimal employment and housing outcome that is sustainable in the long-term.

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ASSESSMENT AND REMPLAN REVIEW.**



Version:	Final
Filename:	Port Stephens Council Peer Review MacroPlan Karuah Needs Assessment
Last Revision Date:	Tuesday, 19 May 2020
Contact:	Teresa Bullock-Smith – Principal Economist

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REMPAN PEER REVIEW – 339 TAREAN ROAD, KARUAH, RESIDENTIAL LAND NEEDS ASSESSMENT

**Review of 339 Tarean Road, Karuah Residential Land Needs
Assessment**

This project has been conducted by REMPLAN

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May 2020

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All figures and data presented in this document are based on data sourced from the Australian Bureau of Statistics (ABS) and other government agencies. Using ABS datasets, the regional economic modelling software REMPLAN, developed by REMPLAN has been applied, where appropriate, to generate industrial economic data estimates. This document is provided in good faith with every effort made to provide accurate data and apply comprehensive knowledge. However, REMPLAN does not guarantee the accuracy of data nor the conclusions drawn from this information. A decision to pursue any suggestions mentioned in the report is wholly the responsibility of the party concerned. REMPLAN advises any party to conduct detailed feasibility studies and seek professional advice before proceeding with any action and accept no responsibility for the consequences of pursuing any of the findings or actions discussed in the document.

RESOURCES

All modelling has been undertaken using REMPLAN™ software that has been authored by Principal Research Fellow (ret.), Ian Pinge, at La Trobe University Bendigo.

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REMPAN PEER REVIEW – 339 TAREAN ROAD, KARUAH, RESIDENTIAL LAND NEEDS ASSESSMENT

Executive Summary

REMPAN has conducted a peer review of the Residential Land Needs Assessment for 339 Tarean Road, Karuah, prepared by MacroPlanDimasi (MacroPlan) in July 2019.

This review has focused on assessing the methodology used in developing the Needs Assessment, including research, quantitative and qualitative analysis. It also provides relevant recommendations around need with respect to the Port Stephens Demographic and Housing Overview prepared by REMPLAN in October 2019, incorporating population, household and dwelling forecasts for the Karuah / Swan Bay Planning Area.

Technical Review

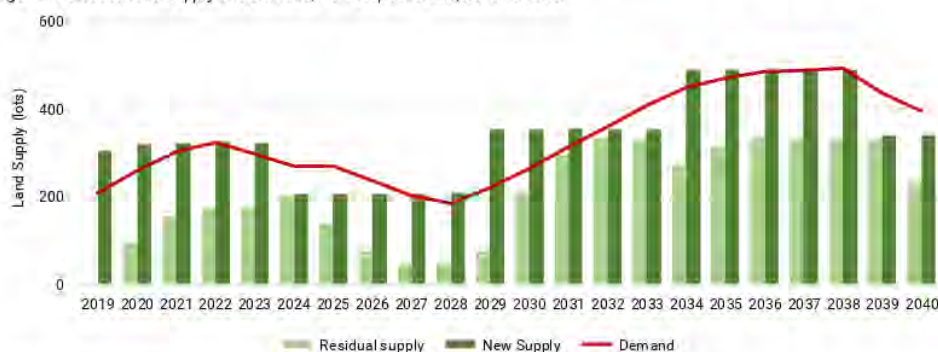
Overall, the adopted methodology and approach by MacroPlan in preparing the Residential Land Needs Assessment is considered reasonable and appropriate. Based on the demand assessment and demographics of the area, REMPLAN supports MacroPlan's demonstration that there is demand for residential land supply in Karuah to be brought forward in the short term to support a younger demographic.

While the overall methodology used in the Needs Assessment is considered reasonable, the peer review process identified that while there is not an explicit consolidated demonstration of need specifically pertaining to the site, the report does relate opportunities for the subject site to support demonstrated demand throughout the report.

REMPAN Forecasts

Forecast land supply (lots as informed by Port Stephens Council) and demand for lots (based on household projections) is illustrated below in Figure 11, and demonstrates supply driven population growth. The timing of land release over the short to medium term is constraining growth over the next 10 years, 2019 to 2028. As a generalisation, the future residential market of Port Stephens is characterised by supply led demand in the short to medium term. There is the requirement to identify potential land supply which can be brought to the market in the next 7 to 10 years, to support population growth that is currently being inhibited (and postponed) by supply constraints. Additional supply also provides the opportunity to provide affordable housing stock for the population.

Figure 1 Forecast Land Supply and Demand, Port Stephens LGA, 2019 to 2040



Note: Residual Supply = supply remaining from the previous year (ie, supply minus demand)

Source: REMPLAN Forecast

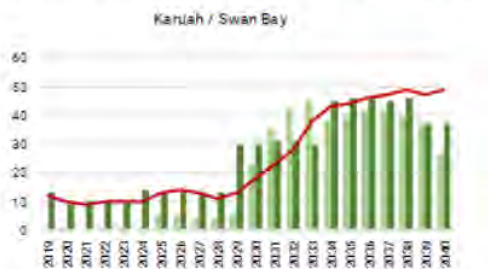
Based on the latest REMPLAN Forecasts for Karuah / Swan Bay (which has an older demographic), REMPLAN does not model a younger population migrating to the area until after 2029, when the majority of land supply is planned for release, demand and population growth up until that point has potentially been constrained by limited supply.



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Figure 2 Forecast Land Supply, Karuah/Swan Bay Planning Area



The REMPLAN forecasts identify that population growth in this Planning Area is currently being inhibited by supply constraints, and there is an opportunity to bring land supply forward and provide a diversity of housing in order to attract a more diverse population sooner. Additional supply also provides the opportunity for more affordable housing stock for the population.

Peer Review Implications

Port Stephens Council is currently progressing two planning proposals in Karuah, neither of which is consistent with the Karuah Growth Strategy. REMPLAN supports the position that additional land supply in the Planning Area would provide positive outcomes in generating the opportunity to support population growth in the short term.

It is REMPLAN's opinion that the Residential Land Needs Assessment for 339 Tarean Road adequately addresses the demand side of the application, and the report would benefit from a separate section explicitly addressing need.

In saying that, there are supporting statements throughout the report demonstrating the need for the site to be developed to meet, support and bring forward residential demand to deliver diversified housing stock and attract a changing demographic (young families and downsizer/ retiree households). Specifically, "Section 7: Conclusion" provides this statement of need, and is generally titled as such for clarity.

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REMPAN PEER REVIEW – 339 TAREAN ROAD, KARUAH, RESIDENTIAL LAND NEEDS ASSESSMENT

1 Introduction

1.1 Background

Port Stephens Council is currently undergoing a review of the Karuah Growth Strategy (KGS). A key component of this review is gaining an understanding of the demand for additional residential land in Karuah.

Council is currently progressing two planning proposals in Karuah, neither of which is consistent with the KGS. One of the planning proposals is the Residential Needs Assessment for 339 Tarean Road, Karuah, prepared by MacroPlanDimasi (MacroPlan) in July 2019. The Needs Assessment was prepared to provide justification for the rezoning the subject land from RU2 (Rural Landscape) to R2 (Low Density Residential) to permit new housing and offer greater housing choice than previously provided in the area. The report states a Planning Proposal for Zone R2 is likely to be accompanied by a minimum lot size of 500m², potentially providing 252 lots.

Council seeks an independent peer review of this report so that it can be used for the Strategy.

1.2 Purpose

The purpose of this report is to provide Port Stephens Council with a peer review of the Residential Land Needs Assessment for 339 Tarean Road, Karuah, prepared by MacroPlan in July 2019. Port Stephens Council has commissioned REMPLAN to provide the following:

- An independent review of the methodology used in developing the Needs Assessment, including research, quantitative and qualitative analysis.
- Identify any gaps in the Residential Needs Assessment.
- Provide relevant recommendations around need for additional supply with respect to the Port Stephens Demographic and Housing Overview prepared by REMPLAN in October 2019, incorporating population, household and dwellings forecasts for the Karuah / Swan Bay Planning Area.

The approach of the peer review is structured across two core stages:

- Phase 1: Technical Review. This stage is focused on an expert level assessment of the data and findings contained in the report.
- Phase 2: Implications for Need. This stage determines the implications for the need for additional land to be approved and developed in the short term to support population growth.

The findings from the technical review and implications for need have been consolidated in this report with the aim to provide recommendations to assist in progressing the KGS within the context of the project brief set by Port Stephens Council.

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2 Technical Review

2.1 Introduction

The scope of the technical review focuses on an expert level assessment of the data and findings contained in the Needs Assessment.

REMPAN's criteria for the review includes assessment of:

- Methodology – was the report prepared using relevant and contemporary methodology that incorporated current research, quantitative analysis and qualitative feedback.
- Demand Assessment – REMPLAN will conduct an independent assessment to validate the demand assessment.
- Needs Assessment – Does the report demonstrate the evidence base to support the need for a change of use specific to the proposed site and justify the need for the subject site to be sequenced as the next wave of development.

Please note the peer review is focused on assessing the applied methodology and identifying any potential gaps. This review does not include updating or conducting specific research to inform the KGS.

2.2 Peer Review Assessment

The following provides a review and commentary on the Residential Land Needs Assessment for 339 Tarean Road, Karuah, prepared by MacroPlan in July 2019.

Please note the peer review is focused on assessing the applied methodology and identifying any potential gaps. This review does not include updating or conducting specific research to determine the need for the subject site.

The approach adopted by REMPLAN followed an evaluation process of the relevant documentation; and benchmarking findings against the requirements of the project brief. The findings from the peer review assessment are provided in the following Table.

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REMPAN PEER REVIEW – 339 TAREAN ROAD, KARUAH, RESIDENTIAL LAND NEEDS ASSESSMENT

Residential Land Needs Assessment	MacroPlan	REMPAN
Section	Summary of Section and Methodology Used	Peer review comments
Section 2: Residential Land Supply Review	This section outlines the dwelling mix and housing tenure for Karuah (suburb), Williamstown-Medowie-Karuah (SA2) and Port Stephens (LGA), using Australian Bureau of Statistics (ABS) data.	The methodology adopted is considered reasonable.
2.1 Product Type Assessment		
2.2 Product Distribution Assessment	The section outlines the staging plan of the Karuah Growth Strategy 2011. MacroPlan concludes that "housing affordability is compromised by the planning controls (e.g. minimum lot size) and lack of diversity of available lot sizes in Karuah. This can be addressed through easing planning standards, planning bonuses or concessions on development standards for designated affordable housing and fast track approvals."	REMPAN supports this statement in the Port Stephens Demographic and Housing Overview, prepared in October 2019, stating "Port Stephens is advised to address the growing need for additional supply by 2031 (i.e. avoiding a constrained market), as well as providing more housing diversity in the region delivering new forms of housing supply (i.e. increase dwelling density)".
2.3 Assessment of Classification and Inclusions	MacroPlan's land audit has identified about 500 lots in Karuah. Taking a conservative approach, the potential exists for around 360 lots by 2036.	REMPAN has worked with Port Stephens Council to identify the potential land supply and timing of planned land supply. Between 2019 and 2036, 407 lots have been identified for the Karuah / Swan Bay Planning Area. As this area is larger than the Karuah SSC used in the Residential Land Needs Assessment, the methodology and supply identified is considered reasonable.
Section 3: Demand Assessment: Forecast Population Growth Review	MacroPlan's findings show that the findings of the KGS are not accurate due to being 8 years out of date and the new demand placed on Karuah and its surrounds for housing and employment.	REMPAN considers this to be a reasonable assumption. Port Stephens Council is seeking to review the Karuah Growth Strategy with the Needs Assessment to be utilised as part of the process.
3.1 Karuah Growth Strategy 2011 (KGS)		
3.2 Key Arguments of the KGS 2011	MacroPlan agrees with Council's view in the KGS report that Karuah is becoming an attractive area for people to live, thus increasing the population.	This assumption is considered reasonable. While population projections are outlined, these are outdated (2006), with discussion of population forecasts outlined in later sections of the report.

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Residential Land Needs Assessment	MacroPlan	REMPAN
Section	Summary of Section and Methodology Used	Peer review comments
3.4 NSW DPE Population Projections	<p>The report outlines the 2016 NSW Department of Planning and Environment (DPE) (as it was then known) population projections for Karuah by age cohort. Based on these projections, the retiree age population is projected to surge.</p> <p>According to the report, while the NSW DPE projections and Council planning structure for housing development allow for supply up to 2036, this is based on what the Port Stephens LGA can achieve, rather than what it should seek to deliver for the community. MacroPlan argues that it is imperative to change zoning at key sites in order to avoid a lack of access to appropriate and affordable housing in Karuah.</p> <p>MacroPlan also argues that Council should aim for a rate of expansion in the number of young families through prioritising the provision of new detached houses as part of the housing strategy.</p>	<p>Updated NSW population projections were released by the NSW Department of Planning, Industry and Environment (DPIE) (as it is now known) in December 2019. For the Port Stephens LGA, these have been revised down significantly. For 2036 the NSW DPIE had previously projected the Port Stephens LGA to have a population of 92,650 people, this has now been revised to 79,164 people. [These revised downward projections are considered to be a significant and separate issue]. REMPLAN's forecast of 84,899 people for the Port Stephens LGA in 2036 sits between these two projections, with the REMPLAN Forecasts potentially supply constrained in the short to medium term.</p> <p>In comparison to State Government projections, REMPLAN forecasts a higher number of people in the 0-19 and 20-64 and a lower number of people in the 65+ age groups in Karuah/Swan Bay from 2016 to 2036. However, most of the growth over this time is forecast to occur in the 65+ age cohort, in line with the projections outlined in the report. Further details on REMPLAN's forecasts for Karuah / Swan Bay are outlined in Section 3 of this report.</p> <p>REMPAN considers MacroPlan's argument for the provision of new detached houses providing a diversity of housing to be reasonable.</p>
Section 4: Demand Assessment: Demographic Demand Drivers	<p>Section 4 of the report (incorporating 4.1 Age Profile Forecasts and Assessment to 4.2.5 Housing Typology), utilises ABS data to outline the age profile, household composition, household size, housing tenure, historic migration patterns and housing typology of Karuah (suburb), Williamstown-Medowie-Karuah (SA2) and Port Stephens (LGA).</p>	<p>The methodology adopted is considered reasonable.</p>

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Residential Land Needs Assessment	MacroPlan	REMPAN
Section	Summary of Section and Methodology Used	Peer review comments
Section 5: Demand Assessment: Market Conditions	This section outlines the lot sales composition by size cohort in Karuah from 2008 to 2018. There has been a shift towards smaller lot sizes over this time. MacroPlan expects first home buyers to account for a rising share of demand for new housing over the next five to ten years, with Karuah to become a more prominent place of residence.	The methodology adopted and assumption is considered reasonable
5.1 Historical Assessment of Consumption and Market Characteristics		
5.2 Future Implications for Planned Development	<p>The subject site will need to provide lots sized above 600 m² to cater for continuing demand, but will also need a mix of smaller lots (450-550 m²) to meet market preferences.</p> <p>Council's housing strategy needs to provide an ample provision of new housing, specifically new detached houses, in order to attract young professionals and retirees.</p> <p>This Section addresses the statement of need for the proposed development.</p>	<p>In the Port Stephens Demographic and Housing Overview, prepared in October 2019, REMPLAN advised that "to continue to attract and retain existing residents in this planning area, services such as public transport and diversity of housing will need to be planned for". This diversity of housing will need to include both large and smaller lots, as outlined by MacroPlan in the report.</p> <p>This Section provides an understanding of future supply and demand requirements and relates this specifically back to the proposed development – providing a reasonable argument demonstrating need.</p>
Section 6: Comparative Review	This section outlines a scenario assessment for land supply in Karuah, utilising a base case and low and high scenarios of assumed population growth. Each scenario shows there is less than 15 years of supply in Karuah.	The methodology used for each scenario is considered reasonable.
6.1 Supply and Demand Comparison		
6.2 Sensitivity Assessment	As Karuah was one of the fastest-growing suburbs in Port Stephens from 2011 to 2016, MacroPlan has adopted a sensitivity assessment to test land supply for each scenario based on a higher rate of population growth. Under this sensitivity assessment, each scenario shows even less land supply in Karuah.	The methodology used for the sensitivity assessment is considered reasonable.

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Residential Land Needs Assessment Section	MacroPlan Summary of Section and Methodology Used	REMPAN Peer review comments
Section 7: Conclusion	<p>MacroPlan argues that the 360 identified lots for Karuah are not sufficient to meet the suburb's needs. A higher rate of provision for new detached houses should be considered in order to attract young families. According to MacroPlan, "this Planning Proposal will provide a vital source of much-needed new housing, at a point in time when regional demands ensuring that there is competition across a number of project locations in Karuah and the Port Stephens LGA".</p> <p>As not all land identified and / or zoned for future development translates to developed houses, the report states that "a numerical 'over-supply' of residential land increases the likelihood that houses are achieved in an existing town centre, and also increase competition, which places downward pressure on price".</p> <p>According to MacroPlan, the proposed project will provide a comparable mix of lot sizes and character of properties, meeting the local housing demand of families looking to move to the Hunter region. The rezoning of part of the subject land for commercial and retail uses will provide for a range of business, entertainment and community uses to serve the needs of people who live, work and visit the local area. MacroPlan states that this will provide an optimal employment and housing outcome that is sustainable in the long-term.</p>	<p>The Port Stephens Demographic and Housing Overview, prepared by REMPLAN in October 2019, identifies 407 lots for the Karuah / Swan Bay Planning Area between 2019 and 2036. The report states that from 2029 onwards, when more land supply becomes available in Karuah / Swan Bay, a younger population is forecast to migrate to this planning area. This supports MacroPlan's argument for more land supply to be brought forward in order to attract a younger population sooner.</p> <p>Section 7 of the report demonstrates need for the site to be developed to meet, support and bring forward residential demand to deliver to a diversified housing stock and attract a changing demographic (young families and downsizer/ retiree households).</p> <p>It is REMPLAN's opinion this Section would more appropriately be titled Section 7: Statement of Need.</p>

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3 REMPLAN Forecasts and Implications

3.1 REMPLAN Forecasts

3.1.1 Port Stephens LGA

The MacroPlan report references the 2016 NSW Department of Planning and Environment (DPE) (as it was then known) population projections. REMPLAN released REMPLAN Forecast data for the Port Stephens LGA and its associated planning areas in October 2019. The NSW Department of Planning, Industry and Environment (DPIE) (as it is now known) released updated population projections in December 2019. These population projections have been released at the LGA level. Table 3-1 outlines the NSW DPE 2016 and NSW DPIE 2019 projections for the Port Stephens LGA in comparison to the REMPLAN Forecast projections.

Table 3-1 Port Stephens Population Projections, 2016-2036, NSW DPE (2016), NSW DPIE (2019), REMPLAN Forecast (2019)

	2016	2021	2026	2031	2036	2016-2036	
NSW DPE (2016)	74,100	79,650	84,950	89,850	92,650	18,550	25.0%
NSW DPIE (2019)	71,115	72,816	75,462	77,531	79,164	8,049	11.3%
REMPAN Forecast	71,115	74,324	77,310	80,018	84,899	13,784	19.4%

NSW DPIE applies a "top-down" approach to forecasting, that is, projections for NSW and large regions are derived and then apportioned down to the LGA level. REMPLAN Forecast uses a "bottom-up" approach and is heavily reliant on the quality of data and insights provided at the local level, primarily Port Stephens Council's projected land supply by small area.

The 2019 NSW DPIE population projections for the Port Stephens LGA have been revised down significantly. Previously, the Port Stephens LGA population had been forecast to increase by 18,550 people (or 25.0%) between 2016 and 2036, this has now been downgraded to 8,049 people, or 11.3%. REMPLAN's forecast of an increase of 13,784 people (or 11.3%) between 2016 and 2036 sits between these two projections. A previous iteration of REMPLAN Forecast saw a more robust 90,383 people forecast for the Port Stephens LGA in 2036, if supply was not an issue. To ensure population growth continues Council will need to bring forward land supply, or identify additional potential supply which can be brought to the market in the near future.

3.1.2 Karuah

The MacroPlan report outlines the 2016 NSW DPE population projections for Karuah by age cohort. REMPLAN Forecast data was released for the Karuah / Swan Bay Planning Area in October 2019. Table 3-2 outlines the NSW DPE projections for Karuah compared to the REMPLAN Forecast projections for Karuah / Swan Bay.

ITEM 3 - ATTACHMENT 3 MACROPLAN RESIDENTIAL NEEDS ASSESSMENT AND REMPLAN REVIEW.

REMPAN PEER REVIEW – 339 TAREAN ROAD, KARUAH, RESIDENTIAL LAND NEEDS ASSESSMENT

Table 3-2 Karuah Population Projections, 2016-2036, NSW DPE, REMPLAN Forecast

MacroPlan Report (NSW DPE)		Karuah					
Age Cohorts	2016	2021	2026	2031	2036	2016-36	
0 - 19	321	337	356	365	368	46	14.6%
20 - 64	790	825	855	872	882	92	11.6%
65+	474	565	663	734	782	307	65.0%
Total	1,586	1,726	1,874	1,970	2,031	445	28.1%
REMPAN Forecast (Karuah / Swan Bay)							
Age Cohorts	2016	2021	2026	2031	2036	2016-36	
0 - 19	482	452	429	430	480	-2	-0.4%
20 - 64	965	1,058	1,068	1,105	1,294	329	34.1%
65+	262	375	485	584	721	459	175.2%
Total	1,709	1,885	1,982	2,119	2,495	786	46.0%

While REMPLAN forecasts a higher number of people in the 0-19 and 20-64 age groups in 2036 and a lower number of people in the 65+ age group, the growth rate of the 65+ age group is significantly higher than that forecast in the MacroPlan report. Both sets of forecasts estimate an older age group in Karuah / Swan Bay over this time.

The REMPLAN "Demographic and Housing Overview" report states the Karuah / Swan Bay Planning Area, whilst removed from employment nodes, will continue to attract and retain residents, however these residents are likely to be in the older demographics in the short to medium term. From 2029 onwards, when more land supply becomes available, a younger population is forecast to migrate to the planning area which will see relatively fewer lone person households, more couple families and a rising number of persons per dwelling, potentially impacting the future demographic of the region.

MacroPlan argues that in order to attract a younger population, a diversity of housing needs to be provided in the short to medium term. REMPLAN supports this argument, with the opportunity to bring forward supply in the short term in order to attract a younger population.

3.2 Implications

Overall, REMPLAN considers the methodology and assumptions used by MacroPlan in the Residential Land Needs Assessment for 339 Tarean Road, Karuah to be reasonable. MacroPlan has identified less than 15 years land supply in Karuah, with demand for residential land supply in Karuah to be brought forward in the short term in order to attract a younger population.

REMPAN supports this argument, with the "Demographic and Housing Overview" showing that while Karuah / Swan Bay will continue to attract and retain residents, these residents are likely to be in the older age cohorts in the short to medium term. It is not until 2029 onwards, when more land supply becomes available, that a younger population is forecast to migrate to Karuah / Swan Bay. As population growth is currently being inhibited by supply constraints, there is the opportunity to bring land supply forward and provide a diversity of housing in order to attract a more diverse population sooner. Additional supply also provides the opportunity more for affordable housing stock for the population.

REMPAN assesses the overall methodology used in the Residential Land Needs Assessment to be reasonable, and adequately demonstrates the need for additional land on the subject site to be developed in the short term to support population growth. It is noted, Port Stephens Council is currently assessing two planning proposals in Karuah, neither of which is consistent with the Karuah Growth Strategy. Please note, REMPLAN does not consider one site to be a better fit for the area than another, with commentary in this peer review specifically relating to the subject report.

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(CITYPLAN JULY 2021).



Independent Review
Karuah Place Plan

On Behalf of Port Stephens Council

July 2021

ITEM 3 - ATTACHMENT 4
(CITYPLAN JULY 2021).

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REPORT REVISION HISTORY

Revision	Date Issued	Revision Description				
01	12/05/2021	Draft for client review				
		<table><tr><th>Prepared by</th><th>Verified by</th></tr><tr><td>Amanda Wetzel Regional Director Rachael Petherbridge Project Planner</td><td>N/A</td></tr></table>	Prepared by	Verified by	Amanda Wetzel Regional Director Rachael Petherbridge Project Planner	N/A
Prepared by	Verified by					
Amanda Wetzel Regional Director Rachael Petherbridge Project Planner	N/A					
02	23/06/2021	Assessment of alternative land release candidate areas				
		<table><tr><th>Prepared by</th><th>Verified by</th></tr><tr><td>Amanda Wetzel Regional Director</td><td>N/A</td></tr></table>	Prepared by	Verified by	Amanda Wetzel Regional Director	N/A
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03	05/07/2021	Final report				
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Disclaimer

This report has been prepared by City Plan Strategy & Development P/L with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. City Plan Strategy & Development P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

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1. INTRODUCTION

Port Stephens Council (Council) engaged City Plan Strategy and Development to independently review the strategic work underpinning Council's preparation of a 'Karuah Place Plan', which is expected to form an addendum to the *Karuah Growth Strategy 2011*. The purpose of our review is to evaluate the extent to which the strategic work prepared to date allows for sound decision-making on planning grounds, and to provide recommendations for future rezonings that will be detailed within the Place Plan.

We were advised that Council's review and update the Karuah Growth Strategy 2011 was predominantly motivated by the submission of two separate Planning Proposals to amend the *Port Stephens Local Environmental Plan 2013* (Council's LEP), for adjoining lands at western edge of the township and to the north of Tarean Rd.

- PP_2019_PORTS_004_00 sought to rezone the land at 229 Tarean Rd to enable the development of approximately 405 residential lots.
- PP_2019_PORTS_007_00 sought to rezone the land at 339 Tarean Rd to enable the development of approximately 182 residential lots.

Both Planning Proposals were submitted to the NSW Department of Planning, Industry and Environment (DPIE) for Gateway Assessment. In April 2020, DPIE wrote to Council to recommend a consolidated approach to rezoning the subject lands following a more comprehensive review of supply and demand analysis for the housing market catchment, utility infrastructure servicing capacity of the Karuah area, and biodiversity corridor and conservation planning.

The documentation provided to us by Council or as otherwise obtained by us to inform our review is summarised at the end of this Report.

Council has advised that our review findings and recommendations will be incorporated into a draft Karuah Place Plan, which is currently being prepared by consultants acting on behalf of Council. We understand the draft Karuah Place Plan will subsequently be placed on public exhibition in line with Council's Community Engagement Strategy and relevant policies.

Our report is set out as follows.

- **Section 2** describes our understanding of the background and context for our review.
- **Section 3** provides a summary of the key strategic planning issues.
- **Section 4** details our analysis of the key strategic planning issues.
- **Section 5** provides a summary of our main findings and recommendations for future rezonings.

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2. CONTEXT

2.1. Township description

Karuah is located at the western end of the Port Stephens waterway. The town is split by the Karuah River, with land to the western side forming part of the Port Stephens Local Government Area, and to the eastern side forming part of the MidCoast Local Government Area (commonly known as 'North Karuah').

The town is located around 27km from the nearest strategic centre at Raymond Terrace and is around 55km from Newcastle's City Centre. It historically served as the main river crossing point for the Pacific Highway but was bypassed in 2004. Tarean Rd still forms the main route through the town, and is the focal point of its commercial centre between Wattle St and Bundabah St.



Plate 1: Aerial photograph of Karuah looking westward from the Karuah River (image provided by Council)

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2.2. Strategic and statutory plans

Table 1 briefly summarises the historical strategic documents previously applying to inform land use planning decisions within the Karuah Township. We did not review these documents in detail but did refer to them to gain an understanding of the context for the contemporary strategic planning framework.

Table 1: Summary of historical strategic documents previously applying within the Karuah Township

Year	Strategic document	Summary
2003	Karuah Local Area Plan Port Stephens Council	Identified 3 investigation areas for future rezonings to support urban growth across the Karuah township, with considerations for lands within the Port Stephens and Great Lakes Local Government Areas.
2006	Lower Hunter Regional Strategy NSW Department of Planning	Applied only to the portion of the Karuah township that is within the Port Stephens Local Government Area. Identifies a propose urban area within the township that broadly aligns with Investigation Areas 1 and 3 of the 2003 Karuah Local Area Plan. Also identified lands surrounding the Township as important to the Watagan Stockton Green Corridor.
2009	Lower Hunter Regional Conservation Plan NSW Department of Environment, Climate Change and Water	A supporting plan to the Lower Hunter Regional Strategy, providing greater detail to inform planning for biodiversity corridors and conservation. Recognised the importance of the considerable extent of reserved lands around the Karuah township (including adjoining lands within the Karuah National Park, Nature Reserve & State Conservation area; Wallaroo National Park and State Forest; and Medowie Nature Reserve and State Conservation Area). Identified 'consolidation of Karuah wetlands and lowland coastal forest habitat as the regional investment priority for the locality.
2009	Mid North Coast Regional Strategy NSW Department of Planning	Applied only to the portion of the Karuah township that is within the Great Lakes (now MidCoast) Local Government Area. Established an Urban Growth Boundary for 'North Karuah' and identified a propose urban area within this that broadly aligned with Investigation Area 2 of the 2003 Karuah Local Area Plan. Also identified a series of regional fauna corridors within the vicinity of the township.
2010	Mid North Coast Regional Conservation Plan (DRAFT) NSW Department of Environment, Climate Change and Water	Prepared and exhibited as a supporting plan to the Regional Strategy, but never finalised. Included a map of Corridors and habitat networks that provides some cross-regional boundary considerations for biodiversity conservation.

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Table 2 briefly summarises the strategic documents now applying to inform land use planning decisions within the Karuah township. We note that the NSW Government's *Hunter Regional Plan* and Council's *Local Strategic Plan* and *Local Housing Strategy* were prepared after the *Karuah Growth Strategy*, but now collectively sit above it to provide the guiding framework for strategic planning and plan making within the township. However, neither of these documents provide planning directions to a level that would override those previously set out in the *Karuah Growth Strategy*. In our view, the directions set out in the *Karuah Growth Strategy* remain consistent with those set out in the higher-order documents collectively.

Table 2: Summary of strategic documents currently applying within the Karuah Township

Year	Strategic document	Summary
2011	Karuah Growth Strategy Port Stephens Council	Updated the 2003 Karuah Local Area Plan, identifying 3 growth areas where future rezonings would be supported across the Karuah township, with considerations for lands within the Port Stephens and Great Lakes Local Government Areas.
2016	Hunter Regional Plan NSW Planning & Environment	Replaced the Lower Hunter Regional Strategy and the portions of the Mid North Coast Regional Strategy applying to the Great Lakes (now MidCoast) Local Government Area. Identified Karuah as a centre of local significance.
2020	Local Strategic Planning Statement Port Stephens Council	Set out the high-level planning priorities to inform strategic planning decisions to 2040. Action 4.1 committed Council to preparing a Local Housing Strategy to ensure suitable housing land supplies were identified
2020	LIVE Port Stephens Port Stephens Council	Fulfilled Local Strategic Planning Statement Action 4.1. Broadly supports continued growth within Karuah through the development of existing urban release areas.

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The *Karuah Growth Strategy* was adopted by Council in December 2011. It was prepared to support the repositioning of the town following an economic shock arising from the opening of the Karuah bypass on the Pacific Highway in 2004.

Council considered several development options in preparing the *Karuah Growth Strategy*. This involved reviewing the suitability of investigation areas previously identified in Council's 2003 Karuah Local Area Plan, which are illustrated in **Figure 1**.



Figure 1: 2003 Karuah Place Plan Investigation areas (superseded by the Karuah Growth Strategy 2011)

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The *Karuah Growth Strategy* identified the preferred location and sequencing of investigations to augment the urban land supply for the town, as illustrated in **Figure 2**, based around three separate growth areas:

- Growth Area South (identified as the first stage urban growth area in Figure 2) broadly aligns with the 2003 Karuah Local Area Plan Investigation Area 1 and was updated to reflect a rezoning that was underway at the time the Strategy was released. It was expected to produce 166 residential lots.
- Growth Area East (identified as a second stage urban growth area at the eastern edge of the township in Figure 2) broadly aligns with 2003 Karuah Local Area Plan Investigation Area 2. The investigation area footprint was updated within involvement from Great Lakes Council (now MidCoast Council) to recognise the extent of site constraints including steeply sloping land and high ecological values. It was expected to produce 100 lots.
- Growth Area West (identified as a second stage urban growth area at the western edge of the township in Figure 2) broadly aligns with 2003 Karuah Local Area Plan Investigation Area 3. This was modified to exclude heavily vegetated lands to the north of Tarean Rd, which had been identified as significantly contributing toward the Watagan Stockton Green Corridor. It was expected to produce up to 180 lots north of Tarean Rd, and up to 150 lots south of Tarean Rd.

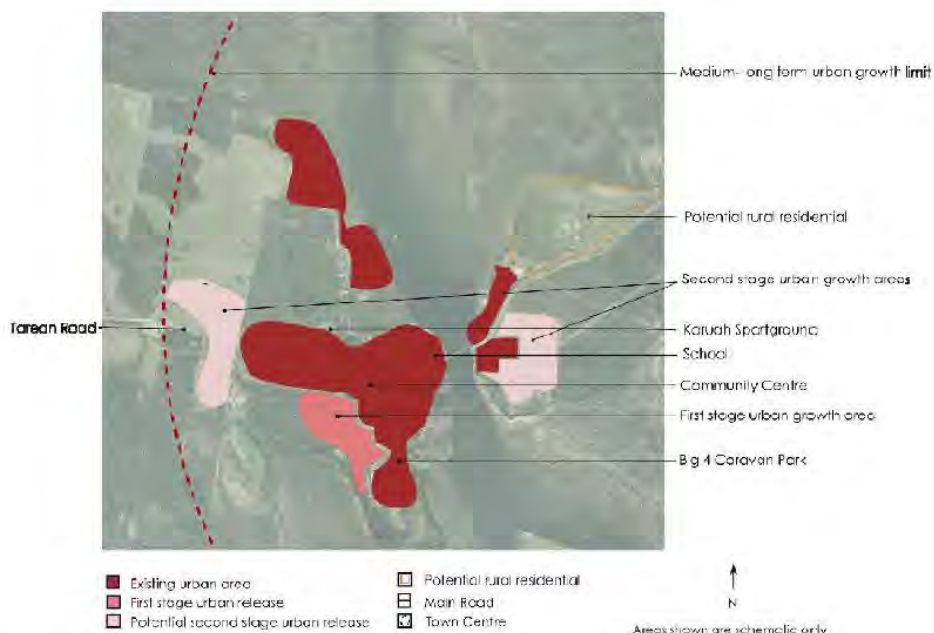


Figure 2: Karuah Growth Strategy 2011 Figure 13: Staging of land release

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3. SUMMARY OF ISSUES

We have been asked to focus on the future rezoning of land to support the growth envisaged for the township. This section provides a summary of the key planning issues in this regard, forming the basis for our analysis in Section 4.

The key planning issues were primarily derived from a high-level review of the Ministerial Directions made under Section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, which are statutory considerations for the preparation of Planning Proposals to amend Council's LEP. This section has also been informed by our review of the extent to which State Environmental Planning Policies may apply to future development approvals, as well as issues raised by Council in our brief and by DPIE in their correspondence to Council dated 26 March 2021.

We understand a key concern is the misalignment of the Planning Proposals recently submitted for lands along Tarean Rd with the Karuah Growth Strategy as follows.

- PP_2019_PORTS_004_00 at 269 Tarean Rd includes land within the Growth Area West, but seeks to enable 405 residential lots, which is more than double the 180 lots estimated under the Karuah Growth Strategy to the north of Tarean Rd.
- PP-2019_PORTS_007_00 at 339 Tarean Rd is consistent with the volume of supply estimated north of Tarean Rd but is located on land that is not earmarked to be released for residential development due to environmental constraints identified in the Karuah Growth Strategy.

Review limitation

Although Karuah and North Karuah function as a unified locality, they are subject to distinct strategic and statutory planning frameworks managed separately by Port Stephens Council and MidCoast (formerly Great Lakes) Council. This has led to the application of different methodologies for anticipating growth and adjusting urban land supplies in line with those predictions between Karuah (in Port Stephens LGA) and North Karuah (in MidCoast LGA).

We note that MidCoast Council publicly exhibited a Local Housing Strategy in 2020. This did not identify any additional investigation areas to support further land rezonings in North Karuah. We have therefore assumed no additional supply will occur in the next 10 years within the Growth Area East identified in the *Karuah Growth Strategy* and have not investigated augmentations to supply or land suitability in North Karuah in detail as part of this review.

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3.1. Urban lands supply

The strategic basis for any future rezonings requires demonstration of the need for additional urban lands to satisfy the level and type of growth expected. We recognise that Karuah was bypassed in 2004, and is relatively removed from employment nodes, which has made the basis for residential growth within the township difficult to predict.

In 2011, the *Karuah Growth Strategy* recognise the uncertainty in future growth levels and established a land release framework predicated on steady but continued growth. At the time the Strategy was published, the town was growing by around 11 dwellings per year.

Port Stephens Council adopted its Local Housing Strategy in 2020, which was underpinned by a *Demographic and Housing Overview* report prepared by REMPLAN in October 2019. This report provides an overview of trends and insights for the different 'planning areas' that make up the Port Stephens Local Government Area, providing an update to the patterns and trends described in the *Karuah Growth Strategy*. The Karuah township is within the Karuah-Swan Bay planning area, noting:

- It is the second-fastest growing planning area in the LGA, but also home to the fewest number of people compared with other planning areas.
- Its population growth has been driven by over 55s (lone person or couple-only households).
- It has the highest incidence of mortgage stress and rental stress in the LGA.
- It has the highest median distance to work in the LGA, but despite being removed from employment nodes, has sustained a high rate of growth.
- It would rely on the provision of additional land supply to attract a younger cohort.

Although these insights are derived for the entire Karuah-Swan Bay planning area, we understand the Karuah township to represent most of the planning area's population and have accepted these insights as directly relevant.

Council provided a *Residential Needs Assessment 339 Tarean Rd, Karuah* report prepared by MacroPlan Dimasi in 2019. This was prepared in support of a specific development, which means its findings address the matters required to justify that proposal. Council engaged REMPLAN to review the methodology used in developing the needs assessment and provide any recommendations around need with respect to the report underpinning the Local Housing Strategy. This *REMPLAN Peer Review* was also provided by Council to inform our analysis. This Peer Review concluded that the methodology and approach taken to prepare the Residential Needs Assessment was reasonable, so we have not analysed that aspect further in our review.

The currently accepted benchmark for planning for residential lands is to maintain a 15-year supply within the housing market catchment. Given its remoteness, we accept the Karuah township to generally be a self-contained housing market. The key growth factors within the town do not appear to be in dispute between the research undertaken by MacroPlan Dimasi and REMPLAN. These are summarised below.

- The town tends to be particularly attractive to retirees (for lifestyle reasons) and first-time home buyers (for affordability reasons).
- Historical growth patterns indicate a supply-driven market within the town. This supports a prediction that increasing the supply of residential lots will increase the rate of residential growth.
- The conversion of theoretically available residential lots (e.g., zoned but vacant supply) to constructed lots is influenced by a range of development constraints, which is likely to include factors outside the control of the planning system (e.g., developer means or motivation).

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In our view, the reports available effectively prove the need to augment the housing land supply in Karuah, noting various predictions provided consistently demonstrate a less-than-15-year supply is available. We also note Hunter Water's growth estimations for the town, provided in the *Karuah Growth and Servicing Report* memo dated 4 September 2020 conclude there is a need for additional lands to meet future demand.

However, these predictions vary in their estimation of the yield capability of the existing zones lands and, therefore, the volume of lands needed to ensure 15-years' supply is available. There is also limited consideration for other factors that are known to influence the delivery / capability of the zoned supply.

We also note the Residential Needs Assessment report acknowledges the proposal for 339 Tarean Rd seeks to augment the supply of commercial lands but does not 'prove' the need for this augmentation. No further consideration has been made for this in any of the other evidence supplied by Council.

Based on the information available, the key points for our analysis with regards to housing lands supply are as follows.

- The need to augment the town's housing land supply has been proven. What volume is required?
- What criteria should be included in the Place Plan to assist with the sequencing of land released through rezonings?
- Are there any other considerations to be made to facilitate uptake / delivery within the existing or future land supply?
- Is there any need to augment the town's employment land supply? If so, what are the spatial implications of this?

3.2. Infrastructure

3.2.1. Hunter Water assets

Hunter Water currently provides reticulated sewer and water and wastewater treatment services to the township. Operational considerations for these service networks in relation to the growth of the township are described by Hunter Water in a memo dated 4 September 2020, which was provided to us by Council.

The memo identifies there is capacity to provide water supply connections to an additional 150 residential lots in town before upgrades would be required. It notes that those upgrades would create the capacity for an additional 2,000 residential lots. The timing for this upgrade will be scheduled based on the growth rate occurring. We do not consider there to be any further analysis required in relation to water supply infrastructure.

The memo describes the wastewater transportation system, which includes the transfer of flows from North Karuah under an agreement with MidCoast Water. This notes that developer-funded servicing strategies will be required to determine any upgrades required to existing pump stations. The cost and timing for these upgrades will occur in line with growth. We do not consider there to be any further analysis required in relation to wastewater transport infrastructure.

The Karuah Wastewater Treatment Works was established in 2003 and is located to the north west of the township. Effluent is discharged to the Karuah Effluent Reuse Enterprise (ERE), which the memo notes is approaching capacity. The memo and other correspondence provided by Council identify a range of options that will be subject to further investigation to ensure capacity can be achieved in a timely and cost-effective manner.

Based on the information available, the key points for our analysis with regards to Hunter Water assets are as follows.

- What, if any additional lands may be required to increase wastewater treatment capacity?

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We also note that the Water Industry Competition Act 2006 provides developers with an opportunity to provide private wastewater treatment facilities. If this were to be pursued, we expect any land required to provide related services would need to be acquired as part of the development. For that reason, we do not consider there to be any further analysis required in relation to privately-provided wastewater treatment facilities.

3.2.2. Other considerations (not analysed)

Several other infrastructure networks may also influence the timing or cost of development. These are briefly summarised below. We recommend these are generally acknowledged within the Place Plan but have not analysed them in more detail as part of our review.

- State/Regional Roads
- Electricity
- Telecommunications

3.3. Land suitability

3.3.1. Biodiversity corridors and conservation

Vegetated lands surrounding the township have previously been identified as potentially relevant to sustaining habitat connectivity and wildlife movements. We are aware of several previously mapped 'corridors' in this regard, which each consider the requirements for different species, but recognise this list is not exhaustive and have not obtained or analysed spatial data for each. Instead, our review is based on strategic planning considerations, as described below.

We understand the Watagans to Stockton Green Corridor initiative was first proposed in the *Lower Hunter Regional Strategy 2006* with the intent of protecting high conservation values and preserving or enhancing biodiversity connectivity. The importance of this link was again reflected in the *Hunter Regional Plan 2036*, which states:

The aim of conservation planning in this area will be to conserve existing remnant vegetation and invest in the rehabilitation of land to strengthen the regionally significant corridor between Watagans National Park and Port Stephens.

The *Mid North Coast Regional Strategy 2006* also provided directions for planning to support landscape connectivity. The supporting draft *Mid North Coast Regional Conservation Plan* published in 2010 provided inter-regional considerations relevant to Karuah. These broadly show the lands surrounding the township as relevant to dry fauna corridors and coastal fauna corridors.

Determining the viability of the corridor and identifying specific conservation outcomes were actions specified by the *Hunter Regional Plan 2036*, which were to be pursued by Councils with involvement from the (then) NSW Office of Environment and Heritage (OEH).

Council have provided a *Port Stephens Biodiversity Connectivity Mapping* report prepared by EcoLogical in 2012. This provides the outcome of a methodology to develop a landscape connectivity map, which was prepared with inputs from an expert reference group comprising representatives from Council, OEH, CSIRO, Newcastle University, and other wildlife research organisations.

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The landscape connectivity map prepared by EcoLogical reiterates the importance of the township's surrounds with a regional-level corridor, with a large proportion of existing vegetation mapped categorised as Landscape Habitat Link or Local Link. Several breakage points are also identified and are recommended by the Report to be the focal point for opportunities for enhancement, including through the direction of conservation investments or offset acquisitions.

Notwithstanding the role of corridors, the conservation of biodiversity more broadly is also a matter for consideration within land use and development approval processes. Council have also provided a *Biodiversity Development Assessment Report* of 339 Tarean Rd, Karuah that was prepared by Kleinfelder in January 2021. This provides detailed information relating to the biodiversity conservation status of extant vegetation within the site and an assessment of impacts arising from the proposed development.

Based on the information available, the key points for our analysis with regards to biodiversity are as follows.

- Does any privately-owned land need to be conserved and/or enhanced to sustain or improve habitat connectivity?
- Would any vegetation on privately-owned land be unable to satisfy the biodiversity offset requirements under current legislation?

3.3.2. Bushfire

Land surrounding the township is identified as bushfire prone. Under Ministerial Direction 4.4, any future rezoning will need to have regard to *Planning for Bushfire Protection 2019*, and (in conjunction with biodiversity conservation considerations) ensure that bushfire hazard reduction would not be prohibited within the Asset Protection Zone of any built structures.

We were not provided with any area specific considerations for bushfire, noting that both Planning Proposals indicated bushfire assessments would occur following the Gateway Assessment milestone.

Based on the information available, the key points for our analysis with regards to bushfire are as follows.

- Would any existing dwellings within the township benefit from bushfire protection measures?
- What are the key elements of *Planning for Bushfire Protection 2019* that could be addressed in the Place Plan?

3.3.3. Agricultural

Ministerial Directions 1.2 and 1.5 collectively set out the planning framework that applies in the conversion of rural land for urban development. Specifically, any future rezoning would need to address the rural planning priorities set out in Direction 1.5 and be justified either by demonstrating the impacts to be of minor significance or that the impacts are outweighed by other public benefits.

We were not provided with any area specific considerations for agriculture, noting both Planning Proposals assume a low level of agricultural activity is occurring in the lands surrounding the township.

Based on the information available, the key points for our analysis with regards to agriculture are as follows.

- What are the key elements of the rural planning principles that could be addressed in the Place Plan?

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3.3.4. Industry buffers

Residential encroachment into the operational buffer area of existing industrial areas can result in land use conflict. The first step in avoiding or otherwise managing this is to identify the location of industrial operations, and then to establish a separation distance that would reasonably minimise any impediments to their ongoing viability.

The key points for our analysis with regards to industry buffers are as follows.

- Are there any existing industrial operations that should be highlighted as requiring a separation distance?
- If so, what approach should be taken to establish suitable separation distances in the Place Plan?

3.3.5. Contamination

Under Ministerial Direction 2.6, the extent to which lands may potentially be contaminated must be considered, and arrangements for remediation requirements must be put in place prior to rezoning. The key points for our analysis with regards to contamination are as follows.

- Are there any sites containing potentially contaminated land that can be signposted in the Place Plan?

3.3.6. Other considerations (not analysed)

Several other considerations that may influence the extent to which lands are suitable for development to varying degrees. These are briefly summarised below. We recommend these are generally acknowledged within the Place Plan but have not analysed them in more detail as part of our review.

Aspect	Direction / SEPP applying	Triggers / considerations
Coastal Protection	Ministerial Direction 2.2 SEPP (Coastal Management) 2018	Lands within the township area are mapped as Coastal Environment Area, and Coastal Wetlands
Oyster Aquaculture	Ministerial Direction 1.4	Existing oyster aquaculture licenses and priority oyster aquaculture areas are present in the Karuah River within the township.
Acid Sulfate Soils	Ministerial Direction 4.1	Land surrounding the township mostly contains Class 5 acid sulfate soils, but some lands may be within 500m of mapped Class 2 soils.
Heritage	Ministerial Direction 2.3	All rezonings are required to provide adequate controls if the site is known or found to contain features of heritage significance.

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4. ANALYSIS OF ISSUES

We have distilled the issues summarised in Section 3 into a series of questions for analysis, which are detailed in this section. These follow a spatial planning approach that seeks to fully understand the options available to manage key constraints in the first instance, broadly taking an avoid – manage – offset approach. We have also applied the precautionary principle to exercise prudence in the context of uncertainty.

We have utilised the Growth Area West as a starting point for spatial planning considerations, given it immediately adjoins the existing urban area of Karuah and the longstanding acceptance of this area as the preferred location for growth.

Does any privately-owned land need to be conserved and/or enhanced to sustain or improve habitat connectivity?

The area has been recognised in sequential regional plans as important to sustaining landscape scale connectivity, broadly between the Karuah National Park to the north, Meadowie Nature Reserve and State Conservation Area to the south, and the Karuah River.

In reviewing the information available, we understand the following opportunities and constraints apply with regards to sustaining or improving habitat connectivity:

- The freshwater wetland and associated buffers contained within 339 Tarean Rd is a high conservation priority and should be protected from the impacts of future development. This is shown as 'A' in Figure 3.
- The extant vegetation occurring within 229 Tarean Rd is already relevant as a landscape habitat link and forms a basis for north-south movements. These are shown as 'B' in Figure 3.
- The land between existing stands of vegetation in the northern portion of 229 Tarean Rd and bushland in 339 Tarean Rd is an important 'link', and generally should be avoided for urban development purposes. This is shown as 'C' in Figure 3.
- There is a Council-owned biobanking site to the south of Tarean Rd, shown as 'E' in Figure 3.
- There is potentially a 'missing link' between the land between the extant vegetation occurring within 229 Tarean Rd and bushland / biobanking site to the south of Tarean Rd. Several options for revegetation / rehabilitation may be possible, with potential links (for investigation) shown as 'D' in Figure 3.

Based on this information, we recommend the following directions / actions are incorporated into the Place Plan:

- Development should be avoided in perpetuity within 'A' on Figure 3, and additional considerations made for measures required on adjoining lands to avoid or minimise impacts to the wetland. This area would be a suitable candidate for and Environmental Protection zoning. Asset Protection Zones should not be located within these areas.
- Development should generally be avoided within the existing stands of vegetation shown as 'B' Figure 3. Some boundary modifications may be appropriate, but these should be maintained to a size and condition that is conducive to their ongoing viability for conservation purposes. Once the boundaries are confirmed, Asset Protection Zones should not be located within these areas.
- Lands generally within the area marked 'C' on Figure 3 should be the preferred location for investment in revegetation, including biodiversity offsets. Habitat connectivity should be prioritised within this area and, as planning efforts progress, a definitive corridor should be established to maintain east-west movements to the Karuah River via the wetland.
- The potential for links marked as 'D' on Figure 3 to serve as north-south habitat connections should be investigated, and a preferred conservation link established as a location for revegetation,

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including biodiversity offsets, where this would viably enhance habitat connectivity prior to any land in this area being released for development.

- Environmental Protection zonings should be considered for any lands subject to in-perpetuity conservation agreements, including area 'E' shown on Figure 3, to signify conservation as the primary objective for land use and activities.

Please note, the alignments of biodiversity corridors identified with this report are indicative only and should be confirmed through further ecological assessment.

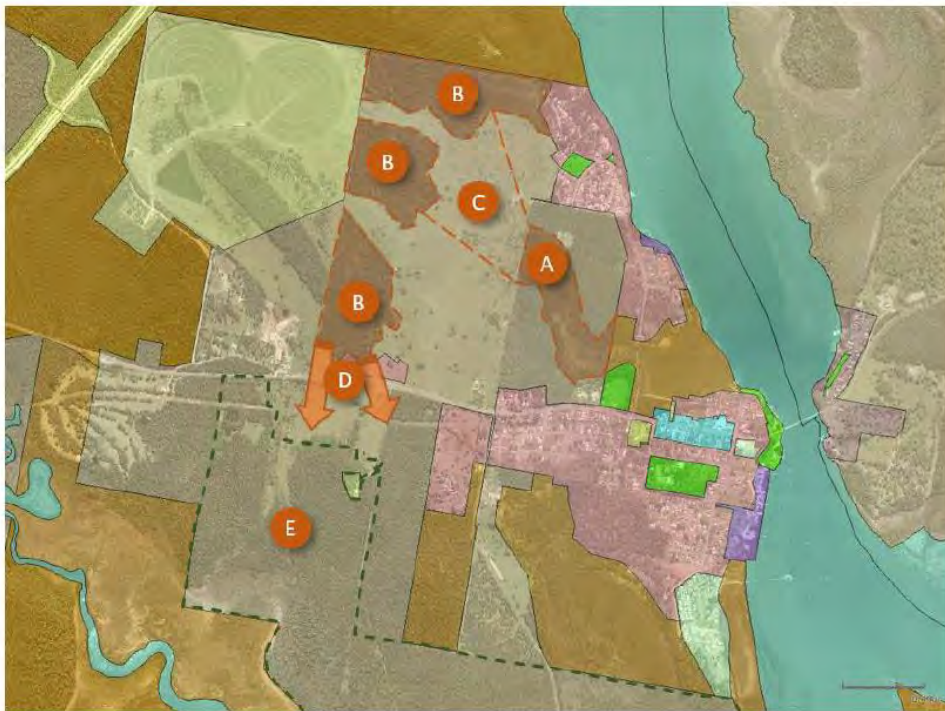


Figure 3: Spatial planning considerations for habitat connectivity

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Would any vegetation on privately-owned land be unable to satisfy the biodiversity offset requirements under current legislation?

The ability to source adequate biodiversity offsets to facilitate development should be considered at rezoning stage. This can assist to avoid releasing land for urban development that would later prove to be too cost-prohibitive to develop.

The likelihood of a biodiversity offset being required is nearly certain where development results in the clearing of heavily vegetated lands. In the context of the subject area, this includes the areas identified as 'B' in Figure 3 above, and in the extent of vegetation on 339 Tarean Rd.

No evidence was available to provide a detailed understanding of the composition of the vegetation on the areas identified as 'B' in Figure 3. Notwithstanding, their relevance as landscape habitat links prioritises them for conservation.

The Planning Proposal for 339 Tarean Rd was accompanied by a *Biodiversity Development Assessment Report* finalised in January 2021, which offers a detailed understanding of the biodiversity features and conditions of vegetation contained within the site. These are summarised in Figure 4, with higher biodiversity values briefly described below.

- Vegetation within the 'wetland' area is consistent with Plant Community Types (PCT) that are Endangered Ecological Communities (EECs) listed in the *Biodiversity Conservation Act 2016* and *Environmental Protection and Biodiversity Conservation Act 1999*. This wetland area also has multiple layers of protection afforded through existing planning controls in conjunction with the *Coastal Management Act 2016*. We have already recommended this area to be conserved in situ.
- PCT 1590 is listed in the *Biodiversity Conservation Act 2016*, and parts of it (as indicated, adjoining the wetland) also meet the definition of an EEC. Clearing any portion of this PCT is likely to attract a higher biodiversity offset cost, but areas identified as EEC should be specifically avoided.
- Most of the site has been identified as containing marginal koala habitat, with feed trees recorded as shown in Figure 4. The *Biodiversity Development Assessment Report* notes signs of koala activity were recorded in the area, but that this was indicative of koalas utilising the site to move between higher quality habitats. This was not seen to preclude development of the site, provided mitigation measures (including the planting of koala feed trees) were integrated into the design.

Based on this information, we recommend the following directions / actions are incorporated into the Place Plan.

- Our recommendation to avoid development in areas identified as 'B' in Figure 3 above remains.
- Development of land identified as PCT 1590 EEC in Figure 4 should be avoided.
- Development of land otherwise identified as PTC 1590 in moderate to good condition in Figure 4 should also be discouraged, as these are likely to attract a higher biodiversity offset cost. These areas may be suitable for urban development where this can deliver a better planning outcome or adequate supply cannot otherwise be provided.
- Detailed ecological investigations were only provided for 339 Tarean Rd, and so may still be required to inform Planning Proposals for other sites.

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- PCT1619 = Good
- PCT 1729/1742 (Wetland)
- PCT 1590 = Good (EEC)
- PCT 1590 = Good
- PCT 1590 = Moderate
- PCT 1590 = Low

Koala Feed Trees

Figure 4: High-level overview of biodiversity features and conditions of 339 Tarean Rd

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What, if any additional lands may be required to increase wastewater treatment capacity?

The capacity of the existing Karuah Sewage Treatment Works facility has already been earmarked as a constraint to growth going forward. The capacity of the current system (an additional 103 Equivalent Tenements (ETs)) is estimated to be below the number of lots currently approved (138 ETs). The limiting factor in this system is the Effluent Reuse Enterprise, which is shown as 'A' in Figure 5.

We understand efforts are ongoing to identify an appropriate solution to increase the wastewater treatment capacity for Karuah, and that these efforts will continue beyond the timeframe of our engagement. Consequently, our considerations and recommendations for this issue should be reviewed and updated once a solution has been agreed.

We have been advised that one of the solutions could be an extension to the existing Effluent Reuse Enterprise onto adjoining land, with the preferred location shown as 'B' in Figure 5.

We understand other solutions may also be possible, which would not rely on the augmentation of lands required. These include (but are not limited to) irrigation or other water recycling options.

Based on this information, we recommend the following directions / actions are incorporated into the Place Plan.

- Any definitive land uses decisions within the area marked 'B' in Figure 5 should be postponed until the need for that land to provide wastewater treatment services is confirmed, noting the preliminary positions below:
 - If the land is not required for wastewater treatment, it should be prioritised for conservation in line with our recommendations set out for habitat connectivity above.
 - If the land is required for wastewater treatment, then the configuration of conservation lands required to sustain habitat connectivity may need to be modified.



Figure 5. Spatial planning considerations for wastewater treatment services

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Are there any sites containing potentially contaminated land that can be signposted in the Place Plan?

We have identified land that may potentially be contaminated by examining aerial photography / mapping and searching the list of NSW Contaminated Sites notified to the EPA as of 9 January 2020. We do acknowledge this method is not fully exhaustive but does provide a preliminary basis for our analysis.

Based on our review, the following sites could contain potentially contaminated land that should be considered through future strategic planning and must be fully investigated as part of any rezoning process (refer to Figure 6).

1. The Karuah Sewage Treatment Works at Clarence Town Rd.
2. The Timber Processing Industry at 4 Allen Rd.
3. The service station (currently vacant) at 254 Tarean Rd.

The Karuah Sewage Treatment Works is an operational facility, which will need to expand and continue operating from this location to service the growing needs of the township. Given the separation distance required to this use (discussed later in our Report), it is unlikely that potentially contaminated land associated with this facility would be incorporated into a land release area. Notwithstanding, this will need to be confirmed and any requisite remediation actions prescribed in line with future proposals.

The Timber Processing Industry appears to be operational. However, the current and future needs of this industry have not been confirmed as part of our review. Even if it were to become redundant within the short-term, it is not likely to be an immediate candidate for an urban (residential) rezoning given the site's distance to the township's urban footprint. Notwithstanding, any requisite remediation actions would need to be identified and prescribed in line with future proposals.

Council staff have advised that the service station at 254 Tarean Rd is currently vacant and that existing use rights have been extinguished. Service stations are not a permissible use within the site's RU2 - Rural Landscape zoning, which means the site would rely on a rezoning to reinstate its use as a service station. Given the site's context, it could potentially be remediated for alternative uses within the short to medium term, noting it is identified within our recommended 'habitat link' investigation area (marked 'D' on Figure 3) and is discussed later in our Report with respect to its suitability for urban development.

Council staff have also advised that the owner of the service station at 254 Tarean Rd is exploring the potential for the service station use to be reinstated. We have reviewed this against Council's preferred position to utilise existing infrastructure and land improvements, where appropriate. In our view, the economic impact of reinstating the service station at 254 Tarean Rd on the viability of the existing service station within the town centre at 403 Tarean Rd (currently occupied by BP) to address Ministerial Direction 1.1 Business and Industrial Zones. Otherwise, we consider reinstating the service station as a temporary use within the short to medium term to be consistent with Council's preferred position to allow for a level of activation ahead of the site's longer term preferred conversion to either conservation or residential lands.

Based on this information, we recommend the following directions / actions are incorporated into the Place Plan:

- The three sites identified in Figure 6 are highlighted as containing potentially contaminated land that will need to be investigated in more detail to identify any requisite remediation actions in line with future proposals.
- Temporary use of the currently vacant service station at 254 Tarean Rd is investigated to allow for a level of activation ahead of the site's longer term preferred conversion to either conservation or residential lands.

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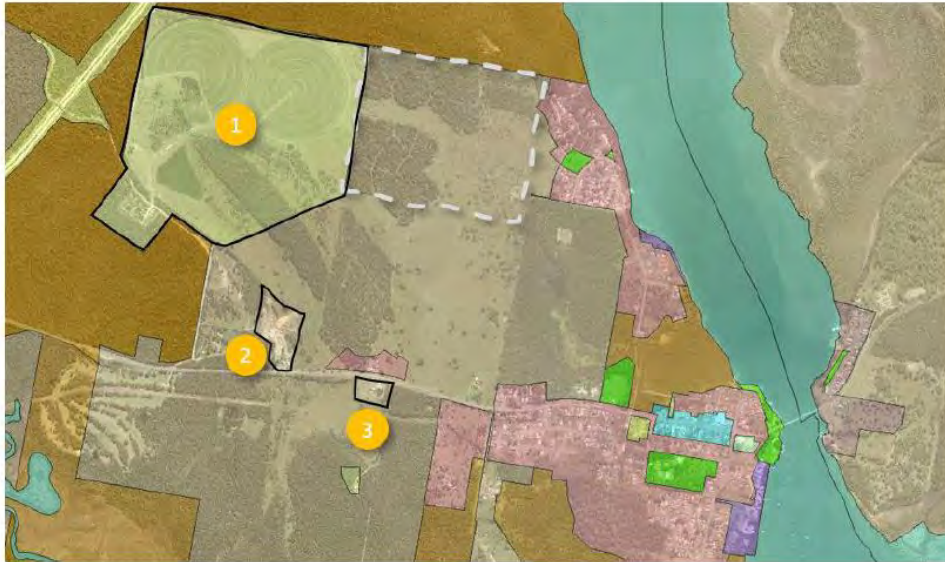


Figure 6: Location of potentially contaminated sites (not exhaustive)

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Are there any existing industrial operations that should be highlighted as requiring a separation distance? If so, what are the key principles for managing land use conflict that could be addressed in the Place Plan?

We have identified a range of existing uses through a desktop analysis involving a review of land use zonings, suburb-level search of Environmental Protection Licenses, and aerial photography. Where relevant, we have searched for historical approvals utilising Council's online DA tracker. We acknowledge that this method is not fully exhaustive but does provide a preliminary basis for our analysis.

Based on our review, the Karuah Sewage Treatment Works at Clarence Town Rd, and the Timber Processing Industry at 4 Allen Rd appear to be the only major industrial operations within the vicinity of the township that would require a managed separation distance to deal with potential land use conflict arising from residential encroachment.

In our experience, there is no one-size-fits-all separation distance to completely avoid impacts between industrial and residential uses. The typical strategic planning approach is to identify the nominal distance / extent of area within which impacts are most likely to occur, signposting where further studies will need to accompany future rezoning or development applications.

The scope of our analysis did not include detailed investigations to determine appropriate separation distances, but the following has been provided to assist with informing strategic land use.

- We were unable to obtain a copy of the Water Directorate's STP Buffer Zone Land Use Planning Guidelines 2020. However, a separation distance of 400m to Sewage Treatment Plants was recommended in the NSW Department of Urban Affairs and Planning's EIS Guideline for Sewerage Systems (published in 1996), which can be used as an interim value. The following land uses were identified as suitable this buffer: nature reserves, forestry, commercial plant nurseries, recreational areas, effluent disposal areas, and agriculture.
- Hunter Water Corporation have advised Council staff that a buffer of between 40-50m should be provided to the Effluent Reuse Enterprise adjacent to the Sewage Treatment Plant.
- In our experience, the visual, air quality, and acoustic impacts of timber processing operations tend to be the main source of conflict with surrounding residential uses. The severity of these impacts can correspond to the scale of operations. Unfortunately, we were unable to obtain details about the current range or scale of operations at the site, so cannot provide an evidence-based separation distance value. We were unable to find any general or industry-specific separation distance guidelines applying in NSW but note that a value of 500m is recommended for wood processing works in South Australia's Environment Protection Authority Evaluation Distances for Effective Air Quality and Noise Management (2016).

Based on this information, we recommend the following approach taken to establish suitable separation distances in the Place Plan:

- Consultation should be undertaken with Hunter Water Corporation establish and adequate separation distance to the Karuah Sewage Treatment Works, noting the potential for this area to expand to cater for the growing demands of the township. In the interim, managed separation distances of 400m to the Sewage Treatment Plant and 50m to the current and potential future Effluent Reuse Enterprise areas should be applied as an interim value for any existing and future land associated with the Karuah Sewage Treatment Works.
- A managed separation distance of 500m is applied as an interim value for the Timber Processing Industry at 4 Allen Rd. This value should be reviewed in consultation with the landowner/facility operator and updated to reflect a more accurate footprint of impacts likely to arise from the facility and to identify a range of uses that could be suitably accommodated within that area. It should be 'futureproofed' to allow for some degree of expansion or diversification of the facility.
- The range of acceptable (non-residential) land uses should be identified and made permissible within the relevant buffer areas.

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Indicative residential setbacks, based on these recommended interim values, are illustrated in Figure 7.

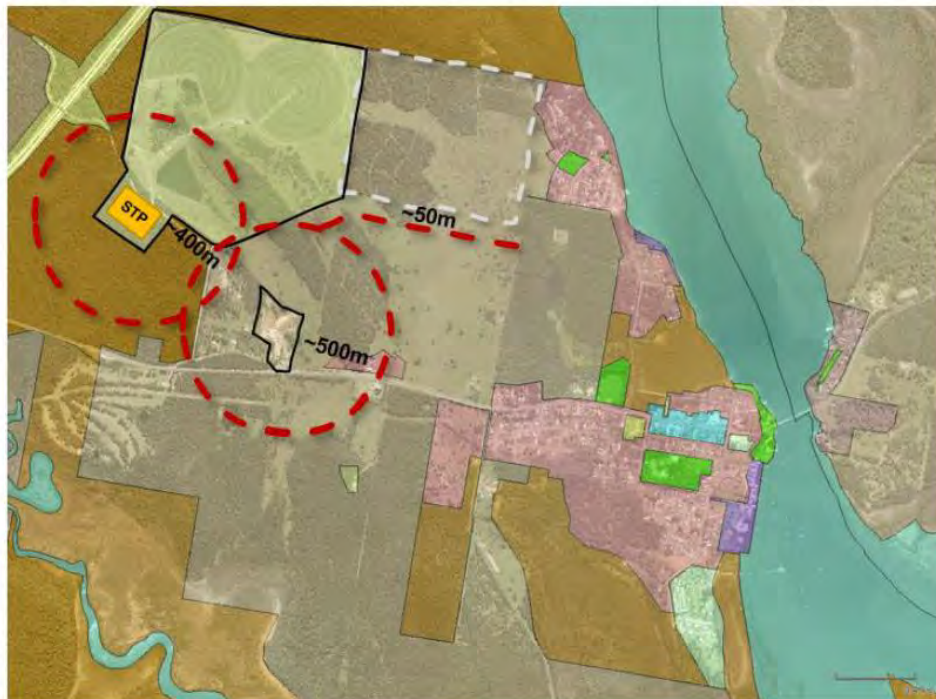


Figure 7: Indicative residential setbacks to existing industrial operations, based on interim values

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Would any existing dwellings within the township benefit from bushfire protection measures?

The lands surrounding the township are bushfire prone and give rise to a threat that extends into the town's existing urban footprint. However, there was no area-specific evidence to provide an understanding of bushfire behaviour or emergency response requirements in the context of strategic land use planning.

Planning for Bushfire Protection 2019 recommends identifying any opportunities to improve bushfire protection measures for existing dwellings early in strategic planning process.

We have identified two interfaces where dwellings (either existing or theoretical) may directly face onto a bushfire hazard. These are identified in Figure 8.

- Interface 'A' partially abuts an area we have previously recommended is conserved as a landscape habitat link. The remainder of this interface adjoins land that is mostly cleared but still poses a grass fire threat.
- Interface 'B' abuts heavily vegetated land that has been identified as having biodiversity value but is currently in a low to moderate condition.

Planning for Bushfire Protection 2019 recommends perimeter roads are provided to separate bush land from urban areas, particularly at the outer extremity of a local area. This provides space to conduct active firefighting operations.

The conservation value of land posing an interface bushfire threat is also an important consideration. Any Asset Protection Zones (APZs) should not be situated in areas where hazard reduction would compromise conservation outcomes.

Based on this information, we recommend the following directions / actions are incorporated into the Place Plan.

- Consider modifying the boundary of the landscape habitat link area at Interface 'A' to provide greater separation to future dwellings and avoid any conflicts with APZs and conservation outcomes.
- Consider establishing a perimeter road at Interface 'B' to improve bushfire protection measures to existing dwellings.

What are the key elements of Planning for Bushfire Protection 2019 that could be addressed in the Place Plan?

In addition to the considerations described above, there are several elements of *Planning for Bushfire Protection 2019* that would otherwise influence spatial planning considerations. These should be developed in conjunction with a bushfire planning specialist, and may include (but are not limited to):

- Access and egress within the existing and proposed road networks, to inform the internal road layout, noting the preference for perimeter roads to be provided to separate bushland from urban areas.
- The siting / location of lower order uses (e.g., playing fields) to separate bushland from urban areas.
- The need to create staged APZs, noting an indefinite time lag can occur between one or more stages of development that can result in property being unprotected.

Singularly or collectively, the above may influence the volume of land that is required to safely deliver new residential development, particularly where additional space is required to provide suitable bushfire protection measures. We recommend a Bushfire Strategic Study is conducted to inform the development of future zone boundaries.



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Figure 8: Spatial considerations for bushfire protection.

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What are the key elements of the rural planning principles that could be addressed in the Place Plan?

Any future rezonings will see the conversion of land that is currently within a rural zoning, triggering the application of Ministerial Directions 1.2 and 1.5. To justify this change, the matters set out in those directions, a Planning Proposal will need to address a series of principles set out Ministerial Direction 1.5. Several of these principles will have been address through the considerations made for conservation in our analysis above. We consider the following to remain outstanding and recommend further investigation as planning for the area progresses.

- Consider the significance of agriculture and primary production to the State and rural communities.
- Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.
- Support farmers in exercising their right to farm.
- Minimise rural land fragmentation and land use conflict.

As part of this recommendation, the Place Plan could assist by identifying the location and nature of any rural industries currently operating within a 2km radius of the site. This will help to provide a common understanding of the potential for any land use conflicts to arise, so that this can be addressed early in the planning process.

The need to augment the town's housing land supply has been proven. What volume is required?

In our view, the need for additional land to support growth within the town has been proven. An estimation of the volume of land required to ensure a 15-year supply is available is therefore required to assist planning.

Based on our review of the information provided, it appears that the estimates of the theoretical capacity of the existing residential land supply vary. We understand new residential lots could theoretically arise from several different development areas within the township, which are identified in Figure 9 and described as follows.

Five areas are provided under the Port Stephens LEP, including:

1. An isolated area of zoned land. Currently undeveloped.
2. A partially-developed area of zoned land. This area forms part of the Growth Area West identified in the Karuah Growth Strategy.
3. The established footprint of the town.
4. A partially-developed area of zoned land. This area reflects the whole of the Growth Area South identified in the Karuah Growth Strategy.
5. A partially-developed area of zoned land separated from the town core by a wetland.

Two areas provided under the Great Lakes LEP, including:

6. The established footprint of the town known as 'Karuah North'.
7. Rural-zoned land forming the Growth Area East identified in the Karuah Growth Strategy.

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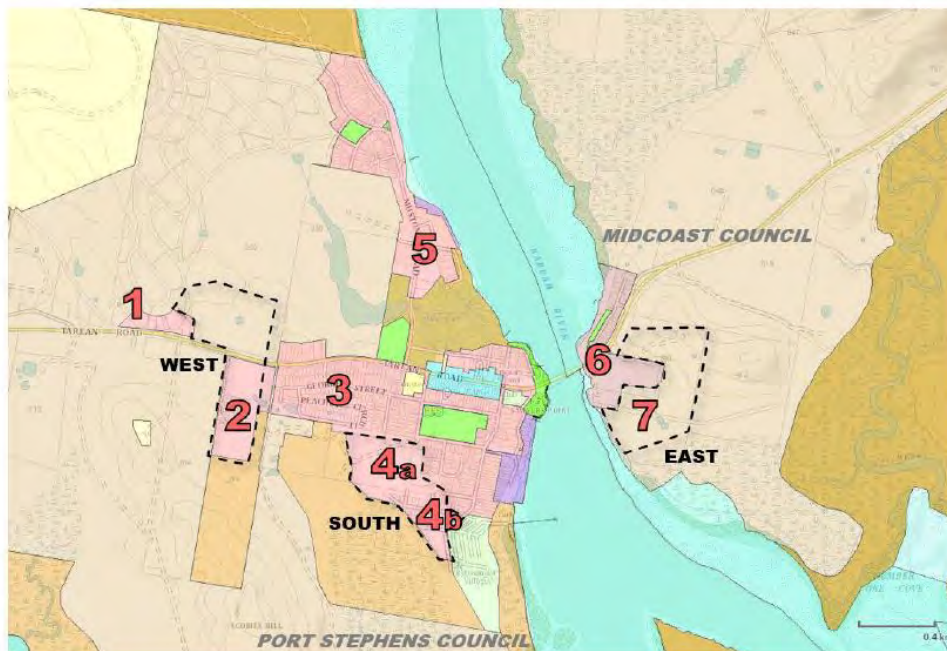


Figure 9: Residential Land Supply existing and 'Investigation' development areas (adapted from Karuah Growth Strategy)

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Table 3 summarises the zoning frameworks applying to residential-zoned land in the town, unless otherwise specified. Our analysis has not considered the controls or future yield in 'North Karuah' in any further detail.

Table 3: Summary of residential zoning frameworks applying in Karuah and Karuah North

	Port Stephens LEP	Great Lakes LEP
Zone	R2 Low Density Residential	RU5 Village
Minimum Lot Size	500m ²	700m ²
Maximum height of building	9m	8.5m ²
Floor Space Ratio	Nil	Nil
Permitted without consent	Home occupations	Extensive agriculture; Home occupations
Permitted with consent	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water reticulation systems	Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Tank-based aquaculture; Any other development not specified as permitted without consent or prohibited.
Prohibited	Any development not specified as permitted with or without consent.	Agriculture; Air transport facilities; Correctional centres; Electricity generating works; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Open cut mining; Pond-based aquaculture Waste or resource transfer stations

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In addition to the standards outlined in Table 3, the following exceptions to the minimum lot size standard apply in the R2 Low Density Residential Zone under the Port Stephens LEP, which generally allow for a higher density outcome.

- Subdivision into 2 lots for the purpose of an attached dwelling (200m²), dwelling house (250m²), or a semi-detached dwelling (250m²).
- Use of a lot for an attached dual occupancy (500m²), detached dual occupancy (600m²), or multi dwelling housing (750m²).

The *Residential Land Needs Assessment* prepared by MacroPlan Dimasi presented an historical assessment of consumption and market characteristics, including sales composition by lot size between 2008-2018 (reproduced in Table 4). This shows the substantial up-take in residential lots from 2015, and an increasing trend towards smaller residential lots. This is generally consistent with the drivers for growth, noting that town is attracting higher proportions of new homebuyers and retirees. Both cohorts would tend to favour smaller and easier-to-maintain lots, albeit for different reasons.

Table 4: Sales composition by lot size, Karuah (Calendar Years)

Size	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
400 - 449										1	1
450 - 499									2		
500 - 549											
550 - 599			1					1		1	
600 - 649									1	1	13
650 - 999	2	1		2	3	4	4	1	4	17	12
1000+		1		1				3	4	2	
Total	2	2	1	3	3	4	4	5	11	22	26

Source: MacroPlan 2019, from Corelogic RP Data 2019

In our view, it has also been proven that Karuah's growth is reflective of a supply-driven market. That means the delivery of new lots is the main driver of population growth, and that it is reasonable to assume more people would choose to live in Karuah if a higher volume of supply were provided.

Based on that premise, MacroPlan Dimasi considered different growth scenarios by testing the base case (reflecting recent trends) against lower and higher growth outcomes benchmarked against both residential lots and population growth metrics. The method utilised was considered reasonable by peer review and the results of this testing are summarised in Table 5.

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Table 5: Future residential demand scenarios (by MacroPlan Dimasi 2019) (rounded)

	Low	Base	High
Future demand by lots released			
Annual lot take-up	26 lots	30 lots	32 lots
Average annual population growth	57 people	65 people	70 people
Future demand by population growth			
Annual lot take-up	31 lots	36 lots	39 lots
Average annual population growth	67 people	78 people	85 people

These results were used to estimate the number of years' supply remaining, based on the number of lots estimated to be available within the existing zoned supply. Based on the information we reviewed, however, there is some discrepancy in the estimated capacity of the existing zoned land as illustrated in Table 6.

Table 6: Comparison of existing (zoned) supply capacity estimates available (Areas refer to Figure 9)

Area	MacroPlan Dimasi / Perception Planning	Hunter Water	Confidence level
1	30 lots	30 lots	Lower - zoned supply estimation
2	110 lots	110 lots	Higher - based on Development Approval
3	10 lots	11 lots	Higher - constructed, based on no. vacant lots remaining
4a	100 lots	86 lots	Lower - zoned supply estimation
4b	40 lots	17 lots	Higher - constructed, noting 17 lots have yet to be connected to water supply
5	Not estimated	Not estimated	-
6	50 lots	Not estimated	Lower - zoned supply estimation
7	0 (not zoned)	0 (not zoned)	-
Total	340	254	

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Based on the supply estimate data available, we consider there to be around 310 lots available, of which there are:

- 135 lots available in effective supply, that is lots with development approvals in place and servicing available. These are located across areas 2, 3, and 4b and would be more readily converted to residential sales.
- 168-180 lots available within the remaining zoned supply across areas 1, 4a, and 6, with additional potential capacity in area 5. We consider this to be reserve supply and would expect to see a lag in the conversion of this supply to residential sales, which may be due to several factors including (but not limited to) environmental constraints or developer motivation.

From this, we consider there to be 3.4 to 4.3 years' available in effective supply and another 4.5 to 5.7 years' available in reserve supply (shown in Table 7). That means additional supply is required to a volume that would provide another 150 to 340 lots, depending on the growth trajectory. Given the supply-driven nature of the market, historically, we accept that the high-growth values would be a reasonable benchmark for planning to achieve.

Table 7: Estimated years' supply remaining under various growth scenarios.

	Low	Base	High
Future demand by population growth			
15-year demand	460	540	580
No. years remaining	10 years (4.3 effective)	8.7 years (3.8 effective)	7.9 years (3.4 effective)
No. additional lots required (range)	150 - 220	230 - 300	270 - 340

Are there any other considerations to be made to facilitate uptake / delivery within the existing or future land supply?

The total volume of land available is not, in itself, a reliable indicator of sufficient supply. Several other factors should be considered to ensure the supply is robust and fit-for-purpose. Based on our review, there appear to be risks in relation to the following considerations that we recommend are investigated in more detail.

- The utilisation of dwellings as short term accommodation reduces the existing supply available for permanent residents.
- Zoned supply can go on to deliver restricted tenure products, such as retirement homes or residential aged care facilities, which do not cater to for all potential residents.
- Operational-level diversity, which can be reflected in the number of different development 'projects' is important to ensure supply is not abruptly constrained by risks such as changes in access to finance or construction industry supply chains.
- Supply certainty, based on the degree to which zoned land has approvals and servicing in place, is important to ensure supplies are not abruptly constrained due to approval or servicing lags.

These considerations indicate a higher-than-15-year supply should be provided to more readily allow for supply competition and the ability to make adjustments in delivery, thereby facilitating a more predictable and affordable supply to the market.

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Based on our review we recommend the Place Plan sets a target for an augmentation to the existing supply that would lead to an additional 340 to 400 residential lots. Ideally this would include land in multiple locations or ownerships to reduce the extent the resulting supply is vulnerable to the considerations described above.

Our recommended reconfiguration for the investigation area is shown in Figure 10, noting:

- The total area (hectares) of land is indicative. This will need to be adjusted in response to site constraints to ensure an additional 340 to 400 lots could be created.
- A limited amount of land within 339 Tarean Rd should be considered to allow for improved bushfire protection to existing dwellings and support operational-level diversity of supply whilst balancing the ecological impacts.
- A limited amount of land to the south of Tarean Rd should also be considered to support operational-level diversity of supply.

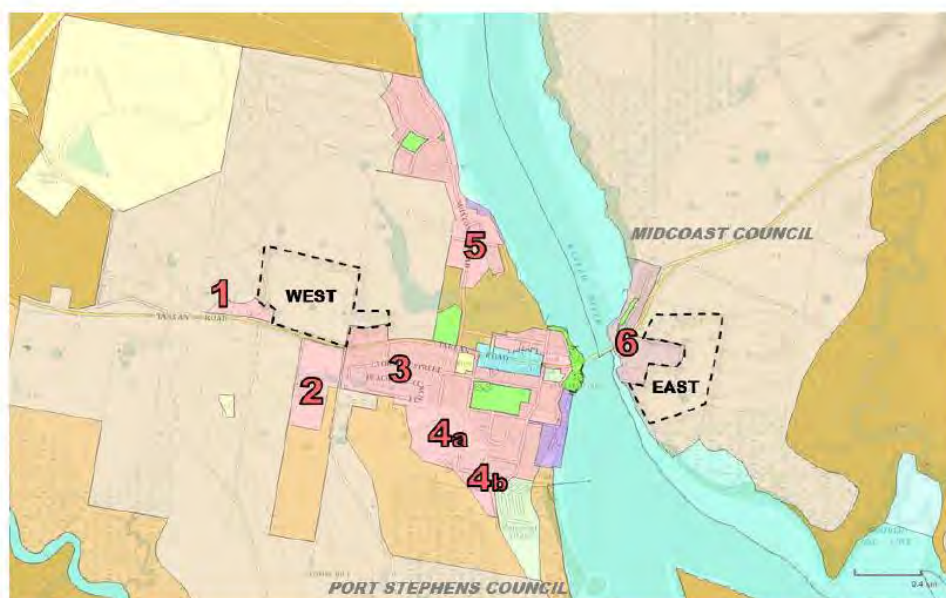


Figure 10: Recommended reconfiguration for Growth Area west

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Is there any need to augment the town's employment land supply? If so, what are the spatial implications of this?

Population growth must be met with a commensurate level of growth to provide the requisite jobs and services. The Planning Proposal for 339 Tarean Rd sought to provide around 0.4ha of land zoned B1 - Neighbourhood Centre, adjoining an existing motel. The need for this augmentation to the commercial land supply was originally identified in the *Karuah Growth Strategy*. The Karuah Growth Strategy also recommended a small light industrial area to the west of the village, including and adjoining the timber processing industry site at 4 Allen Rd.

No further evidence has been provided in the information available to us to confirm whether the need to augment the town's employment land supply remains and, if so, the amount of additional employment land available. Given the extent to which the town is removed from major employment areas, it would be reasonable to assume some augmentation may be required, but we have not been tasked with quantifying this.

Notwithstanding, we believe it would be prudent to consider what the spatial implications of an augmentation to the commercial land supply may be, to the extent of identifying the preferred location for commercial growth, should this not be capable of occurring within the existing zoned centre.

Good planning practice seeks to locate jobs and services where they are most convenient to the reliant populations. Given the westward shift in population that would occur as new land is identified and released for sale, it would be advantageous to make additional land available within easy walking distance of these new areas.

At present, Karuah's town centre would be around 1.5 - 2km distance to the Growth Area west investigation area (as modified). This may not encourage walking or cycling, particularly for older residents. It would be reasonable to indicate an area within a 400-600m catchment of this new growth that could provide services catering to residents' day-to-day needs. However, this should be managed to ensure it does not diminish the commercial viability of the town's established centre.

In addition to the above, co-locating light industrial uses around the existing the timber processing industry site at 4 Allen Rd would also allow for the creation of jobs closer to Karuah without necessarily diminishing the amenity of the town. This should be considered in conjunction with the review of the 500m interim separation distance we have recommended above.

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What considerations should be included in the Place Plan to assist with the sequencing of land released through rezonings?

Our review suggests that Karuah is a supply-driven housing market, which means take-up would closely follow the release of residential lots. In situations like this, we do not consider the oversupply of residential lands to pose a risk to the market. Instead, the sequencing of land rezonings should be established around other strategic planning considerations, including those considered earlier in our report as summarised below.

- The Karuah Sewage Treatment Works will continue operating and will need to increase capacity to service the demands of the township, in line with growth. This may rely on the extension of the existing Effluent Reuse Enterprise, with the preferred location for this extension identified as area 'B' in Figure 5. Residential encroachment into the impact buffer area for the existing facility should be avoided entirely (noting a nominal separation distance has been indicated in our report) and should be postponed within the potential impact buffer area for the preferred extension area until a final solution to increase capacity has been confirmed.
- If area 'B' in Figure 5 is not required to facilitate the extension of the Karuah Sewage Treatment Works, it should be prioritised for conservation to support habitat connectivity, as shown in Figure 3, and residential uses may be considered for adjoining lands in line with conservation and bushfire management requirements.
- Residential encroachment into the buffer area for the existing timber processing industry at 4 Allen Rd should be postponed until the potential for the area to provide additional employment-generating uses is considered and suitable impact mitigation measures are identified to avoid the potential for land use conflict.
- Given the coincidence of an investigation habitat connection near the existing timber processing industry, we recommend prioritising the western arrow market as 'D' on Figure 3 for revegetation to serve a dual purpose as a conservation benefit and strategic mitigation measure to reduce the visual, air quality, and noise impacts arising from existing and any potential future industrial uses.

In line with the above, we recommend the first stage investigation area for the release of lands for urban development to reflect the footprint marked as area 'A' in Figure 11, with the following supporting actions for land use changes within the Karuah township undertaken concurrently.

1. Confirm whether area 1 in Figure 11 is required to increase capacity at the Karuah Sewage Treatment Works.
2. Consider the application of environmental protection zonings for areas marked as '2' in Figure 11.
3. Identify the current and likely future operational needs of the existing timber processing industry, and, more broadly, the need for this area to accommodate additional employment generating uses.
4. Establish the requirements for revegetation at the area marked as '4' in Figure 11 to serve a dual purpose as a habitat connection and amenity buffer to facilitate future residential uses south of Tarean Rd.
5. Consider the short-term, temporary reactivation of the former service station at 254 Tarean Rd and identify what remediation measures would be required over the long term to facilitate residential development, to inform future decision-making in relation to the release of this land for development.
6. Allow for a degree of smaller-scale commercial uses adjoining the existing motel. These uses should not compete with the Township's established commercial centre.



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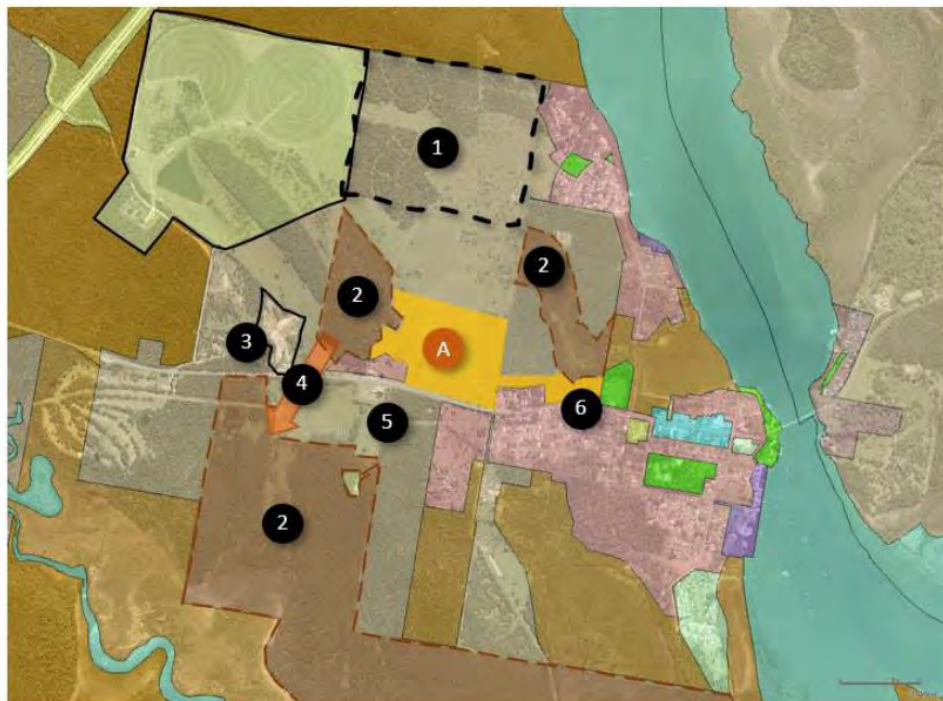


Figure 11: Recommended first-stage urban release investigation area (A) and supporting actions.

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The configuration of the second-phase release of land within the township would largely depend on the outcome of first-stage investigations, with the most likely alternative scenarios described below.

If the Karuah Sewage Treatment Works extends onto adjoining lands, we recommend the second-stage urban land release area should focus on the area marked as B1 in Figure 12, and planning efforts supported by the following actions:

1. The area marked as '1' in Figure 12 should be investigated as a potential habitat link. Any further residential encroachment northward should be managed to avoid land use conflicts with the conservation area.
2. The application of an environmental protection zoning (if relevant) and revegetation works should commence in area 2 shown in Figure 12, particularly as an impact mitigation measure to future residential uses.
3. If relevant, planning controls should be updated for the timber processing industry and surrounding lands to support investment in employment-generating uses (shown as 3 in Figure 12).

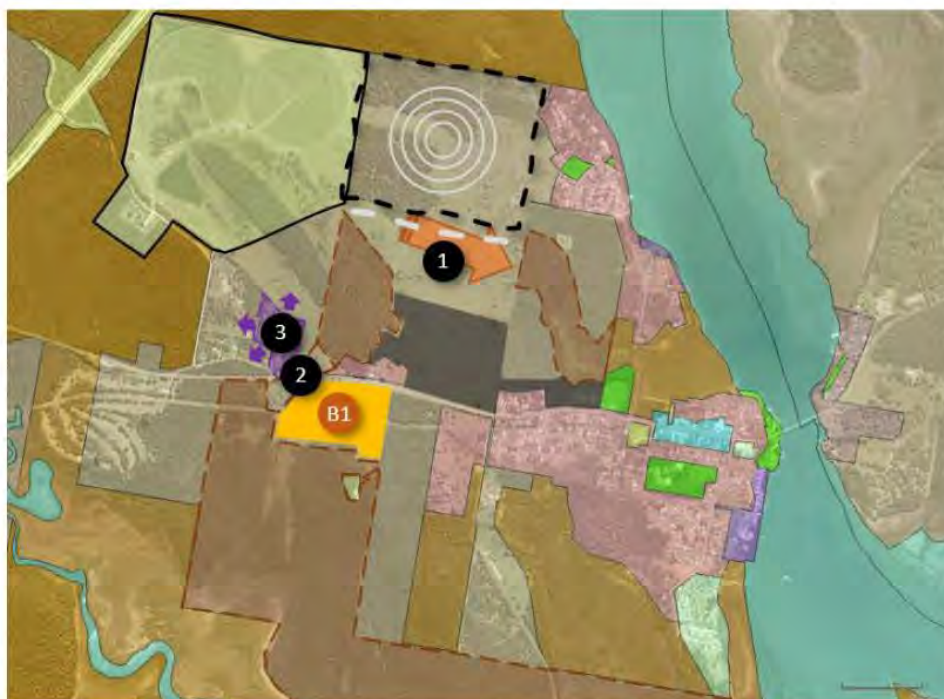


Figure 12: Second-stage investigation area for urban release (B1) and supporting actions if the Karuah Sewage Treatment Works is extended to adjoining lands.

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If the Karuah Sewage Treatment Works does not need to extend onto adjoining lands to increase capacity, we recommend the second-stage urban land release area should focus on the areas marked as B1 and B2 in Figure 13, and planning efforts supported by the following actions:

1. The area marked 1 in Figure 13 should be investigated as a potential habitat link. The interface of this corridor with B2 should be managed to avoid land use conflicts between conservation and residential uses (e.g., bushfire).
2. Environmental protection zonings should be considered for the areas marked 2 in Figure 13, to identify conservation as the primary objective for land use.
3. The application of an environmental protection zoning (if relevant) and revegetation works should commence in area 3 shown in Figure 13, particularly as an impact mitigation measure to future residential uses in B1.
4. If relevant, planning controls should be updated for the timber processing industry and surrounding lands to support investment in employment-generating uses (shown as 4 in Figure 13).

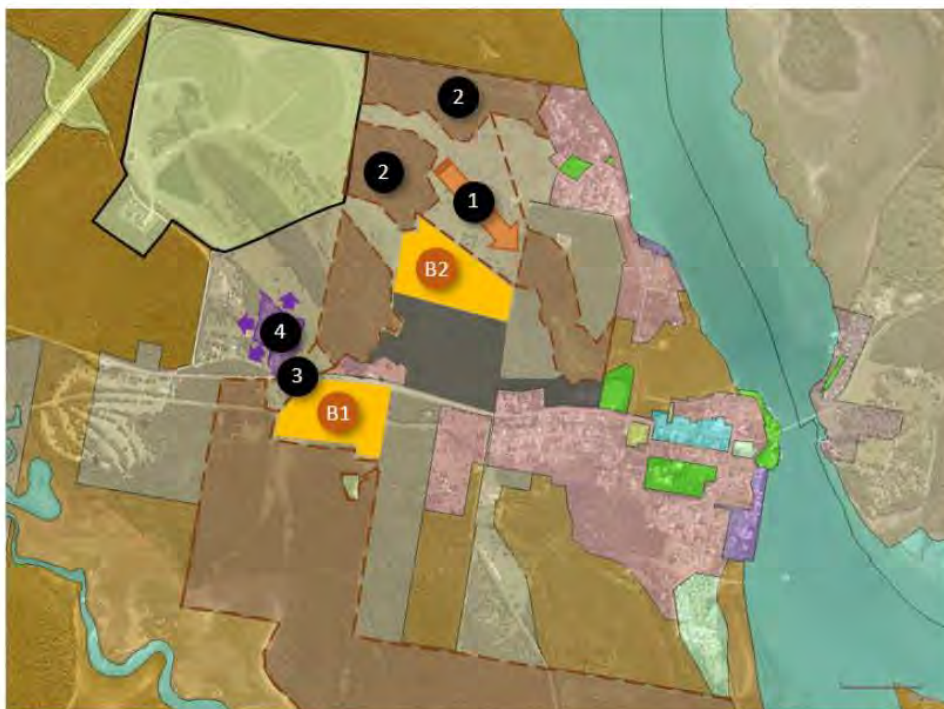


Figure 13: Second-stage investigation area for urban release (B1 and B2) and supporting actions if the Karuah Sewage Treatment Works does not need to extend onto adjoining lands

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5. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Our review considered the evidence available to set justified recommendations for augmenting the urban land supply within Karuah. This included documents and advice specifically provided by Council, as well as other publicly available documents offering insights and good practice guides (e.g., *Demographic and Housing Overview* report prepared by REMPLAN in October 2019 and *Planning for Bushfire* 2019).

Based on our review we considered the following questions to remain outstanding, which we analysed in more detail in Section 4.

- Does any privately-owned land need to be conserved and/or enhanced to sustain or improve habitat connectivity?
- Would any vegetation on privately-owned land be unable to satisfy the biodiversity offset requirements under current legislation?
- What, if any additional lands may be required to increase wastewater treatment capacity?
- Are there any sites containing potentially contaminated land that can be signposted in the Place Plan?
- Are there any existing industrial operations that should be highlighted as requiring a separation distance? If so, what are the key principles for managing land use conflict that could be addressed in the Place Plan?
- Would any existing dwellings within the township benefit from bushfire protection measures?
- What are the key elements of *Planning for Bushfire Protection* 2019 that could be addressed in the Place Plan?
- What are the key elements of the rural planning principles that could be addressed in the Place Plan?
- The need to augment the town's housing land supply has been proven. What volume is required?
- Are there any other considerations to be made to facilitate uptake / delivery within the existing or future land supply?
- Is there any need to augment the town's employment land supply? If so, what are the spatial implications of this?
- What considerations should be included in the Place Plan to assist with the sequencing of land released through rezonings?

The recommendations arising from our analysis are consolidated on Figure 14 and described in Table 8.

Additional investigations will be required in relation to the following, which we have not analysed in detail. The outcome of subsequent investigations may require our recommendations to be reviewed and updated.

- Residential capacity / supply on land within the MidCoast Local Government Area.
- Infrastructure capacity other than Hunter Water assets, including roads (State, Regional and Local), electricity/gas, telecommunications, schools, etc.
- Land suitability considerations for coastal protection, oyster aquaculture, acid sulfate soils, contamination, and heritage.



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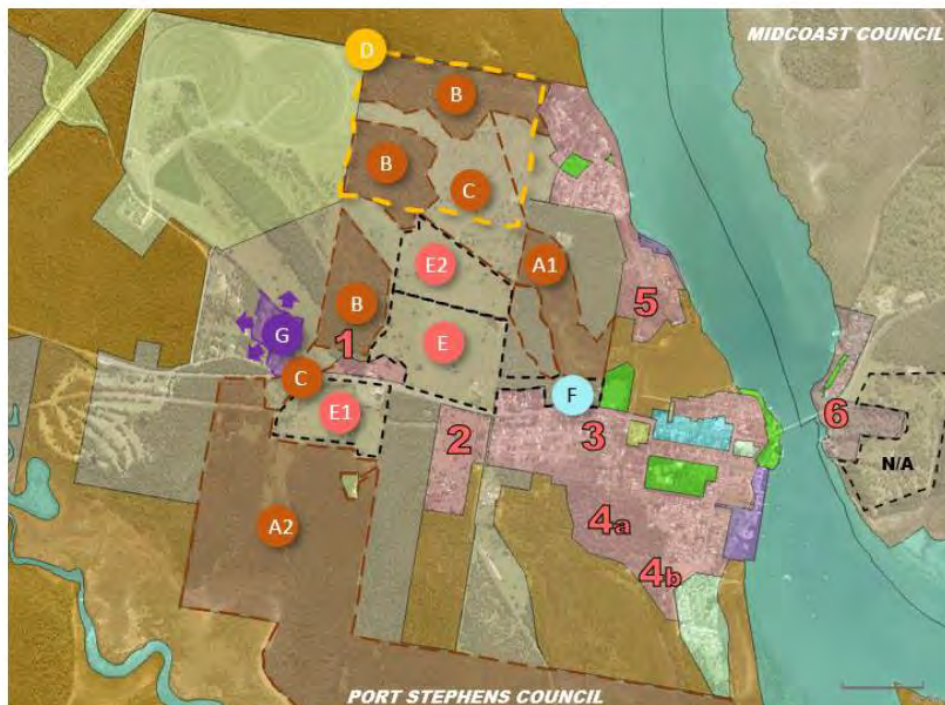


Figure 14: Consolidated recommendations and directions for rezoning

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Table 8: Summary of recommendations (Areas refer to Figure 14)

Area	Recommendation
A	Development should be avoided in perpetuity within areas marked as 'A', and additional considerations made for measures required on adjoining lands to avoid or minimise impacts to the wetland (A1). These areas would be a suitable candidate for and Environmental Protection zoning. Asset Protection Zones should not be located within these areas.
B	Development should generally be avoided within the existing stands of vegetation shown as 'B'. Some boundary modifications may be appropriate, particularly to ensure suitable bushfire protection for existing and future dwellings, but these should be maintained to a size and condition that is conducive to their ongoing viability for conservation purposes. Once the boundaries are confirmed, Asset Protection Zones should not be located within these areas.
C	Lands generally within the area marked 'C' should be the preferred location for investment in revegetation, including biodiversity offsets. Habitat connectivity should be prioritised within this area and, as planning efforts progress, a definitive corridor should be established to maintain east-west movements to the Karuah River via the wetland.
D	Any definitive land uses decisions within 'D' should be postponed until the need for that land to provide wastewater treatment services is confirmed, noting the preliminary positions below: <ul style="list-style-type: none"> If the land is not required for wastewater treatment, it should be prioritised for conservation in line with our recommendations for 'C' in relation to habitat connectivity above. If the land is required for wastewater treatment, then the configuration of conservation lands required to sustain habitat connectivity across 'C' may need to be modified.
E	Investigations to rezone land for urban (residential) development should be configured as shown, noting: <ul style="list-style-type: none"> Area E is the recommended focus for any first-stage rezonings. The total area (hectares) of land is indicative. This will need to be adjusted in response to site constraints to ensure an additional 340 to 400 lots could be created. Land within 339 Tarean Rd should be considered within the first-stage release to allow for improved bushfire protection to existing dwellings and support operational-level diversity of supply. Areas E1 and E2 would form part of a second-stage rezoning. The potential for E2 to be considered will rely on the capacity for residual land to appropriately accommodate residential uses after lands are provided for expanded wastewater treatment services (if relevant) and an east-west habitat link.
F	An area within a 400-600m catchment of new growth may be required to provide services catering to residents' day-to-day needs. The location shown is indicative only and has been positioned adjoining existing commercial premises. However, this augmentation should be managed to ensure it does not diminish the commercial viability of the town's established centre
G	The operational considerations of the existing timber processing facility should be considered to ensure suitable separation distances and mitigation of impacts to any future residential uses in E2. The need for additional employment lands should also be considered, and complementary uses co-located here where possible.

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6. REFERENCES

The following documents contain site-specific or technical information that was used to inform our review and recommendations. These documents are relevant in addition to other documents guiding planning and practice for land use and development in NSW.

- *EcoLogical (2012) Port Stephens Biodiversity Connectivity Mapping*
- *Hunter Water Corporation (2020) Karuah Growth and Servicing Report (version dated 4 September)*
- *NSW Department of Urban Affairs and Planning (1996) EIS Guideline for Sewerage Systems*
- *NSW Environmental Protection Authority (2019) List of Contaminated Sites Notified to EPA as of 9 January 2019*
- *Port Stephens Council (2011) Karuah Growth Strategy*
- *Port Stephens Council (2012) Minutes Ordinary Council 24 July 2012, Item No. 7 re Bio Banking of Council Owned Operational Land at Karuah*
- *Port Stephens Council (2020) Karuah Strategy Review Engagement Report*
- *South Australia Environmental Protection Authority (2016) Evaluation Distances for Effective Air Quality and Noise Management.*
- Planning Assessment documentation associated with Planning Proposal 2019_PORTS_007_00 at 339 Tarean Rd
- Planning Assessment documentation associated with Planning Proposal 2019_PORTS_004_00 at 269 Tarean Rd