

# NOTICE OF ORDINARY MEETING

## 25 JUNE 2024



The Mayor and Councillors attendance is respectfully requested:

Mayor: R Palmer (Chair).

Councillors: L Anderson, G Arnott, M Bailey, C Doohan, G Dunkley, P Francis, P Kafer, S Tucker, J Wells.

### SCHEDULE OF MEETINGS

| TIME         | ITEM                           | VENUE            |
|--------------|--------------------------------|------------------|
| 5:30pm:      | Public Access (if applied for) | Council Chambers |
| Followed by: | Ordinary Meeting               | Council Chambers |

### Please Note:

In accordance with the NSW Privacy and Personal Information Protection Act 1998, you are advised that all discussion held during the Open Council meeting is public information. This will include any discussion involving the Mayor, a Councillor, staff member or a member of the public. All persons present should withhold from making public comments about another individual without seeking the consent of that individual in the first instance. Should you have any questions concerning the privacy of individuals at the meeting, please speak with the Governance Section Manager or the General Manager prior to the meeting.

Please be aware that Council webcasts its Open Council meetings via its website. All persons should refrain from making any defamatory remarks. Council accepts no liability for any defamatory remarks made during the course of the Council meeting.

For the safety and wellbeing of the public, no signs, placards or other props made from material other than paper will be permitted in the Council Chamber. No material should be larger than A3 in size.

Food and beverages are not permitted in the Council Chamber.

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## **BUSINESS**

1) Opening meeting.

2) Acknowledgement of Country

We acknowledge the Worimi people as the original Custodians and inhabitants of Port Stephens. We acknowledge and pay respects to Worimi elders past and present. May we walk the road to tomorrow with mutual respect and admiration as we care for the beautiful land and waterways together.

3) Prayer

We recognise the rich cultural and religious diversity in Port Stephens and pay respect to the beliefs of all members of our community, regardless of creed or faith.

4) Apologies and applications for a leave of absence by Councillors.

5) Disclosures of interests.

6) Confirmation of minutes Ordinary Meeting of 11 June 2024.

7) Mayoral minute(s) – if submitted.

8) Motions to close meeting to the public – if submitted.

9) Reports to Council.

10) General Manager's reports – if submitted.

11) Questions with Notice – if submitted.

12) Questions on Notice.

13) Notices of motions – if submitted.

14) Rescission motions – if submitted.

15) Confidential matters – if submitted.

16) Conclusion of the meeting.

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the commencement of this Council term to undertake their civic duties in the best interests of the people of Port Stephens and Port Stephens Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Meeting Practice and Code of Conduct.

## **PRINCIPLES FOR LOCAL GOVERNMENT**

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes the Principles for Local Government for all NSW Councils.

The object of the principles for councils is to provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous.

### **Guiding principles for Council**

#### **1) Exercise of functions generally**

The following general principles apply to the exercise of functions by Council. Council should:

- a. provide strong and effective representation, leadership, planning and decision-making.
- b. carry out functions in a way that provides the best possible value for residents and ratepayers.
- c. plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d. apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e. work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- f. manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g. work with others to secure appropriate services for local community needs.
- h. act fairly, ethically and without bias in the interests of the local community.
- i. be responsible employers and provide a consultative and supportive working environment for staff.

#### **2) Decision-making**

The following principles apply to decision-making by Council (subject to any other applicable law). Council should:

- a. recognise diverse local community needs and interests.
- b. consider social justice principles.
- c. consider the long term and cumulative effects of actions on future generations.
- d. consider the principles of ecologically sustainable development.
- e. Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.



### 3) Community participation

Council should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

#### **Principles of sound financial management**

The following principles of sound financial management apply to Council. Council should:

- a. spend responsible and sustainable, aligning general revenue and expenses.
- b. invest in responsible and sustainable infrastructure for the benefit of the local community.
- c. have effective financial and asset management, including sound policies and processes for the following:
- d. performance management and reporting,
- e. asset maintenance and enhancement,
- f. funding decisions,
- g. risk management practices.
- h. have regard to achieving intergenerational equity, including ensuring the following:
  - (i) policy decisions are made after considering their financial effects on future generations,
  - (ii) the current generation funds the cost of its services.

#### **Integrated planning and reporting principles that apply to Council**

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by Council. Council should:

- a. identify and prioritise key local community needs and aspirations and consider regional priorities.
- b. identify strategic goals to meet those needs and aspirations.
- c. develop activities, and prioritise actions, to work towards the strategic goals.
- d. ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- e. regularly review and evaluate progress towards achieving strategic goals.
- f. maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- g. collaborate with others to maximise achievement of strategic goals.
- h. manage risks to the local community or area or to the council effectively and proactively.
- i. make appropriate evidence-based adaptations to meet changing needs and circumstances.

## PORT STEPHENS COMMUNITY STRATEGIC PLAN

The Local Government Act requires Council to adopt a Community Strategic Plan (10+ years). The Plan includes a Delivery Program (4 years), Annual Operational Plan and a Resource Strategy, it also includes the Council's budget.

The Community Strategic Plan is organised into 4 focus areas:

**OUR COMMUNITY** – An accessible and welcoming community respecting diversity, heritage and culture.

**OUR PLACE** – A liveable and connected place supporting community wellbeing and local economic growth.

**OUR ENVIRONMENT** – Port Stephens' environment is clean and green, protected and enhanced.

**OUR COUNCIL** – Port Stephens Council leads, manages and delivers valued community services in a responsible way.

## BUSINESS EXCELLENCE

Port Stephens Council is a quality and a customer service focused organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on 9 principles.

These outcomes align with the following Business Excellence principles:

- 1) Clear direction and mutually agreed plans enable organisational alignment and focus on achievement of goals.
- 2) Understanding what customers and other stakeholders value, now and in the future, enables organisational direction, strategy and action.
- 3) All people work in a system. Outcomes are improved when people work on the system and its associated processes.
- 4) Engaging people's enthusiasm, resourcefulness and participation improves organisational performance.
- 5) Innovation and learning influence the agility and responsiveness of the organisation.
- 6) Effective use of facts, data and knowledge leads to improved decisions.
- 7) Variation impacts predictability, profitability and performance.
- 8) Sustainable performance is determined by an organisation's ability to deliver value for all stakeholders in an ethically, socially and environmentally responsible manner.
- 9) Leaders determine the culture and value system of the organisation through their decisions and behaviour.

## MEETING PROCEDURES SUMMARY

**Starting time** – All meetings must commence within 30 minutes of the advertised time.

**Quorum** – A quorum at Port Stephens Council is 6.

### Declarations of Interest

**Pecuniary** – Councillors who have a pecuniary interest must declare the interest, not participate in the debate and leave the meeting.

**Non-Pecuniary** – Councillors are required to indicate if they have a non-pecuniary interest, should a Councillor declare a significant non-pecuniary they must not participate in the debate and leave the meeting. If a Councillor declares a less than significant non-pecuniary they must state why no further action should be taken. Councillors may remain in the meeting for a less than significant non-pecuniary.

**Confirm the Minutes** – Councillors are able to raise any matter concerning the Minutes prior to confirmation of the Minutes.

**Public Access** – Each speaker has 5 minutes to address Council with no more than 2 for and 2 against the subject.

### Motions and Amendments

**Moving Recommendations** – If a Committee recommendation is being moved, ie been to a Committee first, then the motion must be moved and seconded at Council prior to debate proceeding. A Councillor may move an alternate motion to the recommendation.

**Amendments** – A Councillor may move an amendment to any motion however only one amendment or motion can be before Council at any one time, if carried it becomes the motion.

**Seconding Amendments** – When moving an amendment, it must be seconded or it lapses.

**Incorporating Amendments** – If a motion has been moved and the mover and seconder agree with something which is being moved as an amendment by others, they may elect to incorporate it into their motion or amendment as the case may be.

**Voting Order** – When voting on a matter the order is as follows:

- 1) Amendment (If any)
- 2) Foreshadowed Amendments – (If any, and in the order they were moved)
- 3) Motion

**NB – Where an amendment is carried, there must be another vote on the amendment becoming the motion.**

**Voting** – an item is passed where a majority vote for the subject. If the voting is tied the Chairperson has a second (casting) vote which is used to break the deadlock.

**Closed Session** – There must be a motion to close a meeting. Prior to voting on the motion the chairperson will invite the gallery to make representations if they believe the meeting shouldn't be closed. Then Councillors vote on the matter. If adopted the gallery should then be cleared and the matter considered in closed session. Any decision taken in session closed is a resolution. There must be a motion to reopen the Council meeting to the public. If decision occurred in 'closed session', the meeting is advised of the resolution in 'open session'.

**Procedural Motion** – Is a motion necessary for the conduct of the meeting, it is voted on without debate, eg defer an item to the end of the meeting (however, to defer an item to another meeting is not a procedural motion), extend the time for a Councillor to speak etc.

**Points of Order** – when any of the following are occurring or have occurred a Councillor can rise on a 'Point of Order', the breach is explained to the Chairperson who rules on the matter.

A Point of Order can be raised where:

- 1) There has been any non-compliance with procedure, eg motion not seconded etc.
- 2) A Councillor commits an act of disorder:
  - a. Contravenes the Act, any Regulation in force under the Act, the Code of Conduct or this Code.
  - b. Assaults or threatens to assault another Councillor or person present at the meeting.
  - c. Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or address or attempts to address the Council or Committee on such a motion, amendment or matter.
  - d. Insults or makes personal reflections on or imputes improper motives to any other Councillor, any staff member or alleges a breach of Council's Code of Conduct.
  - e. Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into disrepute.

## **Declarations of Conflict of Interest – Definitions**

**Pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

**Non Pecuniary interests** are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Code of Conduct. These commonly arise out of family or personal relationships or involvement in sporting, social or other cultural groups and associations and may include an interest of financial nature.

The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interest in such a matter.

The political views of a Councillor do not constitute a private interest.



## Form of Special Disclosure of Pecuniary Interest

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

### Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

**ORDINARY COUNCIL - 25 JUNE 2024**

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the PORT STEPHENS COUNCIL

to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

|  |   |
|--|---|
| Pecuniary interest   |   |
| Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)                  |   |
| Relationship of identified land to the councillor<br>[Tick or cross one box.]  | <input type="checkbox"/> The councillor has an interest in the land (eg is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).<br><input type="checkbox"/> An associated person of the councillor has an interest in the land.<br><input type="checkbox"/> An associated company or body of the councillor has an interest in the land. |
| Matter giving rise to pecuniary interest <sup>1</sup>  |   |
| Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup><br>[Tick or cross one box] | <input type="checkbox"/> The identified land.<br><input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.  |
| Current zone/planning control<br>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land] |   |

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

|  |  |
|--|--|
| Proposed change of zone/planning control<br>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]                               |  |
| Effect of proposed change of zone/planning control on councillor or associated person<br>[Insert one of the following:<br>"Appreciable financial gain" or<br>"Appreciable financial loss"] |  |

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Mayor/Councillor's signature \_\_\_\_\_

Date \_\_\_\_\_

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]





## Declaration of Interest form

Agenda item No. \_\_\_\_\_

Report title \_\_\_\_\_

Mayor/Councillor \_\_\_\_\_ declared a

Tick the relevant response:

|                          |  |
|--------------------------|--|
| <input type="checkbox"/> | <b>pecuniary</b> conflict of interest                            |
| <input type="checkbox"/> | <b>significant</b> non pecuniary conflict of interest            |
| <input type="checkbox"/> | <b>less than significant</b> non- pecuniary conflict of interest |

in this item. The nature of the interest is \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**If a Councillor declares a less than significant conflict of interest and intends to remain in the meeting, the councillor needs to provide an explanation as to why the conflict requires no further action to manage the conflict. (Attach a separate sheet if required.)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OFFICE USE ONLY:** (Committee of the Whole may not be applicable at all meetings.)

Mayor/Councillor left the Council meeting in Committee of the Whole at \_\_\_\_\_pm.

Mayor/Councillor returned to the Council meeting in Committee of the Whole at \_\_\_\_\_ pm.

Mayor/Councillor left the Council meeting at \_\_\_\_\_ pm.

Mayor/Councillor returned to the Council meeting at \_\_\_\_\_ pm.

# COUNCIL REPORTS

ITEM NO. 1

FILE NO: 24/112935  
EDRMS NO: 16-2023-731-1

**DEVELOPMENT APPLICATION 16-2023-731-1 FOR A DWELLING AT 7 GYMEA WAY, NELSON BAY**

REPORT OF: EVERT GROBBELAAR - DEVELOPMENT AND COMPLIANCE  
SECTION MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Approve Development Application (DA) No. 16-2023-731-1 for a dwelling and associated works at 7 GyMEA Way, Nelson Bay (Lot: 5 DP: 285941) subject to the conditions contained in **(ATTACHMENT 1)**.
- 2) Support the Clause 4.6 variation request to the building height for the reasons outlined within this report.

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**BACKGROUND**

The purpose of this report is to present Development Application (DA) 16-2023-731-1 for a 3 storey dwelling to Council for determination.

A summary of the DA and property details is provided below.

|               |  |
|---------------|--|
| Subject Land: | 7 GyMEA Way, Nelson Bay (Lot: 5 DP: 285941)  |
| Total Area:   | 1,848m <sup>2</sup>  |
| Zoning:       | R2 Low Density Residential Zone  |
| Submissions:  | 1  |
| Key Issues:   | The key issues identified throughout the assessment of the DA relate to building height and building setbacks. The extent of the building height variation is 1.24m (or 13.7%). The slope of the site is 21 degrees. |

The DA has been reported to Council in accordance with Council's 'Council Related Planning Matters Policy' as the DA includes a request to vary a development standard greater than 10%. The development standard is Clause 4.3 – Height of Buildings and the extent of the variation is 13.7% (1.24m).

A locality plan is provided at **(ATTACHMENT 2)**.

### Proposal

The development seeks consent for the erection of a 3 storey dwelling, removal of 1 tree, construction of retaining walls and site works. The dwelling will contain 4 bedrooms, all with an ensuite, open planned kitchen, dining and living areas, a double garage, swimming pool, office room, indoor entertainment area, outdoor alfresco and balcony areas, an outdoor gym, and 1 laundry and bathroom. The dwelling will present as a 2 storey dwelling to Gymea Way, transitioning to 3 storeys towards the rear in response to the topography of the site. Access to the dwelling will be obtained via a crossover from Gymea Way.

### Site Description and History

The subject site is legally identified as Lot 5 in DP 285941 and is generally known as 7 Gymea Way, Nelson Bay. The site features a significant cross-fall from the north-east to the south-west and is currently vacant of any structures. The site has a primary frontage to Gymea Way and contains an access handle which extends to Tingara Road. The site comprises part of a community title subdivision and is largely surrounded by residential dwellings ranging from 2 to 3 storeys. Three lots immediately to the south are currently vacant and Nelsons Ridge Reserve is located immediately to the east across Gymea Way.

### Key Issues

The key issues identified throughout the assessment of the development relate to the proposed exceedance of the building height and setbacks. A detailed assessment of the DA is contained within the Planner's Assessment Report (**ATTACHMENT 3**).

### Building Height

The proposed dwelling exceeds the maximum allowable building height for the site prescribed under Clause 4.3 of the Port Stephens Local Environmental Plan 2013 (PSLEP 2013). The dwelling proposes a maximum building height of 10.24m, which exceeds the 9m height limit by 1.24m, representing a 13.7% variation to the development standard.

A request to vary the building height development standard has been submitted by the applicant in accordance with Clause 4.6 of the PSLEP 2013. Council staff are satisfied with the proposed height variation on the following grounds:

- (a) The proposed development is considered to be appropriate for the context of the area as it will present to Gymea Way as a 2 storey dwelling, with the ground level sited below the street level due to the steep topography of the site. As such, the dwelling will present in a manner which is consistent with surrounding developments and the emerging context of the locality (cl 4.6(3)(a)).
- (b) The variation to the height of building standards is contained to the rear (western) roof and wall components and therefore does not impact existing view corridors,

result in additional overshadowing impacts to adjoining properties and is not perceptible from the public domain (cl 4.6(3)(a)).

- (c) The proposed development exceeds the maximum height of building limit due to the steep topography of the land. The dwellings step down with the topography of the land to reduce the scale and overall height of the development which is consistent with other developments in the locality and is consistent with the form envisaged by the height standard (cl 4.6(3)(a)).
- (d) The proposed development will contribute to the provision of new residential accommodation within the R2 Low Density Residential zone and is therefore consistent with the objectives of the zone and in the public interest (cl 4.6(3)(a)).
- (e) The proposed variation to the height standard applied to the development does not result in the building being out of scale in the context of surrounding development and is not likely to have an adverse impacts on the local amenity or adjoining properties, noting predominant view lines and solar access are retained. Therefore, the development is consistent with the objectives of the zone and the height of building development standard (cl 4.6(3)(a)).

Moreover, the building height variation is considered appropriate as the building heights for several dwellings along GyMEA Way are constructed or approved over the 9m PSLEP 2013 height limit, which informs the impact of the proposed development on the existing and future character. This includes a constructed dwelling at 11 GyMEA Way (north of the site) that has a height of 9.7m; an approved dwelling at 5 GyMEA Way (immediately to the south) which has an approved height of 9.68m, an approved dwelling at 3 GyMEA Way (south of the site) which has an approved height of 9.8m, and an approved dwelling at 19 GyMEA Way (north of the site) which has an approved height of 9.528m. The height variations to these dwellings surrounding the site are attributed to the steep topography of the immediate locality and requirement to establish building footprints capable of supporting dwellings.

The proposed development is considered to satisfy the objectives of Clause 4.6, as the design will achieve a better outcome in these particular circumstances, noting the objectives of the development standard are achieved notwithstanding the noncompliance. The proposed building is considered to be appropriate in the context of the site.

It is considered that the applicant's Clause 4.6 variation request adequately demonstrates that there are sufficient environmental planning grounds to justify varying the height of buildings standard. On this basis, the building height variation is supported. A detailed assessment against Clause 4.6 is contained within the Planners Assessment Report (**ATTACHMENT 3**).

### Building Setbacks

The proposed development includes variations to the side building setbacks of Council's Development Control Plan (DCP). While the proposed development complies with the setbacks outlined under Chapter C4 of the DCP, the site is situated within land identified in Figure DL of the DCP and therefore, Chapter D6 is applicable. Specifically, the site is located within the Hill Tops Precinct. Under this Chapter, side setbacks of 3m are required for upper floors. The proposed development includes the following upper floor side setbacks:

- Middle Floor: 2.090m (northern) & 2.315m (southern)
- Upper Floor: 2.024m (northern) & 3m (southern)

As such, the development proposes variations ranging from 0.976m to 0.685m. The objective of the side setback control is to ensure development provides continuity and consistency to the public domain. The proposed development is considered to achieve this objective despite the non-compliance as several developments on Gymea Way feature similar or even further reduced side setbacks. This includes 8 Gymea Way (east of the site) which has upper floor side setbacks of 1.355 (southern) and 1.82m (northern), 14 Gymea Way (north-east of the site) which has upper floor side setbacks of 1.5m (northern) and 2m (southern) and 13 Gymea Way (north of the site) which has upper floor side setbacks of 2.2m (northern) and 2m (southern). As such, the proposed setbacks are consistent with the established and emerging built form of Gymea Way.

Furthermore, the setback variation is considered to have minimal amenity impacts to adjoining properties. The development incorporates a stepped design and changes in building materials and articulation to reduce the perceived bulk and scale of the development. Highlight windows and opaque glazing have been incorporated along the side elevations to minimise any potential privacy impacts and shadow diagrams have been provided to demonstrate the proposed development does not result in unreasonable overshadowing to adjoining properties. As such, the proposed side setback variations are considered reasonable and have been supported on a merits basis.

### Conclusion

As detailed in the Planners Assessment Report (**ATTACHMENT 3**), the development is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and Council policies applicable to the subject site. There will be no adverse impacts to the natural or built environment.

The proposed development is consistent with Council's Local Housing Strategy in that it provides additional residential accommodation within the Tomaree area. The development is considered to be consistent with the objectives of the R2 Low Density Residential zone.

It is considered that the DA has been suitably designed to address the site constraints and that it will not result in significant privacy, view loss or amenity issues.

## COMMUNITY STRATEGIC PLAN

| Strategic Direction             | Delivery Program 2022-2026  |
|---------------------------------|---|
| Thriving and safe place to live | Program to develop and implement Council's key planning documents |

## FINANCIAL/RESOURCE IMPLICATIONS

| Source of Funds                  | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|---------|
| Existing budget                  | Yes    |              |         |
| Reserve Funds                    | No     |              |         |
| Developer Contributions (\$7.11) | No     |              |         |
| External Grants                  | No     |              |         |
| Other                            | No     |              |         |

## LEGAL, POLICY AND RISK IMPLICATIONS

The application could be potentially challenged in the Land and Environment Court. Defending Council's determination could have risk and financial implications.

| Risk   | <a href="#">Risk Ranking</a> | Proposed Treatments        | Within Existing Resources? |
|--|------------------------------|----------------------------|----------------------------|
| There is a risk that if the DA is approved, the determination of the DA will be challenged by a third party in the Land and Environment Court. | Low                          | Accept the recommendation. | Yes                        |
| There is a risk that if the DA is refused, the determination of the DA may be challenged by the applicant in the Land and Environment Court.   | Medium                       | Accept the recommendation. | Yes                        |

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

### Social and Economic Impacts

The proposed development represents a modern residential development and will provide additional housing to service the needs of the community. The dwelling will enable the development of a currently vacant lot which has been subdivided and established for residential purposes. The construction of the dwelling will provide employment opportunities in the locality during the short term, helping to support the local building and development industries. Furthermore, the increase in residents will provide ongoing direct and indirect monetary inputs through their daily living activities.

As assessed throughout this report, the proposed development has been designed to respond to the site constraints whilst also reducing potential adverse impacts to neighbouring properties. Accordingly, there are no anticipated adverse social or economic impacts as a result of the proposed development.

### Impacts on the Built Environment

The proposed development will reinforce the residential nature of GyMEA Way through development of a vacant residential block. While the proposed development exceeds the height of building development standard, the development has been designed in response to the significant slope of the land without requiring significant earthworks or creating adverse amenity impacts to neighbouring properties. The development incorporates several design elements including highlight windows, opaque glazing, material changes and building articulation to reduce the bulk and scale of the development, provide visual interest and minimise any potential adverse impacts to adjoining properties.

Overall, it is considered that the proposed development is consistent with the built environment along GyMEA Way, makes appropriate use of a vacant residential site and will have no adverse impacts to the surrounding environment in terms of bulk and scale.

### Impacts on the Natural Environment

The proposed development is not expected to negatively impact the natural environment. The site is generally cleared of any substantial vegetation and is not located on land that contains any species of environmental significance. One tree is proposed to be removed, however, this tree does not exhibit any habit features such as hollows and its removal has been supported by an arborist report. As such, this tree removal has been supported and compensatory plantings have been conditioned and the development includes a landscape plan that predominately comprises native species.



## **CONSULTATION**

Consultation with key stakeholders has been undertaken for the purposes of the assessment of the application, including consultation with the public through the notification process.

### Internal

The application was not referred to any internal specialist staff.

### External

Consultation was undertaken with the NSW Rural Fire Service (RFS). The RFS supported the DA with General Terms of Approval being issued. Consultation was also undertaken with Ausgrid who provided general advice regarding the supply of electricity. The comments provided by the external agencies are discussed within the Planner's Assessment Report (**ATTACHMENT 3**).

### Public Exhibition

The DA was advertised and notified in accordance with the requirements of the Port Stephens Council Community Engagement Strategy. The DA was exhibited for a period of 14 days from 30 January 2024 to 13 February 2024. One submission was received during the exhibition period and a response to the matters raised in the submission is provided within the Planner's Assessment Report (**ATTACHMENT 3**).

## **OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

## **ATTACHMENTS**

- 1) Recommended Conditions of Consent.
- 2) Locality Plan.
- 3) Planner's Assessment Report. (Provided under separate cover)

## **COUNCILLORS' ROOM/DASHBOARD**

All information relating to this development application (DA) is available on the Councillors' Dashboard.

## **TABLED DOCUMENTS**

Nil.

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**General Conditions**

|   |   |                        |   |                      |                     |
|---|---|------------------------|---|----------------------|---------------------|
| 1 | <b>Approved plans and supporting documentation</b>  |                        |   |                      |                     |
|   | Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. |                        |   |                      |                     |
|   | <b>Approved plans</b>   |                        |   |                      |                     |
|   | <b>Plan number</b>  | <b>Revision number</b> | <b>Plan title</b>                           | <b>Drawn by</b>      | <b>Date of plan</b> |
|   | A200  | C                      | Proposed Site Plan                          | Play Co Architects   | 25/03/2024          |
|   | A211  | C                      | Proposed Lower Ground Floor Plan            | Play Co Architects   | 25/03/2024          |
|   | A212  | C                      | Proposed Ground Floor Plan                  | Play Co Architects   | 25/03/2024          |
|   | A213  | C                      | Proposed First Floor Plan                   | Play Co Architects   | 25/03/2024          |
|   | A214  | C                      | Proposed Roof Plan                          | Play Co Architects   | 25/03/2024          |
|   | A220  | C                      | Proposed Cut and Fill Diagram               | Play Co Architects   | 25/03/2024          |
|   | A301  | C                      | Proposed North Elevations                   | Play Co Architects   | 25/03/2024          |
|   | A302  | C                      | Proposed South Elevations                   | Play Co Architects   | 25/03/2024          |
|   | A303  | C                      | Proposed East Elevations                    | Play Co Architects   | 25/03/2024          |
|   | A304  | C                      | Proposed West Elevations                    | Play Co Architects   | 25/03/2024          |
|   | A401  | C                      | Proposed Section A                          | Play Co Architects   | 25/03/2024          |
|   | A402  | C                      | Proposed Section B                          | Play Co Architects   | 25/03/2024          |
|   | A403  | C                      | Proposed Section C                          | Play Co Architects   | 25/03/2024          |
|   | A404  | C                      | Proposed Section D                          | Play Co Architects   | 25/03/2024          |
|   | A405  | C                      | Proposed Section E                          | Play Co Architects   | 25/03/2024          |
|   | ST01  | C                      | Lower Ground Floor Stormwater Drainage Plan | Stronghold Engineers | 11/12/2023          |
|   | ST02  | C                      | Ground Floor Stormwater Drainage Plan       | Stronghold Engineers | 11/12/2023          |
|   | ST03  | C                      | First Floor Stormwater Drainage Plan        | Stronghold Engineers | 11/12/2023          |

|  |   |                               |                                  |              |
|--|---|-------------------------------|----------------------------------|--------------|
| ST04   | C | Roof Stormwater Drainage Plan | Stronghold Engineers             | 11/12/2023   |
| L01/1 – K26720   | - | Landscape Planting Plan       | Michael Siu Landscape Architects | 06/10/2023   |
| <b>Approved Documents</b>  |   |                               |                                  |              |
| <b>Document title</b>  |   | <b>Version No.</b>            | <b>Prepared by</b>               | <b>Dated</b> |
| Arboricultural Impact Assessment   |   | -                             | Glenn Holden – Urban Tree Care   | 18/03/2024   |
| In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.   |   |                               |                                  |              |
| <b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development  |   |                               |                                  |              |
| <b>General Terms of Approval</b>   |   |                               |                                  |              |
| The General Terms of Approval from state authorities must be complied with prior to, during, and at the completion of the development.   |   |                               |                                  |              |
| The General Terms of Approval are:   |   |                               |                                  |              |
| 1. NSW Rural Fire Service, referenced DA20240213000591-Original-1 and dated 23 February 2024   |   |                               |                                  |              |
| A copy of the General Terms of Approval is attached to this determination notice.  |   |                               |                                  |              |
| <b>Condition reason:</b> To ensure that the development is carried out in accordance with the General Terms of Approval issues by Integrated Development / Concurrence Agencies  |   |                               |                                  |              |
| <b>Protection of existing vegetation and natural landscape features</b>  |   |                               |                                  |              |
| No trees, other than that authorised for removal or within the approved building envelope 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. |   |                               |                                  |              |
| <b>Condition reason:</b> To ensure that vegetation is protected during works   |   |                               |                                  |              |
| <b>Building Code of Australia</b>  |   |                               |                                  |              |
| All building work must be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.  |   |                               |                                  |              |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p><b>Condition reason:</b> To ensure that all building works are completed in accordance with the Building Code of Australia.</p>  |
|  | <p><b>Sign on Building</b></p> <p>Except in the case of work only carried out to the interior of a building or Crown building work, a sign must be erected in a prominent position on the site showing the name, address and telephone number of the Principal Certifying Authority for the work, the name of any principal contractor and their after-hours contact number, and must contain a statement that unauthorised entry to the site is prohibited.</p> <p>The sign must be maintained while the work is being carried out and is to be removed when the work is completed.</p> <p><b>Condition reason:</b> To require signage that details the relevant contacts of a development during construction</p>   |
|  | <p><b>Driveway Gradients and Design</b></p> <p>For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design must comply with AS 2890.1 'Off street Car Parking' and:</p> <ul style="list-style-type: none"> <li>a) the driveway must be at least 1m from any street tree, stormwater pit or service infrastructure; and</li> <li>b) a Works on Public Infrastructure (Driveway) approval must be obtained prior to the commencement of any works.</li> </ul> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p><b>Condition reason:</b> To ensure that all driveways that relate to a development for the purposes of a dwelling house comply with AS2890.1 'Off Street Car Parking' and the relevant Council specification</p>             |
|  | <p><b>Excavation for Residential Building Works</b></p> <p>If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent must, at the person's own expense:</p> <ul style="list-style-type: none"> <li>a) protect and support the adjoining premises from possible damage from the excavation;</li> <li>b) where necessary, underpin the adjoining premises to prevent any such damage.</li> </ul> <p>This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.</p> |

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|  | <p><b>Condition reason:</b> To ensure development that involves excavation that extends below the base of the footings of a building on adjoining land will not result in adverse impacts to adjoining lots.</p>  |
|  | <p><b>Swimming Pool and Spas</b></p> <p>The swimming pool/spa must comply with:</p> <ul style="list-style-type: none"> <li>a) the Swimming Pools Act 1992;</li> <li>b) the Swimming Pools Regulation 2018;</li> <li>c) AS 1926.1 'Swimming Pool Safety' Part 1: Safety barriers for swimming pools;</li> <li>d) AS 3500.2 'Plumbing and Drainage' – Sanitary plumbing and drainage';</li> <li>e) AS1926.3 'Water Recirculation Systems'; and</li> <li>f) the BCA</li> </ul> <p><b>Condition reason:</b> To ensure that a development including a swimming pool is compliant with the relevant legislation.</p>  |
|  | <p><b>Tree Removal</b></p> <p>The trees identified on <b>Plan A200 (proposed site plan)</b>, prepared by <b>Play Co Architects</b> and dated <b>25/03/2024</b> below are approved for removal.</p> <p>Two of the following replacement trees must be planted on the subject lot.</p> <ul style="list-style-type: none"> <li>• 1 x <i>Corymbia gummifera</i> (Red Bloodwood), minimum 20L pot size;</li> <li>• 1 x <i>Angophora costata</i> (Smooth Barked Apple), minimum 20L pot size;</li> <li>• 1 x <i>Elaeocarpus reticulatus</i> (Blueberry Ash), minimum 20 L pot size; or</li> <li>• a suitable alternative as approved by Council's Natural Systems Team.</li> </ul> <p>The planting must be installed prior to the issue of the Occupation Certificate.</p> <p>Details demonstrating compliance must be provided to the <b>Certifying Authority</b>.</p> <p><b>Condition reason:</b> To ensure that the development retains/prunes and replaces specific tree plantings.</p> |

### Building Work

#### Before issue of a construction certificate

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|  | <p><b>Construction Certificate</b></p> <p>The following information must be provided to the Certifying Authority with the Construction Certificate application:</p> |
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## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>a) Amended architectural plans which removes fencing (excluding retaining walls) within the front setback area.</p> <p><b>Condition reason:</b> To ensure that specific information is provided to the Certifying Authority prior to the issue of the Construction Certificate and the amenity of the public domain is maintained.</p>  |
|  | <p><b>Erosion and sediment controls plan</b></p> <p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ol style="list-style-type: none"> <li>1. Council's relevant development control plan,</li> <li>2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</li> <li>3. The 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</li> </ol> <p><b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.</p>   |
|  | <p><b>Waste Management Plan requirements</b></p> <p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared:</p> <ol style="list-style-type: none"> <li>a. in accordance with             <ol style="list-style-type: none"> <li>i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and</li> <li>ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and</li> </ol> </li> <li>b. include the following information—             <ol style="list-style-type: none"> <li>i. the contact details of the person removing waste;</li> <li>ii. an estimate of the type and quantity of waste;</li> <li>iii. whether waste is expected to be reused, recycled or sent to landfill;</li> <li>iv. the address of the disposal location for waste.</li> </ol> </li> </ol> <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p><b>Condition reason:</b> To ensure resource recovery is promoted and local amenity protected during construction.</p> |
|  | <p><b>Long Service Levy</b></p>  |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>Before the issue of a Construction Certificate, the long service levy of \$2,482.00, as calculated at the date of this consent, must be paid to the Long Service Corporation under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to the principal certifier</p> <p><b>Condition reason:</b> To ensure the Long Service Levy is paid.</p>  |
|  | <p><b>Civil engineering plans</b></p> <p>Civil engineering plans prepared by a qualified Engineer, indicating any required drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Note: Under the <i>Roads Act 1993</i>, only the Roads Authority can approve commencement of works within an existing road reserve.</p> <p><b>Condition reason:</b> To ensure that civil engineering plans have been prepared by a qualified engineers prior to the issue of the Construction Certificate.</p>   |
|  | <p><b>Construction Site Management Plan</b></p> <p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>a. The location and materials for protective fencing and hoardings on the perimeter of the site;</li> <li>b. Provisions for public safety;</li> <li>c. Pedestrian and vehicular site access points and construction activity zones;</li> <li>d. Details of construction traffic management including: <ul style="list-style-type: none"> <li>i. Proposed truck movements to and from the site;</li> <li>ii. Estimated frequency of truck movements; and</li> <li>iii. Measures to ensure pedestrian safety near the site;</li> </ul> </li> <li>e. Details of bulk earthworks to be carried out;</li> <li>f. The location of site storage areas and sheds;</li> <li>g. The equipment used to carry out works;</li> <li>h. The location of a garbage container with a tight-fitting lid;</li> <li>i. Dust, noise and vibration control measures;</li> <li>j. The location of temporary toilets;</li> <li>k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> <li>i. AS 4970 – Protection of trees on development sites;</li> <li>ii. An applicable Development Control Plan;</li> </ul> </li> </ul> |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>iii. An arborist's report approved as part of this consent</p> <p>A copy of the construction site management plan must be kept on site at all times while work is being carried out.</p> <p><b>Condition reason:</b> To require details of measures to be undertaken that will protect the public, and the surrounding environment, during site works and construction.</p>   |
|  | <p><b>Dilapidation Report</b></p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works, and public land to the satisfaction of the principal certifier.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifiers, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p><b>Condition reason:</b> To establish and document the structural condition of adjoining properties and existing structures on the subject site for comparison as site work progresses and is completed.</p> |
|  | <p><b>Privacy Screening</b></p> <p>Permanently fixed 1.8m high privacy screen(s) must be provided to the <b>north and south elevation of the first floor balcony and ground floor alfresco decking</b> as follows:</p> <ul style="list-style-type: none"> <li>a) the screens must not have openings more than 30mm wide; and</li> <li>b) The total area of all openings must be less than 30% of the surface area of the screen when viewed in elevation.</li> </ul> <p>Details demonstrating compliance are to be provided to the Certifying Authority.</p> <p><b>Condition reason:</b> To mitigate privacy issues to adjoining properties</p>  |
|  | <p><b>Retaining Walls</b></p> <p>All retaining walls within 1m of a boundary and exceeding 600mm in height must be designed and certified by a suitably qualified Structural Engineer. No retaining walls are permitted to straddle lot boundaries.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority</p> <p><b>Condition reason:</b> To ensure that retaining walls in proximity to the boundary and over a height are designed and certified by a suitably qualified engineer.</p>  |



**Before building work commences**

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|  | <p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, the certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been re-stabilized in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>   |
|  | <p><b>All Weather Access</b></p> <p>A 3m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction for the delivery of materials and use by trades people.</p> <p>No materials, waste or the like are to be stored on the all-weather access at any time.</p> <p><b>Condition reason:</b> To ensure that adequate vehicular access is provided to and from the site, prior to the commencement of works.</p>  |
|  | <p><b>Construction Certificate Required</b></p> <p>In accordance with the provisions of Section 6.7 of the Environmental Planning &amp; Assessment Act 1979 (EP&amp;A Act 1979), construction or subdivision works approved by this consent must not commence until the following has been satisfied:</p> <ul style="list-style-type: none"> <li>a) A Construction Certificate has been issued by a Consent Authority;</li> <li>b) A Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 6.5 of the EP&amp;A Act 1979; and</li> <li>c) The PCA is notified in writing of the name and contractor license number of the owner/building intending to carry out the approved work.</li> </ul> <p><b>Condition reason:</b> To ensure that a Construction Certificate has been issued for the building works prior to the commencement of work.</p> |
|  | <p><b>Notice Commencement of Work</b></p> <p>Notice must be given to Council and the Principal Certifier, if not the Council, of the person's intention to commence the erection of the building or undertake subdivision work at least two days prior to subdivision and/or building works commencing in accordance with Sections 6.6 (2) and 6.12 (2) (c) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p>   |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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| <ul style="list-style-type: none"> <li>a) The name and address of the person;</li> <li>b) A description of the work to be carried out;</li> <li>c) The address of the land on which the work is to be carried out;</li> <li>d) The Registered numbers and date of issue of the development consent and construction certificate;</li> <li>e) A statement signed by or on behalf of the principal certifier that all conditions of the consent that must be satisfied before work commences have been satisfied; and</li> <li>f) The date on which the work is intended to commence.</li> </ul> <p>The notice must be lodged on the NSW Planning Portal.</p>   |
| <p><b>Condition reason:</b> To ensure that the Principal Certifier has given notice to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979 and Section 59 of the Environmental Planning and Assessment (Development Certificate and Fire Safety) Regulation 2021.</p>   |
| <p><b>Notice of Principal Certifying Authority Appointment</b></p> <p>The Principal Certifier for this development must give notice must be given to the consent authority and Council, where the Council is not the consent authority, at least two days prior to subdivision and/or building works commencing in accordance with Section 6.6 (2) (a) of the Environmental Planning and Assessment Act 1979 and Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The notice must include:</p> <ul style="list-style-type: none"> <li>a) A description of the work to be carried out;</li> <li>b) The address of the land on which the work is to be carried out;</li> <li>c) The Registered number and date of issue of the relevant development consent;</li> <li>d) The name and address of the Principal Certifier and the person who appointed the principal certifier;</li> <li>e) If the principal certifier is a registered certifier <ul style="list-style-type: none"> <li>i) The certifier's registration number, and</li> <li>ii) A statement signed by the registered certifier to the effect that the certifier consents to be appointed as principal certifier, and</li> <li>iii) A telephone number on which the certifier may be contacted for business purposes.</li> </ul> </li> </ul> <p>The notice must be lodged on the NSW Planning Portal.</p> <p><b>Condition reason:</b> To ensure that the Principal Certifier has given notice that they will be the Principal Certifier to the Consent Authority and Council at least two days prior to subdivision and/or building works commencing in accordance with S6.6(2)(a) of the Environmental Planning and Assessment Act 1979</p> |
| <p><b>Damage report – Public Infrastructure</b></p>   |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>The applicant is required to notify Council in writing of any existing damage to public infrastructure (including landscaping) within the vicinity of the development, the absence of such notification signifies that no damage exists</p> <p><b>Condition reason:</b> Small-scale development - Where the development is in close proximity to Council infrastructure.</p>  |
|  | <p><b>Home Building Act requirements</b></p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work related (not being the council) has given the council written notice of the following information –</p> <ul style="list-style-type: none"> <li>a) In the case of work for which a principal contractor is required to be appointed – <ul style="list-style-type: none"> <li>i) The name and license number of the principal contractor, and</li> <li>ii) The name of the insurer by which the work is insured under Part 6 of that Act,</li> </ul> </li> <li>b) In the case of work to be done by an owner-builder – <ul style="list-style-type: none"> <li>i) The name of the owner-builder, and</li> <li>ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</li> </ul> </li> </ul> <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the certifier) has given the Council written notice of the updated information.</p> <p><b>Condition reason:</b> To ensure compliance with the Home Building Act 1989 and to verify that the certifying principal authority for the development has given appropriate written notice to council.</p> |
|  | <p><b>Compliance with Home Building Act (if applicable)</b></p> <p>In the case of residential building work for which the Home building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, and that such a contract of insurance is in force before any building work authorised to be carried out by this consent commences.</p> <p><b>Condition reason:</b> To ensure that a contract of insurance is in force in accordance with Part 6 of that Act before any building work authorised to be carried out by the consent commences.</p>  |
|  | <p><b>Notice regarding dilapidation report</b></p> <p>Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than seven (7) days before the commencement of any site or building works and provide a copy of the report to the Council at the same time.</p>   |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p><b>Condition reason:</b> To ensure the structural safety of adjoining buildings as a result of the proposed development.</p>   |
|  | <p><b>Rubbish Generated from the Development</b></p> <p>Where not already available, a waste containment facility is to be established on site. The facility is to be regularly emptied and maintained for the duration of works.</p> <p>No rubbish must be stockpiled in a manner which facilitates the rubbish to be blown or washed off site. The site must be cleared of all building refuse and spoil immediately upon completion of the development.</p> <p><b>Condition reason:</b> To ensure that construction waste is appropriately stockpiled and removed from the site.</p> |
|  | <p><b>Site is to be secured</b></p> <p>The site must be secured and fenced to the satisfaction of the Principal Certifying Authority. All hoarding, fencing, or awnings (associated with securing the site during construction is to be removed upon the completion of works.</p> <p><b>Condition reason:</b> To restrict access to the site by the public and ensure that the site is adequately secured prior to the commencement of works.</p>   |
|  | <p><b>Bush Fire Asset Protection Zones</b></p> <p>Before any site work commences, the boundaries of the asset protection zone must be surveyed and marked on the ground by a registered surveyor.</p> <p><b>Condition reason:</b> To provide a buffer to protect life and property from bush fire attack</p>  |
|  | <p><b>Roads Act Approval</b></p> <p>For any construction/reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the Roads Act 1993</p> <p><b>Condition reason:</b> To ensure that works within the road reserve are approved by a Section 138B Approval of the Roads Act 1993.</p>   |
|  | <p><b>Surface Water Collected from Swimming Pools and Spas</b></p> <p>Swimming pool surrounds and/or paving must be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring properties.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p>  |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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| <p><b>Condition reason:</b> To ensure the development has met council standards.</p> |
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**During building work**

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|  | <p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site works is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> <li>The work in the area of the discovery must cease immediately;</li> <li>The following must be notified – <ol style="list-style-type: none"> <li>For a relic – the Heritage Council; or</li> <li>For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, Section 85.</li> </ol> </li> </ol> <p>Site works may recommence at a time conformed in writing by:</p> <ol style="list-style-type: none"> <li>For a relic – the Heritage Council; or</li> <li>For an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85</li> </ol> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p>  |
|  | <p><b>Waste management</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>all waste management must be undertaken in accordance with the waste management plan; and</li> <li>upon disposal of waste, records of the disposal must be compiled and provided to the certifying authority, detailing the following: <ol style="list-style-type: none"> <li>The contact details of the person(s) who removed the waste;</li> <li>The waste carrier vehicle registration;</li> <li>The date and time of waste collection;</li> <li>A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</li> <li>The address of the disposal location(s) where the waste was taken;</li> <li>The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</li> </ol> </li> </ol> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> |

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|  | <b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste  |
|  | <b>Hours of work</b>  |
|  | Site work must only be carried out between the following times –<br><br>7:00am to 5:00pm on Monday to Saturday<br><br>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.  |
|  | <b>Condition reason:</b> To protect the amenity of the surrounding area   |
|  | <b>Unexpected Finds Contingency (General)</b>   |
|  | 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.<br><br>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.<br><br>Where remediation work is required, the applicant will be required to obtain consent for the remediation works. |
|  | <b>Condition reason:</b> To ensure that works relating to a development are to cease if any suspect materials are identified and remediated in accordance with Council requirements   |
|  | <b>Excavations and Backfilling</b>  |
|  | All excavations and backfilling associated with this development consent must be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified Structural Engineer.<br><br>If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation must:<br><br>a) preserve and protect the building from damage; and<br>b) if necessary, underpin and support the building in an approved manner; and<br>c) give at least seven days' notice to the adjoining owners before excavating, or of the intention to excavate.  |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>The principal contractor, owner builder or any person who needs to excavate and undertake building work, must contact “Dial Before You Dig” prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.</p> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p><b>Condition reason:</b> To ensure that any Acid Sulfate Soils encountered during works are suitably managed</p> |
|  | <p><b>Compliance with the Building Code of Australia</b></p> <p>Building work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p><b>Condition reason:</b> To ensure that the development is undertaken in accordance with the Building Code of Australia.</p>   |
|  | <p><b>Offensive noise, dust, odour, and vibration</b></p> <p>No work must not give rise to offensive noise, odour, or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the nearest property boundary.</p> <p><b>Condition reason:</b> To ensure that developments do not give rise to offensive noise, dust, odour, or vibration.</p>  |
|  | <p><b>Building Height</b></p> <p>A survey report prepared by a Registered Surveyor confirming that the building height complies with the approved plans or as specified by the development consent, must be provided to the Principal Certifying Authority prior to the development proceeding beyond frame stage.</p> <p><b>Condition reason:</b> To ensure that the maximum building height of the structures on site are compliant with the consent and in accordance with the approved plans.</p>  |
|  | <p><b>Cut and Fill (if applicable)</b></p> <p>While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>a) All excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.</p>  |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.</p> <p><b>Condition reason:</b> To ensure that all imported and/or exported fill is Virgin Excavated Natural Material.</p>  |
|  | <p><b>Disposal of Stormwater</b></p> <p>Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant Environmental Protection Agency and Australian and New Zealand Environment and Conservation Council standards for water quality discharge.</p> <p><b>Condition reason:</b> To ensure that stormwater disposal from a development is managed in accordance with Council requirements.</p>  |
|  | <p><b>Implementation of BASIX Commitments</b></p> <p>While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.</p> <p><b>Condition reason:</b> To ensure that while building work is being carried out, the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent.</p>                                    |
|  | <p><b>Implementation of Site Management Plans</b></p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> <li>a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and</li> <li>b) a copy of these plans must be kept on site at all times and made available to council officers upon request.</li> </ul> <p><b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work</p> |
|  | <p><b>Location of Stockpiles</b></p> <p>Stockpiles of soil must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance.</p> <p><b>Condition reason:</b> To ensure that stock piles required for a development are managed in accordance with Council requirements.</p>                           |



## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p><b>Placement of Fill</b></p> <p>Filling must not be placed in such a manner that natural drainage from adjoining land will be obstructed or in such a manner that surface water will be diverted.</p> <p>Further, any alterations to the natural surface contours must not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners.</p> <p><b>Condition reason:</b> To ensure that fill required for a development is managed in accordance with Council requirements.</p>   |
|  | <p><b>Stormwater Disposal</b></p> <p>Following the installation of any roof, collected stormwater runoff from the structure must be:</p> <ul style="list-style-type: none"> <li>a) Diverted through a first flush system or leaf/debris prevention system before being connected to an approved stormwater easement/system/street</li> </ul> <p><b>Condition reason:</b> To ensure that stormwater runoff is managed as to not cause nuisance flows onto adjoining properties.</p>   |
|  | <p><b>Swimming Pool Fence Design</b></p> <p>The swimming pool or spa must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence &amp; gate must:</p> <ul style="list-style-type: none"> <li>a) Strictly adhere to the design and location approved with the development consent, and any conditions of the development consent.</li> <li>b) Strictly comply with AS1926 'Swimming Pool Safety' – Part 1: Safety barriers for swimming pools.</li> <li>c) Have a minimum effective height of 1.2m.</li> <li>d) Be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure.</li> <li>e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible).</li> <li>f) Boundary fencing forming part of the swimming pool safety fencing must maintain a minimum effective height of 1.8m and a 0.9m non climbable zone (measured from the top of the inside of the barrier).</li> </ul> <p>The swimming pool safety fencing must be installed prior to the swimming pool being filled with water. The Principal Certifying Authority, or an accredited certifier must inspect the swimming pool safety fencing.</p> <p><b>Condition reason:</b> To ensure that the development for a swimming pool and/or spa satisfies the Australian Standard and Council requirements.</p> |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p><b>Tree Removal</b></p> <p>All approved tree removal is subject to all pruning works being undertaken by a qualified arborist with minimum Australian Qualification Framework Level 3 qualifications or higher. All works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of Amenity trees'.</p> <p><b>Condition reason:</b> To ensure that vegetation removal/pruning is undertaken by a qualified arborist and in accordance with the Australian Standard.</p>   |
|  | <p><b>Waste Water from Swimming Pools and Spas</b></p> <p>All swimming pool waste water must be disposed of as follows:</p> <ul style="list-style-type: none"> <li>a) Where a Hunter Water sewer is available – waste water must be drained or pumped to the sewer.</li> <li>b) Where a Hunter Water sewer is not available (such as rural areas) – waste water must be disposed of as follows:</li> </ul> <p>Chlorinated pool waste water:</p> <ul style="list-style-type: none"> <li>i) Discharging to a rubble pit measured 600mm wide x 600mm deep x 3m long, located not less than 3m from any structure or property boundary; or</li> <li>ii) Discharging to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner.</li> </ul> <p>Saltwater pool waste water:</p> <ul style="list-style-type: none"> <li>iii) Discharging as per point ii) above.</li> </ul> <p>All pool types:</p> <ul style="list-style-type: none"> <li>iv) Must not be discharged to a septic tank or an on- site sewage management installation or disposal area;</li> <li>v) Must not be discharged into a reserve, watercourse, easement or storm water drainage system</li> </ul> <p><b>Condition reason:</b> To ensure that the development for a swimming pool and/or spa satisfies Council requirements.</p> |
|  | <p><b>Toilet Facilities</b></p> <p>Temporary toilet(s) must be provided and maintained on site from the time of commencement of building work to completion. The number of toilets provided must be one toilet per 20 persons or part thereof employed on the site at any one time.</p>   |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

The temporary toilet is to be either connected to the sewerage system or an approved septic tank or otherwise may be a chemical toilet supplied by a licensed contractor.

**Condition reason:** To ensure adequate amenity facilities are provided to the site during construction.

### Before issue of an occupation certificate

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| <p><b>Occupation Certificate Required</b></p>        | <p>An Occupation Certificate must be obtained prior to any use or occupation of the development.</p> <p>The Principal Certifying Authority must be satisfied that the development has been constructed in accordance with approved plans, specifications and conditions of this consent.</p> <p><b>Condition reason:</b> To ensure that an Occupation Certificate relating to the development is obtained from the Principal Certifying Authority prior to occupation or use</p>   |
| <p><b>Repair of infrastructure</b></p>               | <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> <li>1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or</li> <li>2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.</li> </ol> <p><b>Condition reason:</b> To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.</p> |
| <p><b>Completion of landscape and tree works</b></p> | <p>Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p> <p><b>Condition reason:</b> To ensure that landscape and tree works have been completed in accordance with the approved plans prior to the issue of an Occupation Certificate.</p>   |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <b>Completion of Roads Act Approval works</b>   |
|  | All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roads Act Approval to the satisfaction of the Council as the Roads Authority.  |
|  | <b>Condition reason:</b> To ensure that approved works within the road reserve have been completed to the satisfaction of the Council.  |
|  | <b>Removal of waste upon completion</b>   |
|  | Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier. |
|  | Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.  |
|  | <b>Condition reason:</b> To ensure that all waste is appropriately removed from the subject site prior to the issue of an Occupation Certificate.   |
|  | <b>Stormwater/drainage works</b>  |
|  | All stormwater and drainage works required to be undertaken in accordance with this consent must be completed.  |
|  | The certification/verification must be provided to the satisfaction of the Principal Certifying Authority.  |
|  | <b>Condition reason:</b> To ensure stormwater and drainage works have been undertaken in accordance with the approved plans.  |
|  | <b>Water authority certification</b>  |
|  | A Section 50 Application under the Hunter Water Act 1991 must be lodged with the Hunter Water Corporation (HWC) and details of the Notice of Compliance from HWC must be provided to the Certifying Authority.  |
|  | <b>Condition reason:</b> To ensure compliance with the water supply authority's requirements  |
|  | <b>Post-construction dilapidation report</b>  |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>Prior to the issue of an occupation certificate, a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether:</p> <ul style="list-style-type: none"> <li>a) After comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and</li> <li>b) Where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and</li> <li>c) A copy of the post-construction dilapidation report must be provided to Council (where council is not the principal certifiers or a principal certifier is not required) and to the relevant adjoining property owner(s).</li> </ul> <p><b>Condition reason:</b> To identify any damage to adjoining properties resulting from site work on the development site.</p> |
|  | <p><b>Services</b></p> <p>Evidence is to be provided to Council demonstrating that the following reticulated services are available to the dwelling:</p> <ul style="list-style-type: none"> <li>a) Electricity;</li> <li>b) Water;</li> <li>c) Sewer; and</li> <li>d) Gas (if available)</li> </ul> <p>Should any of the above reticulated services not be available to the development site, a detailed statement is to be provided explaining why connection of the relevant service is not possible or practical.</p> <p><b>Condition reason:</b> To verify that reticulated services are provided to the dwelling.</p>  |
|  | <p><b>Survey Certificate</b></p> <p>A Registered Surveyor must prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate must be provided to the satisfaction of the Principal Certifying Authority.</p> <p><b>Condition reason:</b> To ensure that the building is located in accordance with the approved plans and evidence from a Registered Surveyor is provided to the Principal Certifying Authority.</p>   |
|  | <p><b>Swimming Pool Register</b></p> <p>In accordance with Part 3A of the Swimming Pools Act 1992, all swimming pools (including spas) are required to be Registered on the NSW Swimming Pools Register.</p>  |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>Prior to the issue of any Occupation Certificate, you are required to provide evidence in the form of the Certificate of Registration to the Principal Certifying Authority.</p>   |
|  | <p><b>Condition reason:</b> To ensure that the development for a swimming pool and/or spa satisfies Council requirements prior to the issue of the Occupation Certificate.</p>  |
|  | <p><b>Swimming Pool Warning Notice</b></p>  |
|  | <p>A warning notice complying with the provisions of the Swimming Pools Regulation 2018, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the Swimming Pools Act 1992.</p> |
|  | <p>The Principal Certifying Authority must ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.</p>  |
|  | <p>Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "Guideline 7: Cardiopulmonary Resuscitation" published by the Australian Resuscitation Council.</p>               |
|  | <p><b>Condition reason:</b> To ensure that the development for a swimming pool and/or spa satisfies legislative requirements prior to the issue of the Occupation Certificate.</p>  |

## Occupation and ongoing use

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|  | <p><b>Driveways to be maintained</b></p>   |
|  | <p>All access crossings and driveways must be maintained in good order for the life of the development</p>   |
|  | <p><b>Condition reason:</b> To ensure that access and driveways are maintained for the life of the development.</p>  |
|  | <p><b>Maintenance of Landscaping</b></p>   |
|  | <p>Landscaping must be maintained in accordance with the approved landscape plan and conditions of this development consent. All landscape areas must be kept free of parked vehicles, stored goods, garbage or waste material at all times.</p> |
|  | <p>If any of the vegetation dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.</p>   |
|  | <p><b>Condition reason:</b> To ensure that landscaping is maintained in accordance with the approved landscape plan and the relevant development consent.</p>  |
|  | <p><b>Maintenance of wastewater and stormwater treatment device/s</b></p>  |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | <p>During occupation and ongoing use of the development, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained to remain effective and in accordance with any positive covenant (if applicable).</p> <p><b>Condition reason:</b> to ensure wastewater and stormwater systems are maintained</p>   |
|  | <p><b>Management of Asset Protection Zones</b></p> <p>During ongoing use of the site, the APZ must be managed in accordance with General Terms of Approval issued under this consent, Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Standards for Asset Protection Zones.</p> <p><b>Condition reason:</b> To ensure ongoing protection from bush fires.</p>  |
|  | <p><b>Location of Mechanical Ventilation (if applicable)</b></p> <p>During occupation and ongoing use of the building, the applicant must ensure all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.</p> <p><b>Condition reason:</b> For all applications requiring air conditioning units.</p> |
|  | <p><b>Privacy Screen</b></p> <p>Any privacy screen/s must be permanently maintained in accordance with the approved plans for the life of the development.</p> <p><b>Condition reason:</b> To mitigate and privacy impacts and ensure compliance with the approved plans.</p>   |
|  | <p><b>Prohibitions Within Swimming Pool Enclosure</b></p> <p>The area contained within the swimming pool safety fencing enclosure must not be used for other non-related activities or equipment, such as the installation of children's play equipment or clothes drying lines.</p> <p><b>Condition reason:</b> To ensure that the area contained within a swimming pool safety fence enclosure must not be used for other non-related activities or equipment.</p>  |
|  | <p><b>Use Limitations</b></p> <p>Garden sheds, carports, garages, outbuildings, rural sheds and the like must not be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council.</p>   |

## ITEM 1 - ATTACHMENT 1 RECOMMENDED CONDITIONS OF CONSENT.

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|  | Note: Carports must not be enclosed in any manner, including solid gates or door, without the prior consent from Council.  |
|  | <b>Condition reason:</b> To restrict the use of structures for a purpose that has not been approved by the Council.  |
|  | <b>Noise Nuisance Prevention (Swimming Pools)</b>  |
|  | <p>The motor, filter, pump, and all sound producing equipment associated with or forming part of the swimming pool filtration system must be located so as not to cause a nuisance to adjoining property owners.</p> <p>The location of equipment that causes offensive noise may require the equipment to be located within a suitable acoustic enclosure, or the relocation of such equipment.</p> |
|  | <b>Condition reason:</b> To ensure swimming pool equipment does not adversely impact the amenity of neighbouring properties.   |

**General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent; advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

**Council advisory notes**

1. **'Dial Before you Dig Australia'** – Before any excavation work starts, contractors and others should phone the "Dial Before You Dig Australia" service to access plans/information for underground pipes and cables.
2. **Responsibility for damage for tree removal/pruning** – The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.



**ITEM 1 - ATTACHMENT 1      RECOMMENDED CONDITIONS OF CONSENT.**

3. **Approved Plans to be on-site** – A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.
4. **Council as PCA, PCA sign** – It is the responsibility of the applicant to erect a PCA sign. Where Council is the PCA, the sign is available free of charge, from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay. The applicant is to ensure the PCA sign remains in position for the duration of works.
5. **Dividing Fences** - The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.





116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au



ITEM NO. 2

FILE NO: 24/66640  
EDRMS NO: 79-2023-4-1

## PORT STEPHENS COASTAL MANAGEMENT PROGRAM

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Endorses the Port Stephens Coastal Management Program and associated appendices (**ATTACHMENT 1**) to be submitted to the NSW Minister for Climate Change, Energy, the Environment and Water for certification.

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### BACKGROUND

The purpose of this report is to advise Council of the outcomes of the consultation undertaken on the draft Port Stephens Coastal Management Program (CMP) and associated appendices (**ATTACHMENT 1**) and to seek Council endorsement to submit to the NSW Minister for Climate Change, Energy, the Environment and Water for certification.

Port Stephens Council (Council) has prepared a draft CMP to provide strategic direction and actions for implementation in order to address current and future threats to the Port Stephens coastline. The CMP's aim is to maintain and enhance the ecological, social and economic values of the Port Stephens coastal zone. The purpose of the Port Stephens CMP is to set the long-term strategy for the coordinated management of the Port Stephens coastal zone.

The State Government requires a 5-stage process for the preparation and implementation of a CMP:

- Stage 1: Identify the scope of the CMP through the preparation of a 'scoping study'
- Stage 2: Determine risks, vulnerabilities and opportunities through detailed studies
- Stage 3: Identify and evaluate management options
- Stage 4: Prepare, exhibit, finalise, certify and adopt the CMP
- Stage 5: Implement, monitor, evaluate and report.

Council have successfully completed Stages 1, 2 and 3 of the above process. This report represents a key milestone for Stage 4.

The CMP is a 10 year plan of action for Council, public authorities and land managers responsible for the management of the Port Stephens coastal zone. The CMP will:

- Address and reduce risks associated with coastal hazards
- Preserve sensitive habitats, cultural uses and social values associated with the coastline
- Encourage the sustainable social, agricultural, economic and developed use of the coastal zone
- Maintain and improve the recreational amenity and resilience of the coastal zone into the future
- Adapt to emerging issues associated with the coastal zone such as population growth, climate change and coastal hazards.

At its meeting on 27 February 2024, Minute No. 015 (**ATTACHMENT 2**), Council endorsed the draft CMP for exhibition.

The draft was publicly exhibited for 28 days from 28 February 2024 to 29 March 2024, in accordance with the NSW Coastal Management Act 2016 (CM Act) and the NSW Coastal Management Manual (CM Manual; OEH, 2018). During the exhibition period, a total of 19 submissions were received from the public and 2 submissions were received from external agencies. The submissions received have been summarised and addressed within (**ATTACHMENT 3**).

In response to submissions, amendments have been made to the CMP, with the post exhibition amendments outlined within the submissions table (**ATTACHMENT 3**).

## **COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b> | <b>Delivery Program 2022-2026</b>  |
|----------------------------|--|
| Environmental resilience   | Develop and deliver a program for Council to mitigate environmental risks associated with climate change and natural hazards |

## **FINANCIAL/RESOURCE IMPLICATIONS**

The CMP includes a comprehensive business plan which outlines the implementation costs for all actions within the program and the responsible lead agency. Actions within certified CMPs are eligible for funding under the NSW Coastal and Estuary Grants Program at a 2:1 ratio, or subject to funding under other grant programs.

| <b>Source of Funds</b> | <b>Yes/No</b> | <b>Funding (\$)</b> | <b>Comment</b>   |
|------------------------|---------------|---------------------|--|
| Existing budget        | Yes           |                     | Not all actions of the CMP are funded. Some actions will rely upon a mix of grants, Council reserves and enhanced service SRV funding. |

| Source of Funds                  | Yes/No | Funding (\$) | Comment  |
|----------------------------------|--------|--------------|--|
| Reserve Funds                    | Yes    |              |  |
| Developer Contributions (\$7.11) | No     |              |  |
| External Grants                  | Yes    |              | NSW Coastal and Estuaries Grant; or other alternative external grants. |
| Other                            | No     |              |  |

## **LEGAL, POLICY AND RISK IMPLICATIONS**

### Coastal Management Act 2016

Under Part 3 of the Coastal Management Act 2016, local Councils are required to prepare CMPs in accordance with the coastal management framework and coastal management manual.

The CMP has been prepared in accordance with the requirements of the CM Act and associated manual.

### State Environmental Planning Policy (Resilience and Hazards) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 defines the coastal zone as the area of land comprised of the following coastal management areas:

- The coastal wetlands and littoral rainforest area
- The coastal vulnerability area
- The coastal environment area, and
- The coastal use area.

The Port Stephens CMP has been prepared to address the requirements of the CM Act and associated manual as they relate to the above coastal management areas.

| Risk  | <a href="#">Risk Ranking</a> | Proposed Treatments        | Within Existing Resources? |
|---|------------------------------|----------------------------|----------------------------|
| There is a risk that if the CMP is not endorsed the community will be exposed to the coastal hazards identified in the CMP. | High                         | Accept the recommendation. | Yes                        |
| There is a risk that if the CMP is not endorsed, Council operations will be   | High                         | Accept the recommendation. | Yes                        |

| <b>Risk</b>   | <b><a href="#">Risk Ranking</a></b> | <b>Proposed Treatments</b> | <b>Within Existing Resources?</b> |
|---|-------------------------------------|----------------------------|-----------------------------------|
| impacted by the coastal hazards identified in the CMP.  |                                     |                            |                                   |
| There is a risk if the CMP is not endorsed to be certified by the Minister, that Council will be unable to access funding support from the State Government to implement the actions. | Medium                              | Accept the recommendation. | Yes                               |

## **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The development and implementation of the Port Stephens CMP represents an important opportunity for Council, public authorities and other land managers to collaborate on a strategic approach to managing current and future threats in the Port Stephens coastal zone.

The vision statement for the Port Stephens CMP is to ensure that ‘our community is resilient to environmental risks, coastal hazards and climate change’. Supporting this vision are a series of local coastal management objectives that have been developed to align with the objects of the CM Act:

- Collaboration:
  - Encourage collaboration and partnership with government, agencies and our community to manage and protect the coastal zone.
- Biodiversity and ecosystem integrity:
  - Protect biological diversity and ecosystem integrity by maintaining and improving water quality and estuary health.
- Climate change:
  - Mitigate and build resilience to current and future coastal hazards and risks.
- Land use planning:
  - Facilitate ecologically sustainable development in the coastal zone and prioritise sustainable land use planning in decision making to maintain and improve public access, amenity and use.
- Aboriginal custodianship:
  - Support and protect our Aboriginal community’s spiritual, social, customary and economic use of the coastal zone.

- Coastal economies:
  - Support sustainable economic opportunities within the coastal zone.

The CMP allows Council and other land managers to implement a range of credible, evidence-based actions that address current and future coastal risks.

Certification of the CMP will allow Council to access State Government funding support to implement these priority coastal management actions over the next 10 years.

## **CONSULTATION**

Extensive consultation has been undertaken with key internal and external stakeholders by the Strategy and Environment Section during Stages 1 to 4 of the CMP process.

The CMP Communications and Engagement Plan and Summary Report available within Appendix B of **(ATTACHMENT 1)**, and provides a summary of, and documents the outcomes of, all engagement activities undertaken for the CMP to date.

### Internal stakeholders

- Assets Section
- Public Domain and Services Section
- Community Services Section
- Development and Compliance Section
- Strategy and Environment Section
- Communications Section
- Finance Section
- Governance Section
- Strategic Property.

### External stakeholders

- NSW DCCEEW - Coast and Estuaries
- NSW Department of Planning, Housing and Infrastructure
- Department of Primary Industries - Fisheries and Marine Parks
- NSW National Parks & Wildlife Service
- Department of Planning and Environment - NSW Crown Lands
- Hunter Local Land Services
- Transport for NSW
- NSW State Emergency Service
- MidCoast Council
- City of Newcastle
- Hunter Water Corporation
- Ausgrid

- NSW Aboriginal Land Council
- Worimi Local Aboriginal Land Council
- Karuah Local Aboriginal Land Council
- Worimi Conservation Lands Board
- Community groups
- Port Stephens residents
- Visitors.

The draft was publicly exhibited for 28 days from 28 February 2024 to 29 March 2024, in accordance with the NSW Coastal Management Act 2016 (CM Act) and the NSW Coastal Management Manual (CM Manual; OEH, 2018). During the exhibition period, a total of 19 submissions were received from the public and 2 submissions were received from external agencies. The submissions have been summarised and addressed within **(ATTACHMENT 3)**.

### **OPTIONS**

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

### **ATTACHMENTS**

- 1) Final Port Stephens Council Coastal Management Plan. (Provided under separate cover)
- 2) CMP - Minute No. 015 Council Meeting - 27 February 2024.
- 3) Response to submissions for Council Report - CMP - 25 June.

### **COUNCILLORS' ROOM/DASHBOARD**

- 1) Unredacted Submissions.

### **TABLED DOCUMENTS**

Nil.



**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****ITEM NO. 4****FILE NO: 24/29386  
EDRMS NO: 79-2023-4-1****EXHIBITION OF DRAFT PORT STEPHENS COASTAL MANAGEMENT PROGRAM**

REPORT OF:      BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
                         MANAGER  
DIRECTORATE: COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the draft Coastal Management Program and associated appendices (**ATTACHMENT 1**) to be placed on public exhibition for a period of 28 days.
- 2) Be provided with a further report at the conclusion of the public exhibition period.

**ORDINARY COUNCIL MEETING - 27 FEBRUARY 2024  
MOTION**

|            |  |
|------------|--|
| <b>015</b> | <b>Councillor Jason Wells<br/>Councillor Leah Anderson</b><br><br>It was resolved that Council:<br><br><ol style="list-style-type: none"><li>1) Endorses the draft Coastal Management Program and associated appendices (<b>ATTACHMENT 1</b>) to be placed on public exhibition for a period of 28 days.</li><li>2) Be provided with a further report at the conclusion of the public exhibition period.</li></ol> |
|------------|--|

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Amott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****BACKGROUND**

The purpose of this report is to seek endorsement for the draft Port Stephens Coastal Management Program (CMP) and associated appendices (**ATTACHMENT 1**) to be placed on public exhibition for a period of 28 days. A further report would be made to Council after the completion of the public exhibition period seeking adoption.

Port Stephens Council (Council) has, with the assistance of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), prepared a draft CMP to provide strategic direction and actions for implementation in order to address current and future threats to the Port Stephens coastline. This is in an effort to maintain and enhance the ecological, social and economic values of the Port Stephens coastal zone. The purpose of the Port Stephens CMP is to set the long-term strategy for the coordinated management of the Port Stephens coastal zone.

The State Government requires a 5-stage process for the preparation and implementation of a CMP:

- Stage 1: Identify the scope of the CMP through the preparation of a 'scoping study'
- Stage 2: Determine risks, vulnerabilities and opportunities through detailed studies
- Stage 3: Identify and evaluate management options
- Stage 4: Prepare, exhibit, finalise, certify and adopt the CMP
- Stage 5: Implement, monitor, evaluate and report.

Council have successfully completed Stages 1, 2 and 3 of the above process. This report represents a key milestone for Stage 4.

The CMP is a 10 year plan of action for Council, public authorities and land managers responsible for the management of the Port Stephens coastal zone. The CMP will:

- Address and reduce risks associated with coastal hazards
- Preserve sensitive habitats, cultural uses and social values associated with the coastline
- Encourage the sustainable social, agricultural, economic and developed use of the coastal zone
- Maintain and improve the recreational amenity and resilience of the coastal zone into the future
- Adapt to emerging issues associated with the coastal zone such as population growth, climate change and coastal hazards.

**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b> | <b>Delivery Program 2022-2026</b>  |
|----------------------------|--|
| Environmental resilience   | Develop and deliver a program for Council to mitigate environmental risks associated with climate change and natural hazards |

**FINANCIAL/RESOURCE IMPLICATIONS**

The public exhibition of the draft Port Stephens CMP and associated community engagement activities will be undertaken using existing budgets. The return report seeking Council adoption would include resourcing implications associated with the final actions proposed for implementation.

| <b>Source of Funds</b>           | <b>Yes/No</b> | <b>Funding (\$)</b> | <b>Comment</b>             |
|----------------------------------|---------------|---------------------|----------------------------|
| Existing budget                  | Yes           |                     | Public exhibition process. |
| Reserve Funds                    | No            |                     |                            |
| Developer Contributions (\$7.11) | No            |                     |                            |
| External Grants                  | No            |                     |                            |
| Other                            | No            |                     |                            |

**LEGAL, POLICY AND RISK IMPLICATIONS**Coastal Management Act 2016

The Coastal Management Act 2016 (CM Act) sets the aims and objectives of Government to manage the coastal environment of NSW. The objectives set out within the CM Act are required to be addressed within the draft CMP. Part 3 of the CM Act sets the expected requirements of CMPs and the associated manual, including the responsibility of local Councils to prepare the document in accordance with the coastal management manual. The draft CMP has been prepared in accordance with the requirements of the CM Act and associated manual.

State Environmental Planning Policy (Resilience and Hazards) 2021

The State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) defines the coastal zone as the area of land comprised of the following coastal management areas:

- The coastal wetlands and littoral rainforest area
- The coastal vulnerability area
- The coastal environment area

## MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024

- The coastal use area.

The draft CMP has been prepared to address the requirements of the CM Act and associated manual as they relate to the above coastal management areas.

During the 28 day exhibition period, Council staff would actively engage with the Port Stephens community and key stakeholder groups for their feedback. A series of information sessions would be held where the community can ask questions, be provided with CMP information and seek assistance related to making a formal submission.

| Risk  | <a href="#">Risk Ranking</a> | Proposed Treatments  | Within Existing Resources? |
|---|------------------------------|--|----------------------------|
| There is a risk that the draft CMP does not meet community expectations.  | Medium                       | Accept the recommendation.<br><br>Extensive community engagement has been undertaken during Stage 3 to capture the community's expectations. Further active engagement would be undertaken during the public exhibition period to assist Council to further understand and satisfy community expectations. | Yes                        |
| There is a risk if the draft CMP is not endorsed for public exhibition, that the draft CMP will not meet the requirements of the CMP manual and therefore unable to be certified by the Minister. | Medium                       | Accept the recommendation.   | Yes                        |
| There is a risk if the draft CMP is not endorsed for public exhibition, that Council will be unable to access funding support from the State Government to implement the actions.                 | Medium                       | Accept the recommendation.   | Yes                        |

**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024****SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The development and implementation of the Port Stephens CMP represents an important opportunity for Council, public authorities and other land managers to work together on a strategic approach to managing current and future impacts on the coastal zone.

The vision statement for the Port Stephens CMP is to ensure that 'our community is resilient to environmental risks, coastal hazards and climate change'. Supporting this vision are a series of local coastal management objectives that have been developed to align with the objects of the CM Act:

- Collaboration:
  - Encourage collaboration and partnership with government, agencies and our community to manage and protect the coastal zone.
- Biodiversity and ecosystem integrity:
  - Protect biological diversity and ecosystem integrity by maintaining and improving water quality and estuary health.
- Climate change:
  - Mitigate and build resilience to current and future coastal hazards and risks.
- Land use planning:
  - Facilitate ecologically sustainable development in the coastal zone and prioritise sustainable land use planning in decision making to maintain and improve public access, amenity and use.
- Aboriginal custodianship:
  - Support and protect our Aboriginal community's spiritual, social, customary and economic use of the coastal zone.
- Coastal economies:
  - Support sustainable economic opportunities within the coastal zone.

The CMP allows Council and other land managers to implement a range of credible, evidence-based actions that address current and future coastal risks.

Certification of the CMP will allow Council to access State Government funding support to implement these priority coastal management actions over the next 10 years.

**CONSULTATION**

Extensive consultation has been undertaken with key stakeholders by the Strategy and Environment Section during Stages 1 to 4 of the CMP process.

The CMP Engagement Report is available within Appendix B of **(ATTACHMENT 1)**, and provides detailed information about the outcomes of engagement to date.

**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024**Internal

- Assets Section
- Public Domain and Services Section
- Community Services Section
- Development and Compliance Section
- Strategy and Environment Section
- Communications Section
- Finance Section
- Governance Section
- Strategic Property.

External

- NSW DCCEEW Coast and Estuaries
- Department of Primary Industries (DPI) - Fisheries and Marine Parks
- NSW National Parks & Wildlife Service
- NSW Crown Lands
- Hunter Local Land Services
- Transport for NSW
- NSW State Emergency Service
- MidCoast Council
- City of Newcastle
- Hunter Water Corporation
- Ausgrid
- Worimi Local Aboriginal Land Council
- Karuah Local Aboriginal Land Council
- Worimi Conservation Lands Board
- Community groups
- Port Stephens residents
- Visitors.

In accordance with local government legislation, the draft CMP would be placed on public exhibition for a period of 28 days. A further report would be made to Council after the completion of the public exhibition period seeking adoption.

**OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

**ATTACHMENTS**

- 1) Draft Coastal Management Program. (Provided under separate cover)

**MINUTES ORDINARY COUNCIL - 27 FEBRUARY 2024**

**COUNCILLORS' ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.

ITEM 2 - ATTACHMENT 3  
REPORT - CMP - 25 JUNE.

## RESPONSE TO SUBMISSIONS FOR COUNCIL

## SUBMISSIONS FROM THE PUBLIC

| No. | Author of Submission           | Comment   | Council's Response  |
|-----|--------------------------------|---|---|
| 1   | Tilligerry Habitat Association | <p>Point 1 - The CMP does not provide sufficient detail on the biodiversity attributes of the coastal zone and Tilligerry Peninsula in particular.</p> <p>Point 2 - The high rates of visitation to the Tilligerry Habitat Reserve and accessibility for users with limited mobility is noted as a key aspect of the Reserve.</p> <p>Point 3 - The submission expresses concern about the impact of foreshore erosion on public open space, the boardwalk and trees along the shoreline adjacent to Tilligerry Habitat Reserve. The subject land is Crown land for which Council is the Crown land manager. It is requested an extension of the existing seawall at Mallabula and/or replacement of the boardwalk be considered in the CMP as a high priority.</p> <p>Point 4 - Action RA020 is supported but it is requested the footprint of the works be increased to capture a greater extent of foreshore.</p> | <p>Point 1 - The biodiversity values of the Tilligerry Peninsula are acknowledged as important in the management context for this locality. The 'biodiversity and ecosystem integrity' management objective of the CMP (refer Section 1.4) is to 'Protect biological diversity and ecosystem integrity by maintaining and improving water quality and estuary health.' This objective has been adopted as a criteria in the evaluation of management options in Stage 3 of the CMP.</p> <p>Point 2 - The importance of maintaining access to the Tilligerry foreshore for a variety of uses is noted.</p> <p>Point 3 - While an extension of the existing seawall at Mallabula (option CH033) and other options to protect the boardwalk (e.g. options CH036 to CH038) were considered in Stage 3 of the CMP, these options did not progress to the final CMP due to a lack of erosion hazard mapping for this location to enable quantification of the risk to built assets and timeframe within which they would be impacted in the future (noting also an adaptation strategy is proposed for the Tilligerry Peninsula, Action CH005).</p> |



ITEM 2 - ATTACHMENT 3  
REPORT - CMP - 25 JUNE.

## RESPONSE TO SUBMISSIONS FOR COUNCIL

| No. | Author of Submission | Comment   | Council's Response   |
|-----|----------------------|---|--|
|     |                      |   | <p>Given these works would have a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time.</p> <p>Point 4 - Regarding Action RA020, the footprint of the proposed shoreline stabilisation works has not been modified at this time, but the action has been modified to identify the need to consider the scope of works at the time of implementation and to consider the need to extend the works footprint.</p>  |
| 2   | Resident             | <p>Point 1 - The submission includes a draft Aboriginal Conservation Management Plan for Port Stephens which details the history and significance of Port Stephens to First Nations people and culture. It proposes policies and actions specific to traditional management objectives including establishment of an agreement with Council on how they will engage with the Worimi.</p> <p>The following key issues were raised by the respondent:<br/>The desire of the Traditional Owners to be an active partner in decision making by Council.</p> | <p>Points 1 – 3 - Council has established an Aboriginal Strategic Committee which consists of representatives from both the Karuah Local Aboriginal Land Council (LALC) and the Worimi (LALC). The Committee meets on a quarterly basis. The role of the Committee is to, amongst other things:</p> <ul style="list-style-type: none"> <li>- provide advice in relation to issues of concern between Council and the Aboriginal community;</li> <li>- provide a consultative mechanism with respect to development issues;</li> <li>- improve relations between the Aboriginal and non-Aboriginal community of Port Stephens; and</li> <li>- exchange information between the Aboriginal community and Council on</li> </ul> |

ITEM 2 - ATTACHMENT 3  
REPORT - CMP - 25 JUNE.

## RESPONSE TO SUBMISSIONS FOR COUNCIL

| No. | Author of Submission | Comment   | Council's Response  |
|-----|----------------------|---|---|
|     |                      | <p>Point 2 - It was noted that there is opportunity to strengthen the relationship between Council and the Traditional Owners, and potentially formalise this relationship.</p> <p>Point 3 - The respondent seeks to have the draft Conservation Management Plan acknowledged and adopted by Council, and submitted to the Heritage Council of NSW for endorsement.</p> | <p>issues affecting Aboriginal people;</p> <p>The Aboriginal Strategic Committee helps to direct Council's focus including the delivery of the Yabang Gumba-Gu or the Road to Tomorrow agreement. The agreement was established in 2018 between Port Stephens Council and the Worimi and Karuah LALCs. The agreement is a roadmap to how PSC and the LALC's will work together to improve the lives of Aboriginal people living in our region both now and into the future. Council commits to working within the framework of this agreement in relation to the CMP.</p> <p>While acknowledging the comprehensive resource, the draft Aboriginal Conservation Management Plan, which was attached to the submission, Council advises that they do not intend to endorse the Plan at this time.</p> |
| 3   | Resident             | <p>Point 1 - The disruption to natural sediment transport processes along Corlette Beach from Sandy Point (littoral drift) arising from the construction of The Anchorage Marina is identified as an issue in the Submission.</p> <p>Point 2 - The respondent objects to the use of ratepayer and State</p>   | <p>Point 1 &amp; 2 - The Development Approval for The Anchorage Marina development included a Condition of Consent requiring that the applicant fund a beach nourishment (i.e. sand carting) program "whenever the high water mark against the eastern wall progrades 60 metres seaward of its present location or significant</p>  |

**ITEM 2 - ATTACHMENT 3**  
**REPORT - CMP - 25 JUNE.**

**RESPONSE TO SUBMISSIONS FOR COUNCIL**

| No. | Author of Submission | Comment  | Council's Response   |
|-----|----------------------|--|--|
|     |                      | Government funds to address the resultant shoreline erosion in this context. | subaerial bypassing of the eastern breakwater under waves and current action occurs". The high water mark referred to in the consent is from 1978, the date at which the consent was granted. Council have in recent years investigated the potential to enforce this condition of consent and have found that the high water mark is located much further seaward (around 50 m) of the 1987 high water mark against the eastern wall. As such, the trigger for enforcing this consent condition has not been met, and is considered unlikely to be met in the near future. In addition, The Anchorage Marina has changed ownership since the consent was granted, further complicating matters. For these reasons, Council considered it was not feasible to attempt to enforce this Condition of Consent, particularly given the need to address the current erosion issues at Conroy Park. As a result of these circumstances, and with a view to managing the impact of the shoreline erosion on beach amenity and public safety at Conroy Park, Council has determined to proceed with Action RA016 - to undertake sand carting / beach nourishment at Sandy Point / Conroy Park. |

**ITEM 2 - ATTACHMENT 3      RESPONSE TO SUBMISSIONS FOR COUNCIL  
REPORT - CMP - 25 JUNE.**

| No. | Author of Submission | Comment   | Council's Response  |
|-----|----------------------|---|---|
| 4   | Resident             | The submissions requests the CMP include more action to address the long-term erosion and coastal inundation along the Mallabula / Tanilba foreshore, which is adversely impacting public assets.   | Reference is made to Action CH005, to prepare an adaptation strategy for the Tilligerry Peninsula, for which further detail is provided in Section 3.2.4 of the CMP. Given the high risk arising from tidal inundation (i.e. permanent inundation under sea level rise conditions) in future, it was recognised that there was a need for more time to work with the community and key stakeholders to develop a sustainable, long-term strategic approach to managing coastal hazards on the Peninsula. It is noted also that the risk to life and property from coastal hazards in Tanilba is lower and there is a need for further information on erosion hazards prior to progressing major shoreline protection works. Hence, the CMP does not propose to implement potentially costly management actions at this time, pending completion of the adaptation strategy. |
| 5   | Resident             | Point 1 - The submission expresses concern about the proposed Offshore Renewables Zone located offshore of the CMP study area and potential terrestrial and marine impacts of offshore wind infrastructure, as well as impacts to the public use and enjoyment of the coastal zone and coastal economy. | Point 1 - The Offshore Renewables Zone is located outside the CMP study area, in addition the location at which any associated infrastructure would come ashore is not at this time known. Irrespective, PSC has committed to working with key stakeholders to monitor and share information on major projects that may   |

ITEM 2 - ATTACHMENT 3  
REPORT - CMP - 25 JUNE.

## RESPONSE TO SUBMISSIONS FOR COUNCIL

| No. | Author of Submission | Comment   | Council's Response  |
|-----|----------------------|---|---|
|     |                      | <p>Point 2 - The maintenance of good water quality in Port Stephens is considered to be a high priority for the CMP with respect to both catchment practices (compliance) and boating impacts.</p> <p>Point 3 - The submission seeks clarification as to whether beach nourishment is proposed under the CMP, and if so, asks whether this is a sustainable option.</p> <p>Point 4 - The need to dredge for navigational access, in particular at Tea Gardens, is identified.</p> <p>Point 5 - Management of waste, contamination risk and adverse impacts to biodiversity are also identified as high priorities for the CMP in the submission, particularly in the context of ongoing climate change.</p> <p>Point 6 - Planning and development controls that regulate potential impacts to the coastal zone are supported by the respondent.</p> | <p>impact the CMP study area (e.g. refer Action DI001).</p> <p>Point 2 - In recognition of the importance of water quality for Port Stephens, Council has proposed to revise the CMP to include management option WQ001, to develop a new water quality monitoring program for Port Stephens, as an Action in the CMP. Further, Action WQ003 has been modified to permit a broader scope for ongoing monitoring. This will provide Council with greater flexibility to adopt a more comprehensive water quality monitoring program, if supported by the outcome of Action WQ001.</p> <p>Point 3 - Beach nourishment in the form of sand carting has been proposed in Actions RA016 and RA011 at Conroy Park and Shoal Bay respectively. Some additional minor nourishment is proposed at various locations as part of Action E012. The costs for these options incorporate the cost of re-nourishment when the beach volume triggers the need for the works. Therefore, the options are sustainable.</p> <p>Point 4 - It is assumed the reference to navigational dredging is to Corrie Channel. MidCoast Council has received \$2M funding</p> |

ITEM 2 - ATTACHMENT 3  
REPORT - CMP - 25 JUNE.

## RESPONSE TO SUBMISSIONS FOR COUNCIL

| No. | Author of Submission | Comment  | Council's Response  |
|-----|----------------------|--|---|
|     |                      |  | <p>from the State Government to implement a program of navigational dredging works over 2024/2025. This will include Corrie Channel.</p> <p>Points 5 &amp; 6 - One of the key outcomes of the CMP will be Action CH011, to develop and implement planning controls in Council's LEP and DCP to manage the risk to development from coastal hazards and climate change. Reference is also made to Action WQ004 that seeks to maintain vegetated riparian corridors in the catchment through the planning proposal process.</p> |
| 6   | Resident             | The submission expresses concern about the proposed Offshore Renewables Zone located offshore of the CMP study area and potential terrestrial and marine impacts of offshore wind infrastructure, as well as impacts to the coastal economy (specifically game fisheries). These potential impacts are considered inequitable. | The Offshore Renewables Zone is located outside the CMP study area, in addition the location at which any associated infrastructure would come ashore is not at this time known. Irrespective, PSC has committed to working with key stakeholders to monitor and share information on major projects that may impact the CMP study area (e.g. refer Action DI001).  |
| 7   | Resident             | <p>Point 1 - The submission expresses concern about the lack of management actions comprising works to mitigate coastal inundation hazard for Little Beach and Shoal Bay.</p> <p>Point 2 - The inclusion of a number of management actions that comprise further</p>   | Point 1 & 2 - While a number of coastal protection works options were considered in Stage 3 of the CMP, including at Shoal Bay (e.g. CH013-CH018), these options did not progress to the final CMP due to a lack of erosion hazard mapping for this location to enable quantification of the  |

ITEM 2 - ATTACHMENT 3  
REPORT - CMP - 25 JUNE.

## RESPONSE TO SUBMISSIONS FOR COUNCIL

| No. | Author of Submission | Comment  | Council's Response   |
|-----|----------------------|--|--|
|     |                      | <p>studies or investigations, policy development or similar was noted as a short-coming of the plan, with a desire for more works expressed by the respondent, in relation to the coastal erosion risk to Shoal Bay Road in particular.</p> <p>Point 3 - The focus of the Coastal Zone Emergency Action Sub-plan on response and recovery is considered a short-coming of the CMP, with a desire for more on-ground works to mitigate risk from coastal hazards to be included in the CMP.</p> | <p>risk to built assets and timeframe within which they would be impacted in the future (noting also an adaptation strategy is proposed for Shoal Bay, Action CH073). Given coastal protection works would have a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time.</p> <p>Point 3 - The intent of the CZEAS is to provide for short-term emergency coastal protection to be undertaken for those locations that may be affected by coastal erosion for which coastal protection works are not currently in place. In some locations, coastal protection works may be undertaken in future, however there is a need for an interim arrangement in the short-term. It is noted that such emergency protection works are only permitted as exempt development under Section 2.16(3) of the State Environmental Planning Policy (Resilience and Hazards) 2021 if described within a CZEAS as part of a certified CMP.</p> |
| 8   | Resident             | The submission supports the first two options proposed for Precinct 5 under the Sandy Point / Conroy Park Foreshore Erosion and Drainage Management Plan   | While a number of coastal protection works, including those recommended in the earlier Management Plan, were considered in Stage 3 of the CMP, these options did   |

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|     |                      | (Whitehead & Assoc, 2016) and notes that Action CH023 - maintenance works to the existing seawall) is not proposing to implement these actions despite being supported by residents in the past. There is a strong desire to progress these works as a priority. | not progress to the final CMP due to a lack of erosion hazard mapping in a format that meets the current requirements. Hence, it is not currently possible to quantify the risk to built assets and the timeframe within which they would be impacted in the future, as per the current requirements of the NSW Coastal Management Manual. Given coastal protection works would have a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time. However, in the interim, Council has determined to proceed with repairs to the existing seawall under Action CH023 due to its poor condition. |
| 9   | Resident             | The submission seeks clarification on the actions proposed to address the failing coastal protection works (rock walls) along Corlette / Sandy Point. The risk to the public reserve is noted as being of concern.   | While a number of coastal protection works, including those recommended in the earlier Management Plan, were considered in Stage 3 of the CMP these options did not progress to the final CMP due to a lack of erosion hazard mapping in a format that meets the current requirements. Hence, it is not possible to quantify the risk to built assets and the timeframe within which they would be impacted in the future, as per the current requirements of the NSW Coastal Management Manual. Given coastal protection works would have   |



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|     |                      |   | a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time. However, in the interim, Action RA016 is included in the CMP and provides for sand carting to improve the shoreline condition and improve beach amenity at Conroy Park.  |
| 10  | Resident             | <p>Point 1 - The submission requests a more condensed version of the CMP.</p> <p>Point 2 - Regarding Action CH072 to investigate options to protect Shoal Bay Road from coastal erosion, the submission requests works be progressed within the current CMP, not deferred to the next CMP.</p> <p>Point 3 - A more detailed explanation of the scope of the coastal hazard investigation under Action CH072 is requested.</p> <p>Point 4 - Regarding Action CH073, the submission requests an immediate plan for Shoal Bay, rather than preparation of an Adaptation Strategy.</p> <p>Point 5 - The lack of on-ground works to address the foreshore erosion issues documented in the CMP and earlier studies is considered insufficient in the context of previous work on potential</p> | <p>Point 1 – A summary document was produced and published on Council's webpage during the exhibition period.</p> <p>Points 2 – 5 - While a number of coastal protection works options were considered in Stage 3 of the CMP, including to protect Shoal Bay Road (e.g. CH017 and CH018), these options did not progress to the final CMP due to a lack of erosion hazard mapping for this location to enable quantification of the risk to built assets and timeframe within which they would be impacted in the future. Given coastal protection works would have a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time. Furthermore, and noting the potential adverse impacts of a seawall on beach amenity, it was considered that there is benefit to developing a holistic long-term strategy</p> |

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|     |                      | <p>options to address erosion (e.g. refer SMEC, 2012).</p> <p>Point 6 - The submission suggests the trigger level for sandbagging of Shoal Bay Road in the CZEAS is not sufficiently conservative (at 6m) and suggests the feasibility of placing such a large number of sandbags at this location should be reviewed.</p> <p>Point 7 - The submission supports Action RA012 to manage public access and rehabilitate the dunes and requests that Council works with the two local Landcare groups on this action.</p> <p>Point 8 - Clarification is requested around Action CH005, the Adaptation Strategy for the Tilligerry Peninsula, with respect to its scope (need to include flood &amp; bushfire hazard) and timing. It is requested it be given a higher priority.</p> <p>Point 9 - Regarding Action CH072, the coastal erosion hazard investigation, clarification is requested as to the scope and outcomes of such an investigation.</p> <p>Point 10 - Regarding Action E001, ongoing pest and weed management on Council land, it is requested that Council's practices be</p> | <p>through the development of an adaptation strategy for the locality (refer Action CH073). In the interim Council has determined within the CMP to proceed with investigation and design of works protect the road in the event the risk to road increases while the adaptation strategy is in preparation or to enable prompt commencement of works upon completion of the erosion hazard mapping.</p> <p>Point 6 - Regarding the emergency coastal protection works for Shoal Bay Road in the CZEAS, the trigger level was set based on current conditions and it is noted that if the trigger distance were increased beyond 6m, would likely trigger the works much more frequently. The relevant legislation and guidelines provide for emergency coastal protection works to be temporary in nature, comprising sand or sand bags only and are to be removed after a period of 90 days. Given these constraints, it is considered that the trigger level is appropriate.</p> <p>Regarding the number of sandbags to be placed at this locality, it is noted that although the extent of permitted works indicated in Figure 6-1 is relatively long, the full extent of this</p> |

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|     |                      | <p>reviewed with respect to potential to increase foreshore erosion (e.g. in relation to mowing).</p> <p>Point 11 - A re-wording is proposed for Action E016 to extend the support for local volunteer groups to general foreshore rehabilitation activities (i.e. not just dune rehabilitation).</p> <p>Point 12 - Regarding Action E017 which relates to compliance monitoring of off-leash dog walking and 4WD activities, it is requested that signage is improved at Lemon Tree Passage, in particular Morton Avenue.</p> | <p>nominated area may not be triggered during a single storm event. In addition, safety issues and time constraints relating to preparatory sandbagging may also limit the number of bags that can feasibility be placed within a short timeframe. However, where feasible, the CZEAS permits the works to be undertaken within these constraints. A clarification has been provided in the CZEAS with respect to the line designating the potential sandbag placement area.</p> <p>Point 7 - The submissions support for Action RA012 is noted.</p> <p>Point 8 - Further detail on the scope of Action CH005 is provided in Section 3.2.4 of the CMP. It has been recommended the adaptation strategy also consider other hazards such as flooding and bushfire.</p> <p>Point 9 - Action CH072 - to undertake erosion hazard mapping - would result in development of probabilistic coastal erosion hazard lines to be prepared for the present day and several future planning horizons in accordance with the current best practice. They would be similar to those developed for the open coast. Additional</p> |

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|     |                      |   | <p>information has been provided in Section 3.2.4 of the CMP to explain this Action. This is a critical Action that would enable options for coastal protection works within Port Stephens to be re-evaluated and progressed.</p> <p>Points 10 – 12 - The requests made in the submission in relation to Actions E001, E016 and E017 have been referred to the relevant staff within Council for consideration in their operational practices.</p>   |
| 11  | Resident             | <p>Point 1 - The submission expressions concern about the impact of ongoing erosion of the foreshore in Lemon Tree Passage and Tanilba Bay as a result of coastal processes, vegetation management activities (e.g. mowing) and stormwater erosion, and suggests consideration of management actions in the CMP relating to development controls for stormwater discharges and foreshore maintenance guidelines.</p> <p>Point 2 - The submission notes the outcomes of the CMP Stage 2 condition assessment of coastal protection structures on the Tilligerry Peninsula and requests management actions in the CMP to address the identified issues.</p> | <p>Points 1 – 3 - While a number of coastal protection works options were considered in Stage 3 of the CMP, including for Lemon Tree Passage and Tanilba Bay (e.g. CH033-CH038 and CH050-CH052), these options did not progress to the final CMP due to a lack of erosion hazard mapping for this location to enable quantification of the risk to built assets and timeframe within which they would be impacted in the future. Given coastal protection works would have a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time. Furthermore, it was considered that there is benefit to developing a holistic long-term strategy through the development of</p> |

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|     |                      | <p>Point 3 - The complexity of estuarine processes that contribute to foreshore erosion is noted by the respondent with reference to the Stage 2 CMP report and is considered a significant omission from the CMP.</p> <p>Point 4 - Further detail on the coastal hazard investigation proposed under Action CH072 are requested.</p> <p>Point 5 - The submission requests that Council re-consider the decision not to proceed with mapping of a CVA under the Resilience and Hazards SEPP.</p> | <p>an adaptation strategy for the locality (refer Action CH005).</p> <p>Point 4 - Action CH072 - to undertake erosion hazard mapping - would result in development of probabilistic coastal erosion hazard lines to be prepared for the present day and several future planning horizons in accordance with the current best practice. They would be similar to those developed for the open coast. Additional information has been provided in Section 3.2.4 of the CMP to explain this Action. This is a critical Action that would enable options for coastal protection works within Port Stephens to be re-evaluated and progressed.</p> <p>Point 5 - The request to re-consider CVA mapping is noted and has been progressed by Council following further discussion with DPHI - refer management action CH085.</p> |
| 12  | Resident             | <p>Point 1 - The submission, which is from a long-term resident of Kangaroo Point, provides some observations on processes contributing to shoreline erosion at this location and notes the adverse impacts of some foreshore structures (e.g. groynes).</p> <p>Point 2 - It is requested that Action RA036, foreshore</p>   | <p>Points 1 – 2 - The decision to implement Action RA036 at Kangaroo Point in Year 7 of the CMP was informed by a range of considerations including the level of risk, environmental approvals considerations and availability of funding. While the works at Kangaroo Point are required to address shoreline erosion, they are considered a lower priority</p>  |

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|     |                      | <p>stabilisation works at Kangaroo Point, scheduled for Year 7, be allocated a higher priority due to recent acceleration of erosion at the site. Some considerations for the scope and timing of the proposed works under Action RA036 are also provided.</p> <p>Point 3 - The submission expresses concern regarding the need for ongoing maintenance of the access way from Soldiers Point Road to the foreshore by Council.</p> | <p>than works at other locations where the risk to property and the public is higher.</p> <p>Point 3 – Noted referred to the relevant staff within Council for consideration in their operational practices.</p>   |
| 13  | Resident             | The submission requests engineered coastal protection works along the western end of Kangaroo Point as a priority to address ongoing foreshore erosion.   | The decision to implement Acton RA036 at Kangaroo Point in Year 7 of the CMP was informed by a range of considerations including the level of risk, environmental approvals considerations and availability of funding. While the works at Kangaroo Point are required to address shoreline erosion, they are considered a lower priority than works at other locations where the risk to property and the public is higher. |
| 14  | Resident             | It is requested that Action RA036, foreshore stabilisation works at Kangaroo Point, scheduled for Year 7, be allocated a higher priority due to recent acceleration of erosion at the site.   | The decision to implement Action RA036 at Kangaroo Point in Year 7 of the CMP was informed by a range of considerations including the level of risk, environmental approvals considerations and availability of funding. While the works at Kangaroo Point are required to address shoreline erosion, they are considered a lower priority than works at other locations   |

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|     |  |  | where the risk to property and the public is higher.   |
| 15  | Tomaree Ratepayers & Residents Association | <p>Point 1 - The submission notes the difficulties in engaging with residents living within the coastal zone or that otherwise may be affected by the CMP, and requests participation in the implementation phase Stakeholder Reference Group (or similar) for the CMP.</p> <p>Point 2 - Heritage, incl. significant Aboriginal heritage, is a key consideration. It is requested that the future of the Tomaree Lodge site be addressed in the CMP.</p> <p>Point 3 - The inclusion of Water Quality and Biodiversity as key issues in the CMP is supported, but it is considered there has been insufficient focus on the unique character and sustainable development of the coastal zone. Visual amenity and maintenance of local character are considered very significant issues to Tomaree communities under threat from increasing development pressures (in particular high rise development).</p> <p>Point 4 - The submission considers there is insufficient consideration of socio-</p> | <p>Point 1 – Noted</p> <p>Point 2 - The NSW Department of Communities and Justice is currently undertaking an engagement process on the future use of the Tomaree Lodge site. The use of this site is therefore not directly relevant to the CMP at this time, although it is anticipated that the information on coastal hazards developed during the CMP will assist in decision-making on appropriate future uses.</p> <p>Point 3 &amp; 4 - The importance of Port Stephens and the adjacent open coast for the regional economy is noted. The economic development of coastal dependent industries such as fishing and aquaculture is supported by the NSW Department of Primary Industries and other agencies. Irrespective, it is considered that the CMP does not materially impact these coastal dependent industries. With respect to tourism and visitation, which is also an important aspect of the local economy, the sustainable development and use of the coastal zone for the enjoyment of visitors is supported through a range of management actions in the</p> |

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|     |                      | <p>economic uses of the coastal zone, in particular fisheries and aquaculture infrastructure, including land and water-based aquaculture.</p> <p>Point 5 - The submission expresses concern about the potential impacts of the adjacent Offshore Renewables Zone (e.g. visual impacts) and supports Action D001, the sharing of information between the WCLB and Council on major projects in the coastal zone.</p> <p>Point 6 - The regulation and management of use of powered watercraft is considered a key issue which the submission assumes is to be dealt with via other mechanisms (e.g. TfNSW Boating Plans) and agree with this approach.</p> <p>Point 7 - The submission supports the options evaluation process and information on management actions provided in the CMP, and notes the following:</p> <ul style="list-style-type: none"> <li>- The CMP should give more explicit recognition of planned retreat as an option for consideration in Adaptation Strategies and notes it can be preferable to 'hold the line' options such as engineering works.</li> <li>- Given the substantial cost associated with beach scraping and sand</li> </ul> | <p>CMP. An example is the sand carting proposed for Shoal Bay Beach which is aimed at improving beach amenity for locals and visitors at this popular site.</p> <p>Point 5 - The respondents support for Action D001 is noted.</p> <p>Point 6 - The support for regulation and management of powered watercraft outside the CMP via existing management frameworks is noted.</p> <p>Point 7 - With respect to sand management actions under E012 and sand carting actions (RA011 and RA017), these actions have historically been undertaken as routine maintenance works by Council in the first instance and as capital works projects with respect to the latter. It is considered that there is sufficient information available to inform these management actions in the interim, noting longer term adaptation strategies (e.g. Actions CH005, CH073), further investigations (e.g. Action CH072), and monitoring (e.g. CH001) are proposed as part of the CMP to inform future decision-making. Citizen science can be considered as part of Action CH001.</p> |



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|     |                      | <p>management activities (incl. sand carting) it is requested that further assessment of these actions be undertaken to ensure an optimum response to the site specific risks at each location.</p> <p>- It is requested that Actions CH017 and CH073 be given a higher priority and undertaken sooner due to the critical nature of access via Shoal Bay Road.</p> <p>- It is recommended that Action CH001, coastal hazard monitoring, consider a role for citizen science.</p> <p>Point 8 - Clarification is required around the funding of Actions in the CMP to be provided by Council, and whether it represents already committed funding or whether it will need to be allocated in future budgets. This relates to both capital and annually recurrent costs of implementation.</p> <p>Point 9 - It is requested that copies of all maps included in the CMP be made available on Council's project webpage.</p> <p>Point 10 - The inclusion of the CZEAS as part of the CMP is supported.</p> | <p>Planned retreat, also referred to as planned relocation or managed retreat, is referenced in relation to all three adaptation strategies and is intended to be an option considered in developing location specific adaptation strategies.</p> <p>Point 8 - All actions are subject to the availability of funding. The portion of the budget for actions in the CMP for which Council is responsible are required to be incorporated into their IPR framework. There are some actions that in effect continue or support existing Council activities that would be within the existing budget(s) (e.g. sand management activities). The SRV will provide funding for a portion of the works as will the Crown Reserve. The adoption and certification of the CMP will support applications for grant funding, principally under the NSW Government's Coast and Estuary Grants Program, which specifically supports Council's in implementing their CMPs. Other grant programs are also available to support various management actions under the CMP.</p> <p>Point 9 – Noted. Maps have been made available of Council's website.</p> |

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|     |                      |   | Point 10 - Noted  |
| 16  | Resident             | <p>Point 1 - It is requested that Action RA036, foreshore stabilisation works at Kangaroo Point, scheduled for Year 7, be allocated a higher priority due to recent acceleration of erosion at the site.</p> <p>Point 2 - Further, the appropriateness of Action RA036 in lieu of coastal protection works is questioned in the submission.</p> | <p>Point 1 - The decision to implement Action RA036 at Kangaroo Point in Year 7 of the CMP was informed by a range of considerations including the level of risk, environmental approvals considerations and availability of funding. While the works at Kangaroo Point are required to address shoreline erosion, they are considered a lower priority than works at other locations where the risk to property and the public is higher.</p> <p>Point 2 - While a number of coastal protection works options were considered for Kangaroo Point in Stage 3 of the CMP (e.g. CH053-CH057), these options did not progress to the final CMP due to a lack of erosion hazard mapping for this location to enable quantification of the risk to built assets and timeframe within which they would be impacted in the future. Given coastal protection works would have a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time.</p> |

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| 17  | Resident                          | The submission requests inclusion in the CMP of a Management Action for a retaining wall to be located at Kangaroo Point, as per the concept plans provided with the submission.  | While a number of coastal protection works options were considered for Kangaroo Point in Stage 3 of the CMP (e.g. CH053-CH057), these options did not progress to the final CMP due to a lack of erosion hazard mapping for this location to enable quantification of the risk to built assets and timeframe within which they would be impacted in the future. Given coastal protection works would have a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time.   |
| 18  | Tilligerry Community Organisation | <p>Point 1 - The submission requests the formation of a Tilligerry CMP reference group immediately, not in Year 7 of the CMP with the intent of focusing on foreshore condition, ongoing erosion and the loss of trees, and the options for addressing these issues, to be implemented as a priority.</p> <p>Point 2 - It is requested that maintenance be undertaken on Tanilba Bay boardwalk and other boardwalks on the Tilligerry Peninsula.</p> <p>Point 3 - The submission expresses concern about shoreline erosion caused by the stormwater running through a swale in Rudd Reserve at the northern end of Morton Avenue. It is</p> | <p>Point 1 - It is assumed the first point in the submission is referring to Action CH005, to develop and adaptation strategy for the Tilligerry Peninsula. The decision to program this Action in Year 7 of the CMP was based on a range of considerations including the level of risk, environmental approvals considerations and availability of funding. While the adaptation strategy is required to address the long-term risk from coastal hazards, it is considered a lower priority than activities at other locations within the CMP study area where the risk to property and the public is higher, and particularly where it is higher in the shorter-term.</p> |

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|     |                      | <p>requested that action be taken to manage the runoff.</p> <p>Point 4 - Foreshore plantings are requested for Kooindah Park to support bank stability.</p>  | <p>Point 2 - The need for maintenance of the Tanilba Bay boardwalk and other boardwalks on the Peninsula has been directed to the appropriate staff at Council for consideration within their broader program of works.</p> <p>Point 3 - The issue of stormwater related stormwater erosion in Rudd Reserve has been referred to the relevant staff within Council.</p> <p>Point 4 - The request for foreshore plantings at Kooindah Park has been referred to the relevant staff within Council.</p>  |
| 19  | Resident             | <p>Point 1 - The Littoral Rainforest at Gibber Point Reserve, Lemon Tree Passage, has not been acknowledged in the CMP.</p> <p>Point 2 - Action E012, sand management at the swimming enclosure on Cooke Parade, Lemon Tree Passage, is not supported. Bank erosion and tidal inundation mitigation are required further north in Kooindah Park and Rudd Reserve and should be identified as a priority.</p> | <p>Point 1 - The source of the littoral rainforest mapping presented in the CMP is the DPHI's State Environmental Planning Policy (Resilience and Hazards) 2021 mapping Edition 1 from 2022. There is currently no mapped Littoral Rainforest in this map layer. A review of the DCCEEW's NSW State Vegetation Type Map (C2.0M2.0) indicates the subject vegetation comprises Plant Community Type (PCT) Coastal Sands Swamp Mahogany Rush Forest (PCT 3986). It is noted that ground-truthing would be required to confirm the vegetation type. It is noted that Council has adopted new management action CH084 that provides for updates to the coastal</p> |

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|     |                      |         | <p>management areas mapped under the SEPP as opportunity arises. A future review of CWLRAs under action CH084 could consider these areas.</p> <p>Point 2 - The sand management activity provided for under Action E012 is to relocate sand blown by the wind up onto the footpath and reserve back onto the beach.</p> <p>A number of management options were considered in Stage 3 of the CMP for the shoreline erosion and coastal inundation observed at these locations. However, it is proposed that such options be reconsidered as part of the adaptation strategy proposed for the Tilligerry Peninsula (Action CH005). Given these works would involve a larger cost of implementation, have a longer design life and the risk profile over time is unknown, they were not recommended for the CMP at this time.</p> |

## SUBMISSION FROM AGENCIES

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| Agency | NPWS                 | NPWS and the Worimi Conservation Lands (WCL) Board of Management acknowledged they have been consulted as part of | Management Action CH007 has been included in the CMP as per the request. |

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|               |                        | <p>the development of the draft CMP.</p> <p>Requests original Management Action CH007 be included with the following amendment to the wording 'to monitor and stabilise the frontal dune system in accordance with the WCL Coastal Resilience Project plan'.</p> <p>NPWS expressed concern with the proposed alternative road into Shoal Bay previously noted in the Shoal Bay Place Plan. Further consultation with NPWS requested should the concept proceed.</p>                                    | <p>It is noted that there is currently no proposal to relocate Shoal Bay Road, although this is a potential option for consideration as part of the development of an adaptation strategy for Shoal Bay under Action CH073. As detailed in the further information on this Action in Section 3.2.4 of the CMP, it is noted that NPWS is a key stakeholder and Council would propose that they be involved in development of the adaptation strategy. Regarding Action CH017, the action does not propose relocating Shoal Bay Road, but protecting it from coastal erosion.</p> |
| Local Council | MidCoast Council (MCC) | <p>There are two dredging operations within the Port Stephens LGA and therefore within the Port Stephens CMP boundary, being Corrie Channel (designated navigation channel) which is wholly within the Port Stephens LGA and the Eastern Channel situated partially within the Port Stephens LGA and MidCoast Councils LGA.</p> <p>Point 1 - With respect to Corrie Channel, MCC recommended that an action be included in the PSC CMP for dredging of the designated navigation (Corrie Channel).</p> | <p>Point 1 - It is noted that navigational dredging options are not at this time funded under the NSW Coastal and Estuary Grant Program.</p> <p>It is our understanding that projects of this nature are funded by the Maritime Infrastructure Delivery Office (MIDO) in accordance with the NSW Coastal Dredging Strategy 2019-2024. We note that the strategy is now in the final year of its term and due for review by the State Government. We also acknowledge that the Corrie Channel is not included within the current strategy as a 'Key</p>                          |

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|     |                      |         | <p>Investment Location', a 'Priority Regional Location' and that ongoing funding to deliver the required works has not been committed to by the State Government. When considering MCC's request, the responsibility for navigational dredging of the Corrie Channel, as identified within the Port Stephens and Myall Lakes Estuary Management Plan (Umwelt, 2000), was allocated to Great Lakes Council as the lead agency with support from the State Government, commercial boat operators and Port Stephens Council (PSC). PSC does not propose to make change to this arrangement as part of the Port Stephens CMP. Following consultation between PSC and MCC it was agreed to include an action to advocate for ongoing State Government funding of maintenance dredging for Corrie Channel (new action RA046 in the CMP). PSC is supportive of including Action RA406 within the Port Stephens CMP to partner with MCC in advocating for, and securing ongoing funding for, the navigational dredging of Corrie Channel. The inclusion of this action is considered sufficient to mitigate any</p> |

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|     |                      |   | immediate risks associated with Corrie Channel (with MCC confirming the recent receipt of funding to deliver the required dredging works in the short term).  |
|     |                      | Point 2 - With respect to the Eastern Channel, MCC noted that dredging operations in this location are commonly associated with the renourishment of Jimmys Beach, therefore MCC considers it appropriate to include actions within MCC's Southern Estuaries CMP. Accordingly, MCC recommended that the PSC CMP boundary of the North shore be amended to include a buffer into Port Stephens to allow for dredging operations in the Eastern Channel to be included in MCC's Southern Estuaries CMP. | Point 2 - PSC has agreed to amend the study area boundary adopting the buffer suggested by MCC. This will result in the eastern channel dredging and Jimmys Beach nourishment activities falling outside the Port Stephens CMP study area. It is understood that these activities will be addressed in a future Open Coast CMP being prepared by MCC. |
|     |                      | Point 3 - MCC also noted that Jimmys beach will be included in MCCs Open Coast CMP. As such, given the current MCC renourishment operations extend into Port Stephens LGA, MCC recommended that the PSC CMP boundary of the North Shore be amended to include a 150m wide buffer to allow future management actions for Jimmys Beach to be included in the MCC Open Coast CMP.  | Point 3 - PSC has agreed to amend the study area boundary suggested by MCC.   |



ITEM 2 - ATTACHMENT 3  
REPORT - CMP - 25 JUNE.

## RESPONSE TO SUBMISSIONS FOR COUNCIL

| No. | Author of Submission | Comment   | Council's Response  |
|-----|----------------------|---|---|
|     |                      | Point 4 - MCC requests PSC work in close partnership with MCC in future versions of the PSC CMP and accommodate a catchment based approach.   | Point 4 - PSC has taken this request under consideration and commits to ongoing engagement with MCC and NSW DCCEE in relation to coastal management activities in Port Stephens.  |
|     |                      | Point 5 - Requests inclusion of development controls for water quality targets for stormwater management and undertake audits of development erosion and sediment management targets. | Point 5 - PSC supports development controls that support estuarine water quality for aquatic ecosystem health, primary productivity and aquatic recreation.<br>PSC currently undertakes audits of erosion and sediment management controls for development for which they are the consent authority and this is considered an ongoing 'business as usual' activity undertaken by Council.<br>With respect to water quality targets, the Port Stephens DCP 2024 contains within Section B4.C Water Quality specific water quality targets for development that specify the required water quality targets for development located within a drinking water catchment (Neutral or Beneficial Effect or Council's water quality stripping targets, whichever is better) and outside a drinking water catchment (Council's water stripping targets).<br>Given these activities and controls are currently in |

**ITEM 2 - ATTACHMENT 3      RESPONSE TO SUBMISSIONS FOR COUNCIL  
REPORT - CMP - 25 JUNE.**

| No. | Author of Submission | Comment | Council's Response   |
|-----|----------------------|---------|--|
|     |                      |         | place, Council does not propose to include any additional management actions in the CMP as per the recommendation. PSC welcomes further discussion with MCC on management of water quality in the Port Stephens estuary. |

**ITEM NO. 3**

**FILE NO: 24/134677  
EDRMS NO: PSC2023-02759**

**PLANNING PROPOSAL - COASTAL RISK PLANNING CLAUSE**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the updated planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to insert a new clause and map to address the risk of dune transgression.
- 2) Receive and note the submissions received (**ATTACHMENT 2**) during public exhibition of the planning proposal.
- 3) Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure to request the amendment to the Port Stephens Local Environmental Plan 2013 is finalised.
- 4) Request the NSW Department of Planning, Housing and Infrastructure make an amendment to State Environmental Planning Policy (Resilience and Hazards) 2021 to map coastal risk areas identified in the Port Stephens Coastal Management Program as the Coastal Vulnerability Area, in accordance with the correspondence received on 24 April 2024 (**ATTACHMENT 3**).

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**BACKGROUND**

The purpose of this report is to advise Council of the outcome of the exhibition of the planning proposal to amend Port Stephens Local Environmental Plan 2013 (LEP) to insert a coastal risk planning clause (**ATTACHMENT 1**) and to note the submissions received (**ATTACHMENT 2**).

The preparation of the planning proposal gives effect to a key aspect of the Port Stephens Coastal Management Program (CMP). The intent of the planning proposal is to incorporate provisions to manage the risk to life and properties from dune transgression and coastal risks in the LEP and State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP).

The planning proposal is informed by the technical investigations undertaken for the CMP, including hazard mapping identifying properties at risk of coastal inundation, tidal inundation, coastal erosion and dune transgression. Port Stephens Council is one of the first councils in NSW to give legislative effect to CMP mapping and data.

At its meeting on 14 November 2023, Minute No. 268 (**ATTACHMENT 4**), Council resolved to adopt the planning proposal and forward it to the NSW Department of

Planning, Housing and Industry (DPHI) to seek a Gateway determination and request delegated authority to make the plan.

The Gateway determination (**ATTACHMENT 5**) was issued by DPHI on 23 February 2024, allowing the planning proposal to proceed to exhibition subject to conditions and consultation requirements. For the reasons outlined in this report, the Gateway determination does not include delegated authority for Council to make the plan.

The planning proposal was placed on exhibition from 28 February 2024 to 11 April 2024, 1 community submission was received. In accordance with the Gateway determination the planning proposal was also referred to relevant public authorities and 1 response was received. All submissions are addressed within (**ATTACHMENT 2**).

In response to the submission from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) (**ATTACHMENT 3**) the planning proposal has been updated to request an amendment to the SEPP to identify coastal risks (coastal inundation, tidal inundation and coastal erosion) on the SEPP Coastal Vulnerability Area (CVA) Map. A request was made for Council to include dune transgression as a separate coastal process which has been addressed and mapped in the LEP.

Should Council accept the recommendations, the planning proposal will be forwarded to DPHI to be finalised. Council has until 18 February 2025 to finalise the planning proposal, consistent with the timeframe set by the Gateway determination.

Given the forthcoming finalisation and endorsement of the CMP, Council has brought forward the finalisation of the Coastal Planning Risk Clause to align with the CMP. This will empower Council to consider coastal risk in the most timely manner.

## **COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b>      | <b>Delivery Program 2022-2026</b>                                 |
|---------------------------------|---|
| Thriving and safe place to live | Program to develop and implement Council's key planning documents |

## **FINANCIAL/RESOURCE IMPLICATIONS**

There are no additional identified financial resource implications identified for the endorsement of the planning proposal.

| <b>Source of Funds</b> | <b>Yes/No</b> | <b>Funding (\$)</b> | <b>Comment</b> |
|------------------------|---------------|---------------------|----------------|
| Existing budget        | Yes           |                     |                |
| Reserve Funds          | No            |                     |                |

| Source of Funds                  | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|---------|
| Developer Contributions (\$7.11) | No     |              |         |
| External Grants                  | No     |              |         |
| Other                            | No     |              |         |

**LEGAL, POLICY AND RISK IMPLICATIONS**

There are some legal, policy and risk implications identified for the endorsement of the planning proposal.

| Risk  | <a href="#">Risk Ranking</a> | Proposed Treatments        | Within Existing Resources? |
|---|------------------------------|----------------------------|----------------------------|
| There is a risk that Council does not consider the impacts of coastal risk and dune transgression in the assessment of planning applications. | Medium                       | Accept the recommendation. | Yes                        |

**Environmental Planning and Assessment Act, 1979 (NSW) (EP&A Act)**

The planning proposal is being processed in accordance with Part 3 of the EP&A Act which provides the framework for amending a local environmental plan. DPHI issued a Gateway determination under section 3.34 of the EP&A Act specifying that the planning proposal should proceed to exhibition, subject to conditions and consultation requirements. These requirements included identifying dune transgression as a coastal process and undertaking consultation with DCCEEW.

The Gateway determination does not authorise Council to act as the plan making authority. The reasons provided in the Gateway determination are:

- The planning proposal will develop a new policy approach for how dune transgression is managed in local environmental plans.
- The planning proposal will need to be finalised following the certification of the CMP by the NSW Minister for Climate Change, Energy, the Environment and Water.

Should Council accept the recommendations, the planning proposal will be forwarded to DPHI to be finalised.

#### State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP)

The planning proposal has been updated to request an amendment to the SEPP to identify coastal risks (coastal inundation, tidal inundation and coastal erosion) within a “coastal vulnerability area” on the SEPP CVA Map instead of addressing these coastal risks by inserting a clause and map in the LEP. This approach responds to the submission received from the DCCEEW and accompanying advice from DPHI **(ATTACHMENT 3)**.

The SEPP includes suitable development assessment provisions to manage development on land within the coastal vulnerability area on the SEPP CVA Map, in place of local provisions in the LEP.

#### Ministerial Direction 4.2 Coastal Management (Direction)

Preparing the planning proposal is consistent with this Direction, which is issued under section 9.1 of the EP&A Act. The Direction applies when a planning proposal authority prepares a planning proposal that applies to land within the coastal zone. The Direction requires planning proposals to include provisions that give effect to and are consistent with, any relevant CMP that has been certified by the Minister.

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

The planning proposal was updated prior to exhibition to identify dune transgression as a separate LEP map to satisfy the requirements of the Gateway determination. Dune transgression is a coastal process (as opposed to a coastal risk or hazard) as defined under the NSW Coastal Management Glossary. The planning proposal will amend the LEP by inserting a clause to address the risk from dune transgression by reference to a dune transgression map.

In accordance with the advice from DCCEEW, development on land subject to coastal risks (coastal inundation, tidal inundation and coastal erosion) will be managed by the assessment provisions of the SEPP, including the CVA Map.

#### Hunter Regional Plan 2041 (HRP)

The planning proposal is consistent with the HRP Objective 7 ‘Reach net zero and increase resilience and sustainable infrastructure’. The planning proposal achieves this by proposing amendments to the SEPP and LEP, to include provisions for the assessment of development on land identified as being subject to coastal risks.

#### Local Strategic Planning Statement 2020 (LSPS)

The LSPS identifies the 20 year vision for land use in Port Stephens and sets out social, economic and environmental priorities for the future. The planning proposal is considered to be consistent with and would give effect to, the following planning priority in the LSPS:

- Planning Priority 8: Improve resilience to hazards and climate change.
- Action 8.3: Council will prepare and implement a CMP to mitigate natural hazards and incorporate resilience measures that promote ecologically sustainable development.

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal will have positive social, economic and environmental risk implications for Council through the consideration of coastal risks in the assessment of development applications.

### **CONSULTATION**

#### Internal

Consultation with key stakeholders has been undertaken by the Strategic Planning unit including;

- Coastal Management Program Project Control Group,
- Natural Systems unit,
- Development Assessment and Compliance Section, and
- Assets Section.

#### External

DCCEEW was consulted on the planning proposal in accordance with the Gateway determination. The submission (**ATTACHMENT 3**) advises the best means of achieving the objectives of the planning proposal is to map coastal risk areas as “coastal vulnerability area” on a CVA Map in the SEPP. The submission includes supporting advice from DPHI that adoption of the mapping and development controls in the SEPP would provide a more robust and complete risk-based assessment framework.

In response to the submission, the planning proposal has been updated to request an amendment to the SEPP to introduce a CVA Map and to address the risk of dune transgression via a local clause in the LEP.

#### Community

In accordance with the Gateway determination, the planning proposal was exhibited from 28 February 2024 to 11 April 2024. 1 submission was received from the Tomaree Residents and Ratepayers Association in support of the changes.

The submission summary and response table as at (**ATTACHMENT 2**).

**OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

**ATTACHMENTS**

- 1) Coastal Risk Planning Clause Planning Proposal. (Provided under separate cover)
- 2) Submissions Table.
- 3) DCCEEW and DPHI Submission.
- 4) Minute No. 268 14 November 2023.
- 5) Gateway Determination.

**COUNCILLORS' ROOM/DASHBOARD**

- 1) Unredacted Submissions.

**TABLED DOCUMENTS**

Nil.



## ITEM 3 - ATTACHMENT 2 SUBMISSIONS TABLE.

Submission Table: Planning Proposal Coastal Risk Planning Clause

| No. | Author of submission                               | Comment  | Council response   |
|-----|--|--|--|
| 1   | Tomaree Residents and Ratepayer Association (TRRA) | The submission welcomes the proposal, which will lead to important changes required by the State Government to support the CMP.  | The support for the planning proposal is acknowledged.   |
|     |  | The submission supports Council on the proactive and consultative approach to strategic planning for coastal management noting there has been some difficulty to engage the community. | The support for the approach to community engagement undertaken by Council is acknowledged.  |
|     |  | The submission advises TRRA has commented separately on the draft CMP.   | Noted. The CMP is the subject of a separate report to Council.   |
|     |  | The submission suggests a key to the colours used on each of the Coastal Risk Planning Maps to help explain how they will apply.   | No change. The NSW State Environmental Planning Policy (Resilience and Hazard) 2021 Coastal Vulnerability Area Map adopts a standardised approach that does not show each coastal risk separately.<br><br>Further detail on each coastal risk will remain publicly available with the CMP. The ability to also make the mapping for each coastal risk publicly available on the Council online mapping portal is being reviewed. |

## ITEM 3 - ATTACHMENT 2 SUBMISSIONS TABLE.

| No. | Author of submission   | Comment  | Council response   |
|-----|--|--|--|
| 2   | NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity and Conservation Division and NSW Department of Planning, Housing Industry and Infrastructure (DPHI) (combined submission) | DCCEEW considers that the justification for not mapping a CVA is inadequate.   | The planning proposal has been updated to request amendment to the SEPP to identify coastal risks on the CVA Map consistent with the advice received by DCCEEW and DPHI. |
|     |  | DCCEEW considers that the Coastal Risk Planning Map is unclear in portraying the specific coastal risks.   | A map of each coastal risk will continue to be made available with the CMP.  |
|     |  | DCCEEW considers that the NSW coastal design guidelines checklist does not include detailed supporting evidence confirming compliance with the guidelines. | The NSW coastal design checklist has been updated to provide further detail.   |



Department of Climate Change, Energy, the Environment and Water

Your ref: PP-2023-2568  
Our ref: DOC24/166489-14

Matthew Borsato  
Senior Strategic Planner  
Port Stephens Council

By email: [Matthew.Borsato@portstephens.nsw.gov.au](mailto:Matthew.Borsato@portstephens.nsw.gov.au)

Dear Matthew,

**Request for advice – Planning Proposal PP-2023-2568 – Coastal Risk Planning Clause to the Port Stephens Local Environmental Plan 2013**

I refer to your email, dated 4<sup>th</sup> March 2024, requesting input from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) into Planning Proposal (the Proposal) PP-2023-2568 for inserting a Coastal Risk Planning Clause and subsequent coastal risk mapping in the Port Stephens Local Environmental Plan 2013.

The DCCEEW Biodiversity and Conservation Division (BCD) has reviewed the planning proposal in relation to coastal management.

BCD's detailed comments are provided in **Attachment A**. BCD have no comments with respect to biodiversity or flooding. If you have any further questions about this issue, please contact Neil Kelleher, Senior Team Leader Water, Floodplains and Coast, at [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au).

Yours sincerely



Joe Thompson  
**Director Hunter Central Coast Branch  
Biodiversity and Conservation Division**

24/4/24

Enclosure: Attachment A

Level 9, 5 Stewart Avenue | Newcastle West | Locked Bag 1002 Dangar NSW 2309 | [dpie.nsw.gov.au](mailto:dpie.nsw.gov.au) | T

## Attachment A

## BCD's comments

Coastal Risk Planning Clause Port Stephens Council LEP

1. BCD considers that the justification for not mapping a Coastal Vulnerability Area (CVA) is inadequate.

As per the Coastal Management (CM) Act 2016, the best means of achieving the objects of this planning proposal amendment is to map the coastal risk areas identified in a Coastal Management Program (CMP) as the Coastal Vulnerability Area (CVA). This has not been stated in the response to Question 2: *"Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?"*

Recommendation 1

Amend response to Q2 to explain why the CVA mapping methodology was not adopted.

2. BCD considers that the Coastal Risk Planning Map is unclear in portraying the specific coastal risks.

The coastal risk planning maps currently combine coastal inundation, coastal erosion and tidal inundation into one mapped area (dune transgression is mapped separately). While the coastal risk planning clause will apply to all these risks, the practical response from a developer will be different for each coastal risk. Therefore, it is recommended to additionally include separate mapping of coastal inundation, coastal erosion, and tidal inundation to ensure clarity regarding the extent of risk exposure for any proposed development.

Recommendation 2

Provide separate mapping of coastal inundation, tidal inundation, and coastal erosion in addition to the overarching Coastal Risk Planning Map.

3. BCD considers that the NSW coastal design guidelines checklist does not include detailed supporting evidence confirming compliance with the guidelines.

The NSW Coastal Design guidelines are designed to improve decision-making, built outcomes and environmental performance in coastal places through strategic planning and urban design. The checklist is a new tool that can be used to support compliance with the guidelines. The completed checklist in this planning proposal (Attachment 2) does not provide any supporting evidence confirming compliance with the NSW coastal design guidelines.

Recommendation 3

Apply more rigour and provide more detail in the NSW Coastal Design guidelines checklist to demonstrate compliance with the guidance material.

**Draft Port Stephens Planning Proposal Exhibition Version V.1****Department of Planning, Housing and Infrastructure****Environment Policy (EP) team review of management actions - 17 April 2024**

We note that on 14 November 2023 Port Stephens Council resolved to adopt a planning proposal to amend the Port Stephens Local Environmental Plan 2013 to insert a coastal risk planning clause and accompanying coastal risk planning map. The Department subsequently issued a conditional Gateway Determination on 23 February 2024, and an amended Planning Proposal was placed on public exhibition with the Draft CMP on 28 February 2024.

The Planning Proposal states that it is consistent with State and regional strategies, including Chapter 2 Coastal Management of the Resilience and Hazards SEPP 2021 and relevant Local Planning Directions - *'The introduction of a clause into the LEP is the best means to implement the objectives for coastal risk planning in land use planning decisions. The clause will require the consideration of coastal risk in the assessment of development applications on land mapped as being at risk of coastal processes. The inclusion of an accompanying Coastal Risk Planning Map and Dune Transgression Map is the best means to identify land subject to the proposed LEP clause.'*

The comments provided below are intended to assist with finalising the Planning Proposal and are provided in support of Port Stephens Council establishing a clear, consistent, and robust planning assessment framework for the coastal hazards and coastal processes identified within the Draft PS CMP.

**General Comments**

1. The CMP includes extensive areas outside the existing coastal zone that are affected by current and future coastal hazards, particularly 'CH Threat 4 – Coastal Inundation' and 'CH Threat 5 – Tidal Inundation'. These areas have not been identified for mapping within the CVA of RH SEPP 2021 which would facilitate expansion of the coastal zone and appropriate consideration of the identified coastal hazards and risks, and vulnerability of the affected lands.

It is our recommendation that adoption of mapping and development controls for the Coastal Vulnerability Area within the RH SEPP, in conjunction with local provisions in the Port Stephens LEP and DCP would provide a more robust and complete risk-based assessment framework for the assessment of development applications within the extensive areas affected by current and future coastal hazards and coastal processes.

2. To support Council's CMP, IP&R and Strategic Planning obligations we have therefore, suggested to Port Stephens Council that the CMP (as exhibited) be updated to include a CMP Action to prepare a planning proposal for coastal hazards and coastal processes, to amend:
  - a. the RH SEPP to identify the future extent of coastal erosion, coastal inundation, and tidal inundation (2120 projections) in a Coastal Vulnerability Area and extend the existing coastal zone, to allow all actions within the CMP to be undertaken. The extent of the Coastal Risk Planning Map (2120 coastal hazard projections) within *Planning Proposal Exhibition Version V.1* would be suitable for identification as a Coastal Vulnerability Area in the RH SEPP.
  - b. the Port Stephens LEP 2013 to include a coastal risk area to identify the future extent of coastal erosion, coastal inundation, and tidal inundation (2070 projections).

- c. the Port Stephens LEP 2013 to identify the *coastal dune field* (as defined by the *EP&A Regulation 2021*) at 'Stockton Bight' and associated area of dune transgression (2070 projection).
  - d. the RH SEPP Coastal Environment Area, if the full extent of the 'Stockton Bight' *coastal dune field* is not currently identified.
  - e. the RH SEPP Coastal Wetland and Littoral Rainforest Area if the full extent of the Mambo Wetlands is not accurately identified, once the additional acquired land is included, and the ecological survey has been completed.
3. Maps in Appendix A provide a clear distinction between the different coastal hazards and coastal process of dune transgression, and the projected risk and vulnerability of their land now and in the future. These distinctions are not provided in the *Planning Proposal Exhibition Version V.1* maps exhibited concurrently with the Draft CMP.
- Planning controls in the RH SEPP, LEP and DCP should enable landowners to clearly identify:
- a. the vulnerability of their property to each coastal hazard or coastal process now and in the future, and
  - b. assessment requirements and design requirements that will assist them in avoiding, adapting, or mitigating the risk of these hazards and processes.
4. The planning proposal refers to "dune transgression" throughout. For consistency with existing legislation, any local clause drafted to address the coastal process of dune transgression, should acknowledge that this affects an existing *coastal dune field* as defined by the *EP&A Regulation 2021*.
5. While the CMP document referred to as a supporting document to the Planning Proposal, may be generally consistent with the NSW Coastal Management Framework process requirements, it does not adequately consider or implement the following objects of the *Coastal Management Act 2016* as they relate to the timely and effective implementation of land use planning provisions and controls:
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
  - (f) to mitigate current and future risks from coastal hazards, considering the effects of climate change, and
  - (h) to promote integrated and co-ordinated coastal planning, management, and reporting, and
  - (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
  - (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities,
6. Table 1 – three RH SEPP coastal management areas apply to the Port Stephens LGA: *Coastal Wetlands and Littoral Rainforest Area*, *Coastal Environment Area*, and *Coastal Use Area*. The document should be amended to correct this. This section should also be amended to recognise dune transgression as a coastal process.
7. The information provided within the Coastal Design Guideline 2023 Checklist is considered insufficient and does not adequately reflect the detailed actions and proposed staged implementation of the CMP.

**MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023****ITEM NO. 3****FILE NO: 23/253338  
EDRMS NO: PSC2023-02759****PLANNING PROPOSAL FOR COASTAL RISK PLANNING CLAUSE**

REPORT OF:        BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
                         MANAGER  
DIRECTORATE:     COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to insert a coastal risk planning clause and accompanying coastal risk planning map.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.

**ORDINARY COUNCIL MEETING - 14 NOVEMBER 2023  
MOTION**

|            |  |
|------------|--|
| <b>268</b> | <b>Councillor Jason Wells<br/>Councillor Leah Anderson</b><br><br>It was resolved that Council:<br><br><ol style="list-style-type: none"><li>1) Adopt the planning proposal (<b>ATTACHMENT 1</b>) to amend the Port Stephens Local Environmental Plan 2013 to insert a coastal risk planning clause and accompanying coastal risk planning map.</li><li>2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.</li></ol> |
|------------|--|

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Amott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

## MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023

## BACKGROUND

The purpose of this report is to seek Council's endorsement to adopt a planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 (LEP) to insert a coastal risk planning clause and coastal risk planning map. The endorsement would allow for the forwarding of the planning proposal to the NSW Department of Planning and Environment (DPE) for a Gateway determination and request authority to make the plan.

The preparation of the planning proposal responds to a key aspect of the forthcoming Port Stephens Coastal Management Program (CMP). The intent of the proposal is to incorporate provisions to manage the risk to life and properties from coastal hazards in the LEP and Development Control Plan (DCP).

The planning proposal is based upon the technical investigations undertaken for the CMP, including hazard mapping identifying properties at risk of coastal inundation, tidal inundation, coastal erosion and dune transgression. The hazard mapping is publicly available and was subject to community consultation in April and May 2023.

The purpose of reporting the planning proposal prior to the CMP is to seek a Gateway determination from DPE. This would facilitate the intended concurrent public exhibition of the planning proposal with the CMP in 2024. It is noted that CMPs are not subject to the Gateway determination process.

## COMMUNITY STRATEGIC PLAN

| Strategic Direction             | Delivery Program 2022-2026  |
|---------------------------------|---|
| Thriving and safe place to live | Program to develop and implement Council's key planning documents |

## FINANCIAL/RESOURCE IMPLICATIONS

There are no additional identified financial/resource implications identified for the preparation of the planning proposal.

| Source of Funds                  | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|---------|
| Existing budget                  | Yes    |              |         |
| Reserve Funds                    | No     |              |         |
| Developer Contributions (\$7.11) | No     |              |         |
| External Grants                  | No     |              |         |
| Other                            | No     |              |         |



**MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023****LEGAL, POLICY AND RISK IMPLICATIONS**

The preparation of the planning proposal has some legal, policy and risk implications for Council.

| <b>Risk</b>   | <b><a href="#">Risk Ranking</a></b> | <b>Proposed Treatments</b> | <b>Within Existing Resources?</b> |
|---|-------------------------------------|----------------------------|-----------------------------------|
| There is a risk that Council does not consider the impacts of coastal risk in the assessment of planning applications.                                    | Medium                              | Accept the recommendation. | Yes                               |
| There is a risk that landowners and applicants do not support the insertion of the coastal risk planning clause and coastal risk planning map in the LEP. | Medium                              | Accept the recommendation. | Yes                               |

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

The planning proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to endorse the planning proposal, it will be forwarded to DPE for a Gateway determination, including a request for Council to be made the plan making authority.

NSW Ministerial Direction 4.2 Coastal Management

Preparing the planning proposal is consistent with NSW Ministerial Direction 4.2 Coastal Management issued under section 9.1 of the EP&A Act. The Direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone. The Direction requires planning proposals to include provisions that give effect to and are consistent with, any relevant Coastal Management Program that has been certified by the Minister.

Port Stephens Local Environmental Plan 2013

The planning proposal is to amend the LEP by inserting a coastal risk planning clause and accompanying coastal risk planning map.

The objectives of the intended LEP clause are:

- To avoid significant adverse impacts from coastal hazards

**MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023**

- To ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards
- To enable the evacuation of land identified as coastal risk in an emergency
- To avoid development that increases the severity of coastal hazards.

The clause would apply to development on land identified on a coastal risk planning map comprised of the following map layers:

- Coastal inundation
- Tidal inundation
- Coastal erosion
- Dune transgression.

The above risks are mapped to the year 2120, with the exception of dune transgression, which is mapped to the year 2070. The coastal risk planning map is included in the planning proposal (**ATTACHMENT 1**).

The coastal risk planning map layers have been made publicly available during preliminary public consultation on the CMP. These map layers are available on the Council website, along with other information on the CMP.

Amending the LEP to introduce a coastal risk planning clause and inclusion of a coastal risk planning map is consistent with the approach undertaken by other NSW coastal councils and the NSW planning framework for managing coastal risk.

Port Stephens Development Control Plan 2014 (DCP)

The preliminary management option in the CMP is to prepare a planning proposal including a recommendation to incorporate provisions to manage the risk to life and properties from coastal hazards for inclusion in the DCP. Should the planning proposal progress, Council staff would prepare a draft amendment to the DCP to incorporate a new DCP chapter addressing coastal risk.

Port Stephens Local Strategic Planning Statement (LSPS)

The planning proposal would give effect to the following planning priority in the LSPS:

- Planning Priority 8: Improve resilience to hazards and climate change
- Action 8.3: Council will prepare and implement a Coastal Management Program to mitigate natural hazards and incorporate resilience measures that promote ecologically sustainable development.

Hunter Regional Plan 2041 (HRP)

The planning proposal is consistent with the HRP Objective 7 'Reach net zero and increase resilience and sustainable infrastructure'. The planning proposal achieves this by introducing a coastal risk planning clause to the LEP. This would increase the

**MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023**

resilience of future development and facilitate the creation of more sustainable infrastructure.

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal would have positive social, economic and environmental risk implications for Council through the consideration of coastal risks in the assessment of development applications, consistent with the approach taken by other NSW coastal councils and with the NSW planning framework for managing coastal risk.

**CONSULTATION**

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section. The objective of the consultation is to align with the intended outcomes of the CMP and LSPS.

Internal

Consultation has been undertaken with the CMP Working Group comprised of the Natural Systems, Strategic Planning, Development Planning, Building and Certification, and Flooding and Drainage teams.

External

Initial community consultation on the CMP including the hazard mapping has been undertaken. This consultation included a mail out to all affected landowners, community drop-in sessions and information on the Council website including coastal hazard mapping.

Referral of the planning proposal to public authorities may be required after the Gateway determination, as set out under section 9.1 of the EP&A Act. A Gateway condition may be imposed where a public authority has an interest in the proposal.

The planning proposal is intended to be publicly exhibited in concurrence with the CMP and in accordance with a Gateway determination.

**OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

**ATTACHMENTS**

- 1) Planning Proposal - Coastal Risk Planning Clause.

**MINUTES ORDINARY COUNCIL - 14 NOVEMBER 2023**

**COUNCILLORS ROOM**

Nil.

**TABLED DOCUMENTS**

Nil.



Department of Planning, Housing and Infrastructure

### Gateway Determination

**Planning proposal (Department Ref: PP-2023-2568):** insert coastal risk planning clause and maps

I, the Director, Central Coast and Hunter at the Department of Planning, Housing and Infrastructure, 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 insert a coastal risk planning clause and maps should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
  - (a) refer to the Coastal Design Guideline 2023 and include a completed assessment per Appendix 1 of the guide;
  - (b) amend the explanation of provisions to define dune transgression as a coastal process being a form of major sand drift as defined under the Coastal Management Glossary 2018;
  - (c) include separate coastal risk planning maps for coastal hazards and for dune transgression, noting land affected by either map would be subject to the coastal risk planning provisions;
  - (d) ensure the coastal risk planning map affected by dune transgression shows the current and future areas of projected impact to the year 2070;
  - (e) extend seaward the dune transgression map to ensure the central portion of the beach is incorporated;
  - (f) reduce the dune transgression landward extent to show the projected impact to the year 2070; and
  - (g) insert areas of coastal inundation predominantly located along the rocky shorelines region.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 30 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023); and
  - (c) exhibition must commence within two months following the date of the Gateway determination.

**ITEM 3 - ATTACHMENT 5      GATEWAY DETERMINATION.**

3. Consultation is required with the Department of Climate Change, Energy, the Environment and Water under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act.

The department is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. 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.
5. The local environmental plan should be completed prior to 18 February 2025.

Dated 23 day of February 2024.



**Dan Simpkins  
Director, Central Coast and Hunter  
Planning, Land Use, Strategy and Housing  
Department of Planning, Housing and  
Infrastructure**

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

PP-2023-2568 (IRF23/3113)

ITEM NO. 4

FILE NO: 24/65666  
EDRMS NO: PSC2023-03961-0004

## PORT STEPHENS LOCAL HOUSING STRATEGY

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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### RECOMMENDATION IS THAT COUNCIL:

- 1) Receives and note the submissions received during the exhibition of the revised Port Stephens Local Housing Strategy and the response to the public submissions **(ATTACHMENT 1)**.
- 2) Adopt the revised Port Stephens Local Housing Strategy, as amended **(ATTACHMENT 2)** and submit the Strategy to the NSW Department of Planning, Housing & Infrastructure for endorsement.

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### BACKGROUND

The purpose of this report is to advise Council of the outcome of the exhibition of the revised Port Stephens Local Housing Strategy (LHS) as well as noting the response to submissions **(ATTACHMENT 1)**. The report recommends that Council adopt the revised (LHS), **(ATTACHMENT 2)**.

At its meeting on 26 March 2024, Minute No. 043 **(ATTACHMENT 3)**, Council resolved to endorse the revised LHS for public exhibition for a period of 28 days.

An outline of the engagement actions undertaken is provided in **(ATTACHMENT 4)**. During this period, 50 submissions were received. In response to submissions, changes have been made to the LHS. Key amendments are outlined further in this report, with an Explanation of Post Exhibition Amendments also included in **(ATTACHMENT 5)** for further detailed explanation of the changes.

During the course of the public exhibition, consultation has been undertaken with the NSW Department of Planning Housing and Infrastructure (DPHI) to seek preliminary feedback on the documents. This is with the intent of having the adopted LHS and Housing Supply Plan (HSP) endorsed by DPHI.

### COMMUNITY STRATEGIC PLAN

| Strategic Direction             | Delivery Program 2022-2026  |
|---------------------------------|---|
| Thriving and safe place to live | Program to develop and implement Council's key planning documents |

**FINANCIAL/RESOURCE IMPLICATIONS**

| Source of Funds                  | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|---------|
| Existing budget                  | Yes    |              |         |
| Reserve Funds                    | No     |              |         |
| Developer Contributions (\$7.11) | No     |              |         |
| External Grants                  | No     |              |         |
| Other                            | No     |              |         |

**LEGAL, POLICY AND RISK IMPLICATIONS**State Planning Policy Reform

At the time of writing, the State Government are considering a range of planning policy reforms to respond to the Federal Government's National Housing Accord. These policy changes are still under consideration but largely align with the strategic directions of the Hunter Regional Plan 2041 (HRP). This includes reforms to increase building heights and density around town centres, building height bonuses for affordable housing and the revision of housing demand forecasts (housing targets).

Any risk associated with the reforms currently under consideration has been reduced as the revised LHS and the HSP align with the State priorities for increasing housing supply.

Hunter Regional Plan 2041 (HRP)

The revised LHS is consistent with the HRP, including directions to promote higher housing densities, providing nimble neighbourhoods and balancing housing with the local environment.

Greater Newcastle Metropolitan Plan 2036 (GNMP)

Local housing strategies are required to be prepared in accordance with the directions of the GNMP, which include, prioritising infill housing, delivering housing close to jobs, and promoting diverse housing types, such as small lot housing and multi-dwelling housing. The revised LHS is consistent with the GNMP 2036.

Port Stephens Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) is required to set out how Council will achieve the land use planning directions in the HRP, GNMP and Council's



Community Strategic Plan. The revised LHS is consistent with the priorities for housing identified in the LSPS.

#### Port Stephens Local Environmental Plan 2013

Amendments to the Port Stephens Local Environmental Plan (LEP) 2013 may result from some of the actions identified in the revised LHS. This may include changes to land zoning, lot sizes or building heights. This would be subject to separate planning processes and is not required as part of this report.

#### Port Stephens Development Control Plan 2014

Amendments to the Port Stephens Development Control Plan (DCP) 2014 may result from some of the actions identified in the revised LHS, including amendments to development controls for small lot housing, promote sustainable design or local character. This would be subject to separate planning processes and is not required as part of this report.

| <b>Risk</b>  | <b><a href="#">Risk Ranking</a></b> | <b>Proposed Treatments</b> | <b>Within Existing Resources?</b> |
|--|-------------------------------------|----------------------------|-----------------------------------|
| There is a risk that if the revised LHS is not adopted the future housing needs of the community will not be met.                        | High                                | Accept the recommendation. | Yes                               |
| There is a risk that if the revised LHS is not adopted, that the current LHS does not meet community, business or industry expectations. | Medium                              | Accept the recommendation. | Yes                               |
| There is a risk that the policy reforms currently being considered by the State government do not align with the revised LHS.            | Low                                 | Accept the recommendation. | Yes                               |

### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The revised LHS contains actions that will overall have positive social, economic and environmental implications. The outcomes aim to prioritise new housing around existing urban areas and to support the development of resilient, vibrant local

communities. The actions seek to facilitate sustainable development that can provide more housing whilst retaining and enhancing local character and protecting the environment.

The revised LHS seeks to establish a robust framework for the identification and assessment of future areas for housing growth across the local government area. In addition, the revised LHS aims to improve housing affordability and to provide homes in locations close to employment centres.

Actions in the strategy will support vibrant local centres and promote social well-being for residents.

## **CONSULTATION**

The Strategy and Environment Section has undertaken targeted consultation with key stakeholders and the community throughout the development and finalisation of the documents.

### Internal

- Development and Compliance Section
- Strategy and Environment Section
- Communications and Customer Experience Section
- Assets Section

### External

Council sought to engage with the community utilising a range of communication methods to ensure that the community had the best opportunity to be involved during the exhibition period. Through the use of various media (TV, radio and print), rates notices, e-newsletters, website and print advertising, it is estimated that the engagement associated with the exhibition of the LHS reached over 199,000 people.

During the exhibition period, several opportunities were also provided for the community to engage directly with Council staff. This included:

- Online consultation with Port Stephens Housing Forum participants.
- Facebook Live Event.
- Drop In Sessions (Raymond Terrace, Medowie and Tomaree Library).

The Local Housing Strategy – Communications and Engagement Report **(ATTACHMENT 4)** provides detailed information about the various engagement activities undertaken.

During the exhibition period, a total of 50 submissions were received. A summary of the submissions is included in **(ATTACHMENT 1)**. The submissions have been grouped by the key themes raised. For each key theme, a detailed response has

been provided, including any proposed amendments to the LHS and HSP as a result of the submissions.

The five key themes that emerged across the submissions were:

- The need to plan for infrastructure to support housing.
- Impacts associated with short term rental accommodation (current number and the risk of more).
- Concerns about character change due to the proposed infill development.
- The need to protect the environment.
- The need for affordable housing.

In response to the submissions, changes have been made to the LHS and HSP. Key amendments to the documents are outlined below. An Explanation of Post Exhibition Amendments has also been included in **(ATTACHMENT 5)**.

## **LOCAL HOUSING STRATEGY AMENDMENTS**

### Infrastructure to support growth

One of the key issues that emerged was the need to ensure that infrastructure is provided to support the increase of housing. Particularly focus was on areas that may already be impacted by insufficient infrastructure at certain times of the year or after major weather events.

To address this, a new priority has been added (Priority 4.4 – Supported Communities) that speaks to the need to ensure that the community is supported with infrastructure to help create and maintain the liveable neighbourhoods envisaged for Port Stephens. In addition to this, 2 new actions (Action 4.3 and Action 4.4) have been added which focus on both Council and the NSW Government's role in planning for and delivering infrastructure and upgrades to existing infrastructure.

### Affordable Housing

The need for affordable and social housing was another key theme that emerged in submissions. A key action of the LHS is to work with Homes NSW to deliver adopted housing targets for social and affordable housing in Port Stephens (once announced) (Action 2.2).

Another key action of the LHS is to develop an Affordable Housing Action Plan (Action 2.3). The Action has been updated to provide further context to what the Affordable Housing Action Plan will consider. This includes:

- Testing the viability of developing an Affordable Housing Contribution Scheme.
- Opportunities to improve the feasibility of delivering affordable housing (E.g. Changes to planning controls and/or application fees).
- Mechanisms to track and monitor affordable housing.

- The potential for utilising inclusionary zoning to encourage social / affordable housing.

### Housing Supply Plan

Council received a number submissions that sought to nominate additional sites for inclusion within the HSP. In some cases, Council received multiple submissions suggesting the same site / precinct.

Each site that was nominated has been reviewed to understand the known environmental constraints, alignment with Council's strategic planning and the potential delivery timeframes to 2041. In addition to this, consideration was given to whether a site had recently been the subject of a Council resolution or determination.

Inclusion in the HSP is predicated on Council being sufficiently confident that the site will be developed and the potential realised within the timeframe of the HSP and LHS of 2041.

The potential exists for sites that are not currently identified in the HSP to demonstrate consistency with the relevant housing criteria and proceed outside of being nominated in the HSP through a Strategy addendum process. This process has been included in response to comments from DPHI to ensure that Council can support additional housing locations if required to meet housing demand.

### Department of Planning Housing and Infrastructure

Council consulted with DPHI to seek feedback on the draft LHS. Following discussions regarding the draft LHS and HSP, the LHS was updated adopt the measurements for housing density in the HRP and to include a process to allow for addendums to the LHS to ensure Council can identify additional housing sites to meet housing demand if required.

Should the LHS be endorsed by Council, it will be submitted to DPHI for State endorsement. This will ensure strategic alignment between Local and State Government on how Port Stephens intends to meet housing demand and will serve to streamline future planning proposals that are consistent with the LHS and HSP.

## **OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

## **ATTACHMENTS**

- 1) Local Housing Strategy - Submission Table.
- 2) Local Housing Strategy. (Provided under separate cover)
- 3) 26 March 2024 - Council Minute No. 043.

|  |
|--|
| <b>ORDINARY COUNCIL - 25 JUNE 2024</b> |
|--|

- 4) Local Housing Strategy - Communications and Engagement Report.
- 5) Local Housing Strategy - Explanation of Post Exhibition Amendments.

#### **COUNCILLORS' ROOM/DASHBOARD**

- 1) Unredacted Submissions.

#### **TABLED DOCUMENTS**

Nil.

## ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission  | Themes  | Comment   | Council's response  |
|---|---|---|---|
| Tomaree Ratepayers and Residents Association Inc (TRRA), Hunter Water Corporation (HWC), Property Council of Australia and Submission No. 5, 21, 25, 32, 47 and 50. | Support for draft Local Housing Strategy (LHS). | These submissions were supportive of the revised LHS and Council's efforts to address the housing crisis.   | Noted.  |
| TRRA, EcoNetwork, Property Council of Australia and Submission No. 41, 43 and 50.   | Support for Infill Housing.                     | These submissions support Council's efforts to plan for infill housing and the positive impacts this will have on the environment. It was also noted that there is a need/potential for infill housing in areas not nominated in the Housing Supply Plan (HSP). | The submissions of support are noted.<br>The HSP identifies areas that Council has nominated as most suitable for infill housing, however, areas not identified are not excluded for potential infill housing.  |
| Voices of Wallalong and Woodville (VOWW), TRRA, Koala Coalition Econetwork and Submission No. 47.   | Suggested minor changes to the LHS.             | These submissions made suggestions on wording within the document to ensure it is user friendly and easy to understand.   | All feedback on the document itself have been considered and the LHS and HSP have been updated where relevant. All edits are summarised in the Explanation of Post-Exhibition Amendments.   |
| TRRA and Submission No. 10.   | Affordability of housing.                       | These submissions noted that delivering housing will not address housing affordability.   | The HSP is Council's response to the identified housing need. Council is working to plan for, and deliver the required amount of housing that will, at a minimum meet the demand. This will put downward pressure on housing prices across Port Stephens. |

## ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission                                    | Themes   | Comment  | Council's response  |
|---|--|--|---|
| Urban Development Industry Association (UDIA) | Housing Targets.                                     | The submission notes that to deliver 11,110 homes, there is a need to plan for even more housing knowing that over time sites/capacity may not be realised.  | The HSP represents Council's current forecast for housing in the Local Government Area (LGA). The forecasts recognise known constraints and the HSP makes assumptions about the likely outcomes of development opportunities based on a range of data. With an increasing focus on infill housing, the LHS/HSP provides a realistic forecast of expected development based on data gathered over the past 5 years. If monitoring housing delivery shows that the planned capacity is not being fully realised, there is the ability to amend the HSP to identify further opportunities.                                     |
| TRRA and Submission No. 7 and 17.             | Objection to housing targets and Precinct forecasts. | These submissions are not supportive of the State Government's housing targets and ask Council not to comply. In addition to this there are concerns raised as to the number of homes forecast for precincts, particularly on the Tomaree Peninsula. | The HSP is Council's response to the identified housing need. The housing need Council has identified aligns with the State Government's data. Council is working to plan for, and deliver the required amount of housing that will, at a minimum meet the projected demand. Council is planning to provide homes for an additional 20,000 people over the next 20 years. To meet this need, 11,100 new homes are required. The precinct forecasts are based on the identified capacity. In finalising the HSP all figures within the HSP have been reviewed and updated. These will continue to be monitored and reviewed. |

## ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission  | Themes                                    | Comment  | Council's response  |
|---|---|--|---|
| Submission No. 2, 3 and 26.   | Social Services.                          | These submissions noted the need to provide additional services to support those experiencing homelessness in the community.   | A Homelessness Stakeholder Advisory Group (HSAG) has been established by Council. Members of the HSAG include members of Council, Council employees, government agencies and service providers. This Group has an action plan that includes working with NSW Government agencies and service providers to progress towards making homelessness rare, brief and non-recurring.   |
| Shelter NSW, TRRA, Community Housing and Submission No. 2, 17 and 19. | Council's role in Affordable Housing.     | These submissions suggest that Council should take a more active role in delivering affordable housing. Suggestions included: <ul style="list-style-type: none"> <li>• Council lead incentives to encourage the development of affordable housing.</li> <li>• The development of an Affordable Housing Contribution Scheme to levy developers for funding for affordable housing.</li> <li>• Using Council land that is underutilised to assist in delivering affordable housing.</li> </ul> | The development of Council's Affordable Housing Action Plan (AHAP) will take into consideration all possible actions that Council can take to encourage, facilitate and deliver affordable housing. The Action has been updated to include several of the suggestions made in the submissions. An additional action will also be added that will require Council to undertake a whole LGA review to identify Council owned/managed land or buildings that suitable for social and affordable housing. |
| Homes NSW   | Social and Affordable Housing in the LHS. | The submission recommends including how Council will plan for and support the development of social and affordable housing in the LHS.   | Action 2.1 in the LHS requires Council to work with the NSW Department of Communities and Justice, Local Aboriginal Land Councils, Landcom, and the NSW Department of Planning, Housing and Infrastructure (DPHI). Council is already working with social housing providers, including Homes NSW, on projects such as the Raymond Terrace   |



## ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission  | Themes                                       | Comment  | Council's response   |
|---|--|--|--|
|   |  |  | Sub-precinct Masterplan to identify opportunities for additional social housing in Port Stephens. Additionally the HSAG seeks to improve access to social and affordable housing by advocating for policy reforms and incentives to encourage social and affordable Housing in regional NSW.   |
| Shelter NSW, Community Housing, TRRA and Submission No. 14, 15, 17, 19, 26 40 and 50. | Need for more affordable and social housing. | These submissions noted that there is a need for social and affordable housing as part of the response to the current housing crisis.  | Affordable housing is recognised in the LHS specifically under Action 3.6 - Develop an Affordable Housing Action Plan (AHAP). This is a short-term action (as per the Implementation Plan). Additionally, the HSAG seeks to improve access to social and affordable housing by advocating for policy reforms and incentives to encourage social and affordable Housing in regional NSW.                    |
| Shelter NSW and Community Housing.  | Improvements to Affordable Housing.          | <p>These submissions suggest that the framework in which affordable and social housing is delivered needs to be improved. Suggestions include:</p> <ul style="list-style-type: none"> <li>• Retaining affordable housing in perpetuity (rather than 15 years).</li> <li>• Setting housing targets for the delivery of affordable housing.</li> <li>• Including requirements for both social and affordable housing when redeveloping sites.</li> <li>• Improved feasibility through changes to local planning controls.</li> </ul> | Council is taking steps to encourage the development of affordable housing in Port Stephens. Local actions such as improving feasibility through better local planning controls will be considered as part of the AHAP. Broader changes such as retaining affordable housing in perpetuity can be the subject of future advocacy to the State Government as the State legislation deals with these issues. |

## ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission                                       | Themes                                     | Comment   | Council's response   |
|--|--|---|--|
| UDIA, HWC and Submission No. 26 and 47.          | The role of Government to provide housing. | These submissions noted that Council needs to continually monitor housing supply and work with other parts of government to facilitate housing.   | Action 1.2 in the LHS requires an annual report on housing supply to be presented to Council. This report has the capacity to also incorporate other key indicators such as the number of social and affordable houses in the LGA and the number STRA in the LGA. Working collaboratively with the State Government and industry will be a focus of this report to ensure the accuracy of the data presented.  |
| TRRA, VOWW, and Submission No. 5, 21, 47 and 48. | Short term rental accommodation (STRA).    | <p>These submissions noted concerns in regard to SRTA, including:</p> <ul style="list-style-type: none"> <li>The existing number of STRA that currently exists within Port Stephens.</li> <li>That any additional housing that is built will be used for STRA.</li> </ul> | <p>Holiday homes and holiday rental accommodation does account for a proportion of homes in the LGA, particularly in areas such as the Tomaree Peninsula. As a holiday/tourist destination, Council is mindful that these forms of accommodation support the tourism industry and a significant number of jobs.</p> <p>The NSW Government is actively looking at options to limit holiday rentals, increase costs to operate, and to review the STRA approval criteria. Council is supportive of this review and will consider the options once the outcomes are released.</p> |
| Shelter NSW                                      | STRA restrictions.                         | The submission suggested that Council should advocate to the State Government for a day cap on STRA.  | Data available in regards to the average number of rental nights indicates that a day cap would be unlikely to have an impact on the number of STRA within Port Stephens. There are also a large number of holiday homes in Port Stephens that are not rented out as STRA, and   |

## ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission  | Themes                   | Comment   | Council's response  |
|---|--------------------------|---|---|
|   |                          |   | remain vacant when not in use. Reforms to cap STRA would not address the impact of these homes on long term rental housing supply.  |
| TRRA and Submission No. 1, 3, 7, 9, 10, 14, 15 18 and 49                          | Neighbourhood character. | These submissions noted that the impacts that infill housing, particularly higher density housing, may have on the character of neighbourhoods across Port Stephens. Shoal Bay and Raymond Terrace were examples of where increasing densities could lead to character change. More broadly, submissions referred to the changing character of the coastal villages and noted concerns in regard to overcrowding. | The inclusion of additional housing within existing neighbourhoods does have a risk of changing character. The LHS recognises the need to manage this change. Action 4.1 is to prepare character statements as part of future planning for areas identified for infill housing. Additionally, Action 3.5 is to plan for 'density done well'. Which includes preparing specific development controls for residential flat buildings, serviced apartments and shop top housing to be included in the Development Control Plan (DCP) and reflect the specific context of the area. |
| TRRA, Koala Coalition, EcoNetwork and Submission No. 1, 4, 10, 17, 19, 26 and 40. | Environmental impacts.   | These submissions noted the importance of the cultural and natural environment within Port Stephens. Noting the need to ensure that cultural and environmental values are not compromised for housing.  | Development that is planned for as part of the LHS and HSP has taken into account known environmental values. The areas proposed for greenfield housing have been considered as part of existing adopted/endorsed Council strategies.   |
| TRRA and Submission No. 17.   | Building heights.        | These submissions were not supportive of broad scale height increases.  | This is a longer term action that would be undertaken in consultation with the community and in response to an identified need.   |
| EcoNetwork and Submission No. 34.   | Infill Design.           | These submissions noted concerns with the nomination of Nelson Bay for development in excess of 7 storeys. Noting the need for future planning to take  | The HSP only nominates Nelson Bay Town Centre and Raymond Terrace Town Centre for potential development of 7 storeys or   |

## ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission   | Themes                       | Comment   | Council's response   |
|--|------------------------------|---|--|
|  |                              | local values and character into account.  | higher. Height controls in the Local Environmental Plan (LEP) already permit (with consent) development up to 28m in Nelson Bay Town Centre (8 storeys). The height limit in Raymond Terrace Town Centre is currently being reviewed. The importance of local context and character is recognised in action 4.1, with Council developing character statements as part of future planning for these areas.  |
| TRRA, Koala Coalition, Econetwork, HWC, Property Council of Australia VOWW and Submission No. 1, 2, 3, 4, 10, 15, 17, 18, 26, 34, 41, 47, 48 and 49. | Infrastructure.              | <p>These submissions noted that the existing infrastructure does not have the capacity to cater for the forecasted development. This included:</p> <ul style="list-style-type: none"> <li>• Road infrastructure</li> <li>• Drainage</li> <li>• Public transport</li> <li>• Schools</li> <li>• Hospital and medical services</li> <li>• Emergency services (Police)</li> </ul> | <p>Council acknowledges that there will be a need for new and upgraded infrastructure (roads, drainage, health services, schools or public spaces) to support the planned population growth. Once the forecasted growth is understood, Council can ensure that the required infrastructure is considered and planned. Planning at this level allows Council to apply for funding from both State and Federal Governments to deliver the required infrastructure. Outcome 4.4 and Actions 4.3 and 4.4, highlight Council's ongoing commitment to working with all levels of government to deliver the required infrastructure to support the community.</p> |
| HWC  | Integrated Water Management. | The submission noted the need to consider Integrated Water Management (IWM) as part of future development proposals.  | IWM can be considered at the rezoning/development application stage with the support of the DCP. Council will consider the need for IWM to be included as a part of the planned DCP amendment.   |

## ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission  | Themes                                     | Comment   | Council's response   |
|---|--|---|--|
| Submission No. 29, 29, 41 and 47.                 | Lifestyle villages.                        | These submissions noted that there is a need to create a clearer approval pathway for lifestyle villages within Port Stephens. The location criteria included in the LHS (pg 38) were also noted as being more stringent when compared to the standards in the Hunter Regional Plan 2041 (HRP). | Council has been working with DPPI to review the approval pathways for lifestyle villages along with caravan parks and manufactured home estates. Council will continue to do this. The LHS includes criteria that Council has historically used to consider these forms of development. The LHS references the ideal location for lifestyle communities which does set a higher standard than the HRP noting that the Greenfield Housing Criteria would also be considered where a site could not meet the locational criteria. |
| TRRA Submission No. 17.                           | Lifestyle Villages.                        | These submissions noted that lifestyle villages are not in short supply.  | The LHS states that the number of lifestyle villages, along with other forms of multi-dwelling housing are in short supply, as a proportion of the overall mix of housing across the LGA.  |
| Submission No. 14, 23, 24, 24, 27, 31, 35 and 37. | Rural Residential Development.             | These submissions were supportive of the 'Rural Residential Criteria' (Appendix 2). Additionally, these submissions recommend that there should be an opportunity for rural residential development in the Hinterland to be included.   | Currently, no sites have been identified that provide sufficient certainty to be included in the HSP. The Addendum criteria in the LHS provides an opportunity for the updating of the LHS. If an application was to be supported by Council, the HSP can be updated to reflect this. This is in addition to the 'Rural Residential Criteria'.   |
| Submission No. 22, 24, 27, 31 and 37.             | Rural Residential Development – Wallalong. | These submissions were not supportive of the exclusion of Wallalong from any further consideration for future development. The submissions suggested that the exclusion be removed and for the housing  | The exclusionary criteria was included following a resolution of Council.  |

# ITEM 4 - ATTACHMENT 1 LOCAL HOUSING STRATEGY - SUBMISSION TABLE.

| Submission | Themes          | Comment   | Council's response  |
|------------|-----------------|---|---|
|            |                 | criteria to apply as it does to any other land in Port Stephens.  |   |
| Homes NSW  | Zoning changes. | <p>The submission made the following suggestions in regards to changes to land use zoning in the LEP:</p> <ul style="list-style-type: none"> <li>• Permit with consent, Residential Flat Buildings (RFBs) in the R2 Low Density Residential zone (R2).</li> <li>• Rezone land as R1 General Residential zone (R1).</li> </ul> | <p>Council is working with DPHI on the 'Diverse and well-located homes' reforms that will allow for 2 storey RFBs in R2 zones provided they are within 800m of key centres. Currently Kings Hill is the only land zoned R1 in the LGA. At this stage Council has no intention to rezone other land to R1.</p> |

Submissions that nominated sites for inclusion in the Housing Supply Plan have been summarised and addressed in the separate Council Reports on the Housing Supply Plan.

**MINUTES ORDINARY COUNCIL - 26 MARCH 2024**

Mayor Ryan Palmer vacated the chair and left the meeting at 5:44pm. Deputy Mayor, Cr Leah Anderson chaired the meeting in the absence of the Mayor.  
Councillor Giacomo Arnott left the meeting at 5:44pm.  
Councillor Peter Francis left the meeting at 5:44pm.  
Councillor Peter Kafer left the meeting at 5:44pm.

**ITEM NO. 1****FILE NO: 24/30764  
EDRMS NO: PSC2023-03961****REVISED LOCAL HOUSING STRATEGY**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorses the revised Port Stephens Local Housing Strategy (**ATTACHMENT 1**) for public exhibition for a period of 28 days.
- 2) Requests a further report to be provided to Council upon completion of the public exhibition period seeking endorsement of the revised Port Stephens Local Housing Strategy.

**ORDINARY COUNCIL MEETING - 26 MARCH 2024  
MOTION**

|            |   |
|------------|---|
| <b>043</b> | <b>Councillor Chris Doohan<br/>Councillor Jason Wells</b><br><br>It was resolved that Council:<br><br><ol style="list-style-type: none"><li>1) Endorses the revised Port Stephens Local Housing Strategy (<b>ATTACHMENT 1</b>) for public exhibition for a period of 28 days.</li><li>2) Requests a further report to be provided to Council upon completion of the public exhibition period seeking endorsement of the revised Port Stephens Local Housing Strategy.</li></ol> |
|------------|---|

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Leah Anderson, Matthew Bailey, Chris Doohan, Glen Dunkley, Steve Tucker and Jason Wells.

**MINUTES ORDINARY COUNCIL - 26 MARCH 2024**

Those against the Motion: Nil.

The motion was carried.

**BACKGROUND**

The purpose of this report is to seek Council endorsement to place the revised Port Stephens Local Housing Strategy (LHS) (**ATTACHMENT 1**) on public exhibition for a period of 28 days.

The State Government required all Greater Newcastle councils to adopt a local housing strategy prepared in accordance with the Greater Newcastle Metropolitan Plan 2036 (GNMP). This created the original version of the LHS which was adopted by Council in July 2020.

At its meeting of 10 May 2022, Minute No. 120 (**ATTACHMENT 2**), Council resolved to review its Local Housing Strategy and how Council deals with larger lot residential development that is proposed for rural land.

In addition to the above resolution of Council, a number of key societal factors have occurred which require a revision of the Local Housing Strategy including:

- The immediate and lasting impacts of the COVID-19 pandemic
- The changes to settlement patterns across the State and Nation with flexible working arrangements
- The National Housing Crisis and significant policy change being implemented by The State and Federal Governments
- The revision and endorsement of the Hunter Regional Plan 2041 (HRP).

Port Stephens has grown significantly over the past several years. This has been driven by sustained economic growth across the Hunter in addition to significant changes in population growth and migration patterns as a result of the COVID 19 pandemic.

Port Stephens is forecast to grow by approximately 20,000 people over the next 20 years. To respond to the projected population growth, the State Government's HRP 2041 specifies a projected housing demand for Port Stephens of 11,100 dwellings.

Port Stephens has also seen rapid increases in the demand for emergency housing, the overcrowding of existing community housing stock and the prevalence of rough sleeping and homelessness. In response to this, Council has formed the Homelessness Stakeholder Advocacy Group (HSAG) to bring together the 3 levels of government, community housing providers and support service providers so that a combined effort can be made to address this current and growing issue.

The revised LHS responds to these changing circumstances, seeking to provide a consolidated vision and action plan to cater for a growing Port Stephens population over the next 20 years.



**MINUTES ORDINARY COUNCIL - 26 MARCH 2024**

Beyond this, the revised LHS also looks at opportunities to improve housing affordability, encourage diverse housing to cater for all stages of life and to continue to enhance and create liveable communities.

The revised LHS also includes the Housing Supply Plan (HSP) (**ATTACHMENT 3**). The HSP provides specifics around where the projected housing is forecast to be delivered, what type of housing is forecast to be delivered and when this housing is forecast to be delivered to the market. This differs from the original version of the LHS which used a set of criteria for sites considered suitable for housing, rather than a map based approach.

By clearly identifying areas, Council is also seeking to provide clarity to the community, to local and international business and the housing industry on the locations that have potential to deliver additional greenfield and infill housing stock. The criteria within the LHS remains so that sites that are not specifically mapped are still able to demonstrate suitability for investigation.

To address the resolution from the Council meeting of 10 May 2022, sites within the Hinterland area of Port Stephens have not been specifically mapped. The assessment of applications made for the rezoning and development of rural areas will be retained as originally adopted, with assessment against the rural residential criteria of the LHS. As part of the review, amendments have been made to the rural residential criteria to ensure that considerations are made with respect to rural character and visual amenity. This will provide greater clarity of Council's expectations when assessing applications of this nature.

Using this primarily map based approach, Council will be able to plan and monitor the delivery of the proposed growth. This ensures a focus on accountability and development viability to ensure that the strategic intent of the plan becomes realised.

The revised LHS has widespread updates throughout, with key amendments relating to:

- Updated and improved actions within the implementation plan
- Clarity of Council's role in the delivery of actions
- Clarity of advocacy actions to the responsible areas of the State and Federal Government
- Current data on housing needs and preferences
- Inclusion of the Housing Supply Plan (HSP)
- Updated rural residential and rezoning criteria
- Consistency with other State and Federal strategic planning and housing related policies and documents.

Following public exhibition, if endorsed by Council, the revised LHS will be submitted to the NSW Department of Planning Housing and Infrastructure (DPHI) seeking endorsement. An endorsed local housing strategy provides a mechanism to work

**MINUTES ORDINARY COUNCIL - 26 MARCH 2024**

with NSW Government agencies to seek funding and support for the delivery of more infrastructure and services to the local community.

**COMMUNITY STRATEGIC PLAN**

| Strategic Direction             | Delivery Program 2022-2026  |
|---------------------------------|---|
| Thriving and safe place to live | Program to develop and implement Council's key planning documents |

**FINANCIAL/RESOURCE IMPLICATIONS**

| Source of Funds                  | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|---------|
| Existing budget                  | Yes    |              |         |
| Reserve Funds                    | No     |              |         |
| Developer Contributions (\$7.11) | No     |              |         |
| External Grants                  | No     |              |         |
| Other                            | No     |              |         |

**LEGAL, POLICY AND RISK IMPLICATIONS**State Planning Policy Reform

At the time of writing, the State Government are considering a range of planning policy reforms to respond to the Federal Government's National Housing Accord. These policy changes are still under consideration but are largely aligned to the strategic directions of the Hunter Regional Plan 2041. As such, the risk associated with the reforms currently under consideration is reduced and would not be incompatible with the revised Local Housing Strategy.

Hunter Regional Plan 2041

The revised LHS is consistent with the HRP 2041, including directions to promote higher housing densities, providing nimble neighbourhoods, and balancing housing with the local environment.

Greater Newcastle Metropolitan Plan 2036

Local housing strategies are required to be in accordance with the directions of the GNMP, which include, prioritising infill housing, delivering housing close to jobs, and promoting diverse housing types such as small lot housing and multi-dwelling housing. The revised LHS is consistent with the GNMP 2036.

**MINUTES ORDINARY COUNCIL - 26 MARCH 2024**Port Stephens Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) is required to set out how Council will achieve the land use planning directions in the HRP, GNMP and Council's Community Strategic Plan. The revised LHS is consistent with the priorities for housing identified in the LSPS.

Port Stephens Local Environmental Plan 2013

Amendments to the Port Stephens Local Environmental Plan (LEP) 2013 may result from some of the actions identified in the revised LHS. This may include changes to land zoning, lot sizes or building heights. This would be subject to separate planning processes and is not required as part of this report.

Port Stephens Development Control Plan 2014

Amendments to the Port Stephens Development Control Plan (DCP) 2014 may result from some of the actions identified in the revised LHS, including amendments to development controls for small lot housing, sustainable design or local character. This would be subject to separate planning processes and is not required as part of this report.

| <b>Risk</b>  | <b><a href="#">Risk Ranking</a></b> | <b>Proposed Treatments</b> | <b>Within Existing Resources?</b> |
|--|-------------------------------------|----------------------------|-----------------------------------|
| There is a risk that if the revised LHS is not exhibited that the future housing needs of the community will not be met.                         | Medium                              | Accept the recommendation. | Yes                               |
| There is a risk that if the revised LHS is not exhibited, that the current LHS does not meet community, business or industry expectations.       | Medium                              | Accept the recommendation. | Yes                               |
| There is a risk that the policy reforms currently being considered by the State Government do not align with the revised Local Housing Strategy. | Low                                 | Accept the recommendation. | Yes                               |

**MINUTES ORDINARY COUNCIL - 26 MARCH 2024****SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The revised LHS contains actions that will overall have positive social, economic and environmental implications. The outcomes aim to prioritise new housing around existing urban areas and to support strong local communities. The actions seek to facilitate sustainable development that can provide more housing whilst retaining and enhancing local character.

The revised LHS seeks to establish a robust framework for the identification and assessment of future areas for housing growth across the local government area. In addition, the revised LHS aims to improve housing affordability and to provide homes in locations close to employment centres.

Actions in the strategy will support vibrant local centres and promote social well-being for residents.

**CONSULTATION**

Targeted consultation with key stakeholders has been undertaken by the Strategy and Environment Section. Further consultation will be undertaken as part of the public exhibition process set out below.

Internal

The revised LHS has been prepared in consultation with the relevant sections across the organisation including:

- Development and Compliance Section
- Strategy and Environment Section
- Assets Section
- Strategic Property unit
- Communications and Engagement Section.

The Project Control Group for the revision of the LHS incorporated representatives from all Directorates of Council.

A series of workshops were held with the elected Council throughout the revision of the LHS.

External

A range of external stakeholders were involved in the LHS review including State Government agencies, community housing providers, social support services, Local Aboriginal Land Councils, industry reference groups and the Homelessness Stakeholder Advocacy Group (HSAG).

**MINUTES ORDINARY COUNCIL - 26 MARCH 2024**

A key part of the engagement was the Port Stephens Housing Forum hosted on 10 November 2023. The forum was attended by local community groups, community housing providers, real estate agents, local businesses, development and housing industry bodies, major landowners in the LGA and State Government agencies, departments and community representatives.

The Housing Forum provided the opportunity to investigate and identify issues the community and stakeholders are experiencing in relation to housing, and to gain insight on potential actions Council can implement to support the needs and priorities of the community.

As part of the exhibition period, Council will be meeting with the attendees of the Housing Forum to discuss the strategy as prepared and cover how the insights and data collected during the event has influenced the strategy review.

The revised LHS will be placed on public exhibition for a period of 28 days.

Council has planned an active engagement period in consultation with the Community Engagement Advisory Group. This will include a newspaper advertising, face-to face engagement, Facebook live event and drop in information sessions. Council will also preparing a pre-recorded video covering key themes of the revised Strategy for use on Council's website and media platforms.

Submissions can be made to Council during the public exhibition period. The exhibition will allow Council to inform the community and seek feedback on the revised LHS.

Following the exhibition, a report will be prepared to summarise submissions, detail any changes to the revised LHS as a result of the exhibition process and seeking Council endorsement.

**OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

**ATTACHMENTS**

- 1) Revised Port Stephens Local Housing Strategy. (Provided under separate cover)
- 2) Minute No. 120, 10 May 2022.
- 3) Draft Housing Supply Plan. (Provided under separate cover)

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**MINUTES ORDINARY COUNCIL - 26 MARCH 2024**

**TABLED DOCUMENTS**

Nil.

ITEM 4 - ATTACHMENT 4 LOCAL HOUSING STRATEGY -  
COMMUNICATIONS AND ENGAGEMENT REPORT.





**ITEM 4 - ATTACHMENT 4      LOCAL HOUSING STRATEGY -  
COMMUNICATIONS AND ENGAGEMENT REPORT.**



## Summary

Port Stephens is growing with the NSW Government predicting another 20,000 residents over the next 20 years.

This growth will place further pressure on housing in Port Stephens. With limited opportunity for new housing developments, housing prices and low rental vacancies have begun to push middle income families out of the market. This impacts local businesses that struggle to attract workers, particularly in the aged care, hospitality and health sectors.

The impacts of housing prices and low rental vacancies are also forcing more people to either relocate or choose housing options that are not ideal with more people sleeping on our streets, couch surfing, or seeking social housing.

It's a significant issue for Port Stephens and one that impacts all of us, driving the review of the Port Stephens Housing Strategy.

The communication and engagement program for the revised Port Stephens Local Housing Strategy consisted of 3 phases (see Figure 1). The first phase reviewed data available about housing in Port Stephens found in existing key documents and associated community engagement findings. There were no new engagement findings for this phase.

The second phase featured a targeted engagement approach through a housing forum to discuss the housing crisis as well as share ideas and perspectives on how we as a community can address the crisis. The Port Stephens Housing Forum was the primary community engagement method for this phase and was held on 10 November 2023 at Pacific Dunes, Medowie.



## ITEM 4 - ATTACHMENT 4 LOCAL HOUSING STRATEGY - COMMUNICATIONS AND ENGAGEMENT REPORT.

The third phase included public exhibition held from 2 April to 29 April 2024.

This communication and engagement program has encouraged residents and businesses to share their thoughts on how we can encourage more diversity of housing, what we need to do to increase the density of housing in our town centres and how we can support more affordable housing close to shops, services and public transport.

**Figure1: Community engagement program**



The objectives of all phases of engagement were to:

- Use existing community engagement outcomes to inform the strategy review.
- Increase awareness of State Government housing targets, economic growth and the need to diversify housing types across Port Stephens.
- Provide an ongoing conversation with residents and business on the social and economic impacts of housing supply, diversity and affordability.
- Seek stakeholder and community feedback on the proposed direction for housing in Port Stephens.

## ITEM 4 - ATTACHMENT 4 LOCAL HOUSING STRATEGY - COMMUNICATIONS AND ENGAGEMENT REPORT.

### Communication and engagement methods

| COMMUNICATIONS METHODS |  |                |
|------------------------|--|----------------|
| ACTIVITY               | DESCRIPTION  | REACH (people) |
| Media                  | • Media release 28 March 2024" New Blueprint for the future of housing in Port Stephens" | Unknown        |
|                        | • 2HD Newcastle radio interview 18 April   | 5,000          |
|                        | • ABC Newcastle radio interview 2 April  | Unknown        |
|                        | • 2NURFM radio interview 3 April   | 2,000          |
|                        | • News of the Area article 11 April  | 2,000          |
|                        | • Newcastle Herald 8 April   | 45,000         |
|                        | • NBN News Newcastle 7 April   | 65,000         |
|                        | • Port Stephens Examiner 2 April and 7 April   | 2,000          |
|                        | • Intouch Magazine Newcastle   | Unknown        |
| E-newsletters          | • Your Port April 2024   | 2,699          |
|                        | • Your Business April 2024   | 1,017          |
| Print advertising      | • News of the Area October 2023 and April 2024   | 10,000         |
|                        | • Port Stephens Examiner October 2023 and April 2024                                     | 31,000         |
|                        |  | 26,264         |
| Rates notice           | • April rates notice print and electronic  |                |
|                        |  |                |
| Print editorial        | • News of the Area Mayors column 28 June 2023  | 10,000*        |
|                        | • News of the Area Mayors column 15 November 2024  |                |
| Website                | • Local Housing Strategy webpage   | 1,090          |
|                        | • Have Your Say page   | 2,296          |
| Direct contact         | • Special interest groups  | 111            |
|                        | • Community Organisations  |                |
|                        | • Port Stephens Housing Forum participants   |                |
| Social media           | • Facebook post 23 October 2023  | 2,300          |
|                        | • Facebook post 4 April 2024 (including video)   | 1,300          |
|                        | • Instagram post 11 April 2024   | 191            |
|                        | • Instagram post 8 April 2024  | 140            |
|                        |  |                |

\*Not included in reach total as reach is duplicated through another method (for example print advertising).

# ITEM 4 - ATTACHMENT 4 LOCAL HOUSING STRATEGY - COMMUNICATIONS AND ENGAGEMENT REPORT.



| ENGAGEMENT METHODS      |  |               |
|-------------------------|--|---------------|
| ACTIVITY                | METHOD   | PARTICIPATION |
| Housing forum           | <ul style="list-style-type: none"> <li>All day workshop with businesses, community organisations, state agencies, health, defence and community representatives</li> </ul> | 54            |
| Key stakeholder session | <ul style="list-style-type: none"> <li>Online zoom session for housing forum participants</li> </ul>   | 6*            |
| Drop in sessions        | <ul style="list-style-type: none"> <li>Raymond Terrace Library – 14 April 2024</li> </ul>  | 4             |
|                         | <ul style="list-style-type: none"> <li>Medowie Community Hall – 18 April 2024</li> </ul>   | 0             |
|                         | <ul style="list-style-type: none"> <li>Tomaree Library – 22 April 2024</li> </ul>  | 12            |
|                         | <ul style="list-style-type: none"> <li>Facebook Live – 2 April 2024</li> </ul>   | 35            |
| Submissions             | <ul style="list-style-type: none"> <li>Submissions received via email and letter</li> </ul>  | 46            |

\*Not included in participation total as duplicated through another method.



## ITEM 4 - ATTACHMENT 4 LOCAL HOUSING STRATEGY - COMMUNICATIONS AND ENGAGEMENT REPORT.

### Results and key findings

The communication methods used throughout phase 2 and 3 to inform the community of the Local Housing Strategy review and the engagement opportunities reached over 199,000 people. The engagement opportunities for both phases had 150 people directly participate.

#### Phase 2: Targeted stakeholders – Port Stephens Housing Forum

This phase of the Port Stephens Local Housing Review included the Port Stephens Housing Forum. Key housing stakeholders were invited, including local community groups, businesses, industry groups, developers, real estates, health and aging sector representatives and individual community members. Over 60 invitations were issued, with over 50 acceptances received.

Following feedback from Council's Communications and Engagement Advisory Group in September 2023, community expressions of interest (EOIs) were called to confirm a cross-section of interested people had the opportunity to attend the forum that might be associated with an existing group, industry or business. This EOI was open from 18 October 2023 to 6 November 2023, with 31 submissions received. Following a selection process, 12 community members were invited to participate in the Port Stephens Housing Forum.

The forum began with a presentation from Gyde Consulting, providing an overview of the current and projected population, employment and housing trends for NSW, the Hunter Region, and Port Stephens. During the workshop component, attendees were presented with 4 questions to discuss on their assigned tables, and conversations were captured by table facilitators via an online ideas board and mapping tool. Questions included:

- How is the housing crisis impacting you, your business and your community?
- What are the opportunities and challenges of greenfield and infill housing development?
- What do you think people need to help embrace a more diverse housing mix?
- What can we do to encourage more housing types in Port Stephens?

The online mapping tool was circulated to participants for 1 week post the forum for additional comments to be added. Over 458 contributions and ideas were made from the forum day and examples are provided in Figure 2 and 3.

Key input from the Port Stephens Housing Forum is summarised below.

- A need to balance greenfield development in rural areas, particularly in response to known environmental constraints.

## ITEM 4 - ATTACHMENT 4 LOCAL HOUSING STRATEGY - COMMUNICATIONS AND ENGAGEMENT REPORT.

- There is a lack of diversity in housing choice. We need more units, townhouses, and smaller homes. People are drawn to the area because of the scenic quality and environment.
- There is a real homelessness crisis impacting the Local Government Area (LGA) that is putting a lot of pressure on community housing and support services.
- Businesses are struggling to attract and retain staff due to low rental availabilities and high rental prices.
- Key workers often cannot live near their workplace particularly on the Tomaree Peninsula due to the high house and rental prices.
- The frequency and reliability of public transport services needs to be improved.
- The community can see that Council has tried to encourage more housing.

Figure 2: Example of contributions and ideas on ideas board

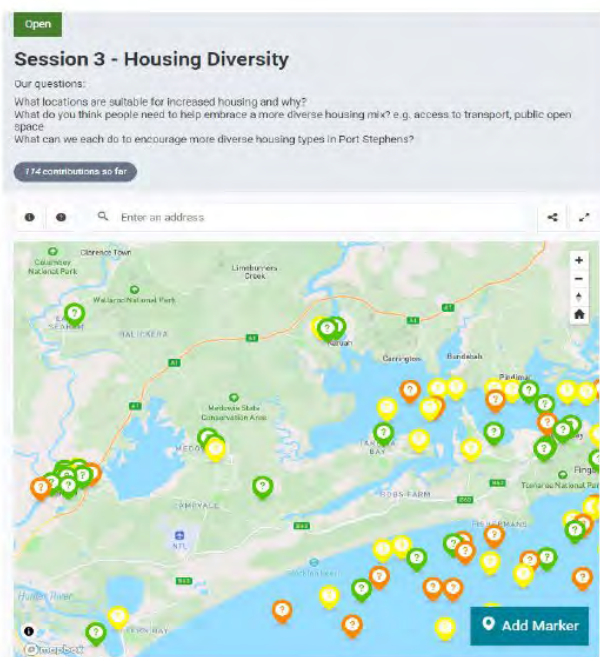
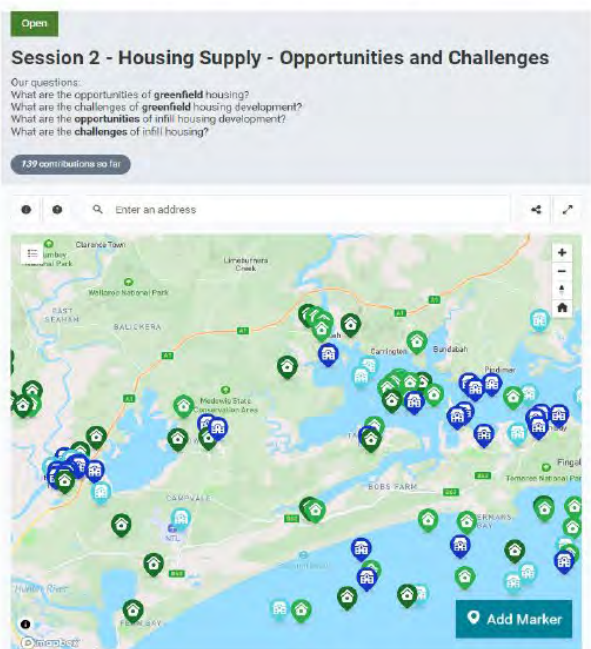
### Session 1 - Housing Supply Q1

How is the housing crisis impacting you, your business and your community? (max 140 characters).

|  |  |   |
|--|--|---|
| <p>10 November 2023<br/>Table 1_Eml says:</p> <p>"People can't even afford to rent a room let alone a house or dwelling - this includes someone on a pension."</p> <p>👍 0 🗳️ 0</p>                     | <p>10 November 2023<br/>Table 3_Beth says:</p> <p>"Struggles to access government incentives and information to support developers in delivery affordable housing."</p> <p>👍 0 🗳️ 0</p>                  | <p>10 November 2023<br/>Table 7_Kate says:</p> <p>"NOW Unsafe Housing/homelessness/culture infrastructure/ social issues workforce availability restrictive incentives to development"</p> <p>👍 0 🗳️ 0</p>          |
| <p>10 November 2023<br/>Table 1_Eml says:</p> <p>"Adult children with children are living with parent as income isn't sufficient to rent or buy and don't see this changing"</p> <p>👍 0 🗳️ 0</p>       | <p>10 November 2023<br/>Table 4_Matt says:</p> <p>"Central key features are needed in locations such as RT to increase its appeal as attractive parks for all ages/water parks etc."</p> <p>👍 0 🗳️ 0</p> | <p>10 November 2023<br/>Table 8_Deb says:</p> <p>"In Shoal Bay people are living rough and there's no where for them to go. Wrap around support services needed for many experiencing homeless"</p> <p>👍 0 🗳️ 0</p> |
| <p>10 November 2023<br/>Table 3_Beth says:</p> <p>"lack of maintenance for affordable housing, limits to funding to invest in maintaining assets"</p> <p>👍 0 🗳️ 0</p>                                  | <p>10 November 2023<br/>Table 3_Beth says:</p> <p>"Planning restrictions, making it difficult to further develop and make more homes available."</p> <p>👍 0 🗳️ 0</p>                                     | <p>10 November 2023<br/>Table 3_Beth says:</p> <p>"Government budgeting prioritizing in the wrong areas, larger funding required for housing."</p> <p>👍 0 🗳️ 0</p>  |
| <p>10 November 2023<br/>Table 7_Kate says:</p> <p>"Partnerships between Land and housing Corp, Council and Private developers should be a solution to housing supply in key areas"</p> <p>👍 0 🗳️ 0</p> | <p>10 November 2023<br/>Table 8_Deb says:</p> <p>"Can't meet demand with current processes re advice (tenancy advocacy) F&amp;W options for people facing eviction"</p> <p>👍 0 🗳️ 0</p>                  | <p>10 November 2023<br/>Table 5_Sarah says:</p> <p>"Constantly moving house leads to instability and a lack of roots"</p> <p>👍 0 🗳️ 0</p>   |

## ITEM 4 - ATTACHMENT 4 LOCAL HOUSING STRATEGY - COMMUNICATIONS AND ENGAGEMENT REPORT.

Figure 3: Examples of contributions and ideas via online mapping tool.





**ITEM 4 - ATTACHMENT 4      LOCAL HOUSING STRATEGY -  
COMMUNICATIONS AND ENGAGEMENT REPORT.****Phase 3: Public exhibition**

The public exhibition period opened from 2 April to 29 April 2024.

**Port Stephens Housing Forum Participants**

Those that participated in the Port Stephens Housing Forum during Phase 2 were invited to the first engagement opportunity during the public exhibition via an online zoom session on 10 April 2024. Participants were notified by invitation email and 6 previous participants attended. The session presented proposals for the revised strategy and an opportunity for participants to ask questions and provide feedback.

Questions and comments expressed concerns about the lack of detail in the plan and whether what's proposed can be delivered with the lack of infrastructure to support future growth especially in Raymond Terrace. One participant identified that rural residential in the western areas of the LGA was clearly discouraged and that the rural residential criteria should be revisited. There was also a suggestion to shade the infill and greenfield proposals differently. A further participant expressed concern that something definitive would need to occur to enable the proposed change to happen such as the purchase of a block of properties in the east rather than the reliance on individual lot changes.

**Facebook Live event**

A Facebook Live event was held on 11 April 2024. This session was held after hours to attract residents and stakeholders that work during the day, have carer commitments or were unable to attend one of the three face to face drop in sessions. 34 people watched the Facebook Live with a constant 28 people across the whole session. Questions rolled in throughout the session ranging from affordable housing, Air BnBs and holiday letting, over 55's villages, building heights and supporting infrastructure. Positive feedback thanking the Council for their time and information was provided by participants at the end of the session.

**Drop in sessions**

Three further face to face drop-in sessions were held, one in each ward of the LGA. Sessions were held from 4:30pm-6pm to maximises possible attendance for those that work, carer for others or have retired. Only 16 people attended these sessions with no attendance at Medowie.

Feedback in the west ward session focused on making Raymond Terrace more attractive for investment with beautification projects, more events, improved open spaces and parks and recognition of the history of the area. Feedback in the east ward ranged from specific property impacts and discussions around why some areas were not included in the Plan, to parking impacts in Shoal Bay and ensuring that sufficient resources and infrastructure are provided to support the forecast population growth.

**ITEM 4 - ATTACHMENT 4 LOCAL HOUSING STRATEGY -  
COMMUNICATIONS AND ENGAGEMENT REPORT.****Submissions**

50 submissions were received during the public exhibition period. Submissions comments and responses have been provided in detail as part of the Council report for 25 June 2024 with key feedback including:

- The need for additional infrastructure to support the predicted population growth
- Concerns regarding short term accommodation and create incentives for owners to return these properties to the long term rental market
- Continued protection of the natural environment as development occurs
- Improve public transport to create better connections between residential, commercial and community infrastructure
- Fear of the impact multi story housing will have on a place's character
- Advocacy for and provision of additional financial support to residents who are struggling with increasing rental costs
- The need to properly address homelessness
- Over development concerns for of Raymond Terrace and Shoal Bay

Feedback from the Port Stephens Local Housing Strategy three phased communication and engagement program has been used to develop the revised draft Port Stephens Local Housing Strategy being presented to Council on 25 June 2024.





# ITEM 4 - ATTACHMENT 5 LOCAL HOUSING STRATEGY - EXPLANATION OF POST EXHIBITION AMENDMENTS.

## Explanation of post-exhibition amendments

### Local Housing Strategy and Housing Supply Plan

| PAGE       | EXPLANATION OF AMENDMENTS   |
|------------|---|
| 21, 25, 54 | <p><b>Department of Planning Housing and Infrastructure (DPHI)</b></p> <p>The LHS will be submitted to DPHI for endorsement following its adoption by Council. This is to help facilitate and streamline the assessment of subsequent rezonings which are consistent with LHS and Housing Supply Plan (HSP). Council consulted with DPHI to seek feedback on the draft LHS and DPHI requested that Council update the LHS and HSP to better align with the Hunter Regional Plan 2041 (HRP) and justify the current forecast of approximately 9,800 new dwellings by 2041.</p> <p>In response, the LHS has been amended to include:</p> <ol style="list-style-type: none"> <li>1. Clarification that the figures used in the HSP take into account the forecasted growth using the latest 2021 Census figures as a starting point for all future projections. DPHI had been using the previous 2106 Census figures for forecasting.</li> <li>2. Additional justification regarding Council's efforts to meet the nominated 80% infill target.</li> <li>3. An additional action requiring the LHS/HSP be reviewed every 5 years.</li> <li>4. The inclusion of an Addendum Criteria that could be used to consider amendments to the LHS and inclusion of sites in the HSP outside of the 5 yearly review. This will be a mechanism Council can use to identify additional housing opportunities if housing supply is not meeting demand.</li> <li>5. Amendment of the HSP to adopt the precinct densities in the HRP rather than the higher place-specific densities that were in the exhibited HSP. This amendment has resulted in changes to the housing figures throughout the HSP, however, the overall housing forecast is generally consistent with exhibited figures. Further information on these changes is provided below.</li> </ol> |
| 28, 31     | <p><b>Social and affordable housing</b></p> <p>The Local Housing Strategy (LHS) has been updated to reinforce the desire to see the provision of additional social and affordable housing in Port Stephens. A number of submissions raised the importance of addressing the current social housing wait lists, the need to support local businesses by providing affordable housing options for staff, and to help reduce the levels of rental stress in Port Stephens.</p> <p>In response, the LHS has been amended to include:</p>  |



**PORT STEPHENS**  
COUNCIL

Explanation of Amendments

# ITEM 4 - ATTACHMENT 5 LOCAL HOUSING STRATEGY - EXPLANATION OF POST EXHIBITION AMENDMENTS.

| PAGE | EXPLANATION OF AMENDMENTS  |
|------|--|
|      | <ol style="list-style-type: none"> <li>1. A definition of 'affordable housing', as set out in the NSW Affordable Housing Ministerial Guidelines 2023/24.</li> <li>2. Clarification that the development of the Affordable Housing Action Plan will also include actions to: <ol style="list-style-type: none"> <li>a. Test the viability of developing an Affordable Housing Contribution Scheme.</li> <li>b. Opportunities to improve the feasibility of delivering affordable housing (e.g. amendments to planning controls and/or application fees).</li> <li>c. Mechanisms to track and monitor affordable housing.</li> <li>d. The potential for utilising inclusionary zoning to encourage more social/affordable housing.</li> <li>e. A review of council-owned/managed land and buildings to identify opportunities for a range of social, affordable or temporary housing.</li> </ol> </li> </ol>   |
| 47   | <p><b>Infrastructure Planning</b></p> <p>One of the key issues that emerged during exhibition was the need to ensure that infrastructure is provided to support the increase of housing, particularly in areas that may already be impacted by insufficient infrastructure at certain times of the year or after major weather events.</p> <p>To ensure that Council's intent in regard to infrastructure planning and delivery is evident in the LHS, the Strategy has been amended to include:</p> <ol style="list-style-type: none"> <li>1. A new priority has been added, Priority 4.4 – Supported Communities. It outlines the need to ensure that the community is supported with infrastructure to help create and maintain the liveable neighbourhoods envisaged for Port Stephens.</li> <li>2. 2 new actions have been added that focus on both Council and the NSW Government's role in planning for and delivering infrastructure and upgrades to existing infrastructure. <ol style="list-style-type: none"> <li>a. Action 4.3 references Council's intent to align the local infrastructure contributions plan with the HSP and seek grant funding to assist in delivering the required infrastructure.</li> <li>b. Action 4.4 references the need to advocate to NSW Government and relevant agencies to support Council in delivering this infrastructure.</li> </ol> </li> </ol> |
| 9-51 | <p><b>Housing Supply Plan (HSP)</b></p> <p>As noted previously the HSP has been updated to adopt the precinct densities in the HRP rather than the higher place-specific densities that were in the exhibited HSP. Adopting these descriptions of density has resulted in small changes to the number of dwellings forecasted overall. Submissions also noted that in some cases the forecasted dwelling forms</p>   |



# ITEM 4 - ATTACHMENT 5 LOCAL HOUSING STRATEGY - EXPLANATION OF POST EXHIBITION AMENDMENTS.

| PAGE       | EXPLANATION OF AMENDMENTS  |
|------------|--|
|            | <p>did not align with existing approvals. As such, the figures have been updated to better reflect the range of dwellings associated with the revised densities.</p> <ol style="list-style-type: none"> <li>1. Tomaree Peninsula – Overall reduction in the number of dwellings forecasted. The forecast for Nelson Bay has remained the same, noting that the area of the Precinct has been increased to include all R3 Medium Density Zone. Additional homes have been included in the 7+ storey category given the existing approvals in the area. Shoal Bay and Nelson Bay East Precinct have decreased slightly while Salamander Way Precinct has increased by 20 homes.</li> </ol> <p>Overall there is a net decrease of 50 homes.</p> <ol style="list-style-type: none"> <li>2. Raymond Terrace – The overall forecast for Raymond Terrace has increased. The Town Centre Precinct has decreased slightly with the areas surrounding increasing to balance this. Within the Raymond Terrace Town Centre the forecast now includes additional 7+ storey buildings which is consistent with Council's intent for the CBD precinct to allow for increased densities in the future.</li> </ol> <p>Overall there is a net increase of 34 homes.</p> <ol style="list-style-type: none"> <li>3. Central Growth Corridor – An additional housing site is proposed to be included within the Central Growth Corridor. The forecast figures have been updated for two sites within this area that are the subject of current rezoning proposals.</li> </ol> <p>Overall there is a net increase of 9 homes.</p> <ol style="list-style-type: none"> <li>4. Anna Bay – There has been a slight decrease in the over number of houses forecast in Anna Bay. This relates to the town centre area only as the other precincts are known/planned lifestyle villages.</li> </ol> <p>Overall there is a net decrease of 23 homes</p> <ol style="list-style-type: none"> <li>5. Tilligerry Peninsula – The forecast for the Tilligerry Peninsula has decreased overall by 6 homes. The amended densities have seen the forecast for the Tanilba Bay Golf Course increase. Conversely, the forecast for the Town Centre has decreased resulting in a slight decrease overall.</li> </ol> <p>Overall there is a net decrease of 4 homes.</p> <ol style="list-style-type: none"> <li>6. Fern Bay Fullerton Cove – There is no change to the overall figures forecast for the Fern Bay Fullerton Cove area.</li> </ol> |
| Throughout | <p><b>Administrative amendments</b></p> <p>A number of submissions made suggestions for minor administrative amendments. These have been reviewed and the following amendments made to the LHS:</p>  |

# ITEM 4 - ATTACHMENT 5 LOCAL HOUSING STRATEGY - EXPLANATION OF POST EXHIBITION AMENDMENTS.

| PAGE | EXPLANATION OF AMENDMENTS  |
|------|--|
|      | <ol style="list-style-type: none"> <li>1. Inclusion of the word "play" in <i>"spaces for people to gather, play, celebrate and explore"</i>.</li> <li>2. Description of Table 1 updated to better reflect the intent and data included within it.</li> <li>3. Amendment to Action 1.4 to clarify that Council does not intend to update existing strategies to include additional density but will work with proponents to deliver this.</li> <li>4. The maps within the Housing Supply Plan have been updated to: <ol style="list-style-type: none"> <li>a. Include the additional site in the Central Growth Corridor, as supported by Council.</li> <li>b. Amend the boundary of the Nelson Bay Town Centre precinct to incorporate the previously excluded R3 zoned land west of Church Street.</li> <li>c. Amend the map to clarify what sites are considered to be greenfield and infill.</li> <li>d. Include a map key and north arrow, consistent with the above amendments.</li> </ol> </li> <li>5. Correction of minor typos and obsolete text identified in the document</li> </ol> |

ITEM NO. 5

FILE NO: 24/127864  
EDRMS NO: PSC2023-03961-0004

**PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN –  
MAPPING PART 1**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 1 (**ATTACHMENT 1**).

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**BACKGROUND**

The purpose of this report is to advise Council of the outcome of the exhibition of the Port Stephens Local Housing Strategy - Housing Supply Plan (HSP) as it relates to properties nominated within Part 1 as well as noting the response to sites that were nominated within this area.

The report recommends that Council adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 1 (**ATTACHMENT 1**) which includes the following precincts:

- The Royal Precinct, Raymond Terrace
- Richardson Road (eastern precinct), Raymond Terrace
- Yarramundi Precinct, Raymond Terrace
- Kings Hill
- Raymond Terrace CBD
- Rifle Range, Fern Bay
- Newcastle Golf Course, Fern Bay
- Fullerton Cove

The Housing Supply Plan was exhibited with the Local Housing Strategy for a period of 28 days. Amendments have been made to the HSP in response to submissions received during the exhibition period. Proposed amendments are detailed in the Local Housing Strategy - Submission Table and Explanation of Post Exhibition Amendments attached to the Port Stephens Local Housing Strategy report.

**COMMUNITY STRATEGIC PLAN**

| <b>Strategic Direction</b>      | <b>Delivery Program 2022-2026</b>                                 |
|---------------------------------|---|
| Thriving and safe place to live | Program to develop and implement Council's key planning documents |

**FINANCIAL/RESOURCE IMPLICATIONS**

| <b>Source of Funds</b>           | <b>Yes/No</b> | <b>Funding (\$)</b> | <b>Comment</b> |
|----------------------------------|---------------|---------------------|----------------|
| Existing budget                  | Yes           |                     |                |
| Reserve Funds                    | No            |                     |                |
| Developer Contributions (\$7.11) | No            |                     |                |
| External Grants                  | No            |                     |                |
| Other                            | No            |                     |                |

**LEGAL, POLICY AND RISK IMPLICATIONS**

The HSP aligns with State, regional and local planning policies, strategies and plans.

| <b>Risk</b>   | <b><a href="#">Risk Ranking</a></b> | <b>Proposed Treatments</b> | <b>Within Existing Resources?</b> |
|---|-------------------------------------|----------------------------|-----------------------------------|
| There is a risk that if the HSP is not adopted the future housing needs of the community will not be met. | High                                | Accept the recommendation. | Yes                               |

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The HSP seeks to provide homes in locations close to employment centres and prioritises new housing around existing urban areas. The HSP is considered to have a positive impact on housing affordability as it strives to deliver housing to meet project dwelling demand over the next 20 years.

**CONSULTATION**

The Strategy and Environment Section has undertaken targeted consultation with key stakeholders and the community throughout the development and finalisation of the documents.

Internal

- Development and Compliance Section
- Strategy and Environment Section
- Communications and Customer Experience Section
- Assets Section

External

Council received a number submissions that sought to nominate additional sites for inclusion within the HSP. In some cases, Council received multiple submissions suggesting the same site / precinct.

Each site that was nominated has been reviewed to understand the known environmental constraints, alignment with Council's strategic planning and the potential delivery timeframes to 2041. In addition to this, consideration was given to whether a site had recently been the subject of a Council resolution or determination.

Inclusion in the HSP is predicated on Council being sufficiently confident that the site will be developed and the potential realised within the timeframe of the HSP and LHS of 2041.

The submissions / nominations received relating to areas within Part 1 are summarised below.

| Site Name/Description               | Comment  | Outcome        |
|-------------------------------------|--|----------------|
| Wallalong<br>(multiple submissions) | <p>The site was requested to be identified and to have the exclusionary criteria amended in the housing criteria (Appendix 1 and 2) to allow the consideration of potential for development at Wallalong.</p> <p>Council previously resolved <b>(ATTACHMENT 2)</b> to exclude land at Wallalong that has previously been considered for urban development as part of the Wallalong Urban Release Area.</p> | Not supported. |

**OPTIONS**

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

**ATTACHMENTS**

- 1) Housing Supply Plan – Mapping Part 1.
- 2) Council Minute No.212 - Tuesday, 9 August 2022.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.



HOUSING SUPPLY PLAN – PART 1

ORDINARY COUNCIL MEETING  
25 JUNE 2024



**PORT STEPHENS**  
C O U N C I L

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PORT STEPHENS COUNCIL

# Housing Supply Plan

2023



The aim of this Plan is to take the strategic framework within the Local Strategic Planning Statement as well as the Local Housing Strategy and demonstrate how we would facilitate housing our growing communities.

# Guudji Yiigu

(Goo-jee ik-koo)

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

We acknowledge the Worimi as the original Custodians  
and inhabitants of Port Stephens.

We acknowledge and pay respects to Worimi elders  
past and present.

May we walk the road to tomorrow with mutual respect  
and admiration as we care for the beautiful land and  
waterways together.



## ITEM 5 - ATTACHMENT 1 HOUSING SUPPLY PLAN – MAPPING PART 1.

|                         |    |                           |    |
|-------------------------|----|---------------------------|----|
| Housing supply          | 4  | Brocklesby Road           | 32 |
| Housing diversity       | 5  | The Gardens/Tallowood     | 33 |
| Housing density         | 6  | Precinct G                | 34 |
| Understanding the Plan  | 7  | Precinct H                | 34 |
| Housing supply forecast | 9  | Precinct J                | 35 |
|                         |    | Precinct K                | 36 |
| Tomaree Peninsula       | 11 | Medowie Road              | 37 |
| Nelson Bay Town Centre  | 13 | Karuah West               | 38 |
| Nelson Bay East         | 13 | The Watermark Estate      | 39 |
| Salamander Bay Centre   | 14 | The Timber Mill           | 39 |
| Salamander Way          | 14 | Anna Bay                  | 41 |
| Shoal Bay               | 17 | Anna Bay Town Centre      | 42 |
| Raymond Terrace         | 19 | Latitude One              | 43 |
| The Royal Precinct      | 20 | Sunrise                   | 43 |
| Mount Hall Road         | 21 | Fern Bay - Fullerton Cove | 45 |
| Richardson Road         | 21 | Rifle Range               | 46 |
| Muree Precinct          | 22 | Newcastle Golf Course     | 46 |
| Yarramundi Precinct     | 23 | Fullerton Cove            | 47 |
| Kings Hill              | 24 | Tilligerry Peninsula      | 49 |
| Raymond Terrace CBD     | 25 | Tanilba Bay Golf Course   | 50 |
| Central Growth Area     | 27 | Tanilba Bay Centre        | 51 |
| The Bower               | 28 |                           |    |
| Precinct B              | 29 |                           |    |
| Ferodale Road           | 29 |                           |    |
| Town Centre             | 31 |                           |    |





## Housing supply

The Housing Supply Plan (HSP) forms part of Council's response to the current housing crisis.

The aim of this plan is to take the strategic framework that has been established by the Local Strategic Planning Statement (LSPS) and the Local Housing Strategy (LIVE Port Stephens) to demonstrate how Council would facilitate the provision of housing to meet the needs of our growing community.

Councils play an important role in facilitating, shaping and managing housing growth across the state. Well planned and considered development must meet the needs of our community and be consistent with their vision for living a great lifestyle in a treasured environment. It is important to also be mindful that Port Stephens is a diverse community that has a range of needs and expectations with respect to housing. The response to the needs and demands for housing cannot be a one size fits all approach.

Port Stephens is forecast to grow by almost 20,000 people over the next 20 years. The Hunter Regional Plan has forecast that 11,100 new dwellings in Port Stephens would be needed in Port Stephens to accommodate

the growth in population. This equates to delivering in excess of 550 dwellings per year to meet the forecast demand.

The HSP demonstrates how and where the required housing can be developed over the next 20 years. The HSP takes a holistic approach to reviewing the need and forms of housing that could be developed across the LGA. This seeks to meet the needs of the community by considering the individual characteristics, capacity and character of a precinct in estimating its future capacity.

Over time there would be a need to continue to update and refine the HSP to ensure that it accurately reflects the external factors that would change such as migration patterns, employment opportunities or life expectancy.

Recent history has shown that underlying assumptions of growth cannot be relied on. The HSP needs to respond to this uncertainty by providing flexibility and capacity to respond to these changes. This includes reviewing the timeframes for the delivery of land/dwellings and updating the HSP accordingly.

## Housing diversity

In Port Stephens, single detached dwellings have been the most desired form of housing, making up over 75% of all new housing over the last five years.

Notwithstanding this, certain parts of the Port Stephens LGA do have a broad range of housing forms. In Nelson Bay for example, over 35% of dwellings are in the form of town houses, villas or residential flat buildings.

To meet the needs of the community, Council would be seeking to ensure that both greenfield and infill development provide a variety of housing forms. The HSP uses the following definitions as part of the forecast to demonstrate the desired housing forms and diversity that are being planned for.



Detached housing

Detached Housing refers to a dwelling that does not share walls with another dwelling. This includes housing on smaller lots as well as housing in lifestyle communities.



1-2 storeys

1 to 2 storey (low-rise housing) includes dual occupancy, multi-dwelling housing (such as terraces and townhouses) and manor houses (2 storey apartment buildings).



3-6 storeys

3 to 6 storey (mid-rise housing) refers to apartment buildings that can be freestanding buildings or part of a mixed-use development.



7+ storeys

7+ storey (high-rise housing) refers to apartment buildings that can be freestanding buildings or part of a mixed-use development.





**General suburban**

30 dwellings per ha, unless within 800m of strategic centres and public transport corridors, which should achieve minimum 50 dw/ha.

**Inner suburban**

40 dwellings per ha, unless within 800m of strategic centres and public transport corridors, which should achieve minimum 75 dw/ha.

**General urban**

50 dwellings per ha, unless within 800m of strategic centres and public transport corridors, which should achieve minimum 75 dw/ha.

## Housing density

There is an acknowledged need to increase densities to both maximise the potential of the available areas for housing and start to broaden the range of dwelling types that an precinct will provided. This is consistent with actions within the Hunter Regional Plan (HRP) which speak to densities based on certain location criteria.

The HRP seeks to ensure that new housing is deliver with a broader range of densities. This includes differing requirements for urban and suburban scenarios. The HRP does this by nominating proposed minimum desired dwelling densities for future housing. This is support by locational criteria that ensure that the nominated density is consistent with the urban/suburban context that applies.

The Housing Supply Plan uses the nominated densities as a guide to assist in forecasting the potential of the nominated precincts. Each

precinct narrative includes a reference to the category as per the diagram taken from the HRP. The corresponding density nominates the intended density with the precinct.

The future development of these precincts would need to demonstrate how the proposal meets or exceeds this nominated density.

It is noted that for parts of Port Stephens the General Suburban density of 15dw/ha has been adopted. This is consistent with the nominated density for regional areas in the Hunter that are not within 800 m of strategic centres and public transport corridors.

# Understanding the Plan

To assist in understanding this Plan and to allow for key information to be easily accessed the following infographics have been included for each precinct.



## Dwelling forecasts

The number of dwellings that are forecast to be delivered within the nominated precinct.



## Population increase

An estimate of the potential increase in population is provided, based on occupancy ratio and the number of dwellings.



## Precinct Identification (Tier 5)

The precinct has been identified as having the potential to accommodate new housing. A preliminary assessment of the precinct has identified that there are minimal constraints to future development. Detailed planning is still required to confirm the future of the precinct and establish the planning framework for the precinct.



## Strategic Planning (Tier 4)

There is a need to undertake more detailed planning to create the framework for a subsequent rezoning/development for the identified precinct. This may involve detailed precinct assessments, masterplanning as well as community consultation.



## Rezoning (Tier 3)

To facilitate the envisaged outcomes there is a need to rezone the land. The rezoning process allows for very precinct specific assessments, consultation with all relevant Government Agencies as well as further consultation with the community.



## Development Application (Tier 2b and 1b)

A Development Application is being assessed. Approval is required before construction can commence.



## Dwelling Production (Tier 1a)

Construction has commenced and delivery of new lots/dwellings is underway. The delivery of dwellings is the key milestone in the supply process.



## Development Completed

The precinct has been completed and there is no further production forecast for the precinct.

NB: The Tier references included in the Housing Supply Plan correspond to those set out in the Urban Development Program established by the Department of Planning Housing and Infrastructure.





# Housing supply forecast

## PORT STEPHENS

The population of Port Stephens is forecast to grow by 20,000 people over the next 20 years. To accommodate the forecasted population growth, the Hunter Regional Plan has set a target of 11,100 dwellings that need to be delivered over the next 20 years.

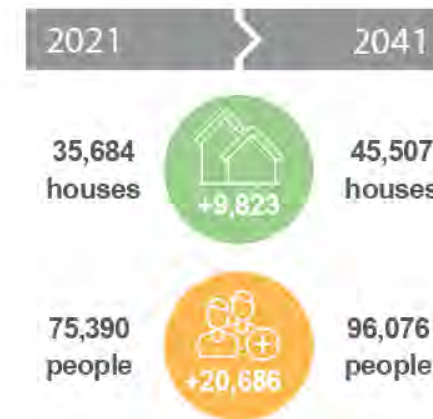
The HSP focuses on assessing the current capacity for new development within the known strategies and precincts with the potential to support infill development. Over time the broader target would become the focus as the LGA continues to grow.

Historically Port Stephens has only developed approximately 15% of its housing as infill. The constrained nature of the LGA (flooding, ecology, koalas) limits the opportunity for

the continuation of this historic development pattern. As the land that is suitable for greenfield development is taken up, the amount of infill housing would need to increase to meet the forecast demand for housing.

Precincts that are envisaged for additional infill housing may require Council to take a greater role in leading the planning through the place planning process.

Council would also need to be aware of the increasing demand on existing facilities and services that the forecast population growth would bring. The upgrading of infrastructure both local and state would need to occur to help facilitate this growth.



|            | 2021   | 2026   | 2031   | 2036   | 2041   |
|------------|--------|--------|--------|--------|--------|
| Dwellings  | 35,684 | 36,079 | 38,868 | 42,313 | 45,507 |
| Population | 75,390 | 76,335 | 82,526 | 89,752 | 96,076 |





## Raymond Terrace

Raymond Terrace is a regionally significant strategic centre within the Port Stephens LGA. Raymond Terrace serves a critical role as a service and administrative hub for Port Stephens and parts of the lower Hunter region. It benefits from its proximity to the M1, Newcastle Airport, Astro Aero Lab and Newcastle city centre. As the population increases and the demographic profile changes, the forms of housing in Raymond Terrace would need to shift to broaden the types of housing that are available to meet the community's needs.

The current supply of housing within Raymond Terrace is however low due to the exhaustion of existing greenfield development opportunities and lack of infill development coming online.

The forecast data for Raymond Terrace indicates that, without intervention, the likely demand would be low over the next 20 years.

Council is working on a program to stimulate investment and increase supply in the CBD and surrounding residential precincts. Through investment in public open space, driving increased economic development and partnering with government agencies, Council would work to stimulate the housing sector and renewal of the broader area.

This commitment aligns with the desire to see improvements in the provision of social as well as affordable housing, increased housing supply within walking distance of the town centre and the creation of housing opportunities within the CBD.



|            | 2021   | 2026   | 2031   | 2036   | 2041   |
|------------|--------|--------|--------|--------|--------|
| Dwellings  | 6,197  | 6,230  | 6,860  | 7,827  | 8,738  |
| Population | 14,588 | 14,668 | 16,087 | 18,161 | 20,016 |



## The Royal Precinct

### RAYMOND TERRACE

#### Development Application

The precinct is located within walking distance of the Raymond Terrace Town Centre and adjoins Boomerang Park. The housing in the area is characterised by older houses on traditional blocks.

In the future, the residential character would become increasingly urban as the older houses on traditional blocks are redeveloped. New housing would be in the form of small lot detached housing and low-rise housing which can be developed under the existing development controls.

Desired Density Category - General Suburban (30dw/ha).



# Richardson Road

## RAYMOND TERRACE



### Dwelling Production

Richardson Road is a residential precinct comprised of existing detached and large lot housing.

In the future, the remaining large lot housing would be redeveloped and the character would be generally consistent with the existing detached housing form within the area surrounding the precinct. Given the location of the precinct, there is a desire to see some low-rise housing introduced to provide additional housing diversity.

Desired Density Category - General Suburban (15dw/ha\*).



Detached housing  
+184



1-2 Storeys  
+61



+245



3-6 Storeys  
+0



7+ Storeys  
+0



+500





## Yarramundi Precinct

### RAYMOND TERRACE

#### Development Application

The precinct is located within walking distance of the Raymond Terrace Town Centre. The housing in the area is characterised by older houses on traditional blocks.

In the future, the residential character would become increasingly urban as the older houses on traditional blocks are redeveloped. New housing would be in the form of small lot detached housing and low-rise housing which can be developed under the existing development controls.

Desired Density Category - General Suburban (30dw/ha).



Detached housing  
+34



1-2 Storeys  
+52



+86



3-6 Storeys  
+0



7+ Storeys  
+0



+175



## Kings Hill

### RAYMOND TERRACE



#### Development Application

Kings Hill has been nominated as an urban growth area for several years. It is presently forecast that only part of the previously planned release area would be realised.

In the future, the residential character would be defined by detached and low-rise housing. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category - General Suburban (15dw/ha\*).



Detached housing  
+525



1-2 Storeys  
+175



+700



3-6 Storeys  
+0



7+ Storeys  
+0



+1,425





## Raymond Terrace CBD

### RAYMOND TERRACE



Rezoning



Development Application

The Raymond Terrace CBD presently contains only limited amounts of residential development. The residential housing that does exist is found on the periphery of the CBD.

In the future, the character of the precinct would evolve into an urban centre supported by a range of low, mid and high-rise development. The opportunity for mixed use development would introduce more people to the precinct, creating a more vibrant and active urban centre.

Desired Density Category - Urban Core (75dw/ha).



Detached housing  
+0



1-2 Storeys  
+166



3-6 Storeys  
+692



7+ Storeys  
+88





## Fern Bay - Fullerton Cove

Fern Bay - Fullerton Cove is the southern most area in the Port Stephens LGA. Over the past decade, this area has developed with a range of housing and over 55's developments on the northern edge of Stockton. The further potential of the area is linked to several identified greenfield precincts. The area is within 20 minutes of the Newcastle CBD as well as key employment areas such as Newcastle Airport, RAAF Base Woomera and Torrago industrial precinct.

Each nominated precinct adopts a unique and different form of housing to meet the needs of the community.

These precincts demonstrate the support of higher density forms of housing in well located areas.

These densities and in turn the number of people coming into this precinct would create the demand for a range of services and facilities which have been planned for as part of the creation of the new liveable communities.



|            | 2021  | 2026  | 2031  | 2036  | 2041  |
|------------|-------|-------|-------|-------|-------|
| Dwellings  | 2,192 | 2,255 | 2,690 | 3,061 | 3,432 |
| Population | 4,781 | 4,920 | 5,822 | 6,554 | 7,249 |



## Rifle Range

### FERN BAY - FULLERTON COVE

#### Development Application

This precinct was nominated in the Fern Bay and North Stockton Strategy for residential development. The precinct adjoins the preferred new town centre site formed a critical element of the Fern Bay and North Stockton Strategy.

In the future, the residential character would be defined by detached and low-rise housing. This is consistent with the desire to include more compact urban housing in new release areas.

Desired Density Category - General Suburban (30dw/ha).



## Newcastle Golf Course

### FERN BAY - FULLERTON COVE

#### Development Application

The subject site is located at the Newcastle Golf Course and involves the redevelopment of a portion of the existing course to facilitate the development of a seniors living development.

In the future, the residential character would be defined by detached and low-rise housing and mid-rise housing that has been proposed for the precinct.

Desired Density Category - General Suburban (30dw/ha).



# Fullerton Cove

## FERN BAY - FULLERTON COVE

### Strategic Planning

The Fullerton Cove precinct has been nominated to be delivered under the Department of Planning, Housing and Infrastructure's Place Delivery Group initiative.

Given the size of the precinct, there is the capacity to develop the precinct in a form that is consistent with the notion of a 15 minute neighbourhood. As such precinct would provide a range of detached and low-rise housing supported by a neighbourhood centre.

Desired Density Category - General Suburban (50dw/ha).



Detached housing  
+252



1-2 Storeys  
+420



+840



3-6 Storeys  
+168



7+ Storeys  
+0



+1,574



**MINUTES ORDINARY COUNCIL - 9 AUGUST 2022****NOTICE OF MOTION****ITEM NO. 1****FILE NO: 22/198997****EDRMS NO: PSC2021-04195****HOUSING DENSITY - WALLALONG****COUNCILLOR: GIACOMO ARNOTT****THAT COUNCIL:**

- 1) Notes that the community is against increased housing density in Wallalong.
- 2) Agrees that the revision of the Port Stephens Local Housing Strategy (currently underway) should not include Wallalong as a potential housing location; and
- 3) Writes to the NSW Minister for Planning to inform the Department of Planning and Environment that Port Stephens Council no longer supports Wallalong as a suitable location for increased housing density and requests that all references are removed from the Hunter Regional Plan 2041 prior to adoption.

**ORDINARY COUNCIL MEETING - 9 AUGUST 2022  
MOTION**

|            |   |
|------------|---|
| <b>212</b> | <b>Councillor Giacomo Arnott<br/>Councillor Peter Kafer</b><br><br>It was resolved that Council:<br><br><ol style="list-style-type: none"><li>1) Notes that the community is against increased housing density in Wallalong.</li><li>2) Agrees that the revision of the Port Stephens Local Housing Strategy (currently underway) should not include Wallalong as a potential housing location; and</li><li>3) Writes to the NSW Minister for Planning to inform the Department of Planning and Environment that Port Stephens Council no longer supports Wallalong as a suitable location for increased housing density and requests that all references are removed from the Hunter Regional Plan 2041 prior to adoption.</li></ol> |
|------------|---|

Councillor Chris Doohan left the meeting at 6:34pm.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

**MINUTES ORDINARY COUNCIL - 9 AUGUST 2022**

Those for the Motion: Crs Leah Anderson, Giacomo Arnott, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Mayor Ryan Palmer, Crs Matthew Bailey and Glen Dunkley.

The motion was carried.

**BACKGROUND REPORT OF: BROCK LAMONT – STRATEGY & ENVIRONMENT SECTION MANAGER****BACKGROUND**

The NSW Department of Planning and Environment (DPE) released the Hunter Regional Plan 2036 (HRP 2036) in October 2016. The HRP 2036 does not identify Wallalong as a potential urban release area.

The draft Hunter Regional Plan 2041 (draft HRP 2041) was exhibited by DPE from 6 December 2021 until 4 March 2022. The draft HRP 2041 identifies Wallalong as a potential future growth area.

The draft HRP 2041 states that “the identification of potential future growth areas is not a development commitment, nor does it imply that all, or any, part of these areas will be made available for urban development in the future. To remove any doubt, the department will not support premature planning, investigation or promotion of these areas; we will investigate their future role in the next review of the Hunter Regional Plan”.

Ministerial sign off of the Hunter Regional Plan 2041 is expected imminently.

**FINANCIAL/RESOURCE IMPLICATIONS**

| Source of Funds                  | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|---------|
| Existing budget                  | Yes    |              |         |
| Reserve Funds                    | No     |              |         |
| Developer Contributions (\$7.11) | No     |              |         |
| External Grants                  | No     |              |         |
| Other                            | No     |              |         |

**ATTACHMENTS**

Nil.

There being no further business the meeting closed at 6:49pm.

ITEM NO. 6

FILE NO: 24/133096  
EDRMS NO: PSC2023-03961-0004

**PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN -  
MAPPING PART 2**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
DIRECTORATE: COMMUNITY FUTURES

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 2 (**ATTACHMENT 1**).

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**BACKGROUND**

The purpose of this report is to advise Council of the outcome of the exhibition of the Port Stephens Local Housing Strategy - Housing Supply Plan (HSP) as it relates to properties nominated within Part 2 as well as noting the response to sites that were nominated within this area.

The report recommends that Council adopt the Port Stephens Local Housing Strategy - Housing Supply Plan – Mapping Part 2 (**ATTACHMENT 1**) which includes the following precincts:

- Mount Hall Road, Raymond Terrace
- Muree Precinct, Raymond Terrace
- The Bower, Medowie
- Precinct B, Medowie
- Ferodale Road, Medowie
- Town Centre, Medowie
- Brocklesby Road, Medowie
- The Gardens / Tallowood, Medowie
- Precinct G, Medowie
- Precinct H, Medowie
- Precinct J, Medowie
- Precinct K, Medowie
- Medowie Road, Medowie
- Karuah West, Karuah
- The Watermark Estate, Karuah
- The Timber Mill, Karuah



The Housing Supply Plan was exhibited with the Local Housing Strategy for a period of 28 days. Amendments have been made to the HSP in response to submissions received during the exhibition period. Proposed amendments are detailed in the Local Housing Strategy - Submission Table and Explanation of Post Exhibition Amendments attached to the Port Stephens Local Housing Strategy report.

## COMMUNITY STRATEGIC PLAN

| Strategic Direction             | Delivery Program 2022-2026  |
|---------------------------------|---|
| Thriving and safe place to live | Program to develop and implement Council's key planning documents |

## FINANCIAL/RESOURCE IMPLICATIONS

| Source of Funds                  | Yes/No | Funding (\$) | Comment |
|----------------------------------|--------|--------------|---------|
| Existing budget                  | Yes    |              |         |
| Reserve Funds                    | No     |              |         |
| Developer Contributions (\$7.11) | No     |              |         |
| External Grants                  | No     |              |         |
| Other                            | No     |              |         |

## LEGAL, POLICY AND RISK IMPLICATIONS

The HSP aligns with State, regional and local planning policies, strategies and plans.

| Risk  | <a href="#">Risk Ranking</a> | Proposed Treatments        | Within Existing Resources? |
|---|------------------------------|----------------------------|----------------------------|
| There is a risk that if the HSP is not adopted the future housing needs of the community will not be met. | High                         | Accept the recommendation. | Yes                        |

## SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The HSP seeks to provide homes in locations close to employment centres and prioritises new housing around existing urban areas. The HSP is considered to have

a positive impact on housing affordability as it strives to deliver housing to meet project dwelling demand over the next 20 years.

## **CONSULTATION**

The Strategy and Environment Section has undertaken targeted consultation with key stakeholders and the community throughout the development and finalisation of the documents.

### Internal

- Development and Compliance Section
- Strategy and Environment Section
- Communications and Customer Experience Section
- Assets Section

### External

Council received a number submissions that sought to nominate additional sites for inclusion within the HSP. In some cases, Council received multiple submissions suggesting the same site / precinct.

Each site that was nominated has been reviewed to understand the known environmental constraints, alignment with Council's strategic planning and the potential delivery timeframes to 2041. In addition to this, consideration was given to whether a site had recently been the subject of a Council resolution or determination.

Inclusion in the HSP is predicated on Council being sufficiently confident that the site will be developed and the potential realised within the timeframe of the HSP and LHS of 2041.

The submissions / nominations received relating to areas within Part 2 are summarised below.

| <b>Site Name/Description</b>                   | <b>Comment</b>  | <b>Outcome</b>                            |
|--|---|---|
| Medowie Macadamia Farm (Medowie Road, Medowie) | The site identified falls within the already identified Precinct H precinct. As such, there is no need to consider this site further.   | No further action.                        |
| 604-616 Medowie Road, Medowie                  | The site is relatively constraint free and located in proximity to other nominated precincts in Medowie. The site offers an opportunity for additional housing in a high growth/ high demand area and is supported. | Include Medowie Road Precinct in the HSP. |

**ORDINARY COUNCIL - 25 JUNE 2024**

| <b>Site Name/Description</b>  | <b>Comment</b>   | <b>Outcome</b>        |
|---|--|-----------------------|
| Fairlands Road, Medowie<br>(Precinct O in the existing<br>Medowie Strategy) | The site is nominated as a Precinct O<br>in the Medowie Planning Strategy for<br>large lot residential development,<br>which is generally consistent with its<br>current form. No further consideration. | No further<br>action. |

**OPTIONS**

- 1) Accept the recommendation.
- 2) Amend the recommendation.
- 3) Reject the recommendation.

**ATTACHMENTS**

- 1) Port Stephens Local Housing Strategy - Housing Supply Plan - Mapping Part 2.

**COUNCILLORS' ROOM/DASHBOARD**

Nil.

**TABLED DOCUMENTS**

Nil.

HOUSING SUPPLY PLAN – PART 2

ORDINARY COUNCIL MEETING  
25 JUNE 2024

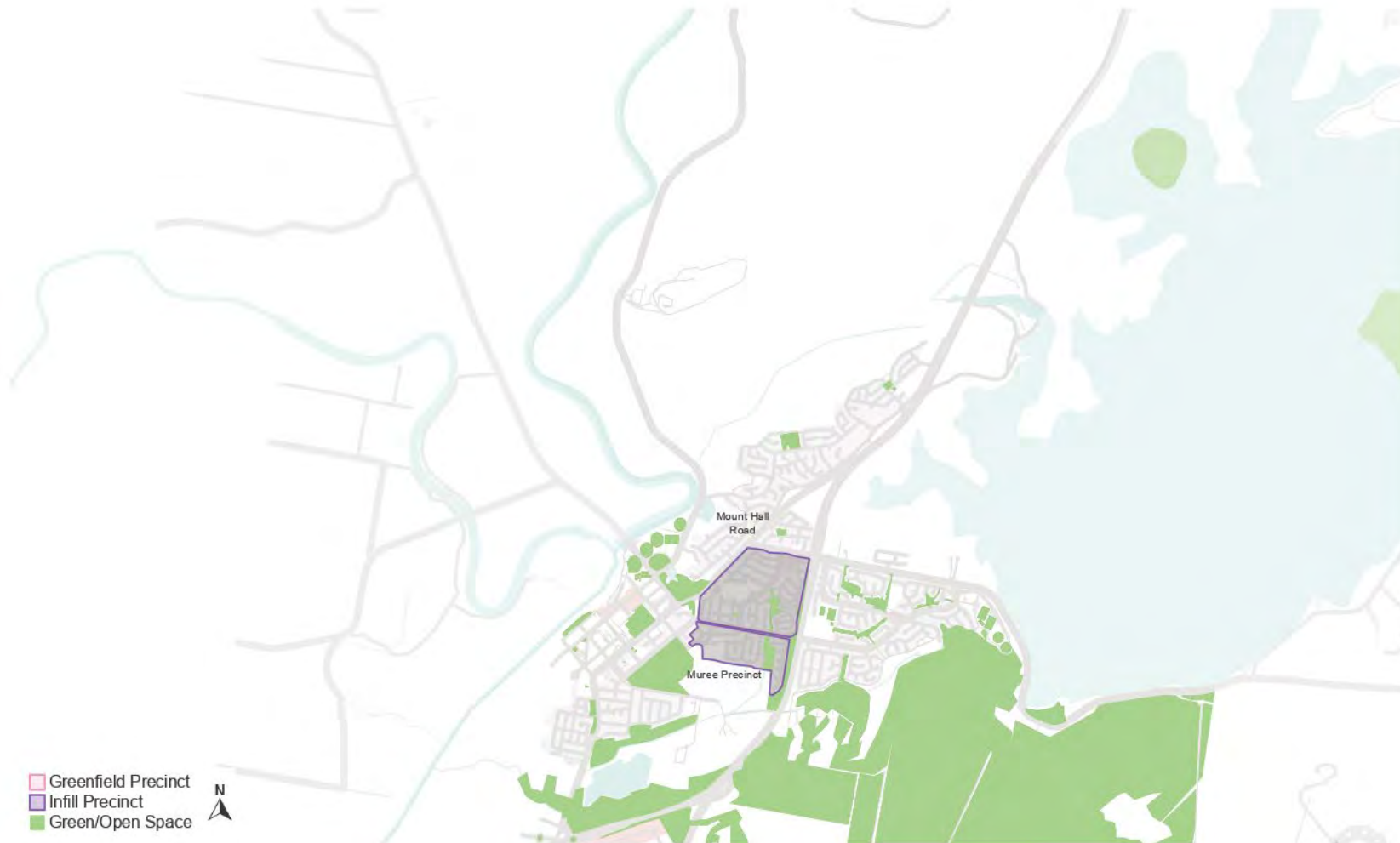


**PORT STEPHENS**  
C O U N C I L

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PORT STEPHENS COUNCIL

ITEM 6 - ATTACHMENT 1 PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN - MAPPING PART 2.



# Mount Hall Road

## RAYMOND TERRACE



### Development Application

The precinct is a residential precinct supported by several parks and local services. The housing in the area is characterised by older houses on traditional blocks.

In the future, the residential character would become increasingly urban as the older houses on traditional blocks are redeveloped. New housing would be in the form of small lot detached housing and low-rise housing which can be developed under the existing development controls.

Desired Density Category - General Suburban (30dw/ha).



Detached housing  
+108



1-2 Storeys  
+162



+270



3-6 Storeys  
+0



7+ Storeys  
+0



+550



# Muree Precinct

## RAYMOND TERRACE

### Development Application

The precinct is located within walking distance of the Raymond Terrace Town Centre and adjoins Boomerang Park. The housing in the area is characterised by older houses on traditional blocks.

In the future, the residential character would become increasingly urban. New housing would be in the form of small lot detached housing and low-rise housing as well as a proposed seniors living development.

Desired Density Category - General Suburban (30dw/ha).





ITEM 6 - ATTACHMENT 1 PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN - MAPPING PART 2.



## ITEM 6 - ATTACHMENT 1 PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN - MAPPING PART 2.

## Central Growth Area

The Central Growth Area includes both Medowie and Karuah. This area has historically been one of the fastest growing areas in the Hunter Valley.

The Medowie precinct has been shaped over the past 8 years through the implementation of the Medowie Planning Strategy and more recently the Medowie Place Plan. These documents provided a critical blue print to shape the development of the area. This includes highlighting the precincts planned for future rezoning and development. The benefit of this planned approach can be seen in the current growth. In the past five years over 20% of the new housing that has been provided in the LGA has been in Medowie.

This structured approach to growth has also seen new investment in the town centre, the development of a second private school and

the planning for a new public high school to be delivered before the end of the decade.

Karuah is seeing a renewed focus of development with the finalisation of the Karuah Place Plan. The Plan nominated several greenfield precincts which are now at various stages of the development cycle.

To support forecast growth, Council is continuing to work with the community and business to implement the Place Plan to facilitate more investment and growth in this area.

The growth capacity of Karuah would continue to be linked to the ability of government to support new development with infrastructure. Council would need to work with key infrastructure providers to demonstrate the need and opportunity that Karuah provides for new housing.



|            | 2021   | 2026   | 2031   | 2036   | 2041   |
|------------|--------|--------|--------|--------|--------|
| Dwellings  | 5,719  | 5,876  | 6,629  | 7,401  | 8,068  |
| Population | 15,020 | 15,436 | 17,341 | 19,195 | 20,714 |





## The Bower

### CENTRAL GROWTH AREA



#### Dwelling Production

The character of the Bower is now well established.

The addition of further dwellings as forecast would not impact on this as they would correspond to the existing development in terms of both the size of lots and the forms of housing.

As such the Bower would continue to provide detached housing within the precinct with the inclusion of some seniors housing.

Desired Density Category - General Suburban (15dw/ha\*).



Detached housing  
+56



1-2 Storeys  
+18



3-6 Storeys  
+0



7+ Storeys  
+0



## Precinct B

### CENTRAL GROWTH AREA



#### Dwelling Production

The precinct is already zoned/serviced and is presently under development. An approval to subdivide the precinct into 36 lots over two stages has been approved. Bulk earth works are presently being undertaken.

The character of Precinct B would be suburban in nature. While there would be a number of smaller lots the proportionally larger number of traditional lots would give this precinct a suburban feel.

Desired Density Category - General Suburban (15dw/ha\*).



## Ferodale Road

### CENTRAL GROWTH AREA



#### Rezoning

Located adjacent to the Medowie Town Centre the precinct has the capacity to provide a range of housing densities within walking distance to the facilities and services that are located within the Town Centre.

In the future, the residential character would be defined by a focus on detached and low-rise housing. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category - General Suburban (30dw/ha).





ITEM 6 - ATTACHMENT 1 PORT STEPHENS LOCAL HOUSING STRATEGY - HOUSING SUPPLY PLAN - MAPPING PART 2.







## Town Centre

### CENTRAL GROWTH AREA

#### Rezoning

The Town Centre currently provides for all the day to day needs of the community. This includes access to retail and commercial services.

The intent of the precinct is to provide for a broader range of uses including housing, commercial/retail and community recreation space. The would see a range of detached and low-rise housing developed as part of the implementation of the Town Centre Masterplan.

Desired Density Category - General Suburban (30dw/ha).



Detached housing  
+30



1-2 Storeys  
+46



3-6 Storeys  
+0



7+ Storeys  
+0



# Brocklesby Road

## CENTRAL GROWTH AREA

### Rezoning

Brocklesby Road is located to the east of the Gardens Estate. This provides a natural extension to the existing subdivision and a continuance of the existing character.

In the future, the residential character would be defined by detached and low-rise housing. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category - General Suburban (15dw/ha\*).







## The Gardens/Tallowood

### CENTRAL GROWTH AREA

#### Development Application

The Precinct includes two separate developments that are at various stages of completion. Tallowood (Lifestyle Village) and the Gardens (residential development).

The character of the Gardens and Tallowood are now well established. The addition of further dwellings, as forecast, would not impact this as they would correspond to the existing development in terms of lot size and form of housing.

Desired Density Category - General Suburban (15dw/ha\*).



Detached housing  
+75



1-2 Storeys  
+25



3-6 Storeys  
+0

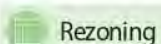


7+ Storeys  
+0



## Precinct G

### CENTRAL GROWTH AREA



Rezoning

The precinct is nominated for residential development within the Medowie Planning Strategy and Medowie Place Plan.

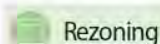
In the future, the residential character would be predominately be detached housing with some low-rise housing within the precinct. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category - General Suburban (15dw/ha\*).



## Precinct H

### CENTRAL GROWTH AREA



Rezoning

The precinct is nominated for residential development within the Medowie Planning Strategy and Medowie Place Plan.

In the future, the residential character would be predominately be detached housing with some low-rise housing within the precinct. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category - General Suburban (15dw/ha\*).





# Precinct J

## CENTRAL GROWTH AREA

### Rezoning

The precinct is nominated for residential development within the Medowie Planning Strategy and Medowie Place Plan.

In the future, the residential character would be predominately be detached housing with some low-rise housing within the precinct. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category - General Suburban (15dw/ha\*).





## Precinct K

### CENTRAL GROWTH AREA

#### Rezoning

The precinct is nominated for residential development within the Medowie Planning Strategy and Medowie Place Plan.

In the future, the residential character would be predominately be detached housing with some low-rise housing within the precinct. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category - General Suburban (15dw/ha\*).



Detached housing  
+141



1-2 Storeys  
+47



+188



3-6 Storeys  
+0



7+ Storeys  
+0



+429



# Medowvie Road

## CENTRAL GROWTH AREA

### Precinct Identification

The precinct is nominated following consideration of the known constraints and opportunities that the site provides.

In the future, the residential character would be predominately be detached housing with some low-rise housing within the precinct. This is consistent with the desire to include more compact urban housing in all future greenfield release areas.

Desired Density Category - General Suburban (15dw/ha\*).





## Karuah West

### CENTRAL GROWTH AREA

#### Rezoning

The precinct is identified in the Karuah Place Plan as “Stage 2 Residential Land Release”.

In the future, the residential character would be defined by detached housing. Alternatively, given the location of the precinct, the potential exists for the development of a lifestyle village. This would create a more compact housing form than the traditional detached housing.

Desired Density Category - General Suburban (15dw/ha\*).



Detached housing  
+120



1-2 Storeys  
+0



3-6 Storeys  
+0



7+ Storeys  
+0





## The Watermark Estate

### CENTRAL GROWTH AREA



#### Dwelling Production

The precinct is already zoned/serviced and is presently under development. Bulk earthworks are presently being undertaken.

The character of the Watermark Estate would be urban/suburban in nature. While there may be some low-rise housing the precinct would be predominately detached housing giving the precinct a suburban feel.

Desired Density Category - General Suburban (15dw/ha\*).



## The Timber Mill

### CENTRAL GROWTH AREA



#### Rezoning

A portion of the precinct is identified as "Stage 1 Residential Land Release" in the Karuah Place Plan.

Given the size of the precinct, there is the capacity to develop the precinct in a form that is consistent with the notion of a 15 minute neighbourhood. As such precinct would provide a range of detached and low-rise housing supported by a small neighbourhood centre.

Desired Density Category - General Suburban (15dw/ha\*).

