

TABLED DOCUMENT

ITEM NO. 1

1) PLANNING PROPOSAL FOR 14 POPPLEWELL ROAD,
FERN BAY

ORDINARY COUNCIL MEETING
23 JULY 2019



PORT STEPHENS
C O U N C I L



Prepared for
Defence Housing Australia

Updated
March 2019

Planning Proposal

Former Rifle Range Popplewell Road, Fern Bay

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This report is considered a draft unless signed by a Director or Quality Assurance Manager

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March 2019

Revision history

| Issue Reference | Issue Date | Issue Status |
|------------------------|-------------------|--|
| A | 17 January 2017 | 75% Draft for internal use only |
| B | 16 June 2017 | Draft for internal review |
| C | 22 June 2017 | Draft for client review |
| D | 28 June 2017 | Final |
| E | 12 December 2018 | Amended Masterplan |
| F | 8 March 2019 | Updated in response to Council queries |
| File reference | 190228 | Updated Rifle Range Planning Proposal_Tv |

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Attachments

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- A **Proposed Mapping Amendments**
Architectus
- B **Urban Design and Landscape Report**
Prepared by Architectus and Spackman Mossop Michaels
- C **Transport Study Report**
Prepared by Better Transport Futures
- D **Rifle Range Bushfire Assessment**
Prepared by Kleinfelder
- E **Stormwater Management Plan**
ADW Johnson
- F **Coastal Engineering Assessment**
Prepared by BMT WBM
- G **Site Audit Statement**
Prepared by Department of Environment and Climate Change
- H **Ecological Assessment Report**
Prepared by Umwelt
- I **Heritage Impact Statement**
Prepared by Urbis
- J **Aboriginal Cultural Heritage and Archaeological Assessment Report**
Prepared by Umwelt
- K **Servicing Report**
Prepared by ADW Johnson
- L **Consultation Report**
Prepared by Elton
- M **Site Environmental Management Plan**
Prepared by SMEC

Executive Summary

This Planning Proposal is prepared by Architectus on behalf of Defence Housing Australia for the former rifle range site at Popplewell Road, Fern Bay. The site is legally known as Lot 5, DP233358. The Rifle Range Site is located to the north of the Stockton Centre and south of Worimi Lands, approximately 4km north of Stockton and 6km from Newcastle.

To achieve the intended outcomes, the rezoning request seeks to amend the following provisions in the Port Stephens LEP 2013:

- Land zoning map – Sheet LZN_004A, to show part of the subject site appropriate for residential development as R3 Medium Density Residential while retaining the existing E2 Environmental Conservation on the remainder of the site;
- Height of Buildings map – Sheet HOB_004A, to show part of the subject site as 9m and part 15m; and
- Lot size map – Sheet LSZ_004A, to show part of the subject site with a minimum lot size of 500sqm and part of the site with a minimum lot size of 200sqm, being limited to areas zoned for residential development only. while retaining the existing AB3 40ha minimum lot size zoning on the remainder of the site.

It is intended that these legislative amendments would be supported by a site specific DCP, to be developed with Council concurrent to the Planning Proposal process. The key principles of this DCP are set out in this report.

The site is a disused rifle range, with a central road dividing the relatively disturbed area of vegetation to the south and the intact vegetation area adjoining Worimi lands to the north. A significant portion of the site to the east comprises coastal dune system, approximately 600m from the proposed area of residential zoning.

The former Rifle Range site is a unique and sensitive coastal setting that has the opportunity to offer high amenity of the bushland, access to Stockton Beach and walking opportunities both north and south to Stockton, whilst accommodating new homes and open space that will contribute to the vitality of the area.

The site is currently zoned E2 Environmental Conservation under the Port Stephens LEP 2013, allowing a range of land uses including dwelling houses, dual occupancies, and bed and breakfast accommodation. The site has no maximum height of buildings control, however is subject to a minimum lot size of 40ha.

DHA have a responsibility to provide housing for members of the defence force and their families in proximity to army bases and amenity. In 2015, the site was transferred from Defence to DHA as it was no longer needed for defence purposes. The proximity of the site to the Williamstown base and the amenity of Stockton and Newcastle CBD make it an excellent site for development of housing.

Strategic and technical assessments of the site were undertaken to consider the potential of the site to deliver housing, including urban design and planning; landscape; ecological; indigenous heritage; bushfire; European heritage; coastal engineering; civil engineering; and traffic and transport. This consultant team has consulted with local Council, State Government, the community, RMS, and local aboriginal groups in the preparation of these assessments.

A concept master plan was developed to demonstrate how a sensitive residential development could be achieved in the context of the rezoning, facilitating approximately 300 lots and associated infrastructure such as green space, roads and footpaths. To facilitate the delivery of the master plan and deliver approximately 50% of housing to defence members and 50% to the private market, a rezoning is required.

For the reasons discussed within this report, the Planning Proposal offers site specific and strategic merit, providing a unique opportunity to deliver a sensitive, socially sustainable and diverse community in a high amenity ecological setting. The Planning Proposal is strongly supported and recommended to Council for endorsement.



Figure 1 Artists Illustration of the Concept Master Plan
Source: David Wardman

Indicative Landscape Master Plan



Figure 2 Indicative Master Plan and Landscape Context
Source: Architectus

1. Introduction

1.1 Preliminary

This Planning Proposal explains the extent of, and justification for, proposed amendments to Port Stephens Local Environmental Plan 2013 (Port Stephens LEP 2013). The report has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and guidelines published by the Department of Planning and Environment including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

This Planning Proposal has been prepared by Architectus on behalf of Defence Housing Australia (DHA) to demonstrate the strategic merit of amending the Port Stephens LEP 2013 to facilitate the use of land on Popplewell Drive, Fern Bay, also known as the former Rifle Range site, for a mixed defence and private housing development.

Specifically, this rezoning request seeks to amend the land use zoning, maximum height of building control, and minimum lot size control for the subject site.

This Planning Proposal should be read in conjunction with the Urban Design and Landscape Report provided at **Attachment B**, prepared by Architectus and Spackman Mossop Michaels.

1.2 Defence Housing Australia

DHA was established as a Statutory Agency in 1988 and became a Government Business Enterprise in 1992 whose principal role is housing Defence members. DHA manages around 18,500 residences nationally, representing approximately \$10 billion worth of housing stock.

DHA currently manages 1,200 dwellings in Newcastle providing housing for Defence Members posted to the Williamstown RAAF base. DHA has an ongoing requirement for additional housing in the Newcastle and Port Stephens area to cater for Newcastle based Defence members and their families and to replace existing DHA dwellings that do not meet current standards.

DHA is currently seeking to provide more accommodation on sites that are:

- Within close proximity to the Williamstown RAAF base;
- Not affected by the airport ANEF contours or other unworkable site or environmental constraints; and
- Within close proximity to services and community infrastructure.

1.3 The Site

The site is legally known as Lot 5, DP233358. The Rifle Range Site is located to the north of the Stockton Centre and south of Worimi Lands, approximately 4km north of Stockton and 6km from Newcastle. The site is approximately 111 hectares in area.



Figure 3 The Subject Site
Source: Architectus

The site is part of the Stockton Peninsula, with the town centre of Stockton sitting on the headland located approximately 4km to the south. Stockton town centre is a small community of low and medium density residential, with a mix of uses that serves the day to day needs of residents such as newsagencies, hairdressers and grocers, as well as services such as hardware and real estate agents. The community enjoys amenity from green spaces around the water and the beach, which stretch north to the subject site and on to Port Stephens. Access to the Newcastle City Centre is available via ferry from Stockton, a trip of approximately ten minutes.

The site is located in the suburb of Fern Bay, which accommodates a number of small communities in distinct pockets of residential development separated by Nelson Bay Road, the Newcastle Golf Club, and Worimi lands. The site lies immediately to the east of the existing community of Fern Bay, comprising six streets of low-density residential development, some small scale retail including the Fern Bay Store, and social infrastructure including the Fern Bay Public School and Fern Bay Reserve. The Newcastle Golf Club and Worimi lands lie to the north, with the developments 'Bayway Village' (an over 50s community), 'The Cove Village' and 'Seaside' beyond.

The site forms part of a special uses area that sits between the two residential communities of Stockton and Fern Bay. These uses include the Stockton Cemetery and the Stockton Centre immediately adjoining the site to the south. Fort Wallace, a former defence site also currently owned by DHA, lies to the south of the Stockton Centre. A redundant Hunter Water wastewater treatment works and an oval separates Fort Wallace from the Stockton Town Centre. Some small pockets of private residential uses are interspersed.



Figure 4 Local Site Context (site outlined in red)
 Source: Architectus



Figure 5 Local Site Context (site outlined in red)
 Source: Architectus



Figure 6 View of Stockton Beach from the Site
Source: Architectus

1.4 History and Current Use of the Site

Consultation with Aboriginal stakeholders has concluded that the Stockton Peninsula, including the subject site, is considered to have very high Aboriginal cultural value to the Worimi people. A number of artefact scatterings in the form of shell middens and open campsites are located on the site that demonstrate the historical use of the site by the Aboriginal people.

From the early 1900s until 1940, rifle shooting in the area was undertaken at the Adamstown Rifle Range. In 1939-1940, construction of the Rifle Range at Fern Bay began in order to meet extra local demand from the Adamstown facility. The range was officially opened for use on 28 January 1941, although the government did not formally acquire the site until 1942.

An anti-aircraft battery, known as the Links Battery, was established on the site to the north of the classification range.

From 1953 the site was a training facility for all shooting in the region and was utilised by the police force, military, school cadets and civilian rifle clubs.

The site was no longer required by the military and was closed in December 1997. In 2015, DHA purchased the Rifle Range land holding from the Department of Defence ('Defence'). The site is currently vacant, non-operational and secured.

1.5 Land Use Zoning History

The subject site was zoned 7(a) Environmental Protection under the Port Stephens LEP 2000. The objective of the zone was to encourage the conservation and proper management of environmentally sensitive land. Development for the purposes of dwelling houses, dual occupancy housing, tourist facilities, recreation facilities, and clearing native vegetation were permissible with consent.

The Port Stephens LEP was revised in 2012 in accordance with the Standard Instrument LEP. The draft Port Stephens LEP 2012 showed the subject site as an E2 Environmental Conservation zone.

During exhibition of the draft LEP (on the 12th of December 2012), Defence, owners of the subject site at the time, made a submission that requested all Defence owned lands be zoned SP2 Infrastructure in accordance with the directions of the Standard Instrument. This reflects Defence land not being subject to planning instruments under NSW legislation and clearly distinguish the planning and management of the land. Relevant sites were mapped and listed in an attachment to the submission. The subject site was identified as one such piece of land (Lot 5 DP233358).

Council's response to the Department of Defence submission recommends '*amend[ing] Draft LEP to reflect all DoD lands as SP2 Infrastructure*' and notes that '*the request to rezone all DoD land has been complied with*'. A Planning Proposal recently implemented by Council has rezoned a number of Defence sites to the north of the subject site that were mistakenly zoned and has referenced Defence's submission and the intention of Council in its response.

However, when the Port Stephens LEP 2013 was gazetted, land zone mapping identified the subject site as E2 Environmental Conservation. The site is currently zoned E2 Environmental Conservation pursuant to the LEP 2013.

1.6 The Vision

The vision for the former Rifle Range site is for a sensitively designed residential community providing housing diversity, best practice design and the creation of new open space and connections, together with the preservation of European and Indigenous heritage and environmental assets for the wider community. The DHA team hopes to use this master planning process to explore opportunities to plan for new types of housing for DHA and exemplar open space and conservation projects.



Figure 7 Artist Illustration of the concept master plan
Source: David Wardman

1.7 Authorship

This report has been prepared by Rachael Nesbitt, Associate, Architectus, and has been reviewed by Jane Freeman, Principal, Urban Planner, Architectus.

2. Objectives and Intended Outcomes

2.1 Objectives of the Proposed Controls

This planning proposal seeks to amend the Port Stephens LEP 2013 to enable the redevelopment of the former Rifle Range site at Popplewell Road, Fern Bay, for a diversity of residential uses while maintaining the environmental values of the site.

2.2 The Master Plan

The indicative master plan for Rifle Range demonstrates a best practice outcome within the proposed LEP controls. The master plan responds to the site's natural and historic constraints, proposes a diverse mix of housing to accommodate a real community and includes high quality public open space and streets.

Indicative Landscape Master Plan



Figure 8 Indicative master plan and landscape context
Source: Architectus

The master plan respects the site's unique history and environmental character by reducing the development footprint to areas of the site with relatively few constraints.

Rather than covering the site with low density development, the master plan proposes more energy efficient, environmentally-sensitive and higher density development with a smaller development footprint. Significant vegetation communities and historic elements will be retained and opened to the public for their use and enjoyment.

The development will feel distinctly public, with access for all to streets, open space and the beach, as opposed to a gated or themed community.

2.3 Intended Outcomes

The intended outcomes of this proposal are to:

1. Maintain the areas of high ecological value to by retaining the northern part of the existing E2 Environmental Conservation zone;
2. Facilitate the sensitive renewal and ongoing management of a currently underutilised site in disturbed areas;
3. Deliver a diversity of housing through a mixture of densities and housing typologies on the site, including townhouses, single dwellings, and multi-dwelling housing; and
4. Open the site to the community through the delivery of public open space and landscaping;
5. Ensure orderly development and the clear delineation in the ownership and ongoing management of the site.

3. Explanation of Provisions

3.1 Amendments to Planning Provisions

This Planning Proposal seeks the following amendments to the Port Stephens LEP 2013:

- *Land Zoning Map – Sheet LZN_004A*, to show part of the subject site as R3 Medium Density Residential while retaining an E2 Environmental Conservation zoning on the remainder of the site;
- *Height of Buildings Map – Sheet HOB_004A*, to show part of the subject site as 9m and part 15m, being limited to areas zoned for residential development only; and
- *Lot Size Map – Sheet LSZ_004A*, to show the part of the subject site with a minimum lot size of 500sqm and part of the site with a minimum lot size of 200sqm, being limited to areas zoned for residential development only while retaining the existing AB3 40ha minimum lot size zoning on the remainder of the site.

It is intended that these legislative amendments would be supported by a site specific DCP, to be developed with the Planning Proposal with Port Stephens Council, the Fern Bay community, DHA and the NSW Department of Planning and Environment. The principles of this DCP have been set out in the following sections of this report.

3.2 Land Zoning

The site is currently zoned E2 Environmental Conservation under the Port Stephens LEP 2013. The objectives of the E2 Environmental Conservation zone are:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The following land uses are permitted without consent:

Bee keeping; Environmental protection works; Home occupations.

The following land uses are permitted with consent:

Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Recreation areas; Research stations; Roads; Water recreation structures; Water supply systems.

The following land uses are prohibited:

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Water treatment facilities; Any other development not specified in item 2 or 3.

It is proposed that the land zoning for part of the site be amended to R3 Medium Density Residential. The objectives of the R3 Medium Density Residential zone are (Item 1):

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

The following land uses are permitted without consent (Item 2):

Home occupations.

The following land uses are permitted with consent (Item 3):

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Serviced apartments; Seniors housing; Water reticulation systems

The following land uses are prohibited (Item 4):

Any development not specified in item 2 or 3.

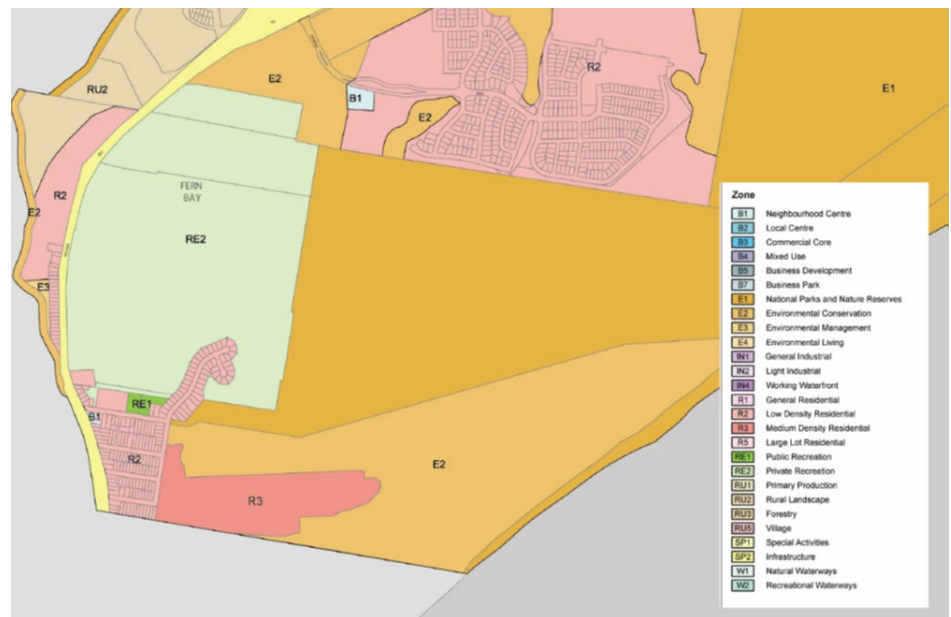


Figure 9 Proposed Land Use Zoning Map
Source: Architectus

Attachment B, the Urban Design and Landscape Report prepared by Architectus and Spackman Mossop Michaels, sets out an indicative master plan for the site that could be achieved through the rezoning. Architectural concepts for dwelling types that respond to the unique coastal environment have been developed. The relationship between these dwelling types and the Port Stephens Local Environmental Plan 2013 are summarised in the following table.

Table 1 Dwelling types and classifications

| Dwelling type (Indicative Master Plan) | Port Stephens Local Environmental Plan 2013 |
|--|---|
| Single eco-homes | Dwelling houses |
| Cluster homes | Multi-dwelling housing |
| Courtyard homes | Semi-detached dwellings |
| Townhouses | Attached dwellings |
| Dune Apartments | Residential flat building |

The proposed land zoning change will facilitate the development of the land for a range of residential uses beyond those currently permitted under the E2 Environmental Conservation zoning, specifically multi-dwelling housing, semi-detached dwellings, attached dwellings and residential flat buildings. This is intended to facilitate capacity for dwelling diversity in accordance with Council's objectives and the needs of DHA for housing defence staff.

Direction 2.1 Environmental Protection Zones of the Section 117 Directions requires that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas, and that a planning proposal must not reduce the environmental protection standards that apply to land. A planning proposal may only be inconsistent with the Direction if:

'the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

[a]. justified by a strategy which:

i. gives consideration to the objectives of this direction,

ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

iii. is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

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

(d) is of minor significance.'

The Ecological Assessment Report, prepared by Umwelt to inform the Planning Proposal, has given consideration to the objectives of the Direction and the objectives and requirements of the *Threatened Species Conservation Act 1995* (TSC Act), *NSW Fisheries Management Act 1994* (FM Act), and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Consideration was given to the primary objectives for the land and the appropriate zoning to respond to the environmental sensitivities of the coast and its ecology. In NSW, there are four environmental protection zoned use specifically for land where the primary focus is the conservation and / or management of environmental values. These zones are as follows:

- E1 National Parks and Nature Reserves. This zone is used for existing national parks, nature reserves and conservation areas, or new areas proposed for reservation that have been agreed with the NSW government.
- E2 Environmental Conservation. This zone is used for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves.

- E3 Environmental Management. This zone is for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards / processes that require careful consideration and management.
- E4 Environmental Living. This zone is for land with special environmental or scenic values, and accommodates low impact residential development. Under the Port Stephens LEP 2013, this zone permits dual occupancies, dwelling houses, and roads with consent.

A detailed ecological assessment of the site's flora and fauna has been undertaken by Umwelt to determine the ecological significance and value of the site (full report provided in **Attachment H**). The assessment has concluded that, while parts of the site are ecologically significant, a significant proportion is of low value and is suitable for residential development.

The site is structured by the former rifle range use, specifically the main shooting straight and the 100 yard markers. The use of the site for shooting practice has degraded the vegetation. Areas outside of the main structure were rarely used and are significantly more intact than the main range.

Importantly, the former rifle range and proposed development area is to the south-west of the site, adjoining sites that are already developed including the Fern Bay community, Stockton Centre and the cemetery site. The highest value ecological parts of the site adjoin the Worimi lands to the north. The proposed zoning ensures that high value ecological communities are not isolated within the site. The objectives of this proposed zoning are:

1. To preserve the high-quality parts of the site adjoining the Wormi lands, avoiding the isolation of vegetation communities;
2. To maximise the development potential of a site significantly located in proximity to social and physical services and the Williamtown base; and
3. To facilitate better outcomes for the site as a whole by enabling sensitive development that will ensure the ongoing management of the site.

3.3 Height of Buildings

The site is not affected by a maximum height of buildings control under the current LEP 2013. In order to control the development capacity on this sensitive site, and manage potential for visual impact from surrounding areas, a maximum height of buildings of 9m is proposed to be applied to the majority of the site. A maximum height of buildings of 15m is also proposed to central elements of the site to facilitate a variety of dwelling types, including residential flat buildings.

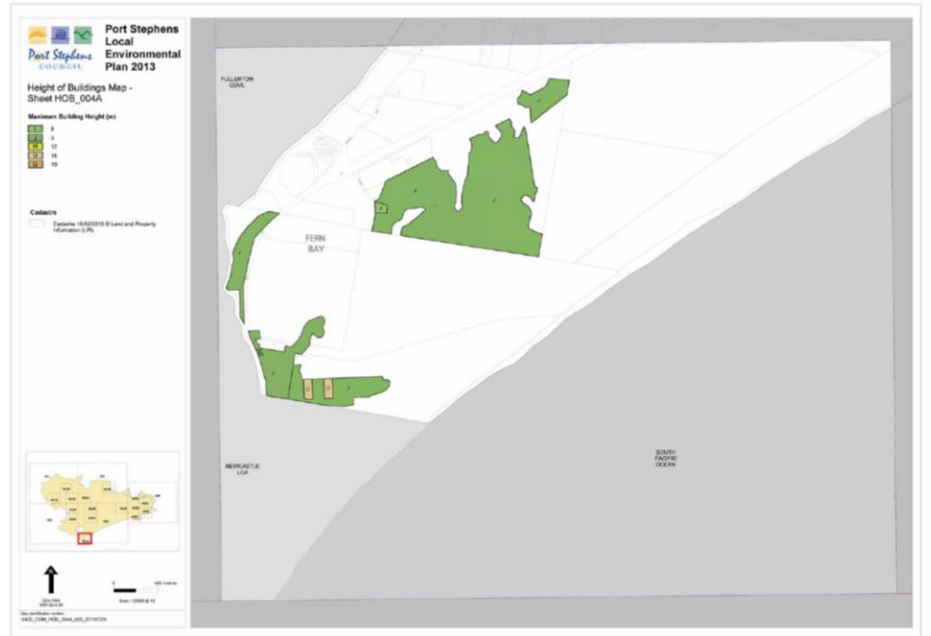


Figure 10 Proposed Height of Buildings Map
Source: Architectus

Clause 4.3 Height of buildings of the Port Stephens LEP 2013 controls the maximum height of buildings on land to which it applies. The objectives of this clause are as follows:

- (a) to ensure the height of buildings is appropriate for the context and character of the area,*
- (b) to ensure building heights reflect the hierarchy of centres and land use structure.'*

The proposed maximum height of buildings control is consistent with the maximum height of buildings control applied to the adjoining residential area to the west of the site and will maintain a consistent approach to height in the area.

3.4 Lot Size

The site is currently affected by a minimum lot size of AB3, which restricts any lot to a minimum of 40 hectares in area.

Where the site is proposed to be zoned R3 Medium Density Residential, it is proposed that the minimum lot size requirement be reduced to facilitate lots of 500sqm, with a small portion of lots of 200sqm.

It is noted that Clause 4.1C of the Port Stephens LEP 2013 currently allows for development consent to be granted to the subdivision and development of attached dwellings, dwelling houses or semi-detached dwellings on land in the R3 Medium Density Residential zone to a minimum of 200sqm for the erection of an attached dwelling. Due to the testing undertaken and site specific DCP, it is proposed that the base minimum lot size facilitate 200sqm lots, rather than relying on Clause 4.1C.



Figure 11 Proposed Lot Size Map
Source: Architectus

The current 40-hectare minimum lot size is consistent with the E2 Environmental Conservation zoning for the site and the past vision for the sites use. Currently, the lot is approximately 111 hectares in size. Under the current minimum lot subdivision controls, the site would only be able to be subdivided into two lots (including strata subdivision and community title), providing two dwellings.

The proposed minimum lot size applicable to the part of the site that is proposed to retain an E2 Environmental Conservation zoning will be retained at 40 hectares. This would retain the environmental attributes of the site within a single allotment and minimise further site disturbance.

4. Justification and Process

4.1 Planning Process

Methodology

This Planning Proposal is supported by a suite of specialist assessments of the site that have informed consideration of the site's potential for redevelopment, including coastal engineering, ecology, heritage, landscape, transport, stormwater, bushfire and servicing assessments.

These assessments have been used as the basis of master plan options and the development of a recommended master plan, which has subsequently informed proposed revised planning controls for the site with respect to land use and height of buildings.

The concept master plan has been used as a demonstration of how the site could appropriately accommodate residential uses in response to best practice urban design and planning principles.

A rezoning process is considered to be the most appropriate process to achieve the objectives for the site and orderly planning. The intended planning framework would be as follows:

- An amended LEP, controlling the permissible land uses and height of buildings on the site;
- A site specific DCP, providing guidance on the development of the site to ensure that it is sensitively managed; and
- A voluntary planning agreement.

As set out in this report, the Port Stephens LEP 2013 would be amended to include changed land use and height of buildings controls for the site.

It is intended that the Planning Proposal be accompanied by a site-specific Development Control Plan (DCP) that sets out the key objectives for the development of the site and urban design and planning guidelines to achieve these objectives in order to provide more certainty around built form outcomes, ensure sensitive parts of the site are adequately managed, and complement zoning controls. The DCP is expected to be set out as follows:

- a) Objectives;
- b) Site history;
- c) A vision for the Rifle Range;
- d) Urban structure; and
- e) Site planning and built form.

The aims of the DCP are to:

- a) Provide appropriate development control principles for the development of the site;
- b) Guide the delivery of a diversity of housing on the site to serve the needs of the community;

Ensure that development of the site is sensitive to the heritage and ecological significance of the site.

4.2 Need for the Planning Proposal

The need for the Planning Proposal is discussed in detail below.

4.3 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The proposed rezoning achieves the goals of the Hunter Regional Plan 2036, released in November 2016, including supporting the leading regional economy in Australia, a biodiversity-rich natural environment, thriving communities and greater housing choice and jobs. The Hunter Regional Plan seeks to deliver more housing and better housing choice in well serviced areas with high amenity, supporting the renewal of the strategically placed site. The directions of the Hunter Regional Plan are discussed in further detail in the next section.

The Port Stephens Planning Strategy 2011 applies to the site. Areas identified as Fern Bay - Fullerton Cove, to the north and west of the Rifle Range, have been identified as future growth areas within the Strategy. This area, including the subject sites, comprise the Eastern Growth Corridor identified within strategic planning for Port Stephens. The area has been recommended to increase in density over the next 15-20 years since the Strategy's release, with potential for:

- 42 infill residential dwellings; and
- 1,396 dwellings within green field residential zoned land.

The Strategy also recommends the opportunity to maximise access to existing infrastructure through density increases. As the suburb (of Stockton or Fern Bay) is among the LGA's small centres with no available commercial floorspace, the need for commercial rezoning has also been identified. The Strategy predicts a need for an indicative 14,441 additional dwellings throughout the LGA, including infill and within rural areas.

This Planning Proposal has been prepared to provide greater certainty and clarity on future development on the Rifle Range site, and to continue to implement the aims of the Port Stephens LEP 2013. The need for the planning proposal has resulted from consideration of specialist assessments prepared to assess the site's potential to deliver housing for defence members, including the following reports:

- Urban Design and Landscape Report, Architectus and Spackman Mossop Michaels, November 2018, Attachment B;
- Transport Study Report, Better Transport Futures, October 2018, Attachment C;
- Rifle Range Bushfire Assessment, Klienfelder, May 2018, Attachment D;
- Stormwater Management Plan, ADW Johnson, June 2018, Attachment E;
- DHA Stockton Rifle Range Stockton Beach Coastal Engineering Assessment, BMT WBM, December 2016, Attachment F;
- Rifle Range Defence Housing Project, Ecological Assessment Report, Umwelt, May 2018, Attachment H;
- Heritage Impact Statement, Stockton Rifle Range, Urbis, December 2018, Attachment I;
- Aboriginal Cultural Heritage and Archaeological Assessment Report, Umwelt, Attachment J;
- Rifle Range Servicing Report, ADW Johnson, June 2018, Attachment K;
- Consultation Report, Elton, December 2016, Attachment L; and
- Site Environmental Management Plan, SMEC, Attachment M.

The site comprises a significant land area of approximately 111ha. While the E2 Environmental Conservation zoning recognises the ecological significance of parts of the site, detailed investigation of the site has demonstrated that some areas are appropriate for more significant residential development. Such development would respond to the sites sensitivities while maximising its potential to deliver housing in close proximity to existing services, amenities and infrastructure such as the Williamstown RAAF base.

The Planning Proposal responds to the site opportunities and constraints identified in the technical specialist reports, and seeks to enable the recommended development scenario. Each report is discussed in detail in relevant sections of this report.

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

There is potential under the site's current land use zoning to develop the site for a range of uses with consent including residential, limited to bed and breakfast accommodation, dual occupancies, dwelling houses, and eco-tourist facilities. Under the E2 Environmental Conservation zoning, the site is considered appropriate for some residential uses so long as they meet the objectives of protecting areas of high ecological, scientific, cultural or aesthetic values. Semi-detached dwellings and multi-dwelling housing are among the uses not permitted under the current zoning, which this planning proposal seeks to allow.

The current minimum lot size of 40ha would allow for a maximum of 2 lots on the approximately 111ha site. Under Clauses 4.1AA Minimum subdivision lot size for community title schemes and 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones of the Port Stephens LEP 2013, the 40ha minimum lot size would be applicable to community title schemes and strata plan schemes while the site was zoned E2 Environmental Conservation.

Accordingly, the maximum residential development of the site under the current zoning would be two dwellings. It is considered that this does not achieve the best use of the site considering the low ecological value of the disturbed range area, the strategic location of the site, and the financial realities of maintaining the parts of the site with high ecological value.

There is no maximum height of buildings control applicable to the site. It is considered that a maximum height of buildings control would be appropriately applied to the site in conjunction with an amended land use and lot size zoning to control potential visual impacts and scale of development.

A Planning Proposal to amend the land use zoning, ensuring that it responds appropriately to the different parts of the large site, the minimum lot size and maximum height of buildings is considered to be the best way to achieve the objectives for the site.

4.5 Relationship to Strategic Planning Framework

The relationship of the Planning Proposal to the Strategic Planning Framework is discussed in detail below.

4.6 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

This section provides a summary of the strategic planning framework within which the Planning Proposal outcomes for the site have been considered. It should be noted that only those relevant to the subject site have been identified below.

Hunter Regional Plan 2036

Overall, the growth strategy in the Hunter Regional Plan supports the renewal of the site to deliver a diversity of housing, serving the housing needs of the local population and supporting the defence base while making the most efficient use of existing social and physical infrastructure.

The Planning Proposal would achieve the goals of the Hunter Regional Plan 2036 by:

1. Supporting strategically important local employment through a relationship with DHA and the Williamstown RAAF base, and contributing to the Hunter region being the leading regional economy in Australia;
2. Protecting a biodiversity-rich natural environment by increasing the sustainability of funding sources for site management and introducing a zoning which would protect the ecological value of the site;
3. Increasing the diversity and sustainability of the local community by increasing the population and accommodating a broad range of age groups, supporting local retail and services such as the local school at Fern Bay; and
4. Allowing the renewal of the site with controls that facilitate a diverse range of housing typologies, supporting greater housing choice in the region.

However, there are several mapping inconsistencies in the Regional Plan with relation to the site, which create difficulties in interpreting the strategic direction particularly when considering the DPE's position on residential and employment uses on the site as part of a strategy for the region. Specifically, the Hunter Regional Plan includes seven maps showing conflicting/inconsistent information for the Stockton area, as follows:

- Figure 3: Hunter 2036, showing the overall strategy for the Hunter region including growth areas, transport corridors, and biodiversity corridors. The Rifle Range site is shown as part of the Indicative Greater Newcastle Metropolitan Area. Part of the site appears to be considered residential and employment land.



Figure 12 Extract of Figure 3 of the Hunter Regional Plan 2036
 Source: Hunter Regional Plan 2036

- Figure 4: Greater Newcastle 2036, showing the overall strategy for the Greater Newcastle region. The Rifle Range site is shown as part of the Indicative Greater Newcastle Metropolitan Area and is not identified as a national park and reserve or state forest.

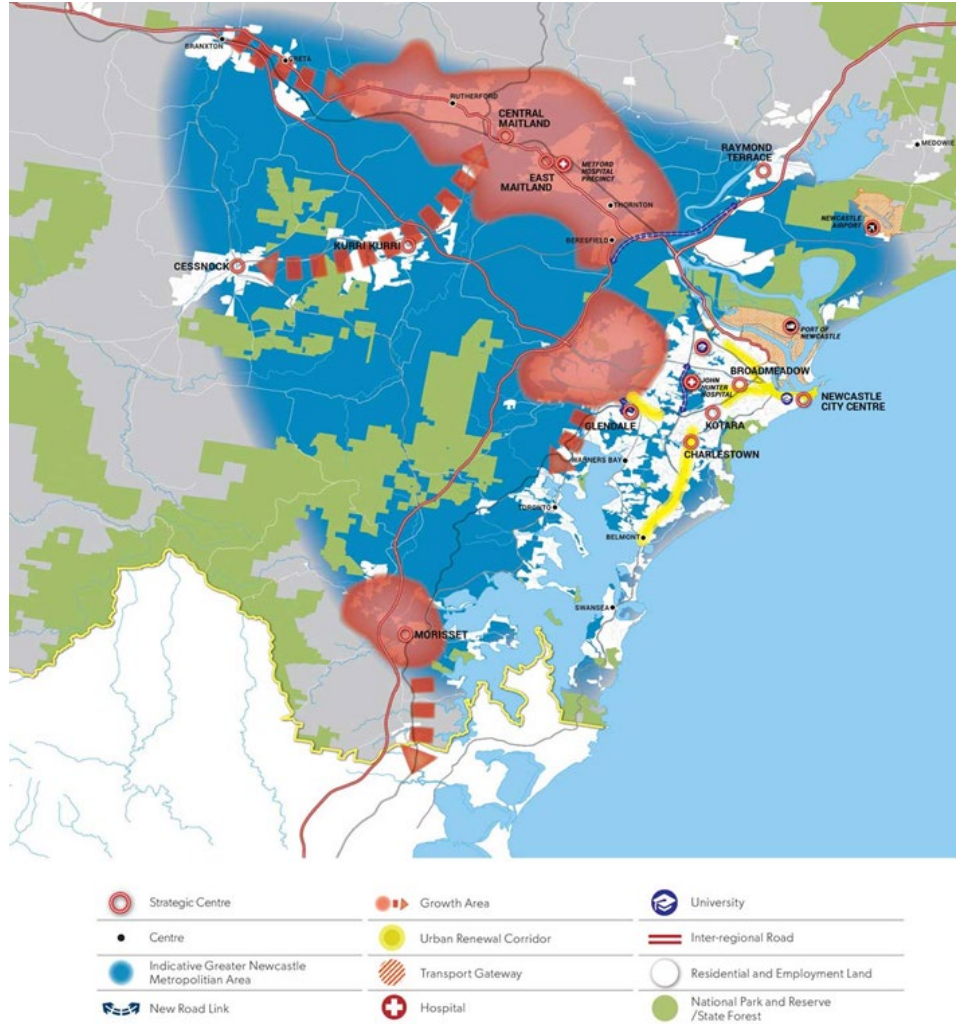


Figure 13 Extract of Figure 4 of the Hunter Regional Plan 2036
 Source: *Hunter Regional Plan 2036*

3. Figure 5: Greater Newcastle Strategic Centre Connectivity, showing the intended transport connectivity improvements. It is shown that the Rifle Range site is in the path identified to be strengthened, which runs from Newcastle City Centre north to the airport.

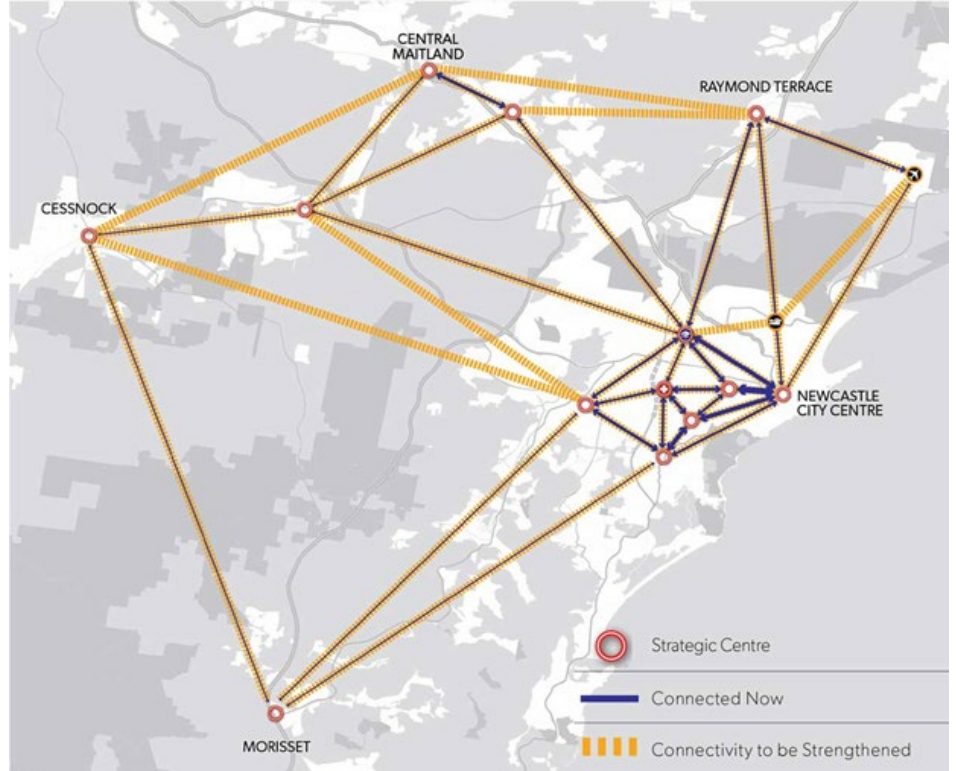


Figure 14 Extract of Figure 5 of the Hunter Regional Plan 2036
Source: Hunter Regional Plan 2036

4. Figure 9: Coal Mining and Renewable Energy, showing the locations of existing energy centres and potential areas to collect solar energy. The Rifle Range site is indistinguishable as the water is not shown.

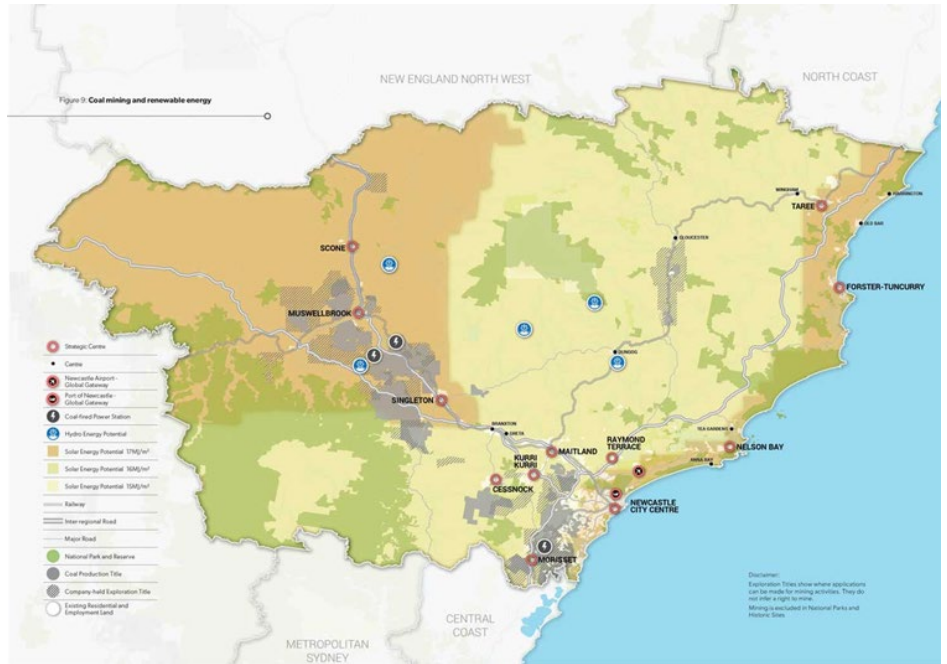


Figure 15 Extract of Figure 9 of the Hunter Regional Plan 2036
Source: Hunter Regional Plan 2036

5. Figure 10: Proposed Biodiversity Corridors, showing the proposed biodiversity corridors. The direction for the Rifle Range site is not clearly specified.

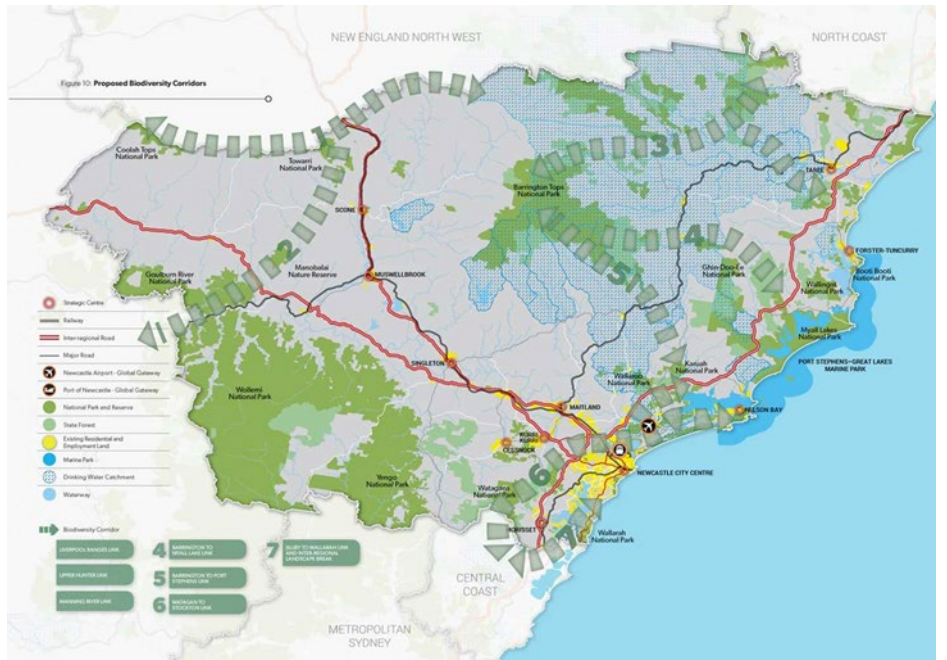


Figure 16 Extract of Figure 10 of the Hunter Regional Plan 2036
Source: Hunter Regional Plan 2036

6. Figure 11: Greater Newcastle Settlement Pattern, showing the intended urban release and settlement areas. The direction for the Rifle Range site is unspecified.



Figure 17 Extract of Figure 11 of the Hunter Regional Plan 2036
 Source: Hunter Regional Plan 2036

7. Figure 14: Inner Newcastle, showing the settlement pattern in Newcastle. The Rifle Range site appears to be identified as open space.



Figure 18 Extract of Figure 14 of the Hunter Regional Plan 2036
 Source: Hunter Regional Plan 2036

Preliminary consultation with the DPE indicates that the mapping was based on existing zoning and is intended to provide a high-level strategic framework and does not provide direction in relation to particular sites. The DPE advised that the Regional Plan will be supported by local planning in order to provide direction on a site-specific basis. There is nothing in the plan, in the view of Architectus, which would preclude the merit assessment of a planning proposal to rezone the site for residential uses.

It is understood that the DPE, in briefing councils on the Regional Plan, has indicated that planning proposals should be assessed with particular consideration of Directions 20 – 24. The Planning Proposal would contribute to achieving the objectives of the plan as summarised below.

Table 2 Response to Hunter Regional Plan 2036 Directions

| Direction | Consistent | Comment |
|---|------------|---|
| <p>Direction 20: Revitalise existing communities. This direction relates to the concentration of development in existing areas to revitalise communities and focus social and physical infrastructure.</p> | Yes | <p>The Rifle Range site lies adjacent the Fern Bay Town Centre and in close proximity to the Stockton Town Centre, both of which provide a range of social and physical infrastructure which would efficiently service the residential development of the Rifle Range site. Key infrastructure includes the Fern Bay public school and the ferry between Stockton and Newcastle CBD. Newcastle CBD, approximately 4km south of the site, also offers amenity and regional infrastructure and services. The proposal would accommodate growth in population to support local shops, schools, and services in Fern Bay and Stockton.</p> |
| <p>Direction 21: Create a compact settlement. This direction seeks to focus development in locations with established services and infrastructure. One identified action is for Councils to identify opportunities for urban redevelopment or renewal in urban locations with access to public transport and services in the Greater Newcastle metropolitan area and where there may no longer be a need for employment land.</p> | Yes | <p>The renewal of the Rifle Range site for residential uses would support an alignment of infrastructure delivery in the area by permitting residential uses on a well-located site in close proximity to both the Fern Bay and Stockton communities. It is important also for DHA to provide housing for defence members in close proximity to the Williamstown Base. When compared to other sites in the 30km radius of the Williamstown Base, the subject site is very well serviced and the most appropriate location for additional housing in the Port Stephens LGA.</p> <p>While the master plan achieves a range of dwelling types, it is not considered to be a high-density development. The number of dwellings delivered for the site area could be achieved with a traditional subdivision model, which would be unlikely to achieve dwelling diversity. A key principle of the master plan has been to appropriately balance the environmental values of the site with the delivery of housing. By reducing the footprint of development and increasing the height, the master plan has minimised impact on sensitive areas of the site and achieved a range of dwelling types.</p> |
| <p>Direction 22: Promote housing diversity. This direction relates to the need to provide diverse housing to accommodate the diverse needs of the community, including housing for older people, adaptable housing, and social and affordable housing. A key action is to respond to the demand for housing for resource industry personnel, and encourage housing diversity, including studios and one and two bedroom dwellings.</p> | Yes | <p>Housing diversity is a key objective of the master plan for the site, which has informed the planning proposal. The R3 Medium Density Residential zoning in the Port Stephens LEP permits a broad range of housing to be delivered on the site. It is intended that housing diversity in accordance with the master plan and residential typologies developed in the Urban Design and Landscape Report (Attachment B) would be promoted as an objective for the site in the site-specific DCP. In addition, the delivery of housing for defence personnel would support</p> |

| | | |
|---|-----|---|
| | | <p>social diversity and affordability for these key workers in the region.</p> <p>The residential typologies that would be accommodated on site would allow for a diverse community, including defence members with families and single defence members. The indicative master plan accommodates a broad range of dwelling types such as freestanding houses, semi-detached terrace dwellings with private open spaces that could support single people and smaller families, as well as multi-dwelling cluster housing and small scale residential apartment buildings that encourage flexibility and households at all stages of life. This is a good social outcome compared to the typical options for housing around the base and in the local area.</p> <p>The DHA model also seeks to provide 50% defence housing on the site and 50% of housing available for private sale to members of the public. This again encourages a diverse community.</p> |
| <p>Direction 23: Grow centres and renewal corridors. Concentration of development in strategic centres, urban renewal corridors and locally significant centres.</p> | Yes | <p>Fern Bay is identified as a locally significant centre under the Hunter Regional Plan 2036. The proposal would contribute to the Fern Bay centre by opening the site to the community including access to the coast, a diverse and cohesive community to support local retail and services, and through the interpretation of the heritage elements of the site.</p> <p>The proposal would also accommodate growth in population to support local shops, schools, and services in Stockton.</p> |
| <p>Direction 24: Protect the economic functions of employment land. This direction encourages the promotion and protection of industry through land use and infrastructure planning.</p> | Yes | <p>The proposed rezoning would support the function of the nearby Williamstown RAAF base and the sustainability of the Defence force in the region by delivering housing stock for Defence personnel and contributing to financial outcomes for DHA. The site has not been required by Defence for defence purposes in some time and the use of the site in its current situation does not contribute to employment in the region.</p> <p>The site and proposed concept plan is sufficiently separated from nearby employment so as not to have an impact on the viability of existing industrial areas.</p> |

The Hunter Regional Plan 2036 also includes Local Government Narratives which are intended to guide councils in investigation and implementation of the plan in order to achieve outcomes on the ground. The alignment of the planning proposal with key priorities of relevance to the Rifle Range site are discussed below.

Table 3 Response to Hunter Regional Plan 2036 Local Priorities

| Local Priority | Consistent | Comment |
|--|------------|---|
| Provide a buffer to the Port of Newcastle operations through appropriate zoning to safeguard its future. | Yes | The Port of Newcastle is an increasingly important global gateway to the region. The Planning Proposal would not impact the sustainability of the Port of Newcastle in its continued operations. The site is located in an existing residential and special use area and is considered suitable for residential uses. Land buffers to the Port of Newcastle are appropriately zoned (IN1 and IN2). The subject site is not within the identified buffer zone. |
| Provide small-scale renewal and redevelopment of larger sites for infill housing. | Yes | The Planning Proposal would enable renewal of a currently underutilised site in a key location, with strong links to Newcastle and the airport, and provide increased, diverse housing to meet the needs of the community. |

The Planning Proposal is considered to align with the Hunter Regional Plan 2036.

Greater Newcastle Metropolitan Plan 2036

The Hunter Regional Plan 2036 is supported by the Greater Newcastle Metropolitan Plan 2036. Released in September 2018, the plan is the first ever for Greater Newcastle. The Plan sets out strategies and actions that will drive sustainable growth, delivering on the vision established in the Regional Plan.

Overall, the Plan seeks to drive better planned and designed housing and infrastructure by primarily encouraging infill development to maximise the benefits of investment; support connections between homes and jobs; improve the mix of dwellings in the region; and improve amenity and environmental outcomes of development.

The Planning Proposal seeks to deliver well designed homes with a mix of densities through a concept design that carefully balances development and the surrounding environment. The Planning Proposal would enable Defence staff and their families to live close to their jobs, supporting the growth of the Williamstown base – a key area of jobs growth in the region. The Planning Proposal is located near existing residential areas, linking to existing public transport connections and infrastructure.

Specifically, the Planning Proposal supports the following strategies:

- *Strategy 2: Grow the airport and aerospace and defence precinct at Williamstown.*

The base at Williamstown is a core strategy to achieve *Outcome 1: Create a workforce skilled and ready for the new economy*. Newcastle Airport is one of the largest combined defence and civilian aerodromes in Australia, with major upgrades planned to accommodate new Joint Strike Fighters posed to create a cluster of economic activity and new jobs. The Planning Proposal is directly related to the needs of Defence to deliver additional housing to accommodate growth and adequately support the needs of existing workers and their families at the Williamstown base. The

Planning Proposal will deliver high amenity housing for defence members and their families in close proximity to the base, without increasing housing in areas impacted by the ANEF contours.

- *Strategy 10: Create better buildings and great places.*

The Planning Proposal will preserve the heritage value of the site, including the anti-aircraft battery. The concept plan that supports the Planning Proposal retains the layout of the firing range through the street network, and enshrines good urban design and placemaking principles through a sensitive approach to the site ecology, creation of new public spaces, and innovative built form concepts that would sit lightly on the land.

- Outcome 3: Deliver housing close to jobs and services

The Planning proposal will deliver housing for Defence staff close to the Williamstown base, seeking to reduce travel time to the base and deliver high amenity housing for Defence members and their families.

The Planning Proposal would locate additional housing in the Fern Bay centre, within walking distance of Fern Bay Public School, Community Hall, Fern Bay Reserve, Fern Bay store, and golf course. While not a major centre or transport node, the Planning Proposal does achieve housing in walking distance of key land uses and public transport. Nelson Bay Road is used as a bus route for regular and for school services. Buses serve Stockton and Fern Bay, and complete a loop via Vardon Road Popplewell Road and Rankin Rod to access Nelson Bay Road for the return journey to Newcastle.

The Planning proposal seeks controls for the site that will enable a range of dwelling types, with a mix of densities, to be delivered.

- *Port Stephens Local Government Area Narrative*

One aspect of the Port Stephens Local Government Area Narrative is for Port Stephens Council and Newcastle City Council to coordinate housing and infrastructure development between Stockton and Fern Bay, maximizing housing opportunities while protecting transport connections between the Newcastle Airport and Newcastle Port.

The Planning Proposal directly supports this narrative by locating housing that supports the broader strategy for Greater Newcastle between Stockton and Fern Bay. Housing in this location for Defence staff would support transport connections between Newcastle Airport and Fern Bay.

4.7 Assessment Criteria

Does the proposal have strategic merit?

For the reasons provided below, this Planning Proposal, as supported by the Urban Design Report and Master Plan at **Attachment B**, holds strategic merit and should be supported by Council.

Will the proposal give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?

As detailed at Section 4.3 of this report, the Planning Proposal will give effect to the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036.

Will the proposal give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement?

Yes. As detailed at Section 4.5 of this report, the Planning Proposal will give effect to the Port Stephens Planning Strategy 2011. The primary purpose of the PSPS is to guide land use planning and decision making for development and environmental outcomes.

Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans?

The Planning Proposal is responding to a change in circumstances that have not been recognised by existing strategic plans. This Planning Proposal seeks to amend the zoning and density controls that apply to the site to provide for important housing for members of the Defence Force and their families.

There is an ongoing and increasing need to provide accommodation on sites that are:

- Within close proximity to the Williamstown RAAF base;
- Not affected by the airport ANEF contours or other unworkable site or environmental constraints; and
- Within close proximity to services and community infrastructure.

The subject site enables the provision of such development, maximising the delivery of a diversity of dwellings whilst protecting areas of high environmental significance and responding to the site's constraints. The delivery of housing for defence members and their families will also support the function of the Williamstown RAAF base, identified as a key economic driver in the region.

The Planning Proposal will provide essential housing for DHA through delivery of a range of dwelling types and will additionally allow for private housing to be developed, which will subsidise the delivery of housing for Defence staff and their families. The Planning Proposal will also provide for a range of key workers to be accommodated in the area close to their employment, with excellent amenity.

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

For the reasons provided below, this Planning Proposal, as supported by the Urban Design Report and Master Plan at **Attachment B**, holds site specific merit and should be supported by Council.

The natural environment (including known significant environmental values, resources or hazards)?

The site is subject to a number of environmental constraints, including coastal erosion, bushfire hazards and a threatened ecological community.

A range of technical assessments have been undertaken to ensure that potential impacts of the rezoning are acceptable, including a Bushfire Assessment (**Attachment D**), Coastal Engineering Assessment (**Attachment E**), Ecological Assessment Report (**Attachment H**) and the preparation of a Site Environmental Management Plan (**Attachment M**).

Overall, these technical assessments conclude that the Planning Proposal is not likely to result in development that will create any significant adverse environmental effects. Please refer to a detailed discussion of environmental matters at Section 4.8 of this report.

The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?

This Planning Proposal seeks the redevelopment of a long term vacant, previously under long term military control, and where no similar opportunities exist to surrounding sites or within the locality. As noted within this report, there is a strong and timely need for redevelopment of the site, which holds site-specific merit to accommodate the zoning and density amendments sought by this Planning Proposal.

Development to the north through east of the site consists of remnant bushland. Land to the south has also been identified for future development (Stockton Centre), however is both located within the adjoining Newcastle LGA and it is considered that development of this land is unlikely in the short to medium term.

On this basis, there is no likely future development that would affect the amendments sought by this Planning Proposal, nor would the proposal affect nor preclude the development capability of surrounding sites. Conversely, the proposed development is considered to result in a high-quality outcome for the site providing essential housing to meet the immediate needs of DHA and to serve the needs of people who live in, work in and visit the local area, without unreasonable environmental, economic or social impact. The Planning Proposal is therefore considered to have site specific merit.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

As detailed within the Servicing Report prepared by ADW Johnson at Attachment K, there is adequate services infrastructure (water, sewer, gas, stormwater infrastructure and telecommunications infrastructure) to support the Planning Proposal.

As detailed within the Transport Study Report at Attachment C, the site is well located and seeks to utilise existing public transport infrastructure and road connections to the site. The external road network is more than capable of absorbing forecast traffic flows and trip generation, whilst remaining at a very good operational level of service.

The site is well located to areas of open space along the Stockton Peninsula as well as areas of open space and bushland associated with the Worimi Regional Park (controlled by NSW NPWS) to the north of the site. Importantly, the proposed master plan will deliver additional areas of open space and recreation within the site, to serve future residents and the surrounding community.

As detailed within the accompanying Social Impact Assessment (Attachment N), the site is also located within proximity to essential emergency services, including a fire station and police station, in Stockton Town Centre, and also benefits from local services such as the Fern Bay Store and Primary School. Refer to a further discussion of social and economic impacts of the Planning Proposal at Section 4.8 of this report.

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

Port Stephens Planning Strategy

The Port Stephens Planning Strategy (PSPS) was adopted by Council on 20 December 2011. The primary purpose of the PSPS is to guide land use planning and decision making for development and environmental outcomes.

The PSPS is a comprehensive document that identifies key trends and risks for future growth and development in the LGA. The strategy supports residential development primarily in existing centres to accommodate future demand for housing fuelled by broader population trends. Increased density in existing centres is intended to make the most effective use of infrastructure and promote the feasibility of increasing services, including retail and commercial uses.

Fern Bay is identified as one of the smaller village centres in the LGA, acting as urban support along with the centres of Kings Hill, Medowie, Anna Bay, Tanilba Bay and Karuah to the regional centre of Raymond Terrace. Fern Bay is also identified as part of the Eastern Growth Corridor that stretches from Medowie in the north to Fern Bay in the south.

The declining supply of land with urban potential in the LGA is a key challenge identified for future growth and development, responding to the risks of sea level rise and coastal erosion, flooding, bushfire and aircraft noise that affect large portions of the LGA. The loss of sites with urban potential to rural residential development, and subsequently underutilised well-serviced and located sites, is acknowledged. The PSPS seeks to ensure that land with urban potential is identified and maximised while responding appropriately to its context.

This planning proposal achieves the objectives of the PSPS by considering the subject site in detail to identify areas of development potential and maximising the delivery of a diversity of dwellings while protecting areas of high environmental significance and responding to the site's constraints. The delivery of housing for defence members and their families will also support the function of the Williamstown RAAF base, identified as a key economic driver in the region.

Part 6.4.3 of the PSPS sets out principles to guide the location of medium density housing areas in the LGA. These have been addressed below to demonstrate how the planning proposal achieves the key objectives for residential development.

- 1. Residential densities should be highest near the centre and lowest at the outer edge of the urban area.*

The planning proposal seeks to impose a height and minimum lot size control that generally corresponds with the adjoining Fern Bay residential area.

A small part of the subject site is proposed to have a minimum lot size of 200sqm. The proposed minimum lot size of 200sqm is a result of detailed site testing to accommodate semi-detached dwellings along the main street, delivering a range of dwelling typologies and minimising the footprint of the development area while maximising the urban potential of the site. The 200sqm lot size is necessary to accommodate this dwelling form within the existing structure of the range (between the 100 yard markers), which is being retained as part of the site's heritage interpretation.

While the master plan achieves a range of dwelling types, it is not considered to be a high-density development. The number of dwellings delivered for the site area could be achieved with a traditional subdivision model, which would be unlikely to achieve dwelling diversity. A key principle of the master plan has been to appropriately balance the environmental values of the site with the delivery of housing. By reducing the footprint of development and increasing the height, the master plan has minimised impact on sensitive areas of the site and achieved a range of dwelling types.

Under the Port Stephens LEP 2013, semi-detached dwellings may be approved on lots of a minimum of 250sqm if the subdivision is considered with a development application. The PSPS envisages infill development utilising this clause in the Fern Bay residential area. It is considered that the proposed combined approach of 200sqm and 500sqm minimum lot sizes on the subject site appropriately responds to the character of permissible and expected densities in the area.

2. *Medium density housing should be generally within:*
 - a. *a five minute walk (400m) of a centre, or;*
 - b. *five minute (400m) walk of bus stops with frequent services to major centres, or;*
 - c. *ten minute walk (800m) of the regional centre and other town centres, or;*
 - d. *selected areas of high amenity or suitable topography for such development, with adequate social and physical infrastructure and an acceptable level of visual or amenity impact.*

The planning proposal focuses urban growth around centres. The subject site adjoins the existing Fern Bay community and is within 400m of the Fern Bay Store, public school, and bus services. The increased residential population is likely to support growth of retail services in the centre to the benefit of the existing community. This is consistent with the principles set out for medium density housing in Part 6.4.3 of the PSPS.

The concept master plan developed for the site also demonstrates how the site topography would appropriately accommodate residential development and minimise the visual impact, particularly when viewing the site from Popplewell road.

3. *Not identified on a Flood Planning Area map.*

The PSPS notes that substantial portions of the LGA are limited in their potential to contribute to housing targets by flooding hazards. The subject site is not identified as flood prone land under the Port Stephens LEP 2013, as shown in the following figure.

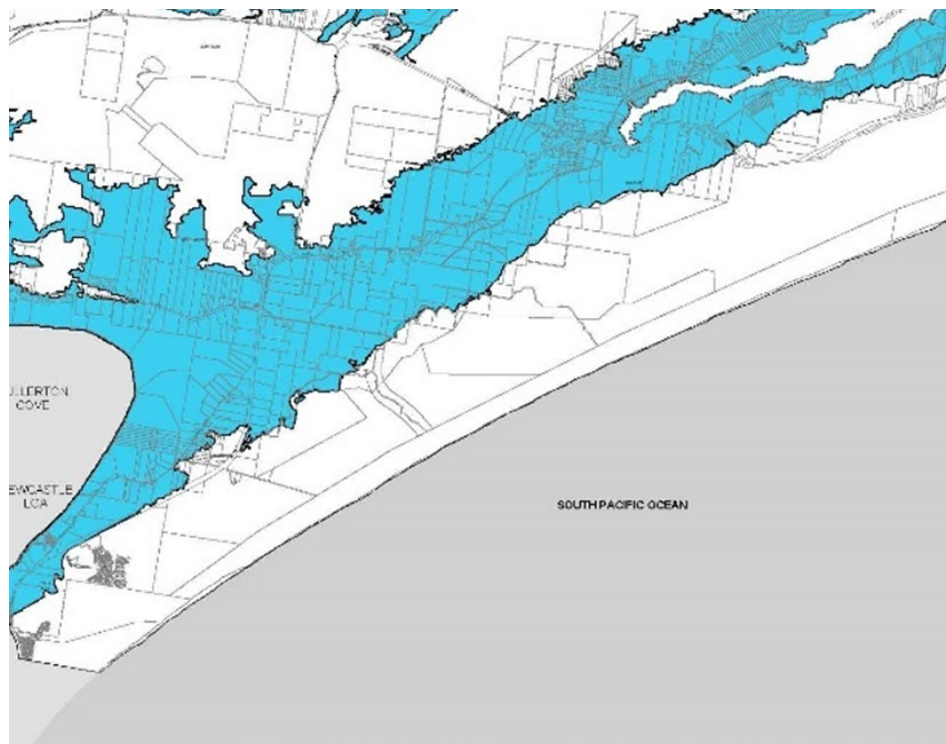


Figure 19 Flood Planning Map
Source: Port Stephens Council

4. Not adversely affected by aircraft noise.

The site is not adversely impacted by aircraft noise, as demonstrated in the following figure, showing the ANEF contour forecasts prepared by the Department of Defence for the Williamstown base.

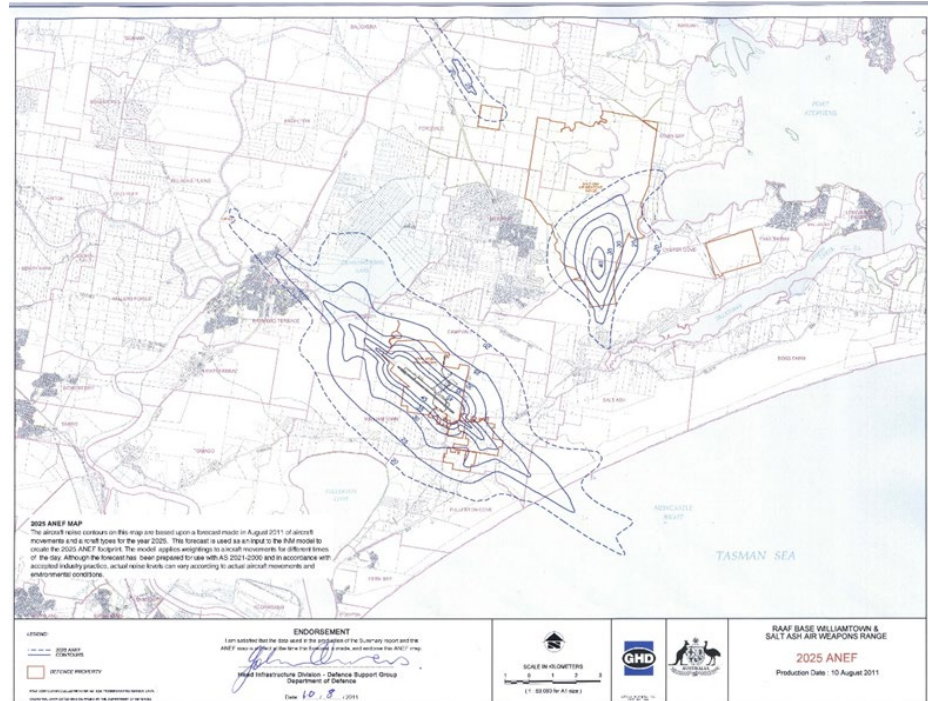


Figure 20 2025 ANEF Mapping
Source: Department of Defence, 2011

5. Not adversely impacted by sea level rise.

A coastal engineering assessment was prepared by BMT WBM to inform the development of the concept master plan and this planning proposal, provided in full at Attachment F. The assessment concludes that, even considering the worst-case scenario of coastal erosion and sea level rise to 2100, the site could accommodate residential development in line with coastal hazard and management policies.

Fern Bay and North Stockton Strategy

In preparation of this report it is understood that Port Stephens Council and Newcastle City Council are in the process of developing a land use strategy for Fern Bay and North Stockton which incorporates the subject site. However, this strategy has not been developed at the time of writing.

The Port Stephens Council website however identifies that the strategy will focus on identifying a site for commercial development and improving the supply of open space for residents. Whilst not yet determined, it is considered there may be potential for future development on the Stockton Centre site and surrounding land owned by NSW Family and Community Services (FACS).

The Planning Proposal and concept master plan seeks to provide a broad range of dwelling types that encourage flexibility and households at all stages of life. This is a good social outcome compared to the typical options for housing in the local area and will assist in delivering a resilient coastal community.

Further, the Planning Proposal and concept master plan include provision for a central community park which will improve access to useable open spaces and well-designed community facilities to support daily activity and healthy lifestyles. As the concept master

plan has been developed around a predominately north-south road network, in response to the existing rifle range layout, this will enable the potential future connection to the Stockton Centre.

4.9 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The consistency of this Planning Proposal with current State Environmental Planning Policies (SEPPs) considered applicable to the Planning Proposal are outlined in the table below. SEPPs which have been repealed or were not finalised are not included in this table.

Table 4 Response to State Environmental Planning Policies

| State Environmental Planning Policy | Consistency | Comment |
|-------------------------------------|-------------|---|
| SEPP 1 – Development Standards | Yes | <p>Clause 1.9 of the Port Stephens LEP 2013 excludes the application of SEPP 1. Clause 4.6 of the LEP 2012 is the alternative mechanism, for varying development standards. Clause 4.6 provides a comprehensive merit test to ensure design excellence is achieved.</p> <p>The Planning Proposal will not contradict or hinder the application of this SEPP.</p> |
| SEPP 44 – Koala Habitat Protection | Yes | <p>The SEPP applies to land in the Port Stephens LGA. The Port Stephens Comprehensive Koala Plan of Management also applies to the site.</p> <p>The consistency of the Planning Proposal with SEPP 44 and the Port Stephens Comprehensive Koala Plan of Management has been considered in detail in the Ecological Assessment prepared by Umwelt, provided in Attachment H. The assessment concludes that preferred koala habitat, including suitable koala feed trees, are present on the site.</p> <p>A preliminary Koala Plan of Management has been submitted with the Planning Proposal to demonstrate how the concept master plan facilitates appropriate management of koala habitat.</p> <p>The current indicative Master Plan indicates potential disturbance to 2 koala feed trees. Where possible, koala feed trees will be selectively retained within the development footprint. This will be assessed in detail at DA stage.</p> <p>The planning proposal is therefore considered to be consistent with SEPP 44.</p> |
| SEPP 55 – Remediation of Land | Yes | <p>The Planning Proposal will not contradict or hinder the application of this SEPP. A Site Audit Statement has been prepared and provided at Attachment G that demonstrates that the site is considered to be suitable for the uses set out in the Planning Proposal. Application of the SEPP at DA stage and further work will ensure that the land is developed in accordance with the SEPP.</p> |

| State Environmental Planning Policy | Consistency | Comment |
|--|-------------|---|
| SEPP 64 – Advertising and Signage | Yes | The Planning Proposal will not contradict or hinder the application of this SEPP if and when signage is proposed under future development. |
| SEPP 65 – Design Quality of Residential Flat Development | Yes | The Urban Design and Landscape Study for the site, provided in Attachment B , has been informed by SEPP 65 Principles. The Planning Proposal is not considered to hinder the application of this SEPP or the accompanying Apartment Design Guide. |
| SEPP (Building Sustainability Index: BASIX) 2004 | Yes | The Planning Proposal will be consistent with the application of this SEPP. Future residential use on the site will be required to achieve minimum BASIX requirements (lighting, heating, cooling, and ventilation) to qualify for a BASIX Certificate and compliance with SEPP BASIX. |
| SEPP (Exempt and Complying Development Codes) 2008 | Yes | The Planning Proposal will not contradict or hinder the application of this SEPP. |
| SEPP (Infrastructure) 2007 | Yes | The Planning Proposal will not contradict or hinder the application of this SEPP. |
| SEPP (Rural Lands) 2008 | Yes | The Planning Proposal will not contradict or hinder the application of this SEPP. |
| SEPP (Coastal Management) 2018 | Yes | The State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) commenced on 3 April 2018 and consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection), including clause 5.5 of the Standard Instrument – Principal Local Environmental Plan. These policies are now repealed. The site falls within the Land Application Map of the Coastal Management SEPP, which gives effect to the objectives of the NSW Coastal Management Act 2016 by specifying how development proposals are to be assessed if they fall within the coastal zone. The Planning Proposal will not contradict or hinder the application of this SEPP. |

4.10 Is the Planning Proposal consistent with applicable Ministerial Directions?

The consistency of this Planning Proposal with the applicable Ministerial Directions (S.117 Directions) is discussed below.

Table 5 Response to Section 117 Directions

| No. | Direction | Application / Controls | Consistency | Comment |
|-----------------------------------|--|--|-------------|--|
| 1 Employment and Resources | | | | |
| 1.1 | Business and Industrial Zones | <i>Application</i> This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). | N/A | The planning proposal does not seek to affect land within an existing or proposed business or industrial zone. |
| 1.2 | Rural Zones | <i>Application</i> This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). | N/A | The Planning Proposal does not affect land within an existing or proposed rural zone. |
| 1.3 | Mining, Petroleum Production and Extractive Industries | <i>Application</i> This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. | N/A | The Planning Proposal does not relate to the mining of coal or other materials, production of petroleum or extractive materials. |

| No. | Direction | Application / Controls | Consistency | Comment |
|-----|--------------------|---|-------------|---|
| 1.4 | Oyster Aquaculture | <p><i>Application</i></p> <p>This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy"). The planning authority must consider the potential impacts of the planning proposal on the oyster aquaculture areas consult with the Director General of the Department of Primary Industries (DPI).</p> | N/A | The Planning Proposal does not affect land in proximity to a Priority Oyster Aquaculture Area. |
| 1.5 | Rural Lands | <p><i>Application</i></p> <p>This direction applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> | Yes | <p>The objectives of the direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>The planning proposal must address the Rural Planning Principles under SEPP (Rural Lands) 2008.</p> <p>The planning proposal applies to land that is currently subject to an environment protection zone, although it is noted that the zoning history indicates that the SP2 Defence zone should have been applied (refer Section 1.5 of this report).</p> <p>As the site does not currently accommodate any rural activities, the planning proposal would not result in a loss or displacement of an existing use. Further, the Planning Proposal would not result in adverse impacts to any nearby rural lands.</p> <p>The objectives of the current E2 Environmental Conservation zone are to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. The biodiversity value of parts of the site would likely make it unsuitable for agriculture, meaning that the potential for rural production on the site is low. The Planning</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|----------|---------------------------------|--|-------------|--|
| | | | | <p>Proposal maintains areas of high biodiversity. Refer to Umwelt Ecological Assessment, provided at Attachment H, for further detailed assessment.</p> <p>The Planning Proposal achieves a balance between the social, economic and environmental interests of the community and the land by carefully locating housing on the site while protecting biodiversity, in accordance with Rural Planning Principles D, E and F.</p> |
| 2 | Environment and Heritage | | | |
| 2.1 | Environmental Protection Zones | <p><i>Controls</i></p> <p>4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p> | Yes | <p>The planning proposal relates to land that is currently zoned E2 Environmental Conservation, with a portion of this land considered suitable for residential development proposed to be rezoned to R3 Medium Density Residential.</p> <p>A planning proposal may be inconsistent with the terms of the Direction if the planning proposal is justified by a strategy prepared in support of the planning proposal which gives consideration to the objectives of the Direction.</p> <p>The Umwelt Ecological Assessment, provided at Attachment H, gives consideration to this Direction and has concluded that the planning proposal seeks to appropriately protect and conserve environmentally sensitive areas.</p> <p>The Rifle Range site contains five native vegetation communities including Frontal Dune Blackbutt-Apple Forest, Mahogany-Baloskion Swamp Forest, Coastal Tea-tree-Banksia Scrub, Foredune Spinifex and Beach Wetlands. A wide range of flora and fauna species have been recorded within and surrounding the Study Area as part of previous ecological surveys.</p> <p>The proposed rezoning has focused on the retention of as much intact vegetation as possible, and the impacts to local biodiversity and threatened</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|-----|-----------------------|---|-------------|--|
| | | | | <p>species are minimal. As such, a key mitigation strategy is for the proposal to minimise direct impact. This is enshrined in the proposed controls and extent of area to be rezoned.</p> <p>Mitigation measures including pre-clearance surveys, clearance supervision, weed control, and dune rehabilitation will be employed at DA and construction to further address Direction 2.1.</p> <p>In addition, it is noted that the site was identified by both Defence and Council for a SP2 Infrastructure (Defence) zoning. This is discussed in Section 1.5 of this report.</p> |
| 2.2 | Coastal Protection | <p><i>Application</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> | Yes | <p>The consistency of the Planning Proposal with key coastal planning policies has been assessed in detail in the Coastal Engineering Report, provided at Attachment F. The Planning Proposal gives effect to the relevant legislation and guidelines.</p> |
| 2.3 | Heritage Conservation | <p><i>Controls</i></p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or</p> | Yes | <p>The site has no associated heritage listings. However, it does include two items with some heritage significance, being the Links Anti-Aircraft Battery (hereafter Links Battery) which is located near the northern boundary of the site and the remnants of the 1000yd Firing Range which constitutes semi cleared tracks extending south from the central track at 100yd intervals, now largely overgrown. The subject site is also located in the general vicinity of the Stockton Beach Dune System (item 34) as identified in the Port Stephens Local Environmental Plan 2013.</p> <p>In addition, the proposed development area includes a portion of the Fern Bay site complex (38-4-0895) and six sites (burials and artefacts) of significance of the aboriginal community.</p> <p>The assessment of European heritage conservation has been undertaken in detail in the attached Heritage Impact Assessment, provided at</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|-----|--------------------------|--|-------------|---|
| | | landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. | | <p>Attachment I. The assessment concludes that the Planning Proposal appropriately manages the heritage value of the site.</p> <p>An Aboriginal Cultural Heritage and Archaeological Assessment Report has also been prepared to inform this Planning Proposal, provided at Attachment J. The assessment concludes that the planning proposal appropriately manages the aboriginal cultural heritage value of the site.</p> <p>The recommendations of both reports relevant to the planning proposal include the extent of the proposed rezoning, including no development to the north side of the current access road and avoiding key sites of significance.</p> <p>Further measures, including further survey prior to construction, an interpretation strategy, excavation of test pits, full salvage excavation, and management of any artefacts found have been recommended for subsequent development stages should the rezoning proceed.</p> |
| 2.4 | Recreation Vehicle Areas | <p><i>Controls</i></p> <p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <p>(a) where the land is within an environmental protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled</p> | Yes | <p>The Planning Proposal does not seek to enable land to be developed for the purposes of a recreation vehicle area.</p> <p>In its current situation, the site is often illegally accessed by recreational vehicles, primarily by quad bikes. The proposed rezoning and concept master plan would facilitate increased passive surveillance through appropriate development, landscaping and management.</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|----------|--|--|-------------|--|
| | | <p>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</p> <p>(ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</p> | | |
| 3 | Housing, Infrastructure and Urban Development | | | |
| 3.1 | Residential Zones | <p><i>Controls</i></p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority,</p> | Yes | <p>The Planning Proposal is consistent with this Direction. Housing diversity is a key objective of the master plan for the site, which has informed the planning proposal. The R3 Medium Density Residential zoning in the Port Stephens LEP 2013 permits a broad range of housing to be delivered on the site. In addition, the delivery of housing for defence personnel would support social diversity and affordability for these key workers in the region.</p> <p>The location of the site, in close proximity to the Stockton Centre and Newcastle CBD, will ensure that residential development is well serviced and contributes to the efficient use of existing infrastructure.</p> <p>This Planning Proposal does not contain provisions which would reduce the permissible residential density of land.</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
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| | | <p>have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p> | | |
| 3.2 | Caravan Parks and Manufactured Home Estates | <p><i>Controls</i></p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> | N/A | The Planning Proposal does not relate to the location or provision for caravan parks or manufactured homes. |
| 3.3 | Home Occupations | <p><i>Controls</i></p> <p>Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</p> | Yes | The Planning Proposal does not seek to change the permissibility of home occupations in dwelling houses. |
| 3.4 | Integrated Land Use and Transport | <p><i>Controls</i></p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> | Yes | The Planning Proposal is informed by a Transport Study undertaken by Better Transport Futures, provided at Attachment C . The study considers how a residential development of the site under the proposed planning controls would impact the surrounding transport network. The study concludes that the site is well serviced by public transport infrastructure and that local roads have the capacity to accommodate the additional vehicles that may result from a residential land use and is appropriate for residential development under the relevant |

| No. | Direction | Application / Controls | Consistency | Comment |
|-----|-----------|--|-------------|--|
| | | (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). | | <p>transport legislation and guidelines.</p> <p>The objective of this Direction is to ensure that urban development, including aspects such as location, design, street layouts and subdivision, all improve access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport; reducing travel demand; and supporting efficient and viable operation of public transport.</p> <p>The Direction requires consistency with the aims, objectives and principles of Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001). As this Planning Proposal considers a residential land use, Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) is the most relevant guideline.</p> <p>The Planning Proposal would locate additional housing in the Fern Bay centre, within walking distance of Fern Bay Public School, Community Hall, Fern Bay Reserve, Fern Bay store, and golf course. While not a major centre or transport node (Principles 1 of Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001)), the Planning Proposal does achieve housing in walking distance of key land uses (Principle 2) and public transport (Principle 3). Nelson Bay Road is used as a bus route for regular and for school services. Buses serve Stockton and Fern Bay, and complete a loop via Vardon Road Popplewell Road and Rankin Rod to access Nelson Bay Road for the return journey to Newcastle.</p> <p>In addition, the Planning Proposal seeks to provide housing through Defence Housing Australia, for Defence staff located at Williamstown and Newcastle. Therefore, the</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|----------|--------------------------------------|--|-------------|--|
| | | | | <p>Planning Proposal seeks to reduce travel distance to base.</p> <p>The Planning Proposal demonstrates a concept design in accordance with Principles 5 to 10, as demonstrated in the urban design report that accompanies this Planning Proposal. Streets are designed to be clear, logical and able to make future connections through redevelopment. The concept design includes walking paths and a high level of amenity for pedestrians to open space on site.</p> |
| 3.5 | Development Near Licenced Aerodromes | <p><i>Application</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licenced aerodrome.</p> | Yes | <p>The site is identified on the RAAF Base Williamtown Obstacle Limitation or Operations Surface Map and Height Trigger Map under the Port Stephens DCP 2014. Council considers this to be in the vicinity of a licenced aerodrome. However, the site is not impacted by the ANEF contours from the RAAF base. Consultation should be undertaken with the Department of Defence as part of the planning proposal rezoning process. The Planning Proposal is consistent with the requirements of the Direction.</p> |
| 3.6 | Shooting Ranges | <p><i>Application</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p> | N/A | <p>The Planning Proposal does not seek to affect, create, alter or remove a zone or provision relating to land adjacent to or adjoining an existing shooting range.</p> |
| 4 | Hazard and Risk | | | |
| 4.1 | Acid Sulfate Soils | <p><i>Application</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a</p> | Yes | <p>The Planning Proposal relates to land with an Acid Sulfate Soil Class of 3, 4 and 5. The site is predominately Class 4, with the whole of the proposed land use zoning change in the Class 4 Acid Sulfate Soils area. This planning proposal does not</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|----------------------------|---------------------------------------|---|-------------|---|
| | | probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps. | | contradict or hinder application of acid sulphate soils provisions in the LEP 2013. |
| 4.2 | Mine Subsidence and Unstable Land | <p><i>Application</i></p> <p>This direction applies to land that:</p> <p>(a) is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or</p> <p>(b) has been identified as unstable land.</p> | N/A | The Planning Proposal does not apply to land that is within a mine subsidence district or that has been identified as being unstable. |
| 4.3 | Flood Prone Land | <p><i>Application</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> | N/A | The land is not flood prone land, as shown in the Port Stephens Flood Hazard Mapping, Flood Hazard Map – Sheet FHZ_004A. |
| 4.4 | Planning for Bushfire Protection | <p><i>Application</i></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> | Yes | The Planning Proposal is consistent with this Direction. The proposal has been assessed for its compliance with bushfire protection legislation and policy in detail in the Bushfire Risk Assessment Report, provided at Attachment D . The report concludes that the planning proposal does not preclude development that meets bushfire protection standards. Consultation should be undertaken with the NSW Rural Fire Service should a Gateway Determination be granted. |
| 5 Regional Planning | | | | |
| 5.1 | Implementation of Regional Strategies | Revoked | N/A | |
| 5.2 | Sydney Drinking Water Catchment | <p><i>Application</i></p> <p>This Direction applies to the Sydney drinking water catchment in the</p> | N/A | The Planning Proposal does not apply to land in the Sydney drinking water catchment. |

| No. | Direction | Application / Controls | Consistency | Comment |
|-----|--|---|-------------|--|
| | | <p>following local government areas:</p> <ul style="list-style-type: none"> - Blue Mountains - Campbelltown - Cooma Monaro - Eurobodalla - Goulburn Mulwaree - Kiama - Lithgow - Oberon - Palerang - Shoalhaven - Sutherland - Upper Lachlan - Wingecarribee - Wollondilly - Wollongong. | | |
| 5.3 | Farmland of State and Regional Significance on the NSW Far North Coast | <p><i>Application</i></p> <p>This direction applies to:</p> <ul style="list-style-type: none"> (a) Ballina Shire Council, (b) Byron Shire Council, (c) Kyogle Shire Council, (d) Lismore City Council, (e) Richmond Valley Council, and (f) Tweed Shire Council, <p>except within areas contained by a “town and village growth boundary” in the Far North Coast Regional Strategy.</p> | N/A | The planning proposal does not apply to land in the nominated Council areas. |
| 5.4 | Commercial and Retail Development along the Pacific Highway, North Coast | <p><i>Application</i></p> <p>This Direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between</p> | N/A | The planning proposal does not apply to land in the vicinity of the Pacific Highway. |

| No. | Direction | Application / Controls | Consistency | Comment |
|------|--|--|-------------|---|
| | | Port Stephens Shire Council and Tweed Shire Council, inclusive, when the relevant planning authority prepares a planning proposal for land in the vicinity of the existing or proposal alignment of the Pacific Highway. | | |
| 5.8 | Second Sydney Airport: Badgerys Creek | <p><i>Application</i></p> <p>This direction applies to land shown within the boundaries of the proposed airport site and within the 20 ANEF contour as shown on the map entitled "Badgerys Creek– Australian Noise Exposure Forecast– Proposed Alignment– Worst Case Assumptions", this being found in Appendix U of the Second Sydney Airport Site Selection Program Draft Environmental Impact Statement within Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council local government areas.</p> | N/A | The planning proposal does not apply to land in the vicinity of Badgerys Creek. |
| 5.9 | North West Rail Link Corridor Strategy | <p><i>Application</i></p> <p>This Direction applies to Hornsby Shire Council, The Hills Shire Council and Blacktown City Council.</p> | N/A | The Planning Proposal does not apply to land within the Hornsby Shire, Hills Shire or Blacktown Council areas. |
| 5.10 | Implementation of Regional Plans | <p>Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.</p> | Yes | <p>The Planning Proposal would achieve the goals of the Hunter Regional Plan 2036 by:</p> <p>2. Supporting strategically important local employment through a relationship with DHA and the Williamstown RAAF base, and contributing to the Hunter region being the leading regional economy in Australia;</p> <p>3. Protecting a biodiversity-rich natural environment by increasing the sustainability of funding sources for site management and introducing a</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|-----|-----------|------------------------|-------------|---|
| | | | | <p>zoning which would protect the ecological value of the site;</p> <p>4. Increasing the diversity and sustainability of the local community by increasing the population and accommodating a broad range of age groups, supporting local retail and services such as the local school at Fern Bay; and</p> <p>5. Allowing the renewal of the site with controls that facilitate a diverse range of housing typologies, supporting greater housing choice in the region.</p> <p>The consistency of the Planning Proposal with this Direction is further assessed in detail in Section 4.2 of this report.</p> |

| 6 Local Plan Making | | | | |
|---------------------|------------------------------------|--|-----|---|
| 6.1 | Approval and Referral Requirements | <p>Controls</p> <p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation</p> | Yes | <p>This is a matter for consideration by Council during the assessment of the Planning Proposal. This Planning Proposal does not contravene the objectives of this Direction.</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|-----|------------------------------------|---|-----------------------|--|
| | | <p>in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> | | |
| 6.2 | Reserving Land for Public Purposes | <p><i>Controls</i></p> <p>A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act</p> | Subject to discussion | <p>The purpose of this Direction is to ensure that any land to be dedicated for public use is the result of proper consultation and approved by the relevant authorities.</p> <p>The master plan presents an opportunity to return significant coastal area back to the people, as well as a new park which could be dedicated to Council.</p> <p>DHA has undertaken preliminary design work for areas to be dedicated and undertaken preliminary consultation with Port Stephens Council.</p> <p>At this stage, it is proposed that the coastal area and new open spaces be dedicated to Council. This is subject to further design work and consultation as part of the planning proposal process.</p> |

| No. | Direction | Application / Controls | Consistency | Comment |
|-----|-----------|--|-------------|---------|
| | | <p>1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p> <p>(b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must</p> | | |

| No. | Direction | Application / Controls | Consistency | Comment |
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| | | rezone and/or remove the relevant reservation in accordance with the request. | | |
| 6.3 | Site Specific Provisions | <p><i>Controls</i></p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> | Yes | The planning proposal does not propose any unnecessarily restrictive site specific planning controls. |
| 7 | Metropolitan Planning | | | |
| 7.1 | Implementation of the Metropolitan Plan for Sydney. | <p><i>Controls</i></p> <p>Planning proposals shall be consistent with:</p> <p>(a) the NSW Government's A Plan for Growing Sydney published in December 2014.</p> | N/A | The planning proposal does not relate to land within the area of Metropolitan Sydney. |

4.11 Environmental, Social and Economic Impacts

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal has been informed by an ecological assessment undertaken by Umwelt, provided in full at Attachment A.

Overall, the assessment concludes that the disturbed areas of the Rifle Range (the land to the south of the main cleared track, which was used as the shooting range) and a small pocket of land to the north of the main cleared track are low quality ecological communities. The vegetation primarily to the north of the main track is of a higher quality and should be preserved, as shown in Figure 21.

Five native vegetation community types have been mapped within the subject site, being Frontal Dune Blackbutt-Apple Forest, Mahogany-Baliosion Swamp Forest, Coastal Tea-tree – Banksia Scrub, Fore-dune Spinifex, and Beach Wetlands. The following figure shows the distribution of the identified vegetation communities across the site.

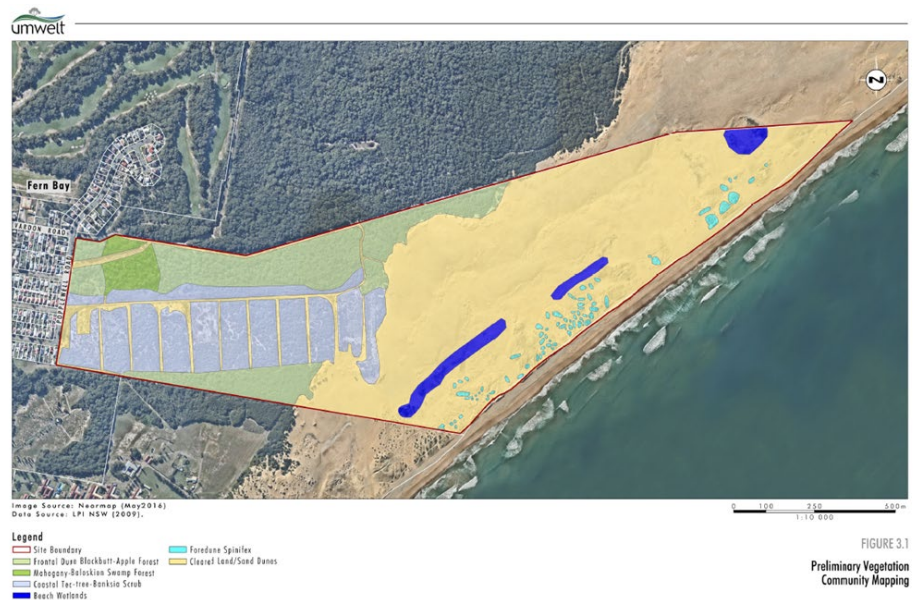


Figure 21 Vegetation Community Mapping
Source: Umwelt, September 2016

Only one ecological community has been identified as likely to confirm to a threatened ecological community, being the Mahogany-Baloskion Swamp Forest occurring in a small part of the site to the north-west.

This Planning Proposal proposed to rezone part of the site from E2 Environmental Conservation to R3 Medium Density Residential zoning. The proposed residential zone would generally include a small area to the north and the land to the south of the main cleared track, which has been assessed to be disturbed and low value ecological communities. This approach retains the E2 Environmental Conservation zoning in the high value, intact ecological communities to the north.

Four threatened fauna species listed under the TSC or EPBC Acts have previously been recorded in the subject site, being:

- The grey-headed flying-fox (*Pteropus poliocephalus*), listed as vulnerable under the TSC and EPBC Acts;
- Little bentwing-bat (*Miniopterus australis*), listed as vulnerable under the TSC Act;
- Eastern bentwing-bat (*Miniopterus schreibersii oceanensis*), listed as vulnerable under the TSC Act;

- East coast freetail-bat (*Mormopterus norfolkensis*), listed as vulnerable under the TSC Act.

No endangered populations listed under the TSC or EPBC Acts have been recorded within the subject site.

Pre-lodgement consultation with Council identified concerns relating to koala habitat, movement and feed trees. The current Master Plan indicates potential disturbance to 2 koala feed trees. Where possible, koala feed trees will be selectively retained within the development footprint. Furthermore, a Preliminary Koala Plan of Management is included in the Ecological Assessment. There are also no hollow bearing trees within the current Master Plan development footprint. This would be further assessed at DA stage, and it is noted that the planning proposal does not seek approval for the removal of any trees or works to the site.

Council also noted the potential for habitat for the New Holland Mouse. An assessment of significance has been undertaken for this species in the Ecological Assessment, noting that 'coastal dune vegetation occurring in the Port Stephens LGA is likely to comprise an important population of the species'. However, the species has not been recorded on the site. The species is known to occur in the Worimi Conservation Lands, with the closest record on the NSW BioNet Atlas (from 2013) being within 2 km north of the site. The more detailed assessment in the EPBC Act Referral notes that the species 'is associated with heathlands and vegetation sand dunes and is found to peak in abundance 3 to 5 years following a fire. The last fire to impact the Rifle Range occurred in late 2006 and would have likely resulted in suitable habitat for the species'.

While the development site is not known as a historical or important foraging site for this species, 15.3 hectares of potential forest and shrub habitat is proposed to be impacted by the current Master Plan. However, this has been assessed as not having a significant impact on the species. 29.6 hectares of suitable habitat for the New Holland Mouse will be retained based on the current Master Plan. Avoidance and mitigation measures outlined in the Ecological Assessment would be undertaken to minimise any substantial impacts. Further survey work for the species may be required if determined by the Commonwealth Department of the Environment and Energy after the review of the EPBC Act Referral and/or required under a BAM assessment at the DA stage.

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

The Planning Proposal is not likely to result in development that will create any significant adverse environmental effects.

A range of technical assessment have been undertaken to ensure that potential impacts of the rezoning are acceptable, including the ecological assessment summarised in the previous section of this report.

Coastal impacts

Changes to the coastal system to the east of the Rifle Range site have been investigated to assess the potential impacts of short and long term erosion, sea level rise, and ongoing recession. The assessment, prepared by BMT WBM, demonstrates three scenarios for erosion by 2100 and the impact of each scenario on the Rifle Range site, considering specifically the concept master plan as an example of a potential residential development of the site.

The three scenarios are as follows:

- An 'almost certain' erosion scenario including short and medium term erosion, ongoing recession (due to the Newcastle Harbour breakwaters), but excluding the impacts of sea level rise;
- A 'likely' erosion scenario including short and medium term erosion, ongoing recession, and future recession due to sea level rise of 0.4 m by 2100 (equivalent to the current rate of sea level rise); and
- An 'unlikely' erosion scenario including short and medium term erosion, ongoing recession, and future recession due to sea level rise of 0.9 m by 2100 (equivalent to highest emission scenario along which we are tracking). The 'unlikely' scenario is the typical conservative estimate used for planning purposes in NSW.

In accordance with Council policy and best practice planning for residential subdivision and development potentially at risk from coastal hazards, all residential development in the concept master plan is located well landward of the 2100 'unlikely' hazard line. The report recommends that the proposed rezoning be supported.

Heritage impacts

An assessment of heritage impact was undertaken by Urbis, informing the development of a concept master plan for the site. The site has no associated heritage listings, but does comprise two items which have been assessed to have some heritage significance, being the Anti-Aircraft battery which is located near to the northern boundary of the site, and the remnants of the 1,000 yard rifle range, being the clear access ways from the central road at 100 yards.

The planning proposal is generally supported in principle; with the sympathetic integration of the Links Battery a key element of future works to the site. It is not considered that the site meets the requisite threshold for significance for Commonwealth Heritage listing and is unlikely to meet the criteria for local listing.

Aboriginal cultural heritage and archaeological impacts

Consultation regarding the Aboriginal cultural values associated with the subject site has been undertaken to inform the master planning for the site and this planning proposal by Umwelt (Aboriginal Cultural Heritage and Archaeological Assessment Report, Attachment J). Notifications of work on the site were developed and publicly displayed, with four parties registering their interest in ongoing consultation, being:

- Kuruah Indigenous Corporation;
- Mur-Roo-Ma Inc;
- Nur-Run-Gee Pty Ltd;
- Worimi Local Aboriginal Land Council; and
- Wonn1.

Karuah Indigenous Corporation, Mur-Roo-Ma Inc, Nur-Run-Gee Pty Ltd and Worimi Local Aboriginal Land Council undertook a pedestrian survey of the site late 2016. The registered parties then had the opportunity to provide feedback as a group, provided in full in the report. A key point raised with regard to significance was the importance of the northern side of the current access road, which has storylines attached to it. Key recommendations from this consultation was no development to the northern side of the access road; no impact at the intersection of Braid Road and Popplewell Road due to known burials in the area and no impact in the southwestern corner of the rifle range due to known burials. The planning proposal and indicative master plan is considered to adequately address these recommendations.

The assessment concludes that from an aboriginal cultural heritage and archaeological standpoint, there are no factors that should prevent the rezoning of the site.

Consideration has been given to the ownership and management of land, given the land to the north of the site is owned by the Worimi and managed by NSW Parks. Discussions have been held regarding the potential to dedicate land to the north of the main road, which is intended to remain undisturbed, to the Worimi. The proposed rezoning would support this outcome.

Bushfire risk

An assessment of bushfire risk with respect to the development of the site for residential uses was undertaken by Kleinfelder, demonstrating how the concept master plan could implement appropriate bushfire risk mitigation measures (Rifle Range Bushfire Assessment, Kleinfelder, September 2016). The report found that the predominant bushfire hazard is located to the north and south of the subject site.

The assessment concludes that the master plan and associated design principles can comply with all performance criteria's outlined for integrated (residential subdivision) development and minimum construction requirements at detailed design stages. The assessment also finds that the proposed design provides for suitable access and water provisions for emergency management.

Traffic and transport impacts

A transport study was prepared by Better Transport Futures to assess the high-level potential of the transport network to accommodate residential development of the site (Transport Study Report, Better Transport Futures, November 2016). In order to understand what the impacts of the development might be and what development levels may be possible, a notional development yield of 318 lots, as shown in the concept master plan, has been assumed. The assessment has also considered the cumulative impacts of the potential rezoning of the Fort Wallace site (in Newcastle LGA and subject to a separate planning proposal).

Forecast traffic flows would be in the order of 156 trips AM and 172 trips PM for the Rifle range site. It is concluded that the external road network is more than capable of absorbing these levels of additional trips, while remaining at a very good operational level of service.

It is noted that, with the site intended to provide housing for defence members, trips north towards the Williamstown base are expected to be higher than a usual site, with local traffic from the site expected to be split evenly between north and south bound trips. The performance of right turn movements from the local Fern Bay network to Nelson Bay road under existing access arrangements would be poor and it is recommended that one intersection (either Taylor Road or Vardon Road) be provided with improvements to facilitate safe right run movements, and that the relevant road be upgraded to meet current council standards.

Safe right run movements could be facilitated in a range of ways that should align with the broader work being undertaken by RMS on Nelson Bay Road. These improvements would also benefit the Newcastle Golf Course and Fern Bay primary school. Preliminary engagement has been undertaken with RMS to ensure that they are aware of the planning proposal, but further investigation of the appropriate upgrade response for right run movements should be confirmed during engagement with authorities during the planning proposal process. Improvement works should be aligned with the subdivision and development of the site at a later stage.

Stormwater impacts

The Stormwater Management Plan specifically addresses stormwater quantity and quality. It has addressed the impacts of the development of the site on the existing drainage regime, determined the stormwater discharge constraints and identified proposed stormwater device measures to adequately treat the stormwater prior to discharging to receiving waters (Stormwater Management Plan, ADW Johnson, October 2016).

Based on review of the existing site topography and geotechnical conditions, it has been identified that any surface runoff will infiltrate into the existing sand substrate within the site limits. Stormwater management principles were considered in the development of the concept master plan, resulting in a proposed development footprint, built form typologies, and drainage strategy that will manage stormwater prior to discharging into the natural drainage system.

A MUSIC model was used to simulate pollutant source elements for the proposed development to confirm that the stormwater can be adequately treated within the limits of the development. The results from this study demonstrate that there is adequate capacity within the site to achieve the required performance objectives of the stormwater management.

Servicing impacts

ADW Johnson was commissioned to investigate the capacity of civil services in the area to support a residential use of the site (Servicing Report, Rifle Range, ADW Johnson, June 2017). Conclusions have been drawn using information from Dial Before You Dig (DBYD) services and consultation with Hunter Water Corporation. Potable water supply, sewer, electricity, telecommunications, and gas have been investigated.

The report concludes that:

- **Water.** There is sufficient capacity in the surrounding water mains for potable water supply. At the development design and application stage, security of supply will need to be addressed in accordance with Hunter Water's design guidelines;
- **Sewer.** There are multiple locations in the neighbourhood where sewer connections could be made to service a residential development of the site and the Fern Bay 1 Waste Water Pump Station has sufficient capacity to receive waste water from a residential development of the site. It is likely that a small pump will be required on the site to enable the waste water to be transported;
- **Electricity.** Popplewell Road currently has a high voltage transfer main running north south. It is envisaged that a high voltage connection will be made from the transfer main, with input from an electrical engineer at design stage to confirm the number and location of substations required;
- **Telecommunications.** Upgrades will be required to the network in line with future NBN roll outs to make services available on the site.
- **Gas.** There are no domestic gas services in the neighbourhood, although a gas main runs along Nelson Bay Road. It is expected that extensions to the network may be made by providers for commercial reasons.

The site could support residential development with adequate civil services.

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

The Planning Proposal is expected to deliver a range of social and economic benefits to the existing and future community in the area, including:

1. **Opening the site to the public.** No access to the site is currently available to the public, including access from the beach. The Planning Proposal would enable the site to be opened to the public with a particular focus on access to the beach for the Fern Bay community, as well as the intended provision of public open space on the site;
2. **Employment through construction and maintenance of residential development.** The Planning Proposal would facilitate increased residential development opportunity on the site, which would contribute to local employment opportunities and may result in investment in the local economy through both construction and ongoing services (in services such as handiwork, bush and garden care, etc). However, it is noted that development of the site also has the potential to result in impacts to local residents such as noise and dust. Conditions of development consent should be applied to any future development approvals on the site to manage such potential impacts;
3. **Increased demand for local shops and services.** Preliminary community consultation indicates that neighbourhood shops and services, such as the Fern Bay Primary School and the Fern Bay Store, would benefit from the increased residential density and development of the site with increased demand. Increased demand resulting from more local residents may result in healthier local business and services and allow a broader range of services to be provided in the local area.
4. **Housing for Defence staff.** DHA provides housing and services to staff members of the Defence Force and their families. The two sites are located close to the Royal Australian Air Force (RAAF) Base Williamtown which lies 11 to 12 kilometres to the north of the sites. The Planning Proposal will provide essential housing for DHA through delivery of a range of dwelling types, and allow for private housing to subsidise the housing to be developed and delivered to Defence staff and their families. The Planning Proposal will also provide for a range of key workers to be accommodated in the area close to their employment, with excellent amenity.

Social and community infrastructure in the area has been reviewed and mapped as shown in the following figures. The site is in proximity to essential emergency services, including a fire station and police station, in Stockton Town Centre, and also benefits from local services such as the Fern Bay Store and Primary School.

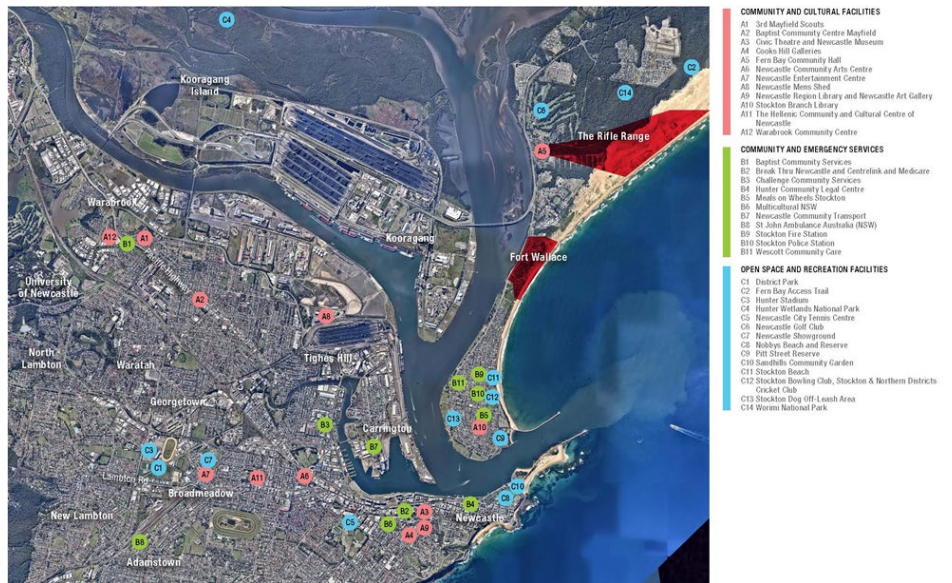


Figure 22 Social Infrastructure – Community and Cultural, Emergency and Recreation Facilities
Source: GHD

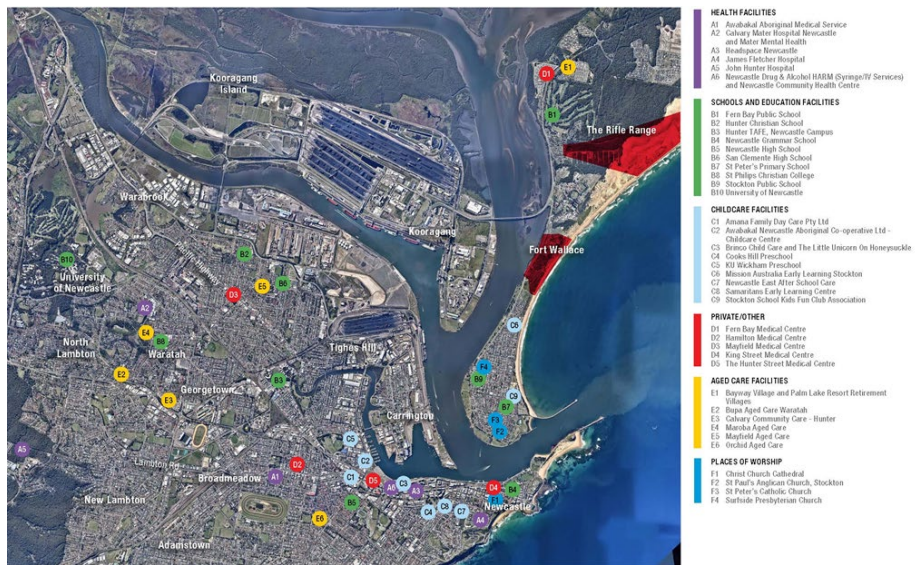


Figure 23 Social Infrastructure – Health, Education, Care and other facilities
Source: GHD

4.12 State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

It is considered that the planning proposal will be well serviced by public infrastructure. We note that the planning proposal will seek to enable increased residential uses on a portion of the site, with a land use zone that allows for detached, semi-detached and attached dwellings. An indicative site master plan has been developed to demonstrate the site's potential, illustrating how approximately 318 dwellings could be facilitated.

This master plan has been used to undertake a preliminary assessment of civil infrastructure, including water, sewer, electricity, telecommunications and gas services, as summarised in Part 4.1. This report, provided in full at **Attachment K**, has concluded that there is capacity in the essential civil services to provide for a residential development of the site. While gas services are not currently available to the Fern Bay community, it is considered that the residential development of the site may increase the feasibility for the providers to extend this service.

The availability of public transport infrastructure has been considered. Newcastle Buses bus route 118 serves Fern Bay and Stockton, while buses to Williamstown are available through Port Stephens Coaches. The Newcastle to Stockton Ferry provides access to Newcastle CBD from Stockton centre.

The Stockton Cycle way, which runs parallel to Fullerton Street from near the Stockton Bridge, was opened by Council in 2013, connecting the peninsula from Stockton Bridge in the north to the Stockton Ferry terminal in the south. It is constructed as high standard concrete pavement dual use path.

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

The Gateway Determination will identify the public authorities to be consulted as part of the planning proposal process and any views expressed will be included in this planning proposal following consultation.

Preliminary consultation has been undertaken with Roads and Maritime Services (RMS), as summarised in the Transport Study.

The applicant is a commonwealth authority. As such, a referrals process to the Department of the Environment and Energy in relation to the site heritage and ecology has been initiated. This referral is expected to run concurrently to the Planning Proposal.

5. Mapping

5.1 Land Zoning

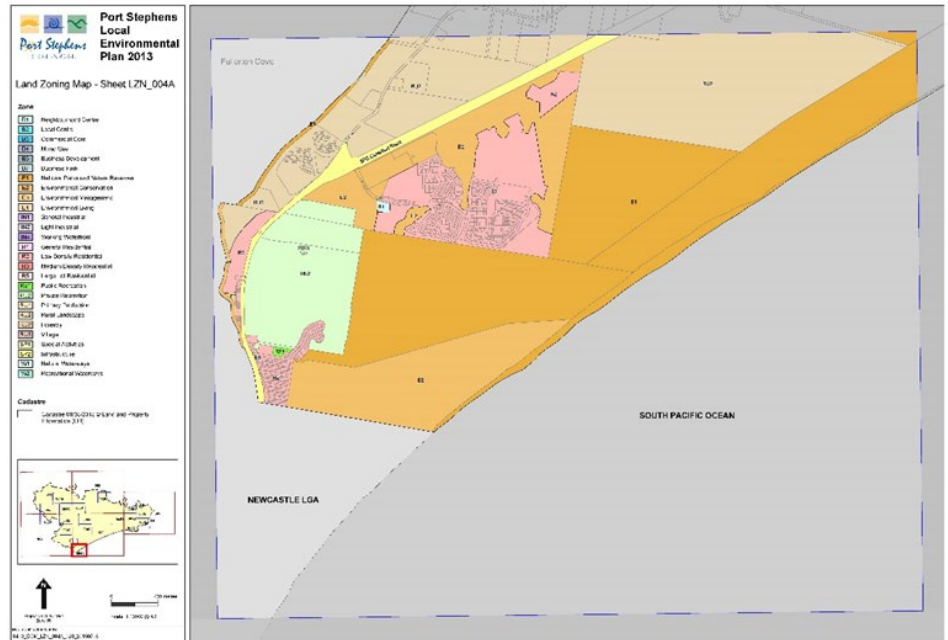


Figure 24 Existing Land Use Zoning Map
Source: Port Stephens Council

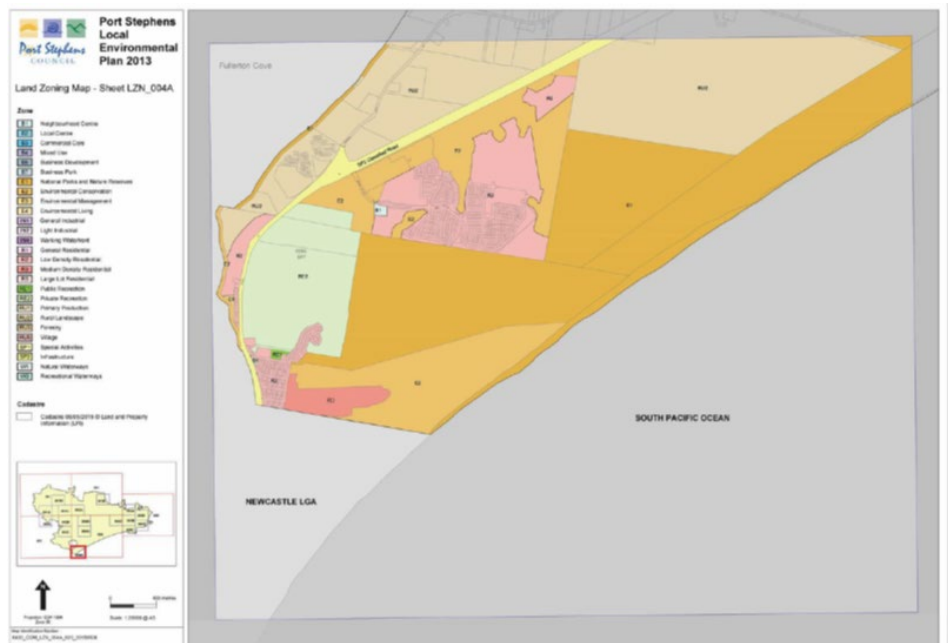


Figure 25 Proposed Land Use Zoning Map
Source: Architectus

5.2 Height of Buildings

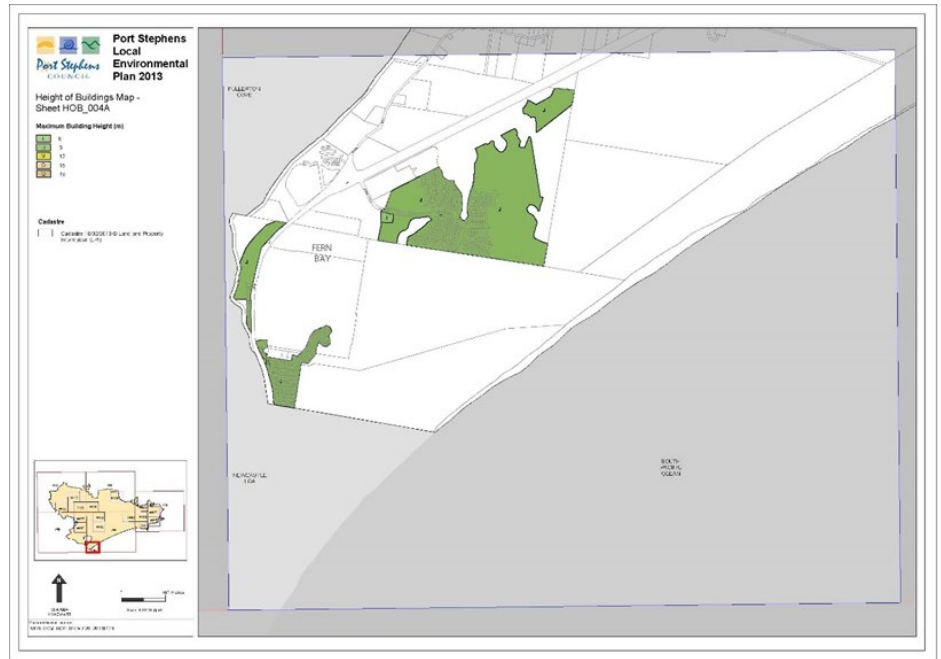


Figure 26 Existing Height of Buildings Map
Source: Port Stephens Council



Figure 27 Proposed Height of Buildings Map
Source: Architectus

5.3 Lot Size



Figure 28 Existing Lot Size Map
Source: Port Stephens Council

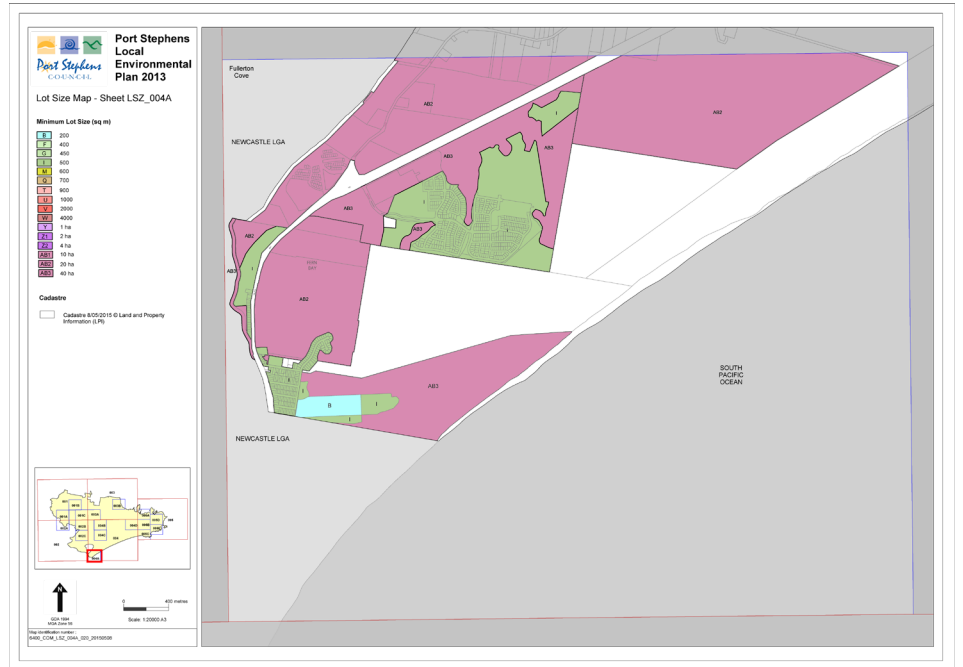


Figure 29 Proposed Lot Size Map
Source: Architectus

6. Consultation

6.1 Community Engagement

Initial community engagement on the master planning and planning proposal for the site was undertaken between July 2016 and December 2016.

During this period, a number of different consultation activities were undertaken, including in person meetings, distribution of newsletters, online activities, a dedicated phone and email.

Two key community information and feedback sessions were run in the area, with one at Newcastle Golf Course, Vardon Road, Fern Bay on Thursday 28th of July and one at Stockton IGA, 53 Mitchell Street, Stockton, on Thursday 11th August 2016. Staff from DHA, Elton, and Architectus attended the sessions to engage with the community.

The aims of consultation activities at this stage were to inform the community about DHA, the site history, the investigation of the site, the planning stage and process, and to encourage people to engagement with the project team at later stages.

Generally, feedback was positive, with most people appreciating the proactive approach to engagement. Many people felt that the developments would create positive benefits for the local area such as improved public amenity, improved employment, and economic growth as well as making the site more accessible to the public.

Feedback was also received about community concerns such as traffic management along Fullerton Street and Nelson Bay Road, parking and the status of a sea wall proposed at Stockton.

A further information and consultation session was undertaken on the 8th of December at Newcastle Golf Course. The aim of this session was to open the draft master plans for the site to feedback, including the residential typologies and landscape strategy. Staff from DHA, Elton, Spackman Mossop Michaels and Architectus attended the session to engage with the community.

A range of questions were received by staff about the plans for the site, generally focused around the sites heritage and access for the public. Feedback was received around a broad range of issues including traffic and parking and erosion.

Further public consultation will be undertaken in accordance with the requirements of the Gateway Determination. Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination.

6.2 Port Stephens Council

The project team, including representatives from DHA, Architectus, Spackman Mossop Michaels, Better Transport Futures, Umwelt and Kleinfelder met with Port Stephens Council officers on the 11th October 2016 to informally discuss the preliminary request to amend the Port Stephens LEP 2013 for the Rifle Range site. Draft documentation from the technical consultants had been provided to Council prior to the meeting for consideration.

Subsequently, a presentation was made to Port Stephens Council at a Council briefing session on Tuesday 22nd November 2016. The briefing documentation consisted an introduction of DHA and the subject site, an overview of constraints and opportunities, and the concept master plan and landscape strategies. Questions were received around the housing typologies, DHA's housing model and ecology. These issues have been addressed in various sections of this report and attachments.

A pre-lodgement meeting was held with Port Stephens Council on the 25th May 2017, with representatives from across Council including social and strategic planning, traffic and

transport, and environmental. Key issues discussed included local area traffic management, stormwater and drainage, and koala management.

6.3 Aboriginal Parties

Consultation regarding the Aboriginal cultural values associated with the subject site has been undertaken to inform the master planning for the site and this planning proposal. Notifications of work on the site were developed and publicly displayed, with four parties registering their interest in ongoing consultation, being:

- Karuah Indigenous Corporation;
- Mur-Roo-Ma Inc;
- Nur-Run-Gee Pty Ltd; and
- Worimi Local Aboriginal Land Council.

Karuah Indigenous Corporation, Mur-Roo-Ma Inc, Nur-Run-Gee Pty Ltd and Worimi Local Aboriginal Land Council undertook a pedestrian survey of the site late 2016. Subsequently, feedback was prepared by the group with key recommendations.

The Aboriginal Cultural Heritage and Archaeological Report was reviewed by the registered parties before finalisation.

7. Project Timeline

The following project timeline is intended to assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to Port Stephens LEP 2013 would be completed by March 2018.

Table 6 Project Timeline

| Stage | Timeframe |
|--|------------------|
| Assessment of the rezoning request by Council officers and preparation of planning proposal | March 2019 |
| Resolution of Council to proceed to Gateway | April 2019 |
| Submit planning proposal to Department of Planning and Environment seeking a Gateway Determination | April 2019 |
| Receive Gateway Determination | May 2019 |
| Public exhibition and public authority consultation of planning proposal and DCP Amendment | June 2019 |
| Review of submissions received during public exhibition and public authority consultation | July-August 2019 |
| Drafting of instrument and finalisation of mapping | September 2019 |
| Amendment to Port Stephens Local Environmental Plan 2013 legally drafted and made | October 2019 |

8. Conclusion

The Planning Proposal facilitates a sensitive, high quality and responsible development of in line with the changing nature of the site.

In its current situation, the site is a disused rifle range, with a central road dividing relatively disturbed area of vegetation to the south and intact vegetation area adjoining Worimi lands to the north. A significant portion of the site to the east comprises coastal dune system, approximately 600m from the proposed area of residential zoning. The site is subject to illegal access by recreational vehicles, while not facilitating appropriate access to the beach and bushland for the public. Being one of the few vacant, developable areas within range of the Williamstown RAAF base and centres such as Newcastle CBD, Stockton, and Fern Bay, the site is significantly underutilised.

Strategic and technical assessments of the site were undertaken to consider the potential of the site to deliver housing, including urban design and planning; landscape; ecological; indigenous heritage; bushfire; European heritage; coastal engineering; civil engineering; and traffic and transport. This consultant team has consulted with local Council, State Government, the community, RMS, and local aboriginal groups in the preparation of these assessments.

A concept master plan was developed to demonstrate how a sensitive residential development could be achieved in the context of the rezoning, facilitating approximately 318 lots and associated infrastructure such as green space, roads and footpaths. To facilitate the delivery of the master plan and deliver approximately 50% of housing to defence members and 50% to the private market, a rezoning is required.

The proposed LEP controls are intended to strike the right balance between development and conservation of the site's significant features. Sensitive ecological communities, heritage items and vulnerable coastal lands are proposed to be protected and enhanced, whilst the flatter, mostly featureless parts of the site are to be made available for housing and community amenities. Through new development, the historic site can be opened up to the public, new open space can be provided and degraded relics and vegetation communities can be restored.

For the reasons discussed within this report, the Planning Proposal offers site specific and strategic merit, providing a unique opportunity to deliver a sensitive, socially sustainable and diverse community in a high amenity ecological setting.

The Planning Proposal is strongly supported and recommended to Council for endorsement.

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