

ATTACHMENTS UNDER SEPARATE
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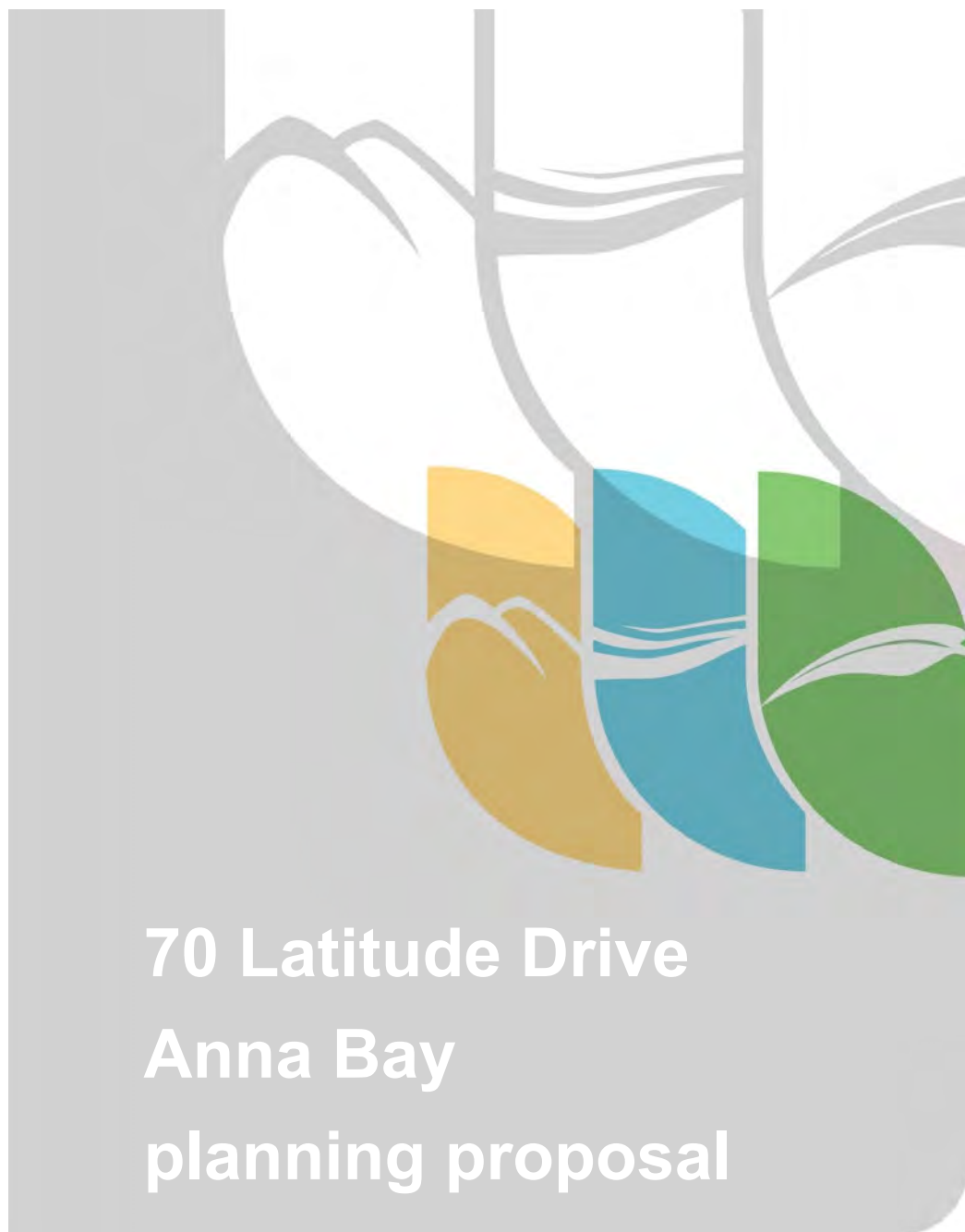
ORDINARY COUNCIL MEETING
22 MARCH 2022



PORT STEPHENS
C O U N C I L

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Proposed amendment to Port Stephens Local Environmental Plan (LEP) 2013

Amend the LEP to permit 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay. Amending the Land Zoning Map – from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for lot 25 DP 852410.



ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

VERSION CONTROL

| Version | Date | Author | Details |
|---------|------------|----------|--|
| 1 | Oct 2018 | ML | 1. Planning proposal (PP) as submitted with Council |
| 2 | June 2019 | ML | 1. Response to Council's Request for Information, including: <ul style="list-style-type: none"> • Detailed information regarding mechanisms to achieve intended outcomes. • Justification of strategic merit and address any inconsistencies with Hunter Regional Plan • Address principles that guide medium density development in the Port Stephens Planning Strategy. • Address the SEPP (Rural Lands) 2008. • Address Ministerial Direction 1.5 Rural Lands. • Address Ministerial Direction 3.1 Residential Zones. • Address Ministerial Direction 3.2 Caravan Parks and Manufactured Home Estates. • Address Ministerial Direction 3.4 Integrating Land Use and Transport. |
| 3 | Oct 2019 | RK | 1. Incorporated PP into Council Template. 2. Included Request for Information into PP. 3. Included strategic and site-specific merit of the PP. 4. Included Part 5 and Part 6. 5. General review and inclusion of additional information (SEPPs, Ministerial Directions, Strategic Plans). |
| 4 | March 2020 | RK ML | 1. Updates in response to DPIE request for information (December 2019): <ul style="list-style-type: none"> • Updated Part 1 – Objectives or intended outcomes. • Updated Q2 outlining the best means of achieving the intended outcomes. • Included reference to most current supporting studies available (throughout). • Included reference to preliminary studies relating to flooding and bushfire (Ministerial Directions 4.3 and 4.4). • Included information about availability of sewer services for future development (Section B – Site Specific Merit of the proposal (3), and Attachment Ten). • Removed SEPP36. • Updated various 9.1 Ministerial Directions (1.2; 1.5; 3.1; 3.4; 4.1; 4.3; 5.10 and 6.3) • Updated Part 6 - Project timeline. 2. Additional amendments: |

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| | | | <ul style="list-style-type: none"> Included draft Port Stephens Local Strategic Planning Statement and draft Port Stephens Local Housing Strategy (Q4). |
| 5. | June 2020 – Nov 2021 | RK ML | <p>Updates in response to conditions of Gateway determination (11 May 2020):</p> <ol style="list-style-type: none"> Updated all relevant sections with the findings of the various technical studies undertaken after Gateway. Table 4 – State Environmental Planning Policies: <ul style="list-style-type: none"> Updated relevant policies, including SEPP55 (clause 6). Removed all references to SEPP Rural Lands as this SEPP is now repealed. Table 5 – Ministerial Directions: <ul style="list-style-type: none"> Updated justification for inconsistency with Direction 1.2 Rural Zones, being of minor significance, and approved by the Minister’s delegate. Included Direction 1.3 Mining, Petroleum Production and Extractive Industries. Updated justification for inconsistency with Direction 1.5 Rural Lands, being of minor significance, and approved by the Minister’s delegate. Included and addressed Direction 2.1 Environmental Protection Zones. Included and addressed Direction 2.6 Remediation of Contaminated Sites. Included a copy of the vegetation management plan prepared for the approved caravan park. <p>Additional updates to the planning proposal:</p> <ul style="list-style-type: none"> Removed the intent to seek a future subdivision of Lot 25 DP 852410 into 2 lots (updates made throughout the planning proposal document). Updated Part 5 Community Consultation with results of engagement with public authorities/ agencies. Updated Strategies listed under Q4 that have since been adopted. Updated and introduced new maps. Updated and included new technical studies undertaken after Gateway determination was issued. |
| 6. | Jan 2022 | RK | <p>Updates made after public exhibition and agency consultation during Nov and Dec 2021):</p> |

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| | | | <ol style="list-style-type: none"> 1. Reflect changes to the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 (nsw.gov.au): <ul style="list-style-type: none"> • References to the E2 Environmental Conservation zone were changed to C2 Environmental Conservation zone (renaming only). • Maps were updated to change E2 into C2 zone. 2. Included explanation about the status of the Draft Concept Layout plan being subject to future development approval and not part of this planning proposal; for reference, technical studies, and discussion purpose only. 3. Updated title of figure 9 to better reflect that this 'Vegetation Management Plan' is a concept only and finalisation will be considered at future development application stage. 4. Updated Part 5 Community Consultation with activities undertaken for public exhibition and public authority/agency referrals in accordance with the Gateway determination. 5. Updated Part 6 Project timeline. |
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| ML | Marion Lourens – ADW Johnson PTY LTD / Focus Town Planning |
| RK | Rogé Kempe – Port Stephens Council. |

Note:

The following applies to this planning proposal and all attachments:

| | |
|---|---|
| <p>Renaming of Environmental Zones 'As of 1 December 2021, a reference to an Environment Protection zone E1, E2, E3 or E4 in a document should be taken to be a reference to a Conservation zone C1, C2, C3 or C4. For further information please see Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 (nsw.gov.au)'</p> | |
| Current name | New name |
| Zone E1 – National Parks and Nature Reserves | Zone C1 – National Parks and Nature Reserves |
| Zone E2 – Environmental Conservation | Zone C2 – Environmental Conservation |
| Zone E3 – Environmental Management | Zone C3 – Environmental Management |
| Zone E4 – Environmental Living | Zone C4 – Environmental Living |

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

FILE NUMBERS

Council: 58-2018-25-1

Department: PP_2019_PORTS_006_00

SUMMARY

- Subject land:** The site comprises of the following lots:
- Lot 2 DP 398888 at 70 Latitude Drive, Anna Bay
 - Lot 4 DP 398888 at 70A Latitude Drive, Anna Bay
 - Lot 2 DP 1204319 at 70B Latitude Drive, Anna Bay
 - Lot 1 DP 1225542 at 70C Latitude Drive, Anna Bay
 - Lot 25 DP 852410 at 4473 Nelson Bay Road, Anna Bay
- Proponent:** Ingenia Communities Pty Ltd
C/- Focus Town Planning
PO Box 2017, Wallsend South NSW 2287
- Proposed changes:** Amend the Port Stephens Local Environmental Plan 2013 to permit 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay.
- Amend the Land Zoning Map – from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for lot 25 DP 852410.
- Area of land:** The site has an area of approximately 43ha.
- Lot yield:** Lot 25 DP 852410 would have capacity for approximately 170 sites on which manufactured homes could be installed, and 2 short term sites (subject to future development application).

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.**BACKGROUND**

The planning proposal seeks to amend the Port Stephens Local Environmental Plan (LEP) 2013 to permit a 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay.

In addition, the planning proposal seeks to amend the Land Zoning Map – from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for lot 25 DP 852410.

The planning proposal will regularise the existing use on the part of the site where an approved caravan park is located. The approved caravan park has 270 sites on which manufactured homes are currently located, or are being installed, and it is presently operating as a seniors living lifestyle resort. The current zoning of the site no longer permits this use and the development operates under existing use rights.

The planning proposal seeks to facilitate the expansion of this use to part of an adjoining parcel, Lot 25 DP852410. Subject to development consent and further approvals, an additional 170 manufactured homes and 2 short term sites could potentially be accommodated on Lot 25 DP852410.

Any expansion of the existing caravan park would be subject to future development applications and assessment.

As identified in this planning proposal, the following investigations have been provided (**ATTACHED**):

- Draft Concept Layout Plan (ADW Johnson; Nov 2021)
- Stormwater Strategy (ADW Johnson; June 2021)
- Preliminary Site Investigation (Contamination) and Preliminary Acid Sulfate Soil Assessment (Douglas Partners; July 2021)
- Geotechnical Investigation (Douglas Partners; June 2021)
- Biodiversity Assessment (MJD Environmental; Aug 2021)
- Bushfire Assessment (MJD Environmental; July 2021)
- Aboriginal Cultural Heritage Assessment (McArdle Cultural Heritage; Oct 2021)
- Traffic and Parking Assessment (Intersect Traffic; June 2021).
- Site Survey Plan (ADW Johnson; Sept 2020)

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

SITE

Size and Configuration

The site comprises the following lots:

| Lot | Address | Lot Size |
|------------------|--------------------------------|----------------|
| Lot 2 DP 398888 | 70 Latitude Drive, Anna Bay | approx. 10.3ha |
| Lot 4 DP 398888 | 70A Latitude Drive, Anna Bay | approx. 18.8ha |
| Lot 2 DP 1204319 | 70B Latitude Drive, Anna Bay | approx. 0.5ha |
| Lot 1 DP 1225542 | 70C Latitude Drive, Anna Bay | approx. 0.7ha |
| Lot 25 DP 852410 | 4473 Nelson Bay Road, Anna Bay | approx. 13.2ha |
| | Total site area | Approx. 43ha |

The site is shown as follows with the existing approved caravan park to the west and Nelson Bay Road to the east:



Figure 1. Site Locality Map (land the subject of the planning proposal is shown in Blue outline)

Source: Nearmap (<https://www.nearmap.com.au/>) – accessed 17/11/2021

LOCATION

The site (**Figure 2**) is located on the southern side of Nelson Bay Road in Anna Bay and sits approximately 2.5km west of One Mile and 6.5 km south-west of Nelson Bay. Anna Bay town centre is located approximately 3.2km south of the subject site.

The site is accessed off Latitude Drive which extends along the northern boundary of Lot 25 DP 852410 and through Lot 1 DP 1225542. Latitude Drive intersects with Nelson Bay Road to the west of the subject site.

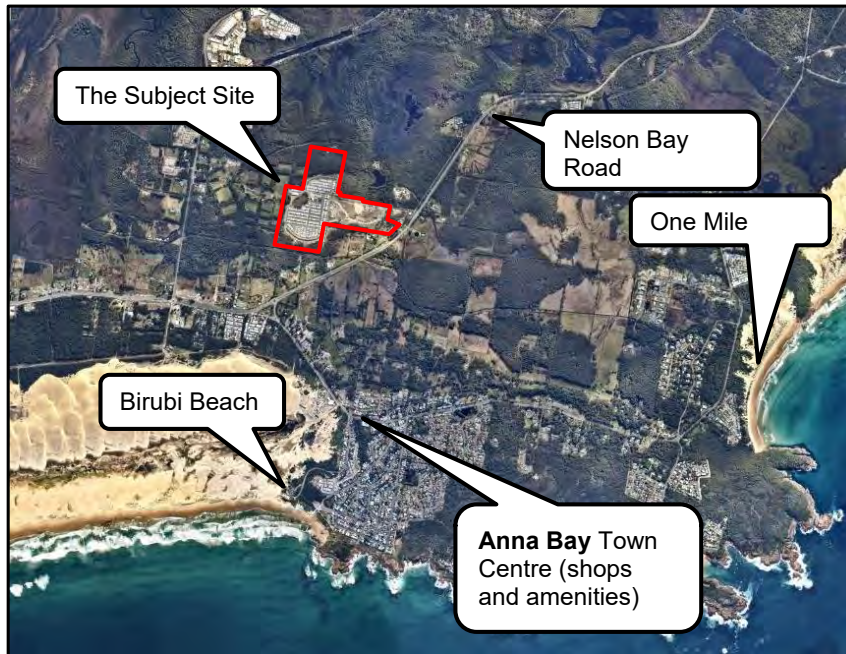


Figure 2. Site locality
 Source: Nearmap (<https://www.nearmap.com.au/>) – accessed 27/08/2021

ADJOINING LAND USES

The existing uses of land in the vicinity of the site include a limited number of single dwellings, dual occupancies, rural land, a trotting track, a golf course with a driving range, and vegetated sites.

Land to the north of the subject site consists of vacant vegetated land zoned C2 Environmental Conservation pursuant to the LEP. All other land to the south, east and west is zoned RU2 Rural Landscape pursuant to the LEP.

Directly adjoining the site to the east and south is land used for rural residential purposes, consisting of dwellings, dual occupancies and associated outbuildings on large lots. To the west of the subject site (at the rear of the rural residential properties) is land which contains cleared and vegetated areas and areas used for rural industry.

HISTORY OF LAND USE

The site was mined for mineral sands in the early 1970s. Sand mining activities generally involved vegetation stripping, the mining of sand by dredging in a moving pond, and processing of the dredged slurry. These activities have resulted in the land being heavily disturbed. The approximate extent of the sandmining activities is identified **Figure 3**.



Figure 3. Approximate extent of sand mined area, with subject Lot 25 DP 852410 in red
 Source: Douglas Partners, 2021

On 13 July 2010, Council approved a development application (DA16-2009-257-1) for a caravan park on the land now known as 70, 70A, 70B and 70C Latitude Drive, Anna Bay. At that time the land was zoned 1(a) Rural Agriculture zone and caravan parks were permissible with consent (under the Port Stephens Local Environmental Plan 2000).

The Local Government Act 1993 (NSW) and Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (NSW) permits the installation of moveable dwellings in approved caravan parks, including manufactured homes, without further Council approval. The consent has been modified over time and the site currently has 270 caravan sites on which manufactured homes are being installed.

LEP 2013 zoned the land RU2 Rural Landscape, which does not permit caravan parks. The development on the site relies on the existing consent to operate and is commonly known as Latitude One Lifestyle Village.

Development consent (DA 16/2017/282) was granted on 07/07/2018 for earthworks within Lot 25 DP 852410. The development involved sand extraction in the north-western corner of the lot to be used for works associated with the construction of the approved caravan park on Lots 2 and 4 DP 398888, Lot 2 DP 1204319, and Lot 1 DP 1225542.

CURRENT USE AND EXISTING IMPROVEMENTS

Approved development on Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 consists of a caravan park with 270 sites, on which manufactured homes have been installed and occupied. Some parts of these lots are not affected by works associated with the approved caravan park and comprise vegetated land.

This development (DA16-2009-257-1) was approved under a historic zoning and currently operates relying on that approval and existing use rights.

Lot 25 DP 852410 is not included in the land subject to the caravan park approval. A single storey dwelling house is located toward the eastern boundary of the lot, adjacent to the site's Nelson Bay Road frontage. The rest of this lot is predominately vacant, comprising areas of grassland and scattered vegetation.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The planning proposal seeks to achieve the following outcomes:

- To regularise the existing approved caravan park use of Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 as a caravan park.
- Enable the expansion of the existing caravan park use to part of the adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road in order to increase housing diversity and provide for population growth within the Port Stephens LGA.
- To set aside land for establishing and restoring a koala habitat corridor over Lot 25 DP852410.
- To provide suitable planning controls that facilitate the proposed development.

The proponent submitted a Draft Concept Layout Plan (subject to future development approval) for the proposed future development on Lot 25 DP852410. **Figure 4** shows the relationship with the existing approved development on the adjacent lots (refer **Attachment Two**).

Note: The Draft Concept Layout Plan is subject to future development approval and not part of this planning proposal; for reference, technical studies, and discussion purpose only.



Figure 4. Draft Concept Layout Plan for lot 25 DP852410 in relation to the approved caravan park development (Lots 2 & 4, Lot 1 and Lot 2).

PART 2 – EXPLANATION OF PROVISIONS

The outcomes of this planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013* (LEP):

- Amend Schedule 1 Additional permitted uses of the LEP by inserting the following additional clause (subject to drafting by NSW Parliamentary Counsel):

Schedule 1 – Additional permitted uses

10 Use of certain land at Anna Bay

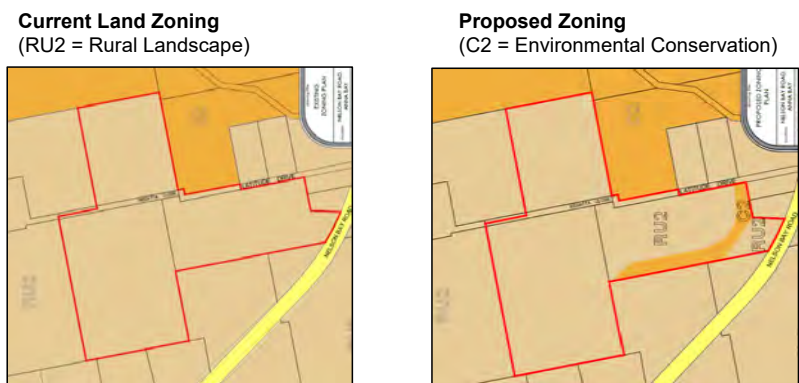
- (1) This clause applies to the following land –
- (a) 70 Latitude Drive, Anna Bay, being Lot 2, DP 398888
 - (b) 70A Latitude Drive, Anna Bay, being Lot 4, DP 398888
 - (c) 70B Latitude Drive, Anna Bay, being Lot 2, DP 1204319
 - (d) 70C Latitude Drive, Anna Bay, being Lot 1, DP 1225542
 - (e) 4473 Nelson Bay Road, Anna Bay, being Lot 25, DP 852410
- (2) The following development is permitted with development consent—
- (a) a caravan park on Lots 2 and 4 DP 398888; Lot 2 DP 1204319; Lot 1 DP 1225542; and Lot 25 DP 852410.

The LEP contains the following definition for this use:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

- Amend the Additional Permitted Uses Map from no Additional Permitted Uses to include Additional Permitted Uses ‘caravan park’ over part of the subject land.
- Amend the Land Zoning Map from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation for lot 25 DP 852410.

Figure 5 indicates the proposed changes to the Land Zoning Map and Additional Permitted Uses Map (also refer to **Attachment 1**).



Proposed Additional Permitted uses



Figure 5. Proposed amendments to Port Stephens LEP mapping

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study or report.

The Hunter Regional Plan (HRP) is applicable to the area, but the subject site is not located in an identified or emerging growth area identified in the HRP. The land is not located in a centre and some external services such as shops for day-to-day needs are a short drive away in nearby Anna Bay, Salamander Bay, and Nelson Bay.

However, the planning proposal is generally consistent with the visions and goals of the HRP. The proposal will make efficient use of the land, as it provides housing choice (including for seniors) with easy access to a range of community facilities and services within a lifestyle village setting.

The planning proposal will enable a range of outcomes of the Hunter Regional Plan 2036 which sets out principles for settlements.

It is well recognised that caravan parks can be an important provider of affordable tourist and/or residential accommodation. The HRP sets regionally focused goals including the establishment of thriving communities and greater housing choice. It identifies that by 2036, 95% of people will live within 30 minutes of a strategic centre that has shops, dining, entertainment and services. Nelson Bay’s identified on the Hunter 2036 Map as a Strategic Centre and is located approximately 8 minutes’ drive from the subject land.

The planning proposal is consistent with the HRP and will contribute to the following strategic Directions and Actions.

HRP - Direction 6: Grow the Economy of Mid Coast and Port Stephens

| Actions | |
|---|---|
| 6.3 Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies. | The proposed increase in residential population in close proximity to Nelson Bay, Anna Bay and other surrounding tourist destinations will provide ongoing patronage to local retail and activity facilities during and outside the peak holiday period, reducing the seasonal effects of tourism on the local economy. |
| 6.5 Plan for and provide infrastructure and facilities that support the ageing population. | The planning proposal would facilitate the expansion of an approved caravan park facility for long term residential occupation that offers affordable accommodation options supported by high quality community facilities. |

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| | Further, the expansion would maximise use of existing community facilities within the existing development and provide the ability to expand on the level of service to be offered at the lifestyle village. For example, additional recreation facilities such as tennis courts, an additional outdoor pool, an additional community garden and a secondary club house could form part of the expanded development footprint, with details to be finalised at the development application stage. |
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HRP - Direction 21: Create a Compact Settlement

| Actions | |
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| <p>Whilst the site is not identified as an emerging growth area, the planning proposal will allow for the further delivery of land for housing quickly and cost-effectively whilst making use of established infrastructure that supports the existing (non-touristic) caravan park development on the site.</p> <p>Consistency with the identified actions is addressed below.</p> | |
| <p>21.1 Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages.</p> | <p>The site is setback from Nelson Bay Road and would be appropriately screened to respect the landscape area of the surrounding locality.</p> |
| <p>21.2 Focus development to create compact settlements in locations with established services and infrastructure, including the Maitland Corridor growth area; Newcastle– Lake Macquarie Western Corridor growth area; the emerging growth area around Cooranbong, Morisset and Wyee; and in existing towns and villages and sites identified in an endorsed regional or local strategy.</p> | <p>Whilst not located in an identified or emerging growth area, or on land endorsed in a regional or local strategy, the planning proposal would provide for the efficient use of land and make use of existing servicing and infrastructure investments associated within the existing approved land use.</p> <p>The exiting development is of a medium density nature with a wide range of community facilities and services. Therefore, and as outlined elsewhere in this report, the planning proposal seeks the expansion of an existing compact development onto an adjacent lot. It aims to utilise, and expand on, already established services and infrastructure.</p> |
| <p>21.3 Identify opportunities for urban redevelopment or renewal in urban locations with access to public transport and services in the Greater Newcastle</p> | <p>Whilst the site is situated outside the Anna Bay town centre, part of the subject land has development consent for a caravan park, on which up to for 270 moveable dwellings can be</p> |

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

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| <p>metropolitan area and where there may no longer be a need for employment land.</p> | <p>installed. An onsite community bus currently provides connectivity for residents to public transport connections. Should an expansion of this use be approved, it is foreseeable that new residents would also utilise this service.</p> <p>The site is not strategically identified as employment land within the Hunter Regional Plan, the Greater Newcastle Metropolitan Plan or any local planning strategies.</p> <p>The expansion of development across the planning proposal area provides opportunity to make efficient use of existing investments in infrastructure provision and community facilities.</p> |
| <p>21.4 Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.</p> | <p>The Live Port Stephens Local Housing Strategy was adopted in July 2020. Of particular relevance is priority 3.3 which provides locational criteria to guide assessment of site suitability for lifestyle villages and communities (including caravan parks with long term moveable dwelling sites). The planning proposal is considered to be consistent with the criteria.</p> <p>More information about how the planning proposal aligns with the objectives and direction of the Live Port Stephens Local Housing Strategy is included in Part 3 under Q4.</p> <p>The proposed development area has been subject to significant modification through historic land uses. The subject land is not affected by hazards and not located on a drinking water catchment. Areas with high environmental values will not be affected.</p> |
| <p>21.5 Promote small-scale renewal in existing urban areas, in consultation with the community and industry to ensure that this occurs in the right locations.</p> | <p>Whilst the site is situated outside the Anna Bay town centre, part of the subject land has development consent for a caravan park on which there are 270 sites for moveable dwellings. This development has been completed and the dwellings are occupied.</p> |

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| | The expansion of the development footprint onto Lot 25 will make efficient use of existing community facilities and infrastructure. Consequently, the expansion of residential development in this location is considered suitable. |
| 21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations. | The proposed expansion of the approved caravan park for non-tourist purposes will provide an affordable housing choice for the Anna Bay locality, and will be supported by high quality community facilities. |
| 21.7 Promote new housing opportunities in urban areas to maximise the use of existing infrastructure. | The expansion of the development footprint will make efficient use of existing community facilities and infrastructure. Consequently, the expansion of residential development in this location is considered suitable. |

Accessibility to Retail Precincts

With respect to accessibility to retail precincts, the site is located within a short distance from the existing retail precincts at Anna Bay, Salamander Bay and Nelson Bay. The Anna Bay retail precinct is located less than a 4-minute drive from the subject land with a range of service offerings that include:

- Supermarket;
- Local Shops including a post office and service station;
- Restaurants and cafes and tavern;
- Medical centre; and
- Public school and child care facility.

In addition to the above, the Tomaree Community Hospital, Dental facilities, Tomaree High School and St Philip’s Christian College are in Nelson Bay, approximately an 8-minute drive from the subject land. The location of the nearby centres is shown in the **Figure 6**.

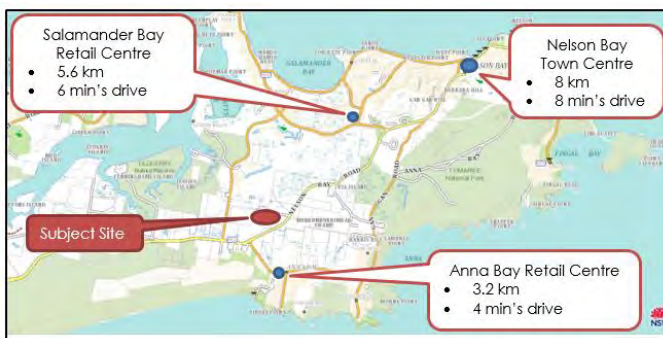


Figure 6. Proximity to nearby centres

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.Community Bus Services

The approved caravan park development (DA 16-2009-257) is conditioned to provide a community bus to transport residents and offers regular trips to surrounding retail centres (including public transport connections) as well as providing tailored day trips for recreational activities and entertainment. This service can be expanded to service the expanded development footprint, subject to development consent.

Access to Employment Centres

Employment centres are located within commuting distance from the site. This includes the major tourist destination of Port Stephens, comprising Nelson Bay and its surrounds. Additional employment nodes include Raymond Terrace (25 minutes); Williamtown (20 minutes); Tomago (30 minutes); and Beresfield (40 minutes). Both Williamtown and Tomago are identified as catalyst areas in the Greater Newcastle Metropolitan Plan within excess of 3000 and 200 new jobs respectively expected to be created over 20 years.

Public Transport

Whilst a designated public bus route does not travel directly past the site, it does service the nearby Anna Bay community. The on-site community bus can transport residents to nearby bus stops and to the Salamander Bay retail precinct which also has good public transport connections.

To support the planning proposal, a series of technical studies have been completed to guide the development of a draft concept layout plan for the site. Key site constraints have been identified and considered as part of this proposal.

The planning proposal is generally consistent with the Hunter Regional Plan 2036, the Live Port Stephens Local housing Strategy 2021, Anna Bay Strategy and Town Plan, Port Stephens Community Strategic Plan 2013-2023 and Port Stephens Ageing Strategy 2016-2019. These are discussed elsewhere in this planning proposal.

Additional information about the planning proposal's consistency with relevant plans and strategies is provided under Q3 and Q4.

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

The purpose of the planning proposal is to regularise the existing approved use on Lots 2 & 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 and to facilitate the future expansion of that use to part of the adjoining Lot 25 DP 852410.

In addition, the planning proposal seeks to set aside land for establishing and restoring a koala habitat corridor over part of Lot 25 DP 852410.

These outcomes are the basis for drafting the legal instrument (the LEP).

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.**Environmental Outcomes**

Best Means: amend the Land Zoning Map of the LEP.

It is proposed amend the Land Zoning Map of the Port Stephens Local Environmental Plan 2013 by rezoning part of Lot 25 from RU2 Rural Landscape to part RU2 and Part C2 Environmental Conservation.

Regularise existing use and facilitate future expansion

Best means: amending Schedule 1 Additional Permitted Uses of the LEP

The planning proposal seeks to amend *Schedule 1 Additional permitted uses* as the mechanism to enable ongoing permissibility of the approved caravan park and to facilitate the expansion of the existing caravan park use to part of Lot 25 DP 852410.

This is the recommended option because it limits the permitted additional use to a 'caravan park' (only) and maintains current minimum lot size restrictions.

This option eliminates the scope for further uses or subdivisions that could undermine the planning for existing centres. It will only permit a single additional type of land use to complement the existing uses on the subject land, immediately adjacent and in the area generally and will not permit further subdivision of the land. This option will support, and is consistent with, the existing and future desired character of the area.

An amendment to Schedule 1 of the LEP is considered the most effective means of achieving the intended outcome, as it:

- provides certainty regarding ongoing land use permissibly and security of tenure for the existing approved caravan park;
- creates opportunity for an expansion of that use to the adjoining lot;
- prohibits unsuitable land uses and subdivision that could otherwise be made permissible through a direct rezoning of the land and changes to the minimum lot sizes, and
- creates consistency across all the land subject to this planning proposal, regarding land use permissibility.

Alternative options considered

Alternative options considered to achieve the intended outcomes of the planning proposal were:

Option A - Continuation of existing use rights for approved caravan park development.

A reliance on existing use rights for the approved caravan park allows the approved land use to continue to be carried out on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410. However, the continuation of existing use rights does not achieve the proposed outcome to extend the caravan park use to the adjoining land of Lot 25 DP 852410.

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This is not a recommended option.

Option B - Rezoning the land to RE2 Private Recreation.

Rezoning all of the subject land to RE2 Public Recreation would make the establishment of a caravan park on the site permissible with consent.

However, it would also permit with consent the full range of potential land uses that can be permitted within the RE2 Private Recreation zone. This would include 'neighbourhood shops', 'kiosks' and 'serviced apartments' (under 'tourist and visitor accommodation').

Such uses may not only increase the risk of undermining other locations zoned, or planned for future RE2 Private Recreation land uses, but also the nearby town centres of Anna Bay and Nelson Bay which are also local and regionally significant tourist destinations.

In addition, retaining the current RU2 Rural Landscape zoning will keep the options open for rural land use should, for any reason, the proposed caravan park use not proceed.

This is not a recommended option.

Option C - Rezoning the land to RE1 Public Recreation.

Rezoning all of the subject land to RE1 Public Recreation would make the establishment of a caravan park on the site permissible with consent.

However, it may be difficult to demonstrate consistency with the stated objectives of the zone, noting that the premises of the proposed future development is in private ownership and would not be made available to the wider public.

In addition, it would also permit, with consent, the full range of potential land uses that can be permitted within the RE2 Private Recreation zone. This may include 'neighbourhood shops', 'kiosks' and 'serviced apartments' (under 'tourist and visitor accommodation').

Such uses may increase the risk of undermining other locations zoned, or planned for, future RE1 Public Recreation land uses, but also the nearby town centres of Anna Bay and Nelson Bay which are also local and regionally significant tourist destinations.

This is not a recommended option.

Option D - Other zonings.

Caravan parks are a prohibited land use in all other zonings in the LEP and consequently, no other zoning is considered suitable to achieve the objectives of the planning proposal.

This is not a recommended option.

Section B – Relationship to strategic planning framework**Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?**Hunter Regional Plan 2036 (HRP)

The Hunter Regional Plan 2036 has a vision for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve this vision, the NSW Government has acknowledged the growing importance of Greater Newcastle (comprising the local government areas of Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens) and set the following regionally focused goals:

- The leading regional economy in Australia;
- A biodiversity-rich natural environment;
- Thriving communities; and
- Greater housing choice and jobs.

The HRP is applicable to the area, but the subject site is not located in an identified or emerging growth area stated in the HRP. The land is not located in a centre and some external services such as shops for day-to-day needs are a short drive away in nearby Anna Bay, Salamander Bay, and Nelson Bay.

The planning proposal is consistent with the vision and goals of the HRP as it will facilitate additional housing choice within a new, well designed community that is accessible to a range of facilities and services. The provision of additional housing will provide broader economic benefits via increased demand for goods and services as well as providing housing for a growing workforce.

The HRP projects that approximately 11,050 additional dwellings will be needed in the Port Stephens LGA by 2036. The proposed development will make a contribution towards meeting this projected demand.

The HRP also identifies a projected increase in the percentage of people aged over 65 years from 19% to 25% by the year 2036. The proposal will assist in meeting this demand through facilitating the provision of additional housing suitable for an ageing population.

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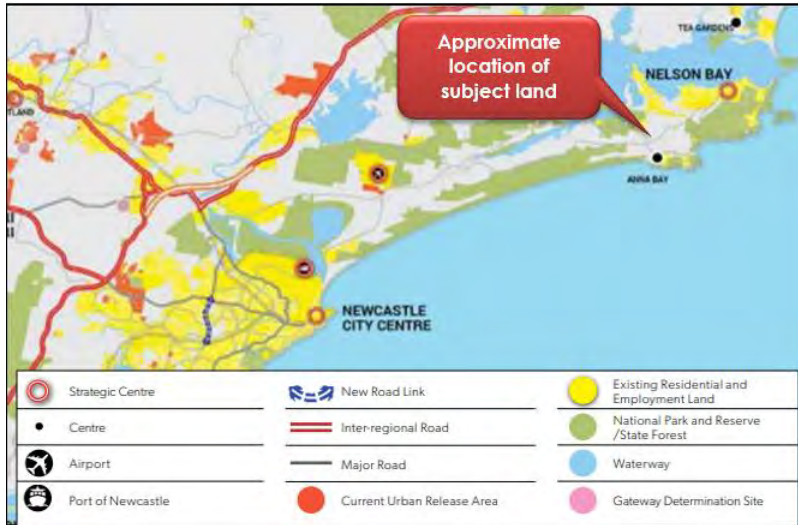


Figure 7. From Hunter Regional Plan–Greater Newcastle Settlement Plan
 Source: <http://planning.nsw.gov.au>

The planning proposal is consistent with the HRP as it will support a number of strategic actions in the HRP, including the following which have been addressed under Q1:

- 21.4 Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.
- 21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and Greenfield locations.
- 22.1 Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.
- 22.2 Encourage housing diversity, including studios and one and two-bedroom dwellings, to match forecast changes in household sizes.

It is considered that the planning proposal is consistent with the Hunter Regional Plan. Greater Newcastle Metropolitan Plan 2036 (GNMP)

The subject land is considered suitable for the proposed future use given that part of the land is already utilised for the intended use. The residual land (Lot 25 DP 852410) that will accommodate an expansion of the caravan park (subject to development consent) is relatively unconstrained and it is considered that constraints relating to biodiversity, acid sulfate soils, and flood prone land can be adequately addressed.

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This site can be distinguished from typical residential developments as it can provide a wide range of community facilities and services for future residents as an expansion to the existing Latitude One development. These include a community bus service, a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas.

The site also offers opportunity to contribute to the targets and directions set by the Greater Newcastle Metropolitan Plan 2036 (GNMP) for new residential development in Port Stephens. The GNMP projects 11,050 new dwellings for Port Stephens by 2036. To support a changing population and dwelling needs, the GNMP sets a 60% target for new dwellings in the existing urban areas (infill) by 2036. The Plan also highlights the need for more variety of housing types and densities, and the provision of access to transport and community services and facilities for local communities.

The Live Port Stephens Local Housing Strategy identifies that without intervention, infill housing is only likely to comprise 25% of the projected supply of new dwellings in the LGA to 2040. The planning proposal could assist in providing medium density infill in a location already serviced by community facilities and infrastructure.

The planning proposal will also respond to the need for increased variety of housing types and densities as identified by the GNMP. More specifically, the subject site provides opportunity for a particular type of medium density infill development which includes access to (bus) transport, and a wide range of community services and facilities. The planning proposal will also facilitate dwelling types that are suitable for seniors and will contribute to the housing choices available in the area.

The subject site is considered suitable for the outcomes the planning proposal will facilitate based on the land being relatively unconstrained, the availability and quality of community facilities and services, and the provision of an existing community bus service which connects the site with nearby town centres.

Strategic and site-specific merit of the planning proposal

As noted in this report, the subject site is not identified in State and local planning strategies for urban development. DPIE provides general guidance for assessing planning proposals that may not be consistent with State or local strategic plans and policies (See the DPIE Guide). The assessment requires consideration of both the strategic merit and site-specific merits of a proposal:

(a) Strategic merit of the Proposal

The DPIE Guide specifies that a planning proposal with strategic merit must not seek to amend planning controls that are less than 5 years old. The planning proposal seeks to amend LEP controls that are more than 5 years old (The LEP was gazetted in 2013).

The DPIE Guide specifies that a planning proposal is considered to have strategic merit if it gives effect to relevant State strategies and local strategies that have been

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endorsed by DPIE, or responds to a change in circumstances that have not been considered by existing strategic plans.

As outlined above, the planning proposal is not consistent with State or local planning strategies, however it is considered to demonstrate strategic merit as it responds to a change in circumstances that has not been recognised by existing strategic plans.

The existing approved development is currently underway and includes a substantial investment in new infrastructure such as roads, services, and community infrastructure. The planning proposal would facilitate efficient use of this investment, including the community facilities and services located within the existing approved development site.

The proposal also implements priorities identified in the Live Port Stephens Local Housing Strategy (see Q4 for more details).

The planning proposal is considered to have strategic merit as it will respond appropriately by ensuring the orderly and economic use and development of land, consistent with the objects of the EP&A Act.

(b) Site-specific merit of the Proposal

The DPIE Guide requires a planning proposal to be assessed having regard to site-specific criteria as follows.

1. *The natural environment*

The land is relatively clear from environmental constraints. Parts of Lot 25 DP 852410 are significantly degraded from previous use (sand mining) and bulk earthworks. The majority of environmental values that remain on site can be protected and kept outside the proposed development footprint.

This planning proposal seeks to rezone part of lot 25 DP 852410 from RU2 Rural Landscape to C2 Environmental Conservation (refer Part 1 and Part 2 of this planning proposal). The planning proposal proposes the establishment of a biodiversity corridor through the adaptation of a Vegetation Management Plan at development application stage. This will provide for additional Koala feed trees and creates and maintains a koala corridor over the site.

The planning proposal provides a balance between housing and conservation outcomes and is unlikely to result in significant adverse impacts on the natural environment.

2. *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.*

The existing uses of land in the vicinity of the site include a limited number of single dwellings, dual occupancies, rural land, a trotting track, a golf course with a driving range, and vegetated sites.

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Land to the north of the subject site consists of vacant vegetated land zoned C2 Environmental Conservation pursuant to the LEP. All other land to the south, east and west is zoned RU2 Rural Landscape pursuant to the LEP.

Directly adjoining the site to the east and south is land used for rural residential purposes, consisting of dwellings, dual occupancies and associated outbuildings on large lots. To the west of the subject site (at the rear of the rural residential properties) is land which contains cleared and vegetated areas and areas used for rural industry.

There are no unacted-on consents for approved uses in the vicinity of the site and the likely future uses of the land in the vicinity are expected to remain as per the current uses given there are no current planning proposals for that land. The surrounding land is also not identified in a State or local strategy for future land use changes.

Proposed vegetation management areas on the southern and eastern boundaries of Lot 25 DP 852410 will create a buffer between that lot and land in the vicinity of the proposal.

The planning proposal is not expected to have a negative effect on land in the vicinity of the proposal.

3. *The services and infrastructure that are or will be available to meet demands from the proposal.*

Existing public utility services, (road) infrastructure, and community facilities and services associated within the existing approved use can be extended to service a proposed expansion of the use onto Lot 25 DP 852410 (subject to development consent).

Community facilities and services

The site can provide a wide range of existing community facilities for future residents which are not available in typical medium residential developments. A community bus service offers regular trips to surrounding retail centres, connects with existing public bus services, and is likely to be able to service an expanded development footprint.

In addition, and unlike typical residential developments, the existing caravan park provides high quality community facilities and services for residents. These include a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas. The planning proposal provides the opportunity for the sustainable use and sharing of these facilities and potentially new facilities within the proposed future development.

Demand for community facilities and services from the proposal can therefore be met efficiently and to a high standard.

Infrastructure and utilities

Hunter Water have provided preliminary servicing advice (19 February 2020) for the proposed development (refer **Attachment Ten**).

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This advice is as follows:

- **Water Supply:** Hunter Water identifies that the proposed development lot does not have an existing water main frontage. The developer will be required to deliver a water main extension from the intersection of Nelson Bay Rd and Gan Gan Rd.
- **Wastewater Transportation:** the capacity at Anna Bay 9 wastewater pump station is currently being upgraded by the developer of the approved caravan park on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542. It is acknowledged that the proposed expansion of the caravan park onto Lot 25 DP 852410 was not included when determining pump sizing and configuration.

A servicing strategy is required to determine the scope of upgrades at this discharge location, or alternate discharge locations, and the effect of any upgrades on the downstream network. The upgrades would likely be an increase to pump capacity, civil/well capacity, emergency storage and the downstream impacts.

Demand for services and infrastructure from the proposal can likely be met.

The planning proposal demonstrates both strategic merit and site specific merit and is considered appropriate for the site.

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

The planning proposal gives effect to a range of local strategies and strategic plans, including:

- Port Stephens Local Strategic Planning Statement (LSPS),
- Live Port Stephens Local Housing Strategy (LHS)
- Anna Bay Strategy and Town Plan
- Port Stephens Ageing Strategy

Port Stephens Local Strategic Planning Statement (LSPS)

The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic, and environmental planning priorities for the future.

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

Priority 4 Ensure suitable land supply (for housing)

This priority identifies the need to prepare and implement a local housing strategy to ensure suitable land supply and other planning priorities for housing identified in the LSPS. Port Stephens is a housing market that is supply driven and without an

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adequate supply of land in the right locations, housing affordability is likely to be negatively impacted.

The planning proposal responds to this Priority as it provides additional housing on the right location.

Priority 5 Increase diversity of housing choice

This priority identifies that, based on what people value, planning is required for a range of housing types and sizes to suit different lifestyles.

Housing choices in the Port Stephens LGA cover a wide range of options, including homes in retirement villages and lifestyle communities. Some models of home ownership can offer independent living in close knit communities for seniors.

The planning proposal is consistent with the LSPS as it will respond to the need for suitable land supply for housing and increase housing choice that suits the needs and lifestyle of current and future residents.

Live Port Stephens Local Housing Strategy (LHS)

The LHS is the overarching strategy to guide land use planning decisions for new housing in Port Stephens. It comprises four outcomes and 12 priorities. The outcomes will meet the directions set for Hunter councils in State planning strategies and the priorities identify the broad issues or policy areas that Port Stephens Council will focus on.

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

Priority 1.1 Ensure adequate supply of new housing

The planning proposal creates opportunity to contribute to additional housing.

Priority 3.2 Encourage a range of housing types and sizes

The planning proposal creates opportunity for future development of a housing type and setting which is attractive to households seeking to downsize.

Priority 3.3 Enable better planning for diverse lifestyles.

The planning proposal meets the site suitability criteria for future lifestyle village development.

Priority 4.2 Communities are connected.

The planning proposal provides future opportunity for facilities and services within walking distance of housing.

Priority 4.3 Grow connections between people.

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The planning proposal creates opportunity for future development where people can connect, participate and socialise.

Of particular relevance is Priority 3.3 which identifies lifestyle villages, where residents share communal recreation and other facilities, as a popular type of housing development to occur in Port Stephens. These villages can offer residents convenient, attractive and potentially more affordable housing options. The first stage of the Latitude One development showcases this with a wide range of facilities available.

The LHS states that locational criteria can guide assessments of site suitability, for example villages and communities located close to centres can satisfy walkability standards for liveable communities:

- 5 minute walk (400m) of a town or neighbourhood centre zoned B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core or B4 Mixed Use; or
- 5 minute walk (400m) of bus stops with frequent services to local centres; or
- 10 minute walk (800m) of local centres.

If this criteria cannot be met, lifestyle villages and communities may be located where the village or community will have:

- Reticulated water and sewer;
- Indoor and outdoor recreation facilities adequate for the number of proposed residents such as bowling greens, tennis courts, golf course, swimming pool, or off leash dog park;
- Community facilities that promote gathering and social connections such as a restaurant, community hall, or community garden; and
- Access to bus services providing frequent trips to local centres and shops.

The planning proposal gives effect to the LHS as it meets the locational criteria of the LHS and provides additional housing supply in a suitable location with access to various town centres and adequate on site facilities.

Anna Bay Strategy and Town Plan

The Anna Bay Strategy and Town Plan guides the management of future population growth and the building of neighbourhoods in Anna Bay. It establishes a context and policy direction for future rezoning requests and development controls in the Anna Bay area. It also integrates the location, timing and funding for community facilities and infrastructure.

The strategy sets out a town plan, which is a strategic response to the constraints and opportunities in Anna Bay and the policy and legal framework. The vision set out in the strategy for Anna Bay is a small and vibrant town offering a mix of dwelling types and business opportunities and a quality natural environment. It will have a pleasant main street with a mix of retail and office space for local and visitor patronage and shop top housing or tourist accommodation.

The subject site is not located within the Anna Bay Town Centre and therefore many of the key strategic directions outlined in the strategy are not directly relevant to the site

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or proposed development. Notwithstanding, the proposed development will contribute to the vision established for Anna Bay by providing additional residents within the proximity of the Anna Bay Town Centre, resulting in opportunities for additional patronage to the expanding commercial uses within the town centre.

Port Stephens Ageing Strategy 2016-2019

The Port Stephens Ageing Strategy outlines actions that achieve positive and practical outcomes for the ageing population in Port Stephens and informs actions in Council’s Delivery Program. Council’s policy direction for ageing communities is consistent with all levels of government, and that are discussed in planning and legislative documents that form the framework for responses to ageing populations. The strategy provides direction for a whole of Council approach to deliver key priorities that support positive ageing outcomes for the Port Stephens community.

The objectives of the strategy are:

- Recognise that ageing populations are a valued demographic of the LGA and maximise the strengths and opportunities they can bring to our community;
- Prioritise actions for Council to meet the needs of the ageing population in a way that demonstrates consistency with the Port Stephens Community Strategic Plan, and Council’s Delivery Program and Operational Plan;
- Promote integration between Council’s Ageing Strategy deliverables and State and Federal outcomes to effectively address the needs of ageing populations in the Port Stephens LGA; and
- Guide a proactive Council-wide approach to improve the liveability for the Port Stephens ageing population.

The strategy sets out five (5) themes to address the issues that that impact on aging populations, specific to the Port Stephens LGA. The table below summaries the five (5) key themes and provides comments on how the relevant themes are addressed by the proposed development:

Table 2 Consistency with the key themes of the Port Stephens Ageing Strategy 2016-2019

| Key priorities | Commentary: |
|---|---|
| <p><i>Housing, neighbourhood, and land use planning</i></p> <p>Ageing populations will have a major impact on future urban design and housing demand due to a shift in preferred housing choice, such as type, design and location. As people age tenure security and housing that is adaptable, smaller, safer, and more secure and that is close to services, transport and family will become increasingly important.</p> | <p>As mentioned elsewhere, the approved development provides a range of community and recreational facilities that would not otherwise be available in standard residential properties, encouraging a sense of community and security to resident. The development enables residents to socialise and participate in community live. An on-site bus services provides opportunities for</p> |

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| Key priorities | Commentary: |
|---|---|
| | social/recreational trips to off-site locations. |
| <p><i>Transport and Accessibility</i></p> <p>Improvements to connectivity between homes, and quality services and facilities can provide a broader and cost effective benefit to other cross-sections of the community.</p> <p>The goal of this action is to create a connected network of public transport, pedestrian and cycle ways that provide access to desirable locations and increase social connectivity and opportunities.</p> | <p>Many of the recreational and social needs of residents are catered for on-site and eliminate the need to travel for this purpose. Notwithstanding, Anna Bay town centre is a short drive from the site and provides additional recreational, commercial and community services which can be accessed by using the on-site community bus.</p> |
| <p><i>Health and community services</i></p> <p>The goal of this action is to establish effective partnerships with health care providers, mobile health services and, community and recreational activities; and where a need exists, identify and advocate for new ones.</p> | <p>As previously discussed, the approved development on the site involves facilities and services for residents to engage in community and recreational activities on site to cater for the needs of current and future residents, including the proposed expansion on the neighbouring lot.</p> |
| <p><i>Inclusion and participation</i></p> <p>The goals of this action are to support continued and increased opportunities for engaging ageing populations in desired social activities, including participation in decision-making processes within existing Council plans and services and support continued and increased opportunities for engaging ageing populations in desired social activities, including facilities and infrastructure that meets the needs of older people.</p> | <p>As previously discussed, facilities, services, and infrastructure to meet the needs of (older) residents are provided on-site and can be extended to the neighbouring lot. Facilities and services not provided on site can be accessed through the on-site community bus service.</p> |

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

In considering the proposed use of the site following rezoning, a review of relevant State Environmental Planning Policies (SEPP's) has been undertaken.

Table 3 Relevant State Environmental Planning Policies

| SEPP | Relevance | Consistency and Implications |
|---|---|---|
| SEPP No 21 – Caravan Parks | <p>SEPP 21 applies to caravan parks or camping grounds, this includes moveable dwellings (such as manufactured homes) where they are located in a caravan park.</p> <p>SEPP 21 provides matters for consideration when development consent is granted for a caravan park, including a caravan park that includes manufactured homes. These matters include site suitability, location and character, and whether necessary community facilities and services are available.</p> | <p>This planning proposal seeks to amend the LEP to regularise the existing approved use and allow for the use to be extended to adjoining land. The approved use consists of a caravan park on which moveable dwellings are installed or being installed.</p> <p>The proposal is considered to be consistent with the objectives of SEPP 21 and any future development applications on the subject site will need to consider the requirements of SEPP 21.</p> <p>The planning proposal is considered to be consistent with the aims and objectives of the SEPP relating to the provision of community facilities, the protection of the environment in the vicinity of the land, and the orderly and economic development of the land used for long term residents.</p> |
| SEPP No 36 – Manufactured Home Estates | SEPP 36 does not apply to Port Stephens as it is excluded by clause 7 of Schedule 2 to the SEPP. | N/A |
| SEPP Koala Habitat Protection 2020 | <p>This SEPP applies to land within the Port Stephens LGA that is greater than 1 hectare and is located within one of the following zones:</p> <p>(i) Zone RU1 Primary Production, (ii) Zone RU2 Rural Landscape,</p> | <p>The subject site contains preferred koala habitat and its associated buffer.</p> <p>The Port Stephens Council Comprehensive Koala Plan of Management (CKPOM) was developed throughout the 1990's, endorsed by Council in 2001, and</p> |

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| SEPP | Relevance | Consistency and Implications |
|------|--|--|
| | <p>(iii) Zone RU3 Forestry.</p> <p>With respect to land to which an approved koala plan of management applies, council's determination of a future development application must be consistent with the approved Koala Plan of Management that applies to the land.</p> <p>The SEPP encourages the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p>The Biodiversity Assessment prepared by MJD Environmental (refer Attachment Six) identifies that the proposed development footprint is not located within Preferred Koala Habitat or Habitat Buffers as mapped by Council.</p> <p>Preferred Koala Habitat and Habitat Buffers do exist within the subject site; however, they are minor and mapped along the southern and eastern land area containing vegetation.</p> <p>These particular areas are to be retained and improved under this proposal as outlined under the "Consistency and Implications" column to the right.</p> <p>Proposed development (subject to a future Development Application) will predominantly lie within "Link over Cleared" area that constitutes as disturbed</p> | <p>approved by the Department of Planning in 2002. This plan of management meets the requirements of clause 9. Any future development on the site will be required to give consideration to the CKPOM.</p> <p>The Biodiversity Assessment for this planning proposal was prepared by MJD Environmental (Refer Attachment Six) and includes an assessment against the provisions of Appendix 4 of the Port Stephens Council CKPoM. A Koala Assessment Report has been produced and appended to the biodiversity assessment.</p> <p>Findings include that the subject site lies within a heavily disturbed area with little-to-no native vegetation.</p> <p>Under this planning proposal, the proposed future development (subject to a future DA) will not remove any native Koala Habitat Trees as shown on the Draft Concept Layout Plan provided (refer Attachment Two).</p> <p>The planning proposal seeks to improve Koala habitat by:</p> <p>(1) rezoning of part of the site to C2 Environmental Conservation to incorporate the koala corridor.</p> <p>(2) establishment of a koala corridor by undertaking weed and exotic tree species management and planting of Koala feed trees, namely E. robusta and M. quinquenervia.</p> |

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| SEPP | Relevance | Consistency and Implications |
|------|--------------------------------------|---|
| | landscape with no native vegetation. | <p>(3) delivery of the rehabilitation and corridor augmentation under the terms of a future Vegetation Management Plan and/or Stewardship Agreement as appropriate.</p> <p>Based on the above, the planning proposal is considered to be consistent with the aims and objectives of the SEPP.</p> |

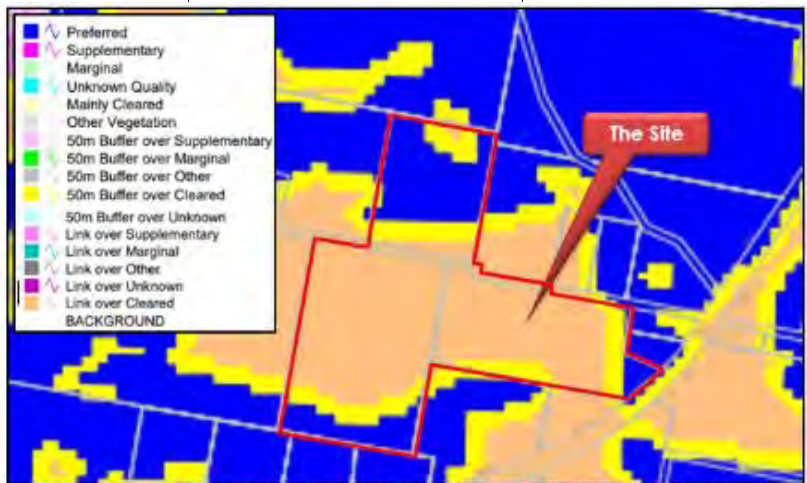


Figure 9. Extract from the Port Stephens Koala Habitat Planning Map

| | CKPOM performance criteria. | |
|--|--|--|
| | a) not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers | The planning proposal will result in a portion of RU2 Rural Landscape within Lot 25 DP852410 to be set aside for conservation purposes as a biodiversity corridor and proposed to be rezoned to C2 Environmental Conservation. |
| | b) allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas | The proposed biodiversity corridor is situated within "Link Over Cleared", "Buffer over Cleared" and a small portion of "Preferred" Koala |


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| SEPP | Relevance | Consistency and Implications |
|---|---|---|
| | | <p>Habitat. The rezoning will not lead to any impacts within the biodiversity corridor, rather rehabilitate and augment into a usable corridor for native fauna to move safely through the surrounding area. This corridor is proposed to be rezoned to C2 Environmental Conservation.</p> |
| | <p>c) minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site</p> | <p>The planning proposal will not remove any preferred koala food trees. The only vegetation to be removed within the land to be set aside as a biodiversity corridor includes exotic species in the form of Pinus elliotii (Slash Pine) as well as Lantana camara (Lantana).</p> <p>The proposal seeks to retain a large portion of vegetation to the south and east of the site which is to be managed and rehabilitated to act as a Koala Corridor. A new Vegetation Management Plan is to be prepared at future DA stage.</p> |
| | <p>d) not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</p> | <p>The planning proposal will not sever any koala movements across the site.</p> <p>The planning proposal will create and strengthen a usable habitat corridor for koalas and allow safe movement around the proposed development (refer Attachment Six).</p> |
| <p>SEPP 55 – Remediation of Land</p> | <p>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p> | <p>Clause 6 of SEPP 55 requires that consideration be given to whether the land is contaminated as part of a rezoning proposal.</p> <p>A Preliminary Site Investigation (Contamination) and Acid</p> |

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| SEPP | Relevance | Consistency and Implications |
|--|--|---|
| | | <p>Sulfate Soils Assessment was undertaken for the site (refer Attachment Four).</p> <p>The assessment determined that the site can be made suitable for the proposed residential redevelopment subject to further targeted investigation and appropriate management/remediation (where required) at the development application stage.</p> <p>This matter is addressed in further detail in Section Q6 (Ministerial Direction 2.6) of this report.</p> <p>Based on the above, the planning proposal is considered to be consistent with the aims and objectives of the SEPP.</p> |
| <p>SEPP (Coastal Management) 2018</p> | <p>Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the <i>Coastal Management Act 2016</i>.</p> <p>The Proposal relates to land identified within the Coastal Zone Combined Footprint.</p> | <p>The site contains areas mapped under State Environmental Planning Policy (Coastal Management) 2018 as being within a coastal use area and coastal environment area. An area of land identified as a coastal wetland with an associated buffer is located to the north-east, but is well separated from the subject site.</p> <p>A Draft Concept Layout Plan (refer Attachment Two) is designed to enable compliance with the provisions of clauses 13 and 14 of the SEPP. Consequently, it is considered that any future development application for the proposed use can demonstrate compliance with these provisions.</p> |

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| SEPP | Relevance | Consistency and Implications |
|--|-----------|--|
| | | Based on the above, the planning proposal is considered to be consistent with the aims and objectives of the SEPP. |
|  | | |

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Q6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 5 – Relevant Ministerial Directions

| Ministerial Direction | Aim of Direction | Consistency and Implications |
|------------------------------------|--|---|
| 1. EMPLOYMENT AND RESOURCES | | |
| 1.2 Rural Zones | The objective of this direction is to protect the agricultural production value of rural land. | <p>This planning proposal report gives due consideration to the objectives of this direction.</p> <p>The proposal does not rezone rural land but increases residential density in a rural zone.</p> <p>Lots 2 and 4 DP 398888; Lot 2 DP1204319; Lot 1 DP1225542 have no agricultural production value as the land is currently developed as a caravan park. A buffer (30 metre wildlife corridor) has been applied to the western site boundary and separates the development from the agricultural land practices on adjacent land.</p> <p>Lot 2 and 4 both have vegetation buffers of 50 meters between the caravan park development and existing vegetation within their northern and southern lot areas respectively.</p> <p>Adjacent land immediately north and south of lots 2 and 4 is vegetated and is not utilised as productive agricultural land.</p> <p>Lot 25 DP 852410 is considered to have little to no value as productive rural land. The site has historically been subject to sand mining activities and more recently, bulk earthworks activities that have impacted on a large portion of the site.</p> <p>Adjacent lots comprise vegetated land and land used for rural residential purposes (dwellings, dual occupancies, and associated outbuildings on smaller lots) that are not considered to be suitable for commercial or intensive agricultural production.</p> <p>The inconsistency with this direction is considered of minor significance because the existing approved caravan park is required to</p> |

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| | | <p>maintain a 30m buffer from the western boundary and the proposed expansion of lot 25 only has limited agricultural potential.</p> <p>The Minister's delegate approved this inconsistency as a matter of minor significance as part of the Gateway determination (issued 11 May 2020).</p> |
| 1.3 Mining, Petroleum Production and Extractive Industries | <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> | <p>The planning proposal gives due consideration to the objectives of this direction.</p> <p>The site has not been identified as containing any substantial resources coal, other minerals, petroleum or extractive materials which are of State or regional significance. The subject site has previously been subject to sand mining activities and has not been identified as containing remaining reserve of commercial value.</p> <p>Accordingly, the provisions of this Direction are considered to be satisfied.</p> |
| 1.5 Rural Lands | <p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</p> <p>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</p> <p>(d) minimise the potential for land fragmentation and</p> | <p>This direction applies as the planning proposal will affect land within an existing rural zone.</p> <p>The planning proposal gives due consideration to the objectives of this direction and the natural and physical constraints of the land.</p> <p>The site has minimal agricultural value and does not result in the fragmentation of rural zoned lands. Further, the environmental values of the both the site and adjoining lands will be protected and enhanced through the implementation of a Vegetation Management Plan that will formalise a habitat corridor through the site.</p> <p>Compliance with Section 4 of this Direction is further demonstrated below. Accordingly, the provision of this Direction are considered to be satisfied.</p> <p>The Minister's delegate approved any inconsistency with this Direction as a matter of minor significance as part of the Gateway determination (issued 11 May 2020).</p> |

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| | <p>land use conflict in rural areas, particularly between residential and other rural land uses,</p> <p>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land</p> <p>(f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy</p> | |
| <p>Clause (4) A planning proposal to which clauses 3(a) or 3(b) apply must:</p> | | |
| | <p>4(a) Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement.</p> | <p>The planning proposal is not the result of a strategic study or report. However, the planning proposal will enable a range of outcomes of the Hunter Regional Plan 2036 which sets out principles for settlements and the Live Port Stephens Local Housing Strategy as outlined in Part 3 of this report.</p> <p>Part 3 of this report further outlines the strategic merits of this planning proposal in accordance with the DPIE Guide.</p> |
| | <p>4(b) Consider the significance of agriculture and primary production to the State and rural communities.</p> | <p>The site is presently not utilised nor considered suitable for rural purposes.</p> <p>Lots 2 and 4 DP 398888; Lot 2 DP1204319; Lot 1 DP1225542 have no agricultural production value as the land is currently being developed as a caravan park. A buffer (30 meter wildlife corridor) has been applied to the western site boundary and separates the development the agricultural land practices on adjacent land.</p> <p>Lot 2 and 4 both have vegetation buffers of 50 metres between the caravan park development and the existing vegetation within their northern and southern lot areas respectively.</p> |

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| | | <p>Adjacent land immediately north and south of lots 2 and 4 is vegetated and is not utilised as productive agricultural land.</p> <p>Lot 25 DP 852410 is considered to have little to no value as productive rural land. The site has historically been subject to sand mining activities and more recently, bulk earthworks activities that have impacted on a large portion of the site.</p> <p>Adjacent lots comprise vegetated land and land used for rural residential purposes (dwellings, dual occupancies, and associated outbuildings on smaller lots) that are not considered to be suitable for commercial or intensive agricultural production.</p> |
| | <p>4(c) Identify and protect environmental values, including, but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources.</p> | <p>The site contains preferred koala habitat and its associated buffer (refer SEPP 44 Koala Habitat Protection in this proposal).</p> <p>The proposed development will not remove any native Koala Habitat Trees under this proposal. The subject site lies within a heavily disturbed area that constitutes of little-to-no native vegetation. The proposal seeks to improve Koala habitat via undertaking weed and exotic tree species management and planting of Koala feed trees, namely E. robusta and M. quinquenervia.</p> <p>The rehabilitation and corridor augmentation is to be delivered under the terms of a future Vegetation Management Plan to be prepared at DA stage (refer Attachment Six). This corridor will be rezoned C2 Environmental Conservation.</p> <p>Council environmental planners have considered all ecological aspects of the planning proposal and do not identify matters that can be considered an impediment for future development.</p> <p>With regard to cultural heritage, an Aboriginal Cultural Heritage Assessment of Lot 25 was carried out by McArdle Cultural Heritage Pty Ltd in August 2021 (refer Attachment Eight). The assessment included consultation with Registered Aboriginal Parties.</p> <p>The site is highly disturbed and has been assessed as being of low scientific significance and high cultural significance</p> |

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| | | <p>The results of the survey have identified a number of highly disturbed artefact scatters, shell middens and isolated finds, all located within the previously excavated portion of the project area and consequently, an AHIP will be required prior to works that will enable a community collection prior to works at that location.</p> <p>This matter is also discussed further under Q8 of this report.</p> |
| | 4(d) Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability, and ground and soil conditions. | There are no natural or physical constraints of the land that would prevent the planning proposal from progressing. |
| | 4(e) Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities. | The site is presently not utilised nor considered suitable for rural purposes, noting the extent of disturbance across the site. |
| | 4(f) Support farmers in exercising their right to farm. | The site is presently not utilised nor considered suitable for rural purposes. |
| | 4(g) Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses. | <p>The site is presently not utilised nor considered suitable for rural purposes.</p> <p>The site is considered to have limited agricultural production value taking into consideration historic land practices (sand mining and bulk earthworks) and its relationship to adjacent land holdings.</p> |
| | 4(h) Consider State significant agricultural land identified in <i>State Environmental Planning Policy (Primary</i> | <p>The site is presently not utilised nor considered suitable for rural purposes.</p> <p>The site is considered to have limited agricultural production value taking into consideration historic land practices (sand mining and bulk earthworks).</p> |

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| | <i>Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land.</i> | |
| | 4(i) consider the social, economic and environmental interests of the community. | The proposal provides opportunity to increase housing diversity within the Port Stephens LGA and to provide greater housing choice |
| | Clause (5) a planning proposal to which clause 3(b) applies must demonstrate that it: | |
| | 5(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses | <p>The site is presently not utilised nor considered suitable for rural purposes.</p> <p>The planning proposal does not lead to fragmentation of rural land.</p> <p>The proposed vegetation/habitat corridors and future C2 Environmental Conservation zoned land will provide a buffer between the future development of the subject land (subject to development application) and any existing rural land uses on neighbouring lots.</p> |
| | 5(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains | The site is presently not utilised nor considered suitable for rural purposes. |
| | 5(c) where it is for rural residential purposes: 1. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres | N/A |

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| | 2. is necessary taking account of existing and future demand and supply of rural residential land. | |
| 2. ENVIRONMENT AND HERITAGE | | |
| 2.1 Environmental Protection Zones | <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>Under the provisions of clause 4, a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> | <p>The planning proposal seeks to improve Koala habitat by future weed and exotic tree species management and planting of Koala feed trees. The rehabilitation and corridor augmentation is to be delivered under the terms of a future Vegetation Management Plan.</p> <p>The planning proposal seeks to rezone this corridor from RU2 Rural Landscape to C2 Environmental Conservation.</p> <p>The planning proposal is considered to be consistent with this direction.</p> |
| 2.2 Coastal Management | <p>The objective of this direction is to protect and manage coastal areas of NSW.</p> | <p>The land is not located within mapped coastal vulnerability areas, coastal wetlands, or littoral rainforests identified by SEPP (Coastal Management) 2018, nor is it affected by a current or future hazard mapped in the LEP or Development Control Plan (DCP).</p> <p>There are no amendments arising from this planning proposal relating to mapping associated with SEPP (Coastal Management) 2018.</p> <p>Appropriate consideration has been given to the provisions of the <i>Coastal Management Act, 2016</i> and associated guidelines and documents.</p> <p>The planning proposal is considered to be consistent with this direction.</p> |
| 2.3 Heritage Conservation | <p>Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects and places of environmental</p> | <p>The subject site is not identified in the State Heritage Inventory as containing any items of archaeological or general heritage significance, nor is it located within a heritage conservation area.</p> <p>An Aboriginal Cultural Heritage Assessment of Lot 25 was carried out by McArdle Cultural Heritage Pty Ltd in August 2021 (refer</p> |

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| | heritage significance and indigenous heritage significance. | <p>Attachment Eight). The assessment included consultation with Registered Aboriginal Parties.</p> <p>The site is highly disturbed and has been assessed as being of low scientific significance and high cultural significance.</p> <p>The results of the survey have identified a number of highly disturbed artefact scatters, shell middens and isolated finds, all located within the previously excavated portion of the project area and consequently, an AHIP will be required prior to works that will enable a community collection prior to works at that location. The report concludes that the cumulative impact to Aboriginal heritage in the area is limited.</p> <p>Impacts associated with Aboriginal Cultural Heritage are considered to be adequately addressed as part of the planning proposal and the planning proposal is considered to be consistent with this direction.</p> |
| 2.6 Remediation of Contaminated Land | The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This Direction requires the planning proposal authority to be satisfied that the site is suitable for development taking into consideration any contamination or remediation works. | <p>A Preliminary Site Investigation and Acid Sulfate Soils Assessment over Lot 25 has been prepared by Douglas Partners and determined that contaminated land is not considered to be a major constraint for the proposed planning proposal and subsequent development application.</p> <p>It is considered that the site can be made suitable for the proposed residential redevelopment subject to further minor investigation and appropriate management / remediation (where required).</p> <p>The additional investigation can be carried out prior to the determination of the future development application and any remediation carried out prior to the completion of works and occupation of the future development. Accordingly, the provisions of this Direction are considered to be satisfied.</p> |
| 3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT | | |
| 3.1 Residential Zones | The objective of this direction is to encourage a variety and choice of housing types to provide for existing | The planning proposal will increase housing choice and variety in the Anna Bay locality and the Port Stephens LGA by providing opportunity for housing supported by quality community facilities. |

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| | <p>and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> | <p>Further, the proposal makes efficient use of existing and future infrastructure to service the proposed development.</p> <p>The compact form of development proposed will reduce the consumption of land for housing and associated urban development on the urban fringe and will be of good design.</p> <p>Overall, the future establishment of a caravan park on the site is considered to be of minor strategic significance and is supportable noting the specific merits of the site, as discussed in accordance with the DPIE Guide, under Part 3 - Strategic and site-specific merit, of this planning proposal.</p> <p>The planning proposal is consistent with this direction.</p> |
| <p>3.2 Caravan Parks and Manufactured Home Estates.</p> | <p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p> <p>What a relevant planning authority must do if this direction applies:</p> <p>(4) 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</p> | <p>The planning proposal reinforces the permissibility of the existing caravan park and provides for its expansion over Lot 25 DP 852410. This will provide opportunity for new housing in a suitable location, subject to a future development application.</p> <p>As the site is zoned RU2 Rural Landscape pursuant to the Port Stephens LEP (LEP), any development on the site is currently excluded from SEPP 36.</p> <p>Depending on the potential amendments to the LEP, SEPP 36 may apply to future development applications on the site.</p> <p>Clause 9 of the SEPP identifies matters that are to be considered by councils. Further, Ministerial Direction 3.2 requires that a planning authority take into account the principles listed in clause 9 of SEPP 36.</p> <p>The Planning proposal is consistent with the principles in SEPP 36, including principles related to heritage and ecology, provision of infrastructure and services, adequate access to transport services, sufficient community facilities and services.</p> <p>These matters have been addressed in detail elsewhere in this report.</p> <p>It is considered that the ability to develop the subject land for this purpose is justified based on the specific merits of the site, namely, the</p> |

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| | <p>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> | <p>fact that part of the subject land has existing use rights as a caravan park and current approval over that land permits 270 long term moveable dwelling sites which is a comparable and compatible development to a manufactured home estate.</p> <p>Further, the ability to expand this form of development provides opportunity for the sharing of community facilities and make use of existing infrastructure investment.</p> <p>The planning proposal is consistent with this direction.</p> |
| <p>3.4 Integrating Land Use and Transport</p> | <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</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> <p>(b) The Right Place for Business and Services –</p> | <p>The planning proposal seeks to support the existing and future development of a medium density nature with a wide range of community facilities and services provided on site.</p> <p>The community facilities include a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas. These are all within walking distance of the current and any future development.</p> <p>A network of pedestrian paths and internal roadways within the current and future proposed development will encourage pedestrian movements and reduce reliance on cars.</p> <p>Therefore, it is expected that the planning proposal will reduce travel demand including the number of trips generated by development and the distances travelled, especially by car.</p> <p>The existing development is also serviced by a community bus. This service can be expanded to service the additional development upon lot 25 DP 852410 that would be facilitated by the planning proposal. The privately run service provides connectivity to town centres and public</p> |

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| | <p>Planning Policy (DUAP 2001).</p> | <p>transport connections, thus reducing dependence on cars.</p> <p>The site is accessed from Latitude Drive which extends along the northern boundary of Lot 25 DP 852410 and through Lot 1 DP 1225542. Latitude Drive intersects with Nelson Bay Road to the west of the subject site.</p> <p>The intersection of Latitude Drive and Nelson Bay Road was upgraded to cater for the traffic demand resulting from the approved development on the site.</p> <p>A Traffic and Parking Assessment was undertaken for this planning proposal (refer Attachment Nine) which indicates there is sufficient spare capacity on impacted roads to cater for any increase in traffic movements that would result from the planning proposal.</p> <p>Consideration has been given to the following documents:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (2001), and • The Right Place for Business and Services – Planning Policy (2001). <p>Whilst there is some inconsistency with this Direction, there are also characteristics of the planning proposal that make it justifiable:</p> <ul style="list-style-type: none"> • Although, the subject land is not located in a centre or in walking distance from a major public transport mode like a railway station or high frequency bus route, it is only 3.2km from the Anna Bay Town Centre. • A wide range of community facilities and services, normally found in centres, are provided within the existing and proposed future development. • These facilities and services are accessible through a network of existing and proposed pedestrian paths and internal road connections which reduces reliance on the car. • The provision of a community bus to access surrounding centres and transport nodes encourages a shift in travel away from the private car. |
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| | | It is considered that any variation from this direction is minor and can be supported. |
| 4. HAZARD AND RISK | | |
| 4.1 Acid Sulfate Soils | The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils. | <p>A Preliminary Site Investigation (PSI) for contamination at Lots 2 and 4 DP398888 has been undertaken as part of the approval for the existing development currently under construction on the site.</p> <p>The PSI was conducted in conjunction with an Acid Sulfate Soils (ASS) investigation which confirmed the absence in ASS across the bulk of the site, apart from in-situ natural clay materials and dredged sandy clay materials from the dam. An acid sulfate soil management plan (ASSMP) was included in the report to outline procedures for the management of the identified ASS.</p> <p>Based on the findings of the assessment, consultants concluded that the site would be suitable for the proposed development subject to appropriate management of ASS and remediation and validation of localised imported fill materials where required. Development has now occurred over Lots 2 and 4 DP398888 with ASS appropriately managed.</p> <p>With regard to Lot 25 DP 852410, a Preliminary Site Investigation (Contamination) and Preliminary Acid Sulfate Soil Assessment was prepared by Douglas Partners (refer Attachment Four).</p> <p>The presence of ASS was identified for areas of the site which have not been subject to sand mining. Disturbance of soil in these areas (north-eastern and south-eastern corner of Lot 25), will require management with reference to a site-specific acid sulfate soil management plan (ASSMP), to be provided prior to the determination of any future development application of the land. The planning proposal is considered to be consistent with this direction.</p> |
| 4.3 Flooding | The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW | Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 have been developed as a long-term caravan park, approved under DA 16/2009/275. These allotments are identified in the LEP as being located within a flood planning area and filling has occurred as part of approved construction works to provide appropriate flood free levels. |

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| | <p>Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.</p> <p>(b) to ensure that the provisions of a local environmental plan that apply to flood prone land are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.</p> <p>This direction applies when a planning proposal authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> | <p>The 2017 Anna Bay and Tilligerry Creek Flood Study indicates that the subject site is flood free for all regional design floods including the Probable Maximum.</p> <p>A Stormwater Strategy prepared by ADW Jonson (Refer Attachment Three) determined the following:</p> <ol style="list-style-type: none"> 1. The 2017 regional flood study shows the site to be flood free for the 1% AEP and probable maximum floods. 2. Minor filling is required to elevate the proposed ancillary resident caravan and boat storage area above the present day 1% AEP design flood. A future development application for the site is required to demonstrate compliance with Council's Flood Impact and Risk Assessment requirements. 3. Refuge-in-place is achievable for all dwelling sites. 4. Council's anticipated floor level controls can be readily achieved through minor site regrading. <p>The planning proposal is considered to be consistent with this direction other than one minor inconsistency where it seeks to carry out development for the purpose of an ancillary resident caravan and boat storage area which requires filling to meet minimum level requirement, being the current-day 1% AEP flood level (approx. 1.5m AHD).</p> <p>This inconsistency is considered to be of minor significance and can be addressed at development application stage.</p> |
| <p>4.4 Planning for Bushfire Protection</p> | <p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of</p> | <p>The planning proposal relates to bushfire prone land.</p> <p>A detailed assessment has been carried out over the existing development footprint of the approved and established caravan park.</p> <p>A Bushfire Assessment Report (refer Attachment Seven) for the proposed development of Lot 25 was prepared by MJD Environmental Planning for Bushfire Protection 2019 (PBP).</p> |

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| | <p>bush fire prone areas.</p> | <p>The assessment found that with the implementation of a number of recommendations, compliance with PBP can be achieved.</p> <p>The recommendations include controls that avoid placing inappropriate developments in hazardous areas and will ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zones (APZ)</p> <p>APZs are recommended to be situated beside the forest hazards adjoining the majority of the sites boundaries:</p> <ul style="list-style-type: none"> • 29m from the Forest hazard to the North of the site provided in part by Latitude Drive; • 24m from the Forest hazard to the North-East of the site; • 29m from the Forest hazard to the East of the site; • 29m from the Forest hazard to the South-east and South of the site; and • 79m in all other directions from the two short stay sites. <p>All APZ are to be established and maintained as an inner protection area.</p> <p>The proposed Draft Concept Layout Plan (refer Attachment Two) and recommendations made in the Bushfire Assessment Report provide for:</p> <ul style="list-style-type: none"> • Two-way access roads which links to perimeter roads. • Contain provisions for adequate water supply for firefighting purposes. • Minimise the perimeter of the area of land interfacing the hazard which may be developed. • Introduce controls on the placement of combustible materials in the Inner Protection Area. • An additional egress onto Nelson Bay Road is proposed for emergency situations and emergency services vehicles. <p>The planning proposal is considered to be consistent with this direction.</p> |
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| 5. REGIONAL PLANNING | | |
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| 5.10 Implementation of Regional Plans | The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans. | <p>The Hunter Regional Plan 2036 (HRP) applies to the planning proposal and is addressed in detail elsewhere in this proposal (Refer Part 3 - Section B - Q3).</p> <p>Whilst the subject site is not located in a recognised or emerging growth area identified in the Hunter Regional Plan 2036 (HRP), the proposed development is consistent with the vision and goals outlined in the HRP as it will provide additional housing choice within an existing, well designed community that is accessible to a range of facilities and services.</p> <p>The construction phase will contribute towards economic growth and in the longer term, the provision of additional housing will provide broader economic benefits via increased demand for goods and services and patronage of local business as well as providing housing for a growing workforce.</p> <p>The HRP projects that approximately 11,050 additional dwellings will be needed in the Port Stephens LGA by 2036. The proposed development will make a significant contribution towards meeting this projected demand.</p> <p>The HRP also identifies a projected increase in the percentage of people aged over 65 years from 19% to 25% by the year 2036. Housing supply in the region will need to adapt to cater for this increase. The proposal will assist with meeting this demand through the provision of additional housing.</p> <p>The planning proposal is considered to be consistent with this direction as it achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.</p> |
| 6. LOCAL PLAN MAKING | | |
| 6.1 Approval and Referral Requirements | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate | <p>The proposed amendments to the LEP do not include provisions that require concurrence, consultation or referral.</p> <p>The planning proposal is considered to be consistent with this direction.</p> |

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| | assessment of development. | |
| 6.3 Site Specific Provisions | <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies requirements for planning proposals seeking to incorporate provisions into an environmental planning instrument to amend another environmental planning instrument.</p> | <p>The proposed amendments to the LEP do not require the amendment of another environmental planning instrument.</p> <p>The planning proposal is consistent with this direction.</p> |
| | ENDS | |

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Areas of Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 have been partially cleared of vegetation for the approved development, with remnant vegetation located toward the north of Lot 2 DP 398888 and south of Lot 4 DP 398888. The planning proposal will not impact on vegetated areas within these lots.

Lot 25 DP 952410 retains some vegetated areas toward its eastern and southern boundaries.

A Biodiversity Assessment Report (refer **Attachment Six**) has been prepared by MJD Environmental over Lot 25 to examine the likelihood of the proposed development having a significant effect on any threatened species, populations, or ecological communities listed under the NSW Biodiversity Conservation Act 2016 (BC Act).

Existing vegetation communities across the site are shown in **Figure 8**.

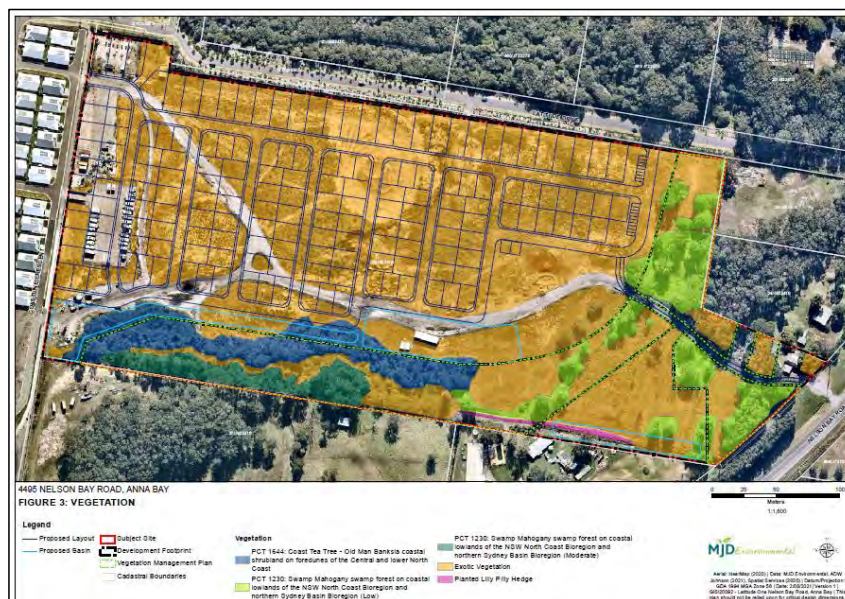


Figure 8. Existing Vegetation Communities
 Source: MJD Environmental, 2021

The proposed development will require the potential removal of up to:

- 6.73ha of Exotic Vegetation, and
- 0.30ha of Native Vegetation.

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The proposal seeks to retain a large portion of vegetation to the south and east of the proposal which is to be managed and rehabilitated to act as a Koala Corridor. This area is shown in **Figure 9** and includes;

- 1.13ha of Exotic Vegetation, and
- 1.74ha of Native Vegetation.

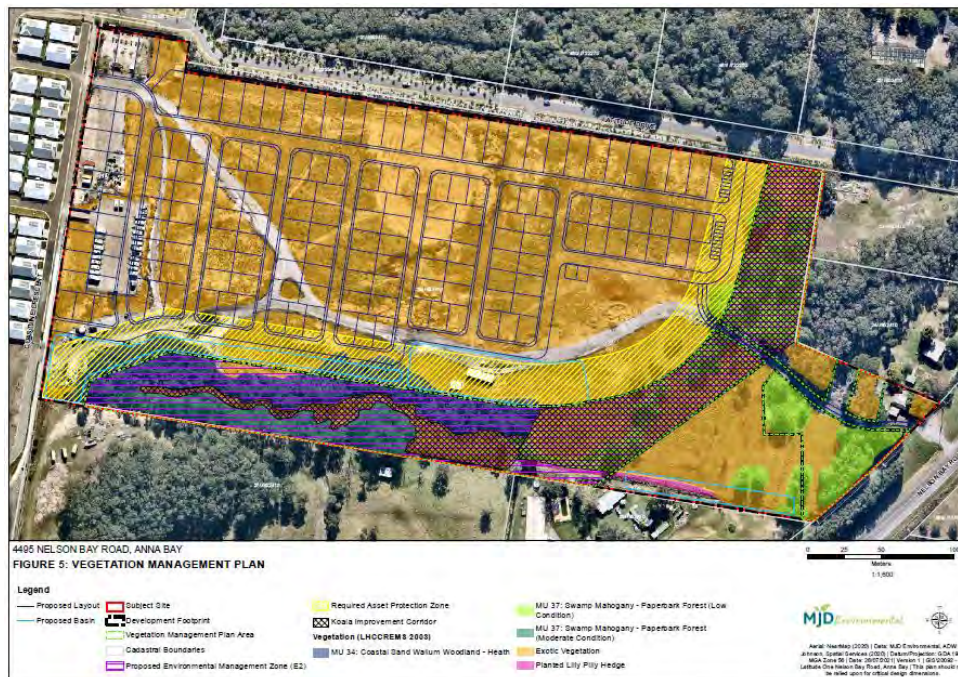


Figure 9. Vegetation Management Plan (concept-matter for future development application stage).

Source: MJD Environmental, 2021

No threatened fauna species listed under the BC Act 2016 and EPBC Act 1999 were recorded within the development footprint, however, recent *Phascolarctos cinereus* (Koala) scats were detected at multiple trees within the retained vegetation to the south as well as *Crinia tinnula* (Wallum Froglet), which was also recorded in the adjacent lots to the north and south.

A Significant Flora Survey was undertaken as part of the Biodiversity Assessment Report (refer **Attachment Six**). This included a survey into *Diuris arenaria* (Sand Doubletail), listed as “Endangered” under the Biodiversity Conservation Act 2016. The survey was carried out over the land within Lot 25 DP852410 Nelson Bay Road, Anna Bay by a qualified ecologist and field ecologist. No *Diuris arenaria* individuals were detected during the survey.

The report details that the Draft Concept Layout Plan (refer **Attachment Two**), including Asset Protection Zone, will require the removal of small areas (0.3ha) of native vegetation that do not exceed the 0.5ha BOS entry threshold.

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On this basis and with due regard to the site context, the proposal will be assessed under an Assessment of Significance (5 part test) and include assessment under the PSC Koala Plan of Management.

At the time this report was created, the Biodiversity Values Map could not create a BOSET report (23 July 2021), as such a snip has been provided below.



Figure 10. Biodiversity Values Map

The Biodiversity Assessment Report concludes that the proposal is unlikely to have a significant impact on the threatened entities assessed.

The report makes recommendations for mitigation measures and vegetation management throughout and after the construction phase (subject to future DA approval).

The planning proposal aims to provide for additional Koala feed trees and to create and maintain a koala corridor over the site.

This planning proposal seeks to rezone part of lot 25 DP 852410 from RU2 Rural Landscape to C2 Environmental Conservation (refer Part 1 and Part 2 of this planning proposal).

This biodiversity corridor will be supported through the adaptation of a Vegetation Management Plan (VMP) at DA stage. This VMP is a review of an existing VMP (refer **Attachment Twelve**) created under a development consent (DA 16/2017/282) granted on 07/07/2018 for earthworks within Lot 25 DP 852410.

The planning proposal provides a balance between housing and conservation outcomes and is unlikely to result in significant adverse impacts on the natural environment.

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

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Technical studies have been undertaken to assess the likely environmental effects resulting from the planning proposal and how these effects are proposed to be managed. The following matters are considered.

Hydrology and Water Management

A Stormwater Strategy (the Strategy) was prepared by ADW Johnson in June 2021 for Lot 25 DP 852410 for the proposed expansion of an existing caravan park (refer **Attachment Three**).

The Strategy is based on a Draft Concept Layout Plan (refer **Attachment Two**), developed to inform the Planning Proposal, and specifically addresses both stormwater quantity and quality outcomes.

The Strategy concludes that appropriate stormwater controls can be readily implemented within the proposed site footprint at development application stage.

Port Stephens Council requested the proponent for additional information (refer **Attachment Three**) regarding a legal point of discharge and the proposed infiltration system. The proponent states that a stormwater easement (min. 10m wide) is proposed to be provided along the western edge of Lot 27 DP852410 and that negotiations have been initiated with the site owner.

If an easement was obtained then on-site stormwater detention could be achieved, and as such a suitable drainage solution could be achieved.

Although the easement has not been obtained yet, the risk is considered low and can be dealt with at development application stage.

Flooding

The site is mapped in the LEP as being located within a flood planning area. It is noted that flooding has been considered and addressed within Lots 2 and 4, Lot 2 DP 1204319 and Lot 1 DP 1225542 as part of approved development on the site (DA 16/2009/257).

A Stormwater Strategy was prepared by ADW Johnson in June 2021 relevant to the proposed Latitude One expansion over Lot 25 DP852410 (refer **Attachment Three**). The report gave consideration for flooding impacts over the site.

The Stormwater Strategy demonstrates the following outcomes:

- The 2017 regional flood study shows the site to be flood free for the 1% AEP and probable maximum floods.
- Minor filling will be required to elevate the proposed caravan and boat storage area above the present day 1% AEP design flood. A future development application for the site is required to demonstrate compliance with Council's Flood Impact and Risk Assessment requirements.
- Refuge-in-place is achievable for all dwelling sites (subject to a future development application).

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- Council's anticipated floor level controls can be readily achieved through minor site regrading (subject to a future development application).

Contamination and Acid Sulfate Soils

Contamination across Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 has been assessed as part of the approval (DA 16/2009/257; as amended) and is considered to have been appropriately dealt with via conditions of consent for the relevant approvals.

Douglas Partners prepared a Preliminary Site Investigation (Contamination) and Preliminary Acid Sulfate Soil Assessment in July 2021 over Lot 25 DP 852410 relating to the proposed Latitude One expansion of an existing caravan park (refer **Attachment Four**).

A number of potential contamination sources were identified, mostly associated with former sand mining activities. The presence of Acid Sulfate Soil was identified for areas of the site which have not been subject to sand mining. Disturbance in these areas will require management with reference to a site-specific acid sulfate soil management plan (ASSMP).

The assessment determined that contaminated land is not considered to be a major constraint for the planning proposal and subsequent development application. It is considered that the site can be made suitable for the proposed future use, subject to further minor investigation and appropriate management / remediation (where required).

Geotech

Douglas Partners prepared a Geotechnical Investigation in July 2021 for Lot 25 DP 852410 for the proposed expansion of an existing caravan park (refer **Attachment Five**).

There are no geotechnical issues identified that would impact on the progress of the planning proposal.

Bushfire Risk

A Bushfire Assessment report has been prepared by MJD Environmental in July 2021 to investigate bushfire threat for Lot 25 DP 852410 for the proposed expansion of an existing caravan park (refer **Attachment Seven**). Detailed assessments have previously been carried out over the existing caravan park development footprint.

The subject site is identified as containing bushfire vegetation Category 1 and its associated buffer (refer **Figure 11**). The proposed development would therefore be integrated development and require referral to the Rural Fire Service for consideration.

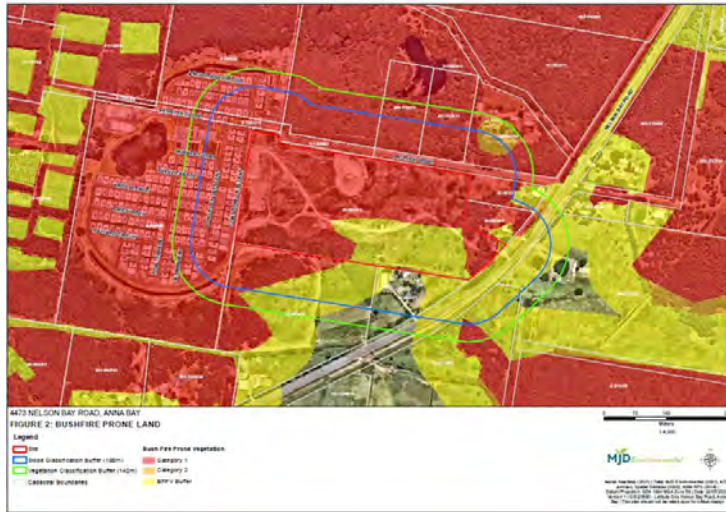


Figure 11. Bushfire Prone Land Mapping

Source: Bushfire Assessment report (2021) MJD Environmental, 2021.

The Draft Concept Layout Plan (refer **Attachment Two**) for the proposed development within Lot 25 DP852410 includes Asset Protection Zones adjacent to areas of high bushfire risk, illustrating that the proposed development can accommodate the bushfire hazard present on the site. The concept design incorporates the principle of providing a perimeter road where possible, as this provides the best access for fire fighting vehicles.

The Bushfire Assessment report provides detailed recommendations to enable the proposal to comply with Planning for Bushfire Protection (2019).

Indigenous Cultural Heritage

Aboriginal cultural heritage was considered and addressed within Lots 2 and 4, Lot 2 DP 1204319 and Lot 1 DP 1225542 as part of approved development on the site (DA 16/2009/257).

An Aboriginal Cultural Heritage Assessment (October 2021) of Lot 25 DP852410 was carried out by McArdle Cultural Heritage Pty Ltd (refer **Attachment Eight**).

The site is highly disturbed and has been assessed as being of low scientific significance and high cultural significance.

The results of the survey have identified a number of highly disturbed artefact scatters, shell middens and isolated finds, all located within the previously excavated portion of the project area. This has been recorded as one site, referred to as L1/1, shown in **Figure 12**.

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As site L1/1 will be impacted upon by the proposed Latitude One expansion, an AHIP will be required prior to works that will enable a community collection prior to works at that location.



Figure 12. Location of site L1/1
(Source: Aboriginal Cultural Heritage Assessment; McArdle, Oct 2021).

The report (chapter 8.2) concludes that the cumulative impact to Aboriginal heritage in the area is limited, and outlines a range of mitigation measures to minimise impacts.

Traffic and Transport

Access to the site is off the recently constructed Latitude Drive which extends along the northern boundary of Lot 25 DP 852410 and through Lot 1 DP 1225542, meeting Nelson Bay Road to the west of the subject site. Nelson Bay Road is the main arterial link connecting Newcastle to Williamtown and the Tomaree Peninsula.

The intersection of Latitude Drive and Nelson Bay Road was recently upgraded to cater for the traffic demand resulting from the approved caravan park within the site.

A Traffic and Parking Assessment (June 2021) was prepared by Intersect Traffic in June 2021 to determine the likely impact of the proposal on the adjacent local road network due to the traffic generated by the proposed Latitude One expansion over Lot 25 DP852410 (refer **Attachment Nine**).

The report recommends that the proposal can be supported from a traffic impact perspective as the development will not have an adverse impact on the local road network and will comply with all the requirements of Port Stephens Council, Australian Standards, TfNSW, and the Manufactured Home Village / Caravan Park Regulations.

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.Services

Public utility services including telecommunications, gas, electricity and water will be available to serve future development on the site (refer to Part 3 – Section B – Q3 and **Attachment Ten** of this planning proposal for information received from Hunter Water).

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

Anticipated social and economic effects are addressed below.

Social Effects

A range of social benefits associated with the development of the site are anticipated, including:

- Additional housing choices in the Anna Bay and the Port Stephens LGA which caters for future population growth and responds to an ageing population in Port Stephens.
- Efficient use of community facilities and services provided at an existing approved development.
- Provide a critical mass which will enhance the viability of new services, facilities, and public transport in the Anna Bay area.

Economic Effects

A range of economic benefits associated with the development of the site are anticipated, including:

- Stimulation of local economic activity through increased local spending.
- Employment through construction and future maintenance of the development, and direct employment of employees servicing the development.
- Contribution toward investment in social infrastructure in the surrounding locality via additional funding through the Section 7.11 Contribution Plan.
- Provision of additional dwellings with easy access to major employment precincts such as Newcastle Airport and Tomago.

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

The site is accessed off Latitude Drive which extends along the northern boundary of Lot 25 DP 852410 and through Lot 1 DP 1225542. Latitude Drive intersects with Nelson Bay Road to the west of the subject site.

Nelson Bay Road is a State road and is the main arterial link connecting Newcastle to Williamstown and the Tomaree Peninsula. It carries both local and tourist traffic visiting the Nelson Bay area and is the only route servicing the Tomaree Peninsula and the various townships between Newcastle and Nelson Bay.

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

The site itself is currently not suitably serviced by public transport, however the existing Latitude One development operates a private minibus shuttle for residents whilst other alternate transport mode infrastructure is not available in the immediate vicinity of the site.

The intersection of Latitude Drive and Nelson Bay Road was recently upgraded to cater for the traffic demand resulting from the approved development within the site.

The proposed expansion of this development is proposed be serviced by this infrastructure, subject to development consent.

Public utility services including telecommunications, gas, electricity and water will be available to serve any development on the site. Preliminary servicing advice for the proposed development was received from Hunter Water (refer **Attachment Ten**).

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

The Gateway determination (11 May 2020) for this planning proposal requires consultation with the following public authorities/organisations

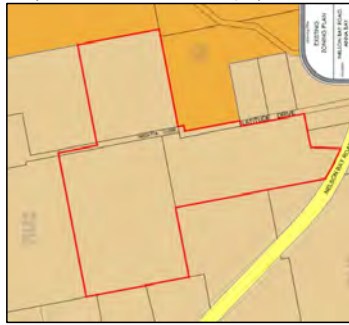
- Department of Planning, Industry and Environment (Biodiversity Conservation Division)
- Department of Planning, Industry and Environment (Geoscience Division)
- NSW Rural Fire Service
- Transport NSW
- Worimi Local Aboriginal Land Council.

Results of agency consultation will be reflected in the final planning proposal.

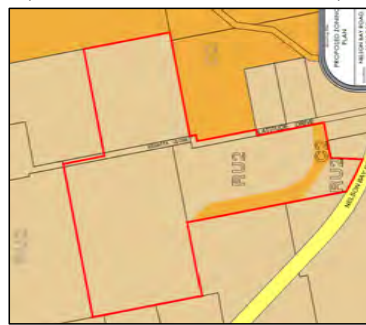
PART 4 – Mapping

The planning proposal requires changes to the Land Zoning Map and Additional Permitted Uses Map (refer **Attachment One**).

Current Land Zoning
(RU2 = Rural Landscape)



Proposed Zoning
(C2 = Environmental Conservation)



Proposed Additional Permitted uses



Figure 13. Proposed amendments to Port Stephens LEP mapping

PART 5 – Community consultation

The Gateway determination required the identification of an environmental outcome in consultation with Biodiversity Conservation Division (BCD), the Central Coast and Hunter Team and Council. Various meetings and conversations were held with BCD about the rezoning of environmental sensitive part of Lot 25 DP 852410 from RU2 Rural Landscape to C2 Environmental Conservation. In addition, opportunities were identified (subject to a future development application) for a koala corridor, replanting of koala feed trees, and the development of a vegetation management plan supported by a legal mechanism.

In addition, the following public authorities were consulted prior to and during public exhibition in accordance with the Gateway determination:

- Department of Planning, Industry and Environment (Biodiversity Conservation Division)
- Department of Planning, Industry and Environment (Geoscience Division)
- NSW Rural Fire Service
- Transport NSW
- Worimi Local Aboriginal Land Council.

No public authorities objected to the planning proposal.

In accordance with the Gateway determination, the planning proposal was placed on public exhibition for a minimum of 28 days from 19 November 2021 to 17 December 2021. Adjoining landowners were notified of the planning proposal and public notices were placed in the Port Stephens Examiner. Copies of the planning proposal were made available on Council's website.

During the exhibition period, 11 submissions were received from the community and some issues were raised which are matters for consideration at development application stage.

As a result of consultation, the following changes were made to the proposed LEP 2013 provisions:

- Inclusion of the rezoning of Lot 25 DP 852410 from RU2 Rural Landscape to part RU2 Rural Landscape and part C2 Environmental Conservation.
- Removal of the proposed provision to enable a one-in-two lot subdivision of Lot 25 DP 852410.

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.**PART 6 – Project timeline**

The additional technical information, studies and investigation identified in the planning proposal and consultation have been completed.

The planning proposal is reported to Council.

The following time table is proposed to make the plan:

| | Feb 2022 | March 2022 | April 2022 | May 2022 |
|--|---------------------|-----------------------|-----------------------|---------------------|
| Council Report | | | | |
| Legal drafting and making of the plan | | | | |

ITEM 2 - ATTACHMENT 2 PLANNING PROPOSAL.

Attachments - Technical studies and other attachments referred to in this report can be inspected upon request.

| | | |
|-------------------|---|--|
| Attachment One | – | Proposed amendments to the Port Stephens LEP maps |
| Attachment Two | – | Draft Concept Layout Plan (Nov 2021) |
| Attachment Three | – | Stormwater Strategy 3.1 Stormwater Strategy (June 2021) 3.2 Stormwater Strategy; response to request for information (4 Nov 2021) |
| Attachment Four | – | Preliminary site investigation (Contamination) and acid sulfate assessment (July 2021) |
| Attachment Five | – | Geotechnical Investigation (June 2021) |
| Attachment Six | – | Biodiversity Assessment 6.1 Biodiversity Assessment Report (Aug 2021) 6.2 Preliminary comments - Biodiversity and Conservation Division (Sept 2021) 6.3 Diuris arenaria survey information (Oct 2021) 6.4 Biodiversity; response to request for information (Nov 2021) |
| Attachment Seven | – | Bushfire Assessment 7.1 Bushfire Assessment Report (July 2021) 7.2 Bushfire Assessment Report; response to request for information (Nov 2021) |
| Attachment Eight | – | Aboriginal Cultural Heritage Assessment 8.1 Aboriginal Cultural Heritage Assessment (Oct 2021) 8.2 Aboriginal Cultural Heritage Assessment – commentary (Oct 2021) |
| Attachment Nine | – | Traffic and Parking Assessment (June 2021) |
| Attachment Ten | – | Hunter Water – Preliminary servicing advice for proposed development (Feb 2020) |
| Attachment Eleven | – | Site survey plan (Sept 2020) |
| Attachment Twelve | – | Vegetation Management Plan for DA 16-2017-282-1 at Lot 25 DP852410 (July 2017) |



22 Warrigal Close, Brandy Hill Planning Proposal

**Proposed amendment to Port Stephens Local
Environmental Plan 2013**

Rezoning of Lot 2 DP 1202880
22 Warrigal Close, Brandy Hill



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ITEM 3 - ATTACHMENT 2 FINAL PLANNING PROPOSAL.

ATTACHMENTS

ATTACHMENT 1 – Proposed land zoning and lot size map

ATTACHMENT 2 – Gateway Determination

ATTACHMENT 3 – Bushfire Assessment Report*

ATTACHMENT 4 – Flood Free Access Map*

ATTACHMENT 5 – Preliminary Contamination Report*

ATTACHMENT 6 – Servicing Advice from Ausgrid*

ATTACHMENT 7 – Servicing advice from Hunter Water*

ATTACHMENT 8 – Servicing advice from NBN Co*

ATTACHMENT 9 – AHIMS search*

ATTACHMENT 10 – Traffic and Access Report*

***Note: relevant technical studies that form part of the planning proposal are available for review by Councillors upon request.**

VERSION CONTROL

| Version | Details |
|------------------|---|
| 1 June 2018 | Planning proposal (PP) as submitted to Council |
| 2 – October 2018 | Planning proposal re-submitted to Council after request for further information |
| 3 – April 2020 | PP updated into Council template |
| 4 – July 2020 | PP revised by Council to make the following changes: <ul style="list-style-type: none"> • Further analysis against the Hunter Regional Plan and Greater Newcastle Metropolitan Plan • Inclusion of further review against relevant Ministerial Directions and State Environmental Planning Policies • Updated to include review against the recently adopted Port Stephens Local Strategic Planning Statement and Local Housing Strategy • Additional information provided under Section C and Section D • Revised timeframe |
| 5 – January 2021 | PP revised to incorporate agency feedback and studies. The main changes include: <ul style="list-style-type: none"> • Consistency with section 9.1 direction 2.6 – Remediation of Contamination Land • Update to section D – Agency details to include referral responses • Updated map that illustrates the location of flood prone land in relation to the proposed zoning boundary • Updated information on surrounding land uses • Updated information on servicing |

ITEM 3 - ATTACHMENT 2 FINAL PLANNING PROPOSAL.**FILE NUMBERS**

Council: 58-2018-20-1
Department: PP_2020_PORTS_004_00

SUMMARY

Subject land: Lot 2 DP 1202880
22 Warrigal Close, Brandy Hill

Proponent: Le Mottee Group

Proposed changes: Amend the mapping in the Port Stephens Local Environment Plan 2013 to:

- Rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential
- Reduce the minimum lot size provisions on land within the proposed R5 zone from 40ha to 2ha.

Area of land: Approximately 49ha

Proposed rezoning area: Approximately 7ha

Lot yield: 4

SUBJECT LAND

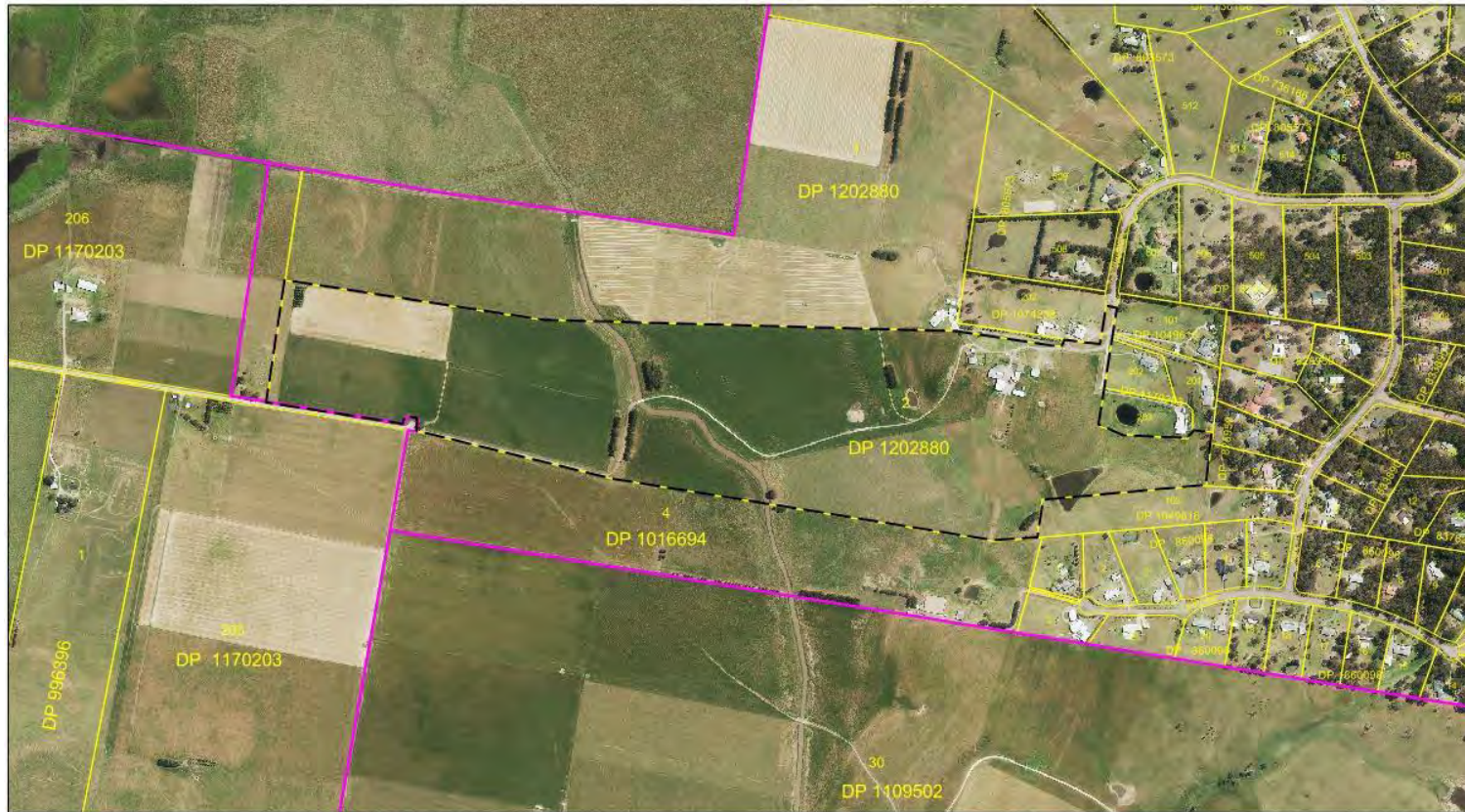
The subject land (see Figure 1) has a total area of approximately 49ha and accessed from Warrigal Close, a local road in the Brandy Hill locality. An alternate access is also available from McClymonts Swamp Road, Wallalong. The subject land is approximately 9 minutes' drive north-west of Raymond Terrace and 22 minutes' drive north-east of Maitland.

Surrounding uses include a mix of rural residential allotments and larger agricultural allotments used for grazing and poultry farms at least 1km west, south and east of the subject land. The subject land was historically used for agricultural activities. It has a gentle fall from east to west and is largely clear of native vegetation. As identified in this planning proposal, the following additional investigations have been provided following a Gateway determination:

- Preliminary Contamination Report
- Flood Free Access Map

FIGURE 1 22 Warrigal Close, Brandy Hill (land subject of the planning proposal shown in black dashed line)

Site Plan



PART 1 – Intended outcome

The intended outcome of the planning proposal is enable rural residential subdivision and housing at 22 Warrigal Close, Brandy Hill (Lot 2, DP 1202880). 3 additional dwellings are expected as a result of the planning proposal.

PART 2 – Explanation of provisions

The intended outcome can be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013 (LEP):

- Amend Land Zoning Map Sheet LZN_001A for Lot 2, DP 1202880 from Zone RU1 Primary Production to R5 Large Lot Residential (see Figure 2); and
- Amend Lot Size Map Sheet LSZ_001A for Lot 2, DP 1202880 from 40 hectares (AB3) to 2ha (ZI) (see Figure 3).

Figure 2 Existing and proposed land zoning map



Figure 3 Existing and proposed lot size map



PART 3 – Justification

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

Yes. The planning proposal is the result several strategic planning documents. The Port Stephens Local Strategic Planning Statement (LSPS) includes 'Planning Priority 9 – Protect and preserve productive agricultural land'. Action 9.1 implements the Planning Priority:

Prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land

The Port Stephens Local Housing Strategy (Live Port Stephens) includes Rural Residential Criteria. The planning proposal is consistent with the criteria as provided in response to Question 4.

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

Yes. Amending the land zoning and minimum lot size maps within the LEP is the best means of enabling rural residential subdivision and housing at 22 Warrigal Close, Brandy Hill (Lot 2, DP 1202880). The following alternative approaches were considered:

- **Alternative option 1:** Not rezoning the subject land

The intended outcome cannot be achieved by maintaining the existing RU1 Primary Production zone and 40ha minimum lot size.

- **Alternative option 2:** Schedule 1 – Additional permitted uses

An additional permitted use to facilitate rezoning and subdivision is not preferred as per the NSW Government's guidance that Schedule 1 should be used in exceptional circumstances.

Section B – Relationship to strategic planning framework**Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan?**Hunter Regional Plan 2036

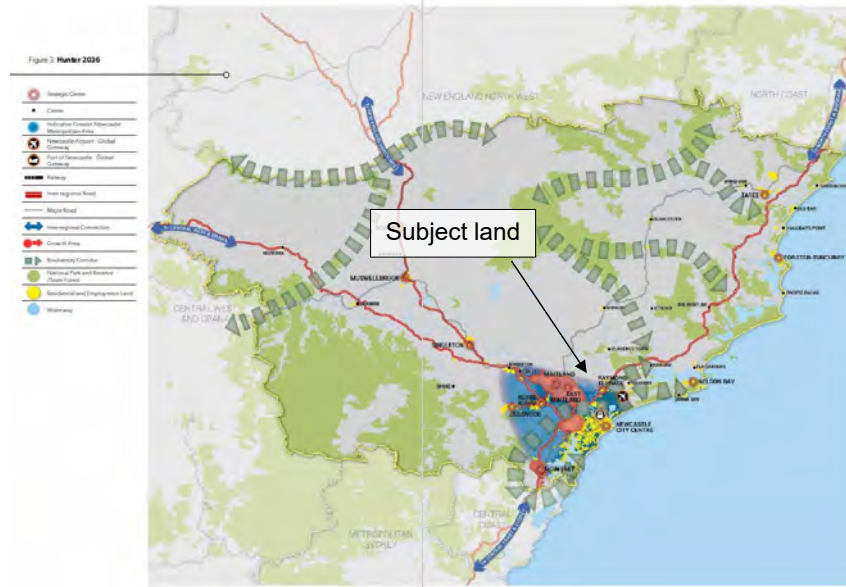
Yes. The planning will give effect to the objectives of the Hunter Regional Plan 2036 (HRP) vision to provide greater housing choice (see Figure 4). It aligns with Goal 4 of the HRP and Direction 22 to promote housing diversity. The planning proposal supports these outcomes by encouraging rural

ITEM 3 - ATTACHMENT 2 FINAL PLANNING PROPOSAL.

residential housing in proximity to an established rural residential area and within 10 minutes of a strategic centre at Raymond Terrace.

The HRP does not directly address Brandy Hill but does identify the adjacent suburb of Seaham as a centre of local significance. The HRP identifies a regional priority for Port Stephens to “leverage proximity to major global gateways – and its attractive and valuable natural environment and coastal and rural communities – to generate economic growth and diversity”.

Figure 4 Hunter Regional Plan



Action 22.5 of the HRP requires Councils to include guidance in local land use strategies for expanding rural villages and rural residential development. Council has adopted Rural Residential Criteria as part of Live Port Stephens and the planning proposal is consistent with the criteria as provided in response to Question 4.

The HRP provides the following objectives for rural residential development and a response relevant to the planning proposal is provided:

| Objective | Response |
|---|--|
| 1. Not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values. | Consistent. Existing rural residential development is located to the north, south and east of the subject land. One of the neighbouring lots is used as an animal breeding facility. The subject land is not strategic energy, mineral or extractive resource viability or biodiversity |

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| Objective | Response |
|--|--|
| | <p>values. Part of the subject land is mapped as BSAL (see Figure 7). However, the mapped BSAL subject to rezoning is on land with a slope greater than 10% (see Figure 8) and the contiguous area of the BSAL within the allotment is less than 20ha. Therefore, in accordance with the 'Interim protocol for site verification and mapping of biophysical strategic agricultural land' (OEH, 2013) the site is not BSAL.</p> |
| <p>2. Not impact on drinking water catchments.</p> | <p>Consistent.</p> <p>The subject land is not located in a drinking water catchment.</p> |
| <p>3. Not result in greater natural hazard risk.</p> | <p>Consistent.</p> <p>The subject land is mapped as flood prone land however the proposed rezoning area largely avoids flood prone land. As provided in the concept subdivision layout, only two future allotments (Lot 202 and 204) will contain flood prone land. There is sufficient flood free land available on Lot 202 to accommodate future development and a dwelling exists on Lot 204. Further consideration of flooding risk is provided in response to Ministerial Direction 4.3 of this planning proposal.</p> <p>Part of the subject land is bushfire and a Bushfire Threat Assessment has been prepared in support of the planning proposal. The assessment concluded that future dwellings can implement Asset Protection Zones of 10m. Further consideration of bushfire risk is provided in response to Ministerial Direction 4.4 of this planning proposal.</p> <p>The proposal will not result in a greater natural hazard risk.</p> |
| <p>4. Occur on land that is unlikely to be needed for urban development.</p> | <p>Consistent.</p> <p>The subject land is not identified for more intensive urban development in the LSPS or Live Port Stephens. The land is within 800m of an existing R5 zone and therefore considered</p> |

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| Objective | Response |
|--|---|
| | suitable for rural residential development. Given the land is not currently nor planned to be serviced by reticulated sewer, the land is unlikely to be needed for urban development. |
| 5. Contribute to the conservation of important biodiversity values or the establishment of important corridor linkages. | Consistent. The land subject to rezoning is largely cleared of native vegetation however the proposed lot size will allow for the retention of any existing trees. The subject land is not part of any regionally significant biodiversity corridors. Further detail on environmental values are provided in response to Question 7 of this planning proposal. |
| 6. Facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region. | Consistent. The proposal does not seek to facilitate the expansion of existing or new tourism development. Rather, it seeks to contribute to housing diversity. |

The planning proposal is consistent with the HRP of providing housing opportunities near essential services and in an area with sufficient infrastructure already in place.

Greater Newcastle Metropolitan Plan 2036

Yes. The planning proposal will give effect to the vision of the Greater Newcastle Metropolitan Plan 2036 (GNMP) for Australia’s newest and emerging economic and lifestyle city offering great lifestyles minutes from bushland and the airport (see Figure 5).

The planning proposal will give effect to:

- Strategy 18 – Deliver well-planned rural residential housing area

Figure 5 Greater Newcastle Metropolitan Plan



In relation to rural residential housing, the Plan states that ‘Greater Newcastle councils will enable rural residential housing when the need is demonstrated through a local planning strategy endorsed by the Department of Planning and Environmental, and it is in locations where criteria are met.

Action 18.1 of the GNMP requires Councils enable rural residential housing when the need is demonstrated through local housing strategies. Council has demonstrated the need for rural residential housing in Live Port Stephens adopted Rural Residential Criteria to guide proposals. The planning proposal is consistent with the criteria as provided in response to Question 4.

The GNMP provides the following objectives for rural residential development and a response relevant to the planning proposal is provided:

| Objective | Response |
|---|---|
| 1. The land is unlikely to be required for more intensive | Consistent. The land is not identified for more intensive urban development in the LSPS or Live Port Stephens. |

ITEM 3 - ATTACHMENT 2 FINAL PLANNING PROPOSAL.

| | |
|---|--|
| <p>urban purposes in the future due to physical constraints such as slope, environmental characteristics, or natural hazards.</p> | <p>Given the land is not currently nor planned to be serviced by reticulated sewer, the land is unlikely to be needed for urban development. The characteristics of the land and surrounding locality are consistent with rural residential development. The proposal will enable the extension of rural residential development to the subject land.</p> |
| <p>2. Less intensive development will result in better management of the land.</p> | <p>Consistent.</p> <p>Rural residential housing on 2ha allotments is an appropriate scale of development that will complement existing land uses and respond to the relevant characteristics of the subject land and its surrounds.</p> |
| <p>3. The delivery of infrastructure required to service the development is physically and economically feasible.</p> | <p>Consistent.</p> <p>The subject land is serviced by electricity and telecommunications infrastructure that shall be extended upon subdivision of the subject land.</p> <p>Formal consultation with Hunter Water Corporation was undertaken through preliminary servicing advice. The details of this advice is addressed under Question 10. No objections were raised</p> |

The planning proposal is consistent with the GNMP by delivering well-planned rural residential housing areas close to jobs and services.

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

Port Stephens Local Strategic Planning Statement

Yes. The planning proposal will give effect to 'Planning Priority 9 – Protect and preserve productive agricultural land' and Action 9.1 to:

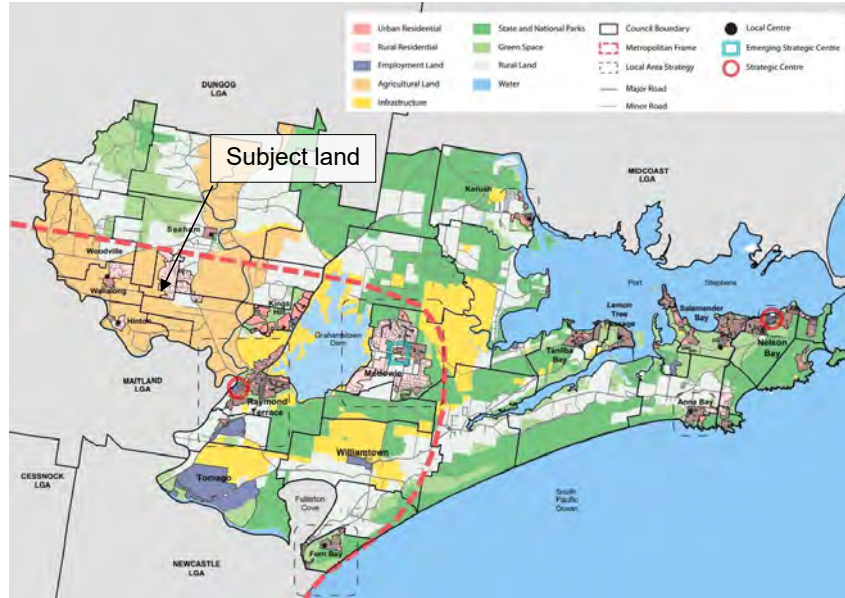
Prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land

The Port Stephens Local Housing Strategy (Live Port Stephens) includes Rural Residential Criteria. The planning proposal is consistent with the criteria and further detail is provided in response to Live Port Stephens below.

ITEM 3 - ATTACHMENT 2 FINAL PLANNING PROPOSAL.

The planning proposal is also consistent with 'Planning Priority 4 – Ensure suitable land supply' and 'Priority 5 – Increase diversity of housing choice'. The proposal will increase the supply of land for residential housing and provide housing that is different to that of locations such as Kings Hill and Raymond Terrace because it will be located on larger lots that have a minimum lot size of 2ha.

Figure 6 Port Stephens Local Strategic Planning Statement



Port Stephens Local Housing Strategy (Live Port Stephens)

Yes. The planning proposal will give effect to Live Port Stephens. Live Port Stephens provides criteria that outlines the key requirements and constraints that require consideration in preparing rezoning requests for rural residential.

The following table lists those criteria and provides an appropriate response for the proposal:

| Criteria Summary | Response |
|------------------------------|--|
| Locational Criteria | |
| 1. Zoned RU1, RU2, E3 or E4. | Consistent. The subject land is zoned RU1 Primary Production. |

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| Criteria Summary | Response |
|---|--|
| 2. Located at least 800m from RU5, R1 and R2 zones. | Consistent. The subject land is not within 800m of existing RU5 Rural Village, R1 General Residential or R2 Low Density Residential zoned Land. |
| 3. Within 800m of R5 zone. | Consistent. The land holding is 800m from existing land zoned R5 Large Lot Residential. |
| Exclusionary Criteria | |
| 4. Areas identified for potential urban housing. | Consistent. The subject land is not identified for urban housing. |
| 5. Land within a 2km from existing or planned major employment areas. | Consistent. The subject land is not within 2km of an existing or planned major employment area. |
| 6. Slopes greater than 18 degrees. | Consistent. The subject land slope is not greater than 18. |
| 7. Class 1 and 2 acid sulfate soils. | Consistent. The subject land is mapped as containing class 2, 3 and 5 acid sulfate soils however the proposed R5 zone is unaffected by class 1 or 2. Further consideration of acid sulfate soils is provided in response to Ministerial Direction 4.1 of this planning proposal. |
| 8. Land within the Flood Planning Area. | Consistent. The subject land is mapped as within the Flood Planning Area (FPA) however the FPA has been avoided and future dwellings can be sited above the Flood Planning Level. Further consideration of flood prone land is provided in response to Ministerial Direction 4.3 of this planning proposal. |
| 9. High biodiversity value land. | Consistent. Part of the subject land is mapped as containing high biodiversity value however it is not within the |

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| Criteria Summary | Response |
|--|--|
| | proposed R5 zone and will be unaffected by the planning proposal. |
| 10. Noise exposure areas within an ANEF 25 or greater. | Consistent. The subject land is not located in the noise exposure area with an ANEF 25 or greater. |
| 11. Land identified as Important Agricultural Land. | Consistent. Part of the subject land is mapped as BSAL (see Figure 7). However, the mapped BSAL subject to rezoning is on land with a slope greater than 10% (see Figure 8) and the contiguous area of the BSAL is less than 20ha at approximately 4.5ha. Therefore, in accordance with the 'Interim protocol for site verification and mapping of biophysical strategic agricultural land' (OEH, 2013) the site is not BSAL. |
| 12. Land within 500m of extractive industries, quarrying or mining. | Consistent. The subject land is not located within 500m of known extractive industries, quarrying or mining. |
| 13. Land identified as having known mineral resource potential. | Consistent. The subject land is not identified by the State Government as having known mineral resource potential. |
| Management Criteria | |
| 14. Flooding – Land that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation. | Consistent. A map demonstrating that there is flood free access to the site has been prepared post-Gateway (ATTACHMENT 3). |
| 15. Bushfire – Land identified as bush fire prone land must demonstrate consistency with Planning for Bush Fire Protection 2019. | Consistent. Part of the subject land is bushfire prone and a Bushfire Threat Assessment has been prepared in support of the planning proposal. The assessment concluded that future dwellings can implement Asset Protection Zones of 10m. |

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| Criteria Summary | Response |
|---|--|
| | Further consideration of bushfire risk is provided in response to Ministerial Direction 4.4 of this planning proposal. |
| 16. Environmentally Sensitive Land – Land in coastal management areas must be justified by a study or strategy to demonstrate consistency with the SEPP. | Consistent. The subject land is within the coastal zone however only part of the proposed rezoning area will be subject to the coastal zone. Development can be sited on all future allotments outside of the coastal zone. |
| 17. Environmentally Sensitive Land – Land that includes koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats must submit a Preliminary Ecological Assessment. | Consistent. The subject land does not include koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats. |
| 18. Environmentally Sensitive Land – Demonstrate how the proposal will contribute to the conservation of important biodiversity values or the establishment of important biodiversity linkages. | Consistent. The subject land does not include important biodiversity values. |
| 19. Aboriginal Cultural Heritage – An initial assessment of the likelihood of Aboriginal cultural heritage values. | Consistent. An initial assessment via Aboriginal Heritage Information Management System (AHIMS) has shown that there no Aboriginal sites or places in or near the planning proposal. |

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| Criteria Summary | Response |
|--|--|
| <p>20. Drinking Water Catchment – Must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality.</p> | <p>Consistent.</p> <p>The subject land is not located in a Drinking Water Catchment.</p> |
| <p>21. Rural Land Resources – Land within 1km from existing agricultural industries (e.g. poultry farms, aquaculture) measured from property boundary to property boundary are requirement to provide expert reports (e.g. noise, odour, visual amenity and biosecurity risks etc.) to establish appropriate setbacks.</p> | <p>Consistent.</p> <p>The land is not within 1km of existing poultry farms and is therefore not required to provide expert reports.</p> |
| <p>22. Scenic Amenity – Land within high or very high landscape area must submit a visual impact assessment.</p> | <p>Consistent.</p> <p>The land is identified by the Rural Lands Study as being within the River Estuary area (see Figure 10) characterised by the floodplains of the Paterson and Williams River offering distant views of pasture and wetlands. Given the proximity of existing rural residential areas and the consistency of the proposal with adjoining land, it is not considered that the proposal will detract from the scenic values identified.</p> |
| <p>23. Scenic Amenity – Identify an appropriate buffer zone between housing and existing road corridors.</p> | <p>Consistent.</p> <p>An appropriate buffer will be provided between housing and the Warrigal Close road corridor.</p> |

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| Criteria Summary | Response |
|---|--|
| 24. Infrastructure and Services – Demonstrate the land will be accessed via a sealed road. | Consistent. Warrigal Close is a sealed road. |
| 25. Infrastructure and Services – Demonstrate the land will not result in the creation of direct access to a State Road. | Consistent. Warrigal Close is not a State Road. |
| 26. Infrastructure and Services – Demonstrate the land will not create additional demand for unplanned State infrastructure upgrades. | Consistent. The proposal is not understood to result in the need for State infrastructure upgrades. |
| 27. Infrastructure and Services – Demonstrate the land will be connected to reticulated power supply. | Consistent. The subject land is connected to a reticulated power supply. |
| 28. Infrastructure and Services – Demonstrate that the land is able to dispose of onsite sewage. | Consistent. In accordance with PSC's Development Assessment Framework (DAF) the subject land is classified 'medium hazard'. As the number of created allotments is reasonably small it would be appropriate for an OSMS report meeting the requirements of the DAF to be provided at development application stage. |

Figure 7 Strategic Agricultural Land Map



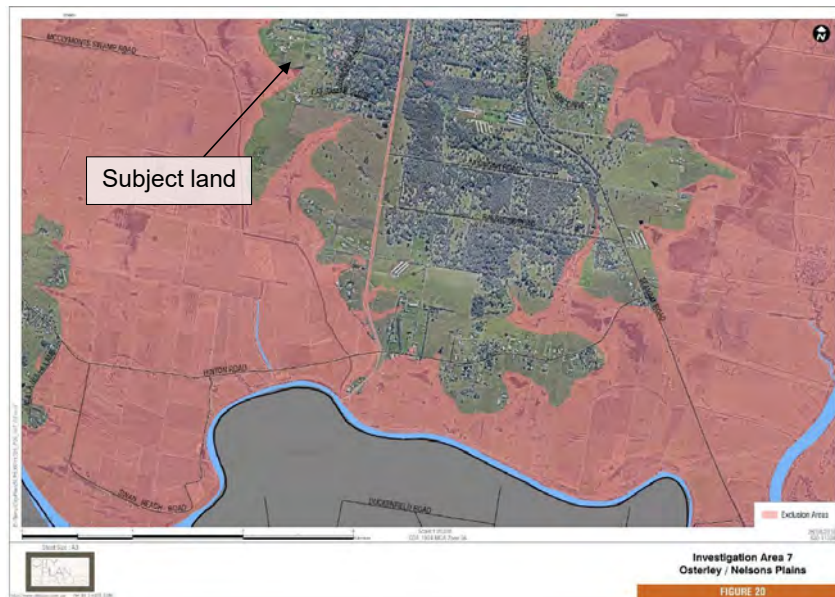
Figure 8 Slope Analysis (slope greater than 10% shown in blue)



Port Stephens Rural Residential Strategy

The rural residential criteria requires proposals to address the Port Stephens Rural Residential Strategy (2015) including any matters for investigation that have been identified relevant to the proposed land. The subject land is within Investigation Area 7 – Osterley/Nelsons Plains of the Port Stephens Rural Residential Strategy (RRS) (see Figure 9).

Figure 9 Port Stephens Rural Residential Strategy



The following relevant matters are identified within the RRS as requiring investigation:

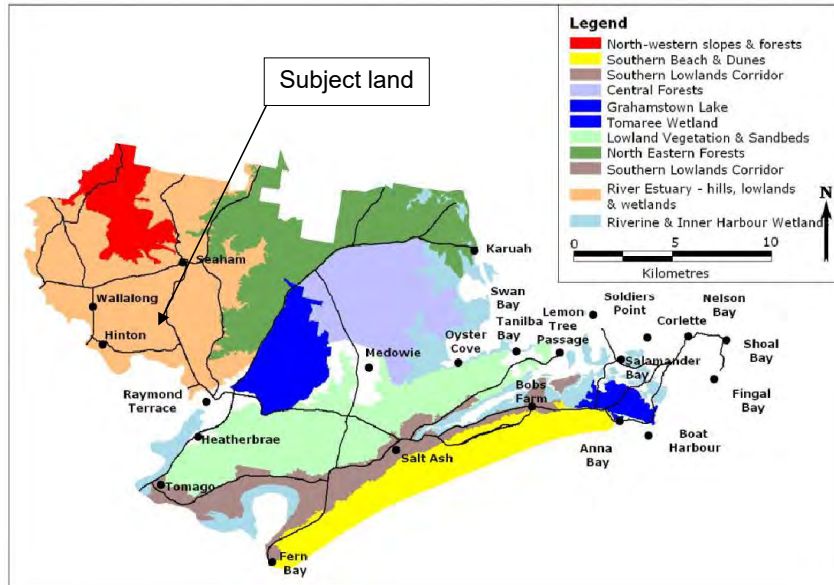
| Matter for Investigation | Response |
|---|--|
| 1. Estimated potential yield: 25 Rural living lots, with a 1ha minimum lot size. A mix of lot sizes, including some lots smaller than 2ha, may be appropriate in keeping with the character of the Brandy Hill area. | An estimated yield of 25 rural living lots at 1ha in size has been based on a desktop analysis. 3 additional lots will be created as a result of the planning proposal. A minimum lot size of 2ha will be in keeping with adjoining rural residential development. |
| 2. Timing: Short - medium term | The RRS was prepared in 2015 and identified short-term investigation areas as likely to be investigated for development within 5 years. The proposal is considered to align with this timing. |
| 3. Southern and western edge adjoins areas of significant agricultural potential therefore maintain the size of agricultural holdings and ensure that there are suitable buffers between intensive agriculture (including | The RRS identifies the need to exclude lots greater than 80ha for agricultural or biodiversity purposes. The subject land is less than 50ha. The planning proposals unlikely to be affected by intensive agricultural uses. |

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| Matter for Investigation | Response |
|--|--|
| existing cluster of poultry sheds to the north) and dwellings. | |
| 4. Isolated by flooding, so there needs to be provision for flood evacuation to nearest centre (Maitland/ Raymond Terrace) and stock refuge areas. | A Flood Free Access Map has been prepared following a Gateway determination. The map demonstrates that the site has flood-free access to evacuation facilities via a public road (ATTACHMENT 3). |
| 5. Mostly cleared land, but there are some areas of environmental sensitivity including some native vegetation and wetlands, and potential acid sulfate soils to be avoided. | The subject land is mostly cleared however there is potential acid sulfate soils to be avoided. These matters can be sufficiently managed. Further consideration of acid sulfate soils is provided in response to Ministerial Direction 4.1 of this planning proposal. |
| 6. Visually sensitive landscape and high landscape values based on river estuary and agricultural settings. | The land is identified by the Rural Lands Study as being within the River Estuary area (see Figure 10) characterised by the floodplains of the Paterson and Williams River offering distant views of pasture and wetlands. Given the proximity of existing rural residential areas and the consistency of the proposal with adjoining land, it is not considered that the proposal will detract from the scenic values identified. |

Figure 10 Rural Lands Study Rural Landscape Character Types

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No other local area plans or strategies exist for the Nelson Plains/Seaham locality.


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


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

Table 1 Relevant State Environmental Planning Policies

| SEPP | Consistency and Implications |
|---|---|
| <p>SEPP 55 – Remediation of Land This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p> | <p>SEPP 55 requires that consideration be given to whether the land is contaminated as part of a planning proposal. The planning proposal applies to land on which development for agricultural activities is known to have been carried out and is therefore potentially contaminated. A preliminary investigation in accordance with the contaminated land planning guidelines has been undertaken post-Gateway determination because the land is proposing to change from a rural zone to a residential zone (ATTACHMENT 4). The findings of the investigation satisfy Council that the land is suitable.</p> |

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| SEPP | Consistency and Implications |
|---|---|
| <p>State Environmental Planning Policy (Coastal Management) 2018 This SEPP applies to land within the coastal zone.</p> | <p>The Coastal SEPP provides that the coastal zone land within one or more of the following coastal management areas:</p> <p><i>(a) the coastal wetlands and littoral rainforests area,</i> <i>(b) the coastal vulnerability area,</i> <i>(c) the coastal environment area,</i> <i>(d) the coastal use area.</i></p> <p>The subject land is within the coastal environment area (blue) and coastal use area (red) as shown below:</p>  <p>The coastal management areas are largely avoided by the proposed rezoning area and unlikely to impact on the coastal zone. Further assessment of the planning proposals consistency with the SEPP is provided in response to Ministerial Direction 2.2.</p> |
| <p>State Environmental Planning Policy (Koala Habitat Protection) 2019 The Koala SEPP applies to land across NSW that is greater than 1 hectare and is not a National</p> | <p>The Port Stephens Comprehensive Koala Plan of Management (CKPoM) has been prepared in accordance with the Koala SEPP.</p> <p>The subject land is mapped in the CKPoM as 'mainly cleared'.</p> |

| SEPP | Consistency and Implications |
|---|--|
| <p>Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</p> | <p style="text-align: center;">Koala Habitat Mapping</p>  <p>The CKPoM provides performance criteria for rezonings to address:</p> <p>(a) <i>not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers</i></p> <p>The subject land is not mapped as containing Preferred Koala Habitat</p> <p>(b) <i>allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas</i></p> <p>The subject land is not mapped as containing Supplementary Koala Habitat or Habitat Linking Areas.</p> <p>(c) <i>minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site</i></p> <p>The subject land is mainly cleared and existing trees are unlikely to be removed given a minimum lot size of 2ha will be achieved.</p> <p>(d) <i>not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p> <p>The proposal is unlikely to sever koala movement across the site given the absence of koala feed trees.</p> |

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| SEPP | Consistency and Implications |
|--|--|
| <p>State Environmental Planning Policy (Primary Production and Rural Development) 2019</p> <p>The Rural Development SEPP aims to facilitate the orderly economic use of rural lands, protect important agricultural lands and reduce land use conflict.</p> | <p>The Primary Production and Rural Development SEPP supersedes the former Rural Lands SEPP, which contained Rural Planning Principles for consideration in strategic planning and to be addressed by any proposal to amend a planning instrument in relation to rural zoned land.</p> <p>The Primary Production and Rural Development SEPP relates specifically to State significant agricultural land, artificial water bodies, livestock industries and aquaculture and no longer contains the Rural Planning Principles that provide broad strategic direction for all rural land.</p> <p>The Rural Planning Principles were transferred to Ministerial Direction 1.5 Rural Lands and are addressed in response to Question 6 of this planning proposal.</p> <p>Notwithstanding, the objectives of the Primary Production and Rural Development SEPP include the facilitation of orderly economic use and development of lands for primary production, and to reduce land use conflict by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.</p> |


Q6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 2 – Relevant Ministerial Directions

| Ministerial Direction | Consistency and Implications |
|--|--|
| 1. EMPLOYMENT AND RESOURCES | |
| <p>1.2 Rural Zones</p> <p>The objectives of this direction are to protect the agricultural production value of rural lands.</p> | <p>The planning proposal will affect land within an existing rural zone.</p> |

| Ministerial Direction | Consistency and Implications |
|---|---|
| | <p style="text-align: center;">Land Zoning</p>  <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). <p>The planning proposal is inconsistent with this direction as it proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential and will reduce the lot size provisions enabling an increase in the permissible density of the land.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is in accordance with both the HRP and GNMP as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 1.2 Rural Zones.</p> |
| <p>1.5 Rural Lands The objective of this direction is to protect the agricultural production</p> | <p>The planning proposal will affect land within an existing rural zone and proposes to change the existing minimum lot size.</p> |

| Ministerial Direction | Consistency and Implications |
|---|---|
| <p>value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> | <p style="text-align: center;">Land Zoning</p>  <p>A planning proposal within an existing rural zone must:</p> <p>(a) <i>be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i></p> <p>Refer to response to Question 3 in this planning proposal.</p> <p>(b) <i>consider the significance of agriculture and primary production to the State and rural communities</i></p> <p>The proposal considers the importance of primary production to the State and rural communities, with any inconsistencies with this direction considered to be minor.</p> <p>(c) <i>identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></p> <p>Refer to response to Question 7 in this planning proposal.</p> <p>(d) <i>consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i></p> |

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| Ministerial Direction | Consistency and Implications |
|-----------------------|--|
| | <p>The natural and physical constraints of the land have been considered throughout the planning proposal, particularly in response to Questions 6 and 7.</p> <p><i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></p> <p>The proposal does not specifically promote opportunities for investment in productive rural economic activities.</p> <p><i>(f) support farmers in exercising their right to farm</i></p> <p>The proposal has considered the policy directions of the NSW Right to Farm Policy. The proposal is unlikely to impact existing farmers right to farm given the consistency of the proposed zone with adjoining land uses to the north, south and east. Consultation with surrounding landowners and the Department of Primary Industries – Agriculture have been undertaken post-Gateway determination.</p> <p><i>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</i></p> <p>The planning proposal will result in further fragmentation of rural land however the risk of land use conflict is considered low given the low yield of the proposal and the high presence of existing rural residential development to the north, south and east.</p> <p><i>(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</i></p> <p>The proposal does not relate to State significant agricultural land.</p> |

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| Ministerial Direction | Consistency and Implications |
|-----------------------|---|
| | <p><i>(i) consider the social, economic and environmental interests of the community.</i></p> <p>Refer to response to Questions 7-9 in this planning proposal.</p> <p>A planning proposal that proposes to change the existing minimum lot size within a rural zone must demonstrate that it:</p> <p><i>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</i></p> <p>The proposal has considered the potential for land use conflict.</p> <p><i>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</i></p> <p>It is considered that the proposal will not adversely affect the operation of existing and future rural land uses and supporting infrastructure and facilities that are essential to rural industries or supply chains.</p> <p><i>(c) where it is for rural residential purposes:</i></p> <ul style="list-style-type: none"> <i>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</i> <i>ii. is necessary taking account of existing and future demand and supply of rural residential land.</i> <p>The planning proposal will facilitate rural residential development that can be appropriately serviced, that is within a 10 minute drive of a Strategic Centre. Council understands that there is a demand for this type of housing type.</p> <p>A planning proposal may be inconsistent with this direction if the provisions of the planning proposal that</p> |

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| Ministerial Direction | Consistency and Implications |
|--|---|
| | <p>are inconsistent are of minor significance. The planning proposal has adequately considered the potential for land use conflict with existing agricultural operations in particular poultry sheds within proximity of the site. Given the low dwelling yield resulting from the planning proposal and consistency of rural residential development with surrounding land uses, the inconsistencies with this direction are of minor significance.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 1.5 Rural Lands.</p> |
| 2. ENVIRONMENT AND HERITAGE | |
| <p>2.1 Environment Protection Zones</p> <p>The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.</p> | <p>The direction applies to all planning proposals however the land is not within an environment protection zone or otherwise identified for environmental protection purposes in the LEP.</p> <p><i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>The land is not within an environmentally sensitive area.</p> <div data-bbox="604 1106 1206 1456" data-label="Image"> </div> <p>The planning proposal is consistent with Ministerial Direction 2.1 Environment Protection Zones.</p> |
| <p>2.2 Coastal Management</p> <p>The objective of this direction is to</p> | <p>The planning proposal applies to land within the coastal zone.</p> |


| Ministerial Direction | Consistency and Implications |
|--|--|
| <p>protect and manage coastal areas of NSW</p> | <div data-bbox="603 376 1209 728" data-label="Image"> </div> <p>A planning proposal must:</p> <p>(4) include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</p> <p>The objects of the Coastal Management Act 2016 include protecting and supporting natural coastal processes and environmental/social/economic values, facilitating ecologically sustainable development and mitigating coastal hazard risks. The planning proposal largely avoids land within the coastal zone and future development can be sited outside of the coastal zone.</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit;</p> <p>The manual and toolkit provide direction for councils preparing Coastal Management Programs (CMP). Port Stephens Council is currently preparing a CMP and the planning proposal is unlikely to be inconsistent.</p> <p>(c) NSW Coastal Design Guidelines 2003; and</p> <p>The planning proposal is likely to result in development consistent with 'Isolated Coastal Dwellings'. The scale and</p> |

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| Ministerial Direction | Consistency and Implications |
|-----------------------|---|
| | <p>location of future development is consistent with the NSW Coastal Design Guidelines. Consideration of relationship to the environment, visual sensitivity, access to water and natural areas is provided throughout this planning proposal including in response to Questions 7-9.</p> <p><i>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p> <p>No CMP has been adopted by Port Stephens Council.</p> <p><i>(5) not rezone land which would enable increased development or more intensive land-use on land:</i></p> <p><i>(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</i></p> <p><i>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i></p> <p><i>(i) by or on behalf of the relevant planning authority and the planning proposal authority, or</i></p> <p><i>(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></p> <p>The land is not within a coastal vulnerability area or affected by a coastal hazard.</p> <p><i>(6) not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests</i></p> |

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| Ministerial Direction | Consistency and Implications |
|--|--|
| | <p><i>area identified by the State Environmental Planning Policy (Coastal Management) 2018.</i></p> <p>The land is not within a coastal wetland or littoral rainforest area.</p> <p>The planning proposal is consistent with Ministerial Direction 2.2 Coastal Management.</p> |
| <p>2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> | <p>The direction applies to all planning proposals.</p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i> (b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> (c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i> <p>No items, areas, objects, or places of environmental heritage significance are located on or near the subject land. Heritage Item 17 'Prospect House' is located approximately 400m west (between property boundaries) of the subject land however is not related to the proposal.</p> |

| Ministerial Direction | Consistency and Implications |
|---|---|
| | <p style="text-align: center;">Heritage</p>  <p>An initial assessment via Aboriginal Heritage Information Management System (AHIMS) has shown that there no Aboriginal sites or places in or near the planning proposal.</p> <p>Pursuant to the Gateway determination, the planning proposal and studies were referred to the Worimi Local Aboriginal Land Council to consider preservation and protection of Aboriginal heritage, values. Section D of the planning proposal addresses agency referrals.</p> <p>The planning proposal is consistent with Ministerial Direction 2.3 Heritage Conservation</p> |
| <p>2.6 Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> | <p>The planning proposal applies to land on which development for agricultural activities is known to have been carried out and is therefore potentially contaminated.</p> <p>A planning proposal must not permit a change of zoning on potentially contaminated land unless:</p> <ul style="list-style-type: none"> (a) <i>the planning proposal authority has considered whether the land is contaminated, and</i> (b) <i>if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i> (c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will</i> |

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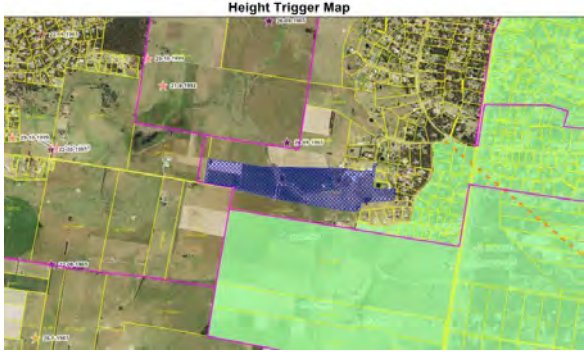
| Ministerial Direction | Consistency and Implications |
|---|--|
| | <p><i>be so remediated before the land is used for that purpose.</i></p> <p>A preliminary investigation in accordance with the contaminated land planning guidelines has been prepared since receiving a Gateway determination.</p> <p>The planning proposal is consistent with Ministerial Direction 2.6 Remediation of Contaminated Land.</p> |
| 3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT | |
| <p>3.1 Residential Zones Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> | <p>The planning proposal will affect land within a proposed residential zone.</p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <i>(a) broaden the choice of building types and locations available in the housing market, and</i> <i>(b) make more efficient use of existing infrastructure and services, and</i> <i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> <i>(d) be of good design.</i> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <i>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> <i>(b) not contain provisions which will reduce the permissible residential density of land</i> <p>The planning proposal is partly consistent with the terms of the direction as it will broaden the choice of building types and locations in the housing market and be of good design. However, the planning proposal is inconsistent with the remaining terms of the direction as it does not make more efficient use of existing infrastructure and will increase the consumption of land on the urban fringe.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is</p> |

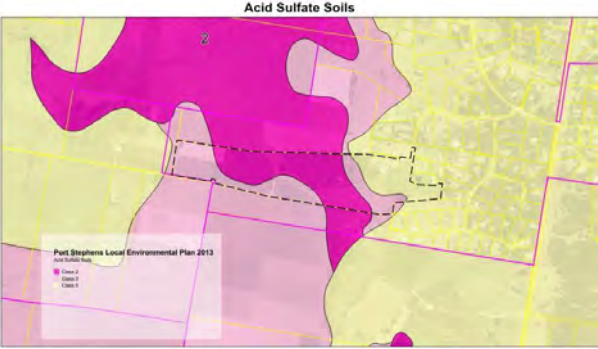
| Ministerial Direction | Consistency and Implications |
|--|--|
| | <p>in accordance with both the HRP and GNMP as it as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 3.1 Residential Zones.</p> |
| <p>3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</p> | <p>The planning proposal will create a zone for residential purposes.</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) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p><i>Principles:</i></p> <ol style="list-style-type: none"> 1. <i>Concentrate in centres</i> 2. <i>Mix uses in centres</i> 3. <i>Align centres within corridors</i> 4. <i>Link public transport with land use strategies</i> 5. <i>Connect streets</i> 6. <i>Improve pedestrian access</i> 7. <i>Improve cycle access</i> 8. <i>Manage parking supply</i> 9. <i>Improve road management</i> 10. <i>Implement good urban design</i> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p> <p><i>Aim:</i> “To encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling.”</p> <p><i>Objectives</i></p> <ul style="list-style-type: none"> • <i>locate trip-generating development which provides important services in places that:</i> <ul style="list-style-type: none"> ○ <i>help reduce reliance on cars and moderate the demand for car travel</i> |

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| Ministerial Direction | Consistency and Implications |
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| | <ul style="list-style-type: none"> o <i>encourage multi-purpose trips</i> o <i>encourage people to travel on public transport, walk or cycle</i> o <i>provide people with equitable and efficient access</i> • <i>minimise dispersed trip-generating development that can only be accessed by cars</i> • <i>ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery</i> • <i>protect and maximise community investment in centres, and in transport infrastructure and facilities</i> • <i>encourage continuing private and public investment in centres, and ensure that they are well designed, managed and maintained</i> • <i>foster growth, competition, innovation and investment confidence in centres, especially in the retail and entertainment sectors, through consistent and responsive decision making.</i> <p>Although, the subject land is not located in a centre or in walking distance from a major public transport mode like a railway station or high frequency bus route, it is within 10 minutes' drive of a strategic centre at Raymond Terrace. The planning proposal is inconsistent with the terms of the direction as it does not ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery. However, the nature of the proposed development, as rural residential, is unlikely to be able to satisfy these requirements.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is in accordance with both the HRP and GNMP as it as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> |

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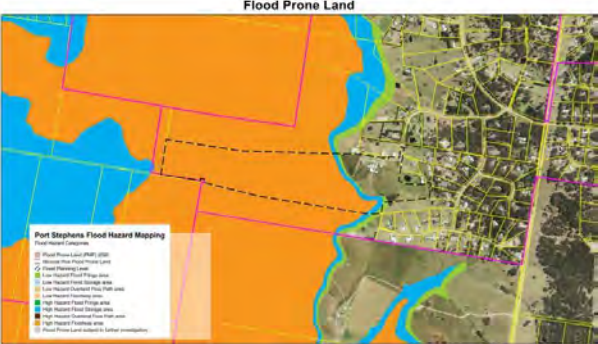
| Ministerial Direction | Consistency and Implications |
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| | <p>The planning proposal is justifiably inconsistent with Ministerial Direction 3.4 Integrating Land Use and Transport.</p> |
| <p>3.5 Development Near Regulated Airports and Defence Airfields</p> <p>The objectives of this direction are to ensure the effective and safe operation of regulated airports and defence airfields; that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> | <p>The planning proposal will create a zone on land near Williamstown RAAF Base / Newcastle Airport. The land is not identified on the Port Stephens Height Trigger Map. The land is not affected by any ANEF contour.</p>  <p>Where a planning proposal sets controls for development of land near a regulated airport, Council must:</p> <ul style="list-style-type: none"> (a) consult with the lessee/operator of that airport; (b) take into consideration the operational airspace and any advice from the lessee/operator of that airport; (c) for land affected by the operational airspace, prepare appropriate development standards, such as height controls. (d) not allow development types that are incompatible with the current and future operation of that airport <p>Where a planning proposal that sets controls for the development of land near a defence airfield, Council must:</p> <ul style="list-style-type: none"> (a) consult with the Department of Defence if: <ul style="list-style-type: none"> (i) the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or |

| Ministerial Direction | Consistency and Implications |
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| | <p>(ii) no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</p> <p>(b) for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</p> <p>(c) not allow development types that are incompatible with the current and future operation of that airfield.</p> <p>The existing planning controls in the Port Stephens Development Control Plan 2014 require development on sites within the RAAF Base Williamstown Obstacle Limitation Map that are higher than 45m to be referred to the Department of Defence.</p> <p>22 Warrigal close is located outside of the Map, and therefore does not apply. Nevertheless, consultation with Newcastle Airport and the Commonwealth Department of Defence has been undertaken with neither objecting to the proposal.</p> <p>The planning proposal is consistent with Ministerial Direction 3.5 Development Near Regulated Airports and Defence Airfields.</p> |
| 4. HAZARD AND RISK | |
| <p>4.1 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p> | <p>The planning proposal will apply to land having a probability of containing acid sulfate soils (classes 2, 3 and 5).</p>  <p>What Council must do if this direction applies:</p> |

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| Ministerial Direction | Consistency and Implications |
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| | <p>(4) <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p> <p>(5) <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i></p> <p style="margin-left: 40px;">(a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i></p> <p style="margin-left: 40px;">(b) <i>such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines</i></p> <p>(6) <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-general prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>(7) <i>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</i></p> <p>The subject land is nominated as class 2, 3 and 5 acid sulfate soils requiring consent for works:</p> <ul style="list-style-type: none"> • below the natural ground surface OR by which the watertable is likely to be lowered (class 2). • more than 1 metre below the natural ground surface OR by which the watertable is likely to |


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| Ministerial Direction | Consistency and Implications |
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| | <p>be lowered more than 1 metre below the natural ground surface (class 3).</p> <ul style="list-style-type: none"> • within 500m of Class 1, 2, 3 or 4 land (Class 5). <p>The land subject to rezoning is mostly class 5 and is the lowest risk classification. Sufficient area is available to develop outside of land containing class 2 and 3 ASS. The Port Stephens Local Environmental Plan 2013 contains a clause consistent with <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General</i>, which ensures that all development applications provide consideration to acid sulfate soils. Further consideration of Acid Sulfate Soils can be managed through existing provisions of the LEP.</p> <p>The planning proposal is consistent with Ministerial Direction 4.1 Acid Sulfate Soils</p> |
| <p>4.3 Flood Prone Land</p> <p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> | <p>The planning proposal affects flood prone land.</p>  <p>A planning proposal must:</p> <ol style="list-style-type: none"> (4) include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). (5) not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial Special Use or Special Purpose Zone. (6) not contain provisions that apply to the flood planning areas which: |

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| | <p>(a) permit development in floodway areas;</p> <p>(b) permit development that will result in significant flood impacts to other properties;</p> <p>(c) permit a significant increase in the development of that land;</p> <p>(d) are likely to result in a substantial increased requirement for government spending on flood mitigation measures, infrastructure or services; or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>(7) not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>The planning proposal is mostly consistent with terms (4), (6), (7) and (8) of this direction however the planning proposal will rezone flood affected land from rural to residential and is therefore inconsistent with term (5).</p> <p>A planning proposal may be inconsistent with the terms of this direction if the provisions of the planning proposal that are inconsistent are of minor significance. Given the extent of the land mapped as flood prone that will be rezoned is minor and the ability for future development to be site above the flood planning level, the inconsistency is minor.</p> |

| Ministerial Direction | Consistency and Implications |
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| | <p>The planning proposal is justifiably inconsistent with Ministerial Direction 4.3 Flood Prone Land</p> |
| <p>4.4 Planning for Bushfire Protection The objectives of this direction are to protect life, property, and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p> | <p>The planning proposal will affect land mapped as bushfire prone land.</p>  <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>The planning proposal is informed by a Bushfire Threat Assessment prepared with regard for 'Planning for Bushfire Protection 2006'. The planning proposal will not place inappropriate development in hazardous areas and does not proposed to prohibit bushfire hazard reduction within asset protection zones.</p> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an <i>Asset Protection Zone (APZ)</i> incorporating at a minimum: <ul style="list-style-type: none"> (i) an <i>Inner Protection Area</i> bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and |

| Ministerial Direction | Consistency and Implications |
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| | <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> <p>The planning proposal complies with all provisions stated above.</p>  <p>The planning proposal is consistent with Ministerial Direction 4.4 Planning for Bushfire Protection.</p> |
| <p>5. REGIONAL PLANNING</p> | |

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| Ministerial Direction | Consistency and Implications |
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| <p>5.10 Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.</p> | <p>The direction applies to all planning proposals.</p> <p>A planning proposal must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>The planning proposal is consistent with the Hunter Regional Plan 2036 as provided in response to Question 3.</p> <p>The planning proposal is consistent with Ministerial Direction 5.10 Implementation of Regional Plans.</p> |
| 6. LOCAL PLAN MAKING | |
| <p>6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> | <p>The direction applies to all planning proposals.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> (b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> <ul style="list-style-type: none"> (i) <i>the appropriate Minister or public authority, and</i> (ii) <i>the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i> (c) <i>not identify development as designated development unless the relevant planning authority:</i> <ul style="list-style-type: none"> (i) <i>can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i> (ii) <i>has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking</i> |

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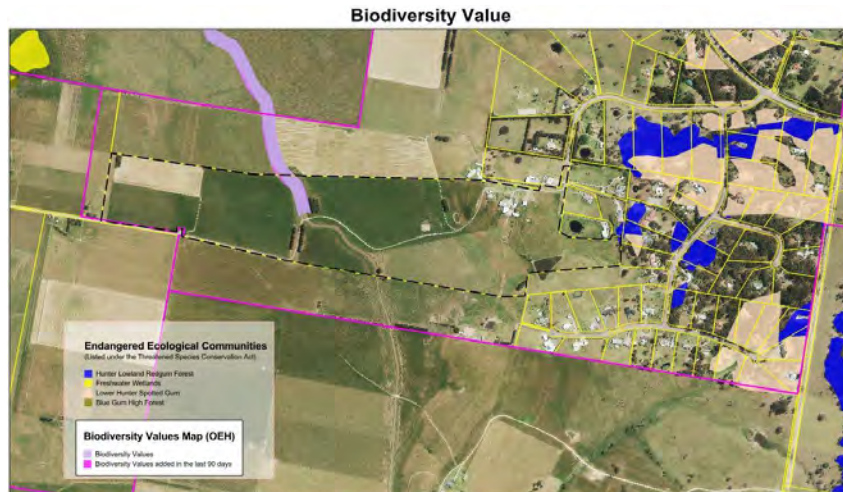
| Ministerial Direction | Consistency and Implications |
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| | <p><i>community consultation in satisfaction of section 57 of the Act.</i></p> <p>The planning proposal does not propose provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.</p> <p>The planning proposal is consistent with Ministerial Direction 6.1 Approval and Referral Requirements.</p> |
| <p>6.2 Reserving Land for Public Purposes The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> | <p>The direction applies to all planning proposals.</p> <p><i>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i></p> <p>The planning proposal is not seeking to reserve land for public purposes.</p> <p>The planning proposal is consistent with Ministerial Direction 6.2 Reserving Land for Public Purposes.</p> |

Section C – Environmental, social, and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The subject land does not include koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats (see Figure 11). The planning proposal is unlikely to adversely affect any important biodiversity values.

Figure 11 Biodiversity value



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

No. The planning proposal has adequately responded to all likely environmental effects as a result of the planning proposal, including flooding, bushfire, rural land use conflict, acid sulfate soils, wastewater management, contamination and heritage, throughout this document.

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

Yes. The rezoning of the land for rural residential purposes will have positive social and economic effects, and in particular, the development of the land for housing will assist in meeting regional dwelling targets identified within the GNMP. The community benefit associated with the proposed development will be found in the provision of additional housing to service the future population needs of the Port Stephens LGA.

However, it is also recognised that any reduction in lot size permitting a dwelling can have negative social and economic outcomes by increasing fragmentation of agricultural land, making it more difficult and expensive to consolidate larger (potentially more economically viable) parcels for agriculture, and potentially increasing land use conflicts.

The Brandy Hill community have access to community services and facilities within the regional centre of Raymond Terrace, and Maitland and access to recreational facilities locally and within the wider Port Stephens locality. Additional demand from growth in the rural west is likely to continue to be met by either Raymond Terrace or centres within the Maitland LGA. The proposal will provide much needed housing for Port Stephens in a location that is in proximity to the major centre of Raymond Terrace. The impacts of the

proposal will be reduced by the retention of the most significant trees and putting in place evacuation arrangements during significant flooding events.

Section D – State and Commonwealth interests

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

Yes. Preliminary service advice from Ausgrid (electricity) and Hunter Water Corporation (water) confirming the availability and capacity of electricity and water supply to the subject land.

Connection to a reticulated sewer system is not available therefore; onsite wastewater systems shall be required for each lot, which remains consistent with the surrounding rural residential development of Brandy Hill. A Wastewater Management Report at the development application stage is appropriate given the size and yield of future lots.

There is sufficient infrastructure capacity in the existing road networks to support the proposal. A Traffic and Access Review has concluded that the planning proposal will have an acceptable impact upon the local road network.

Therefore, the expected growth/demand from the amendments will not place excessive demands on infrastructure.

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

Consultation has been undertaken with the following public authorities and agencies:

- Newcastle Airport
- Civil Aviation and Safety Authority (CASA)
- Commonwealth Department of Defence
- Department of Planning, Industry and Environment– Agriculture
- Department of Planning, Industry and Environment – Water
- Worimi Aboriginal Land Council
- Hunter Water Corporation

The table below summarises the key issues raised by each agency and provides a response to each issue raised:

Table 3 Consultation with Agencies

| Author of Referral | Recommendation | Council response |
|---------------------------|---|-------------------------|
| Newcastle Airport | The referral notes that the site is not within the Australian Noise Exposure Forecast (ANEF) for Newcastle Airport. | Noted. |

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| | <p>However, the subject site will regularly experience some level of aircraft noise from aircraft movements.</p> <p>The referral requested that the constraints associated with aircraft noise be placed on any S10.7 planning certificate issued by Council for the property.</p> | <p>Any section 10.7(5) planning certificates issued for the site contain a note to say that the property may be affected by aircraft noise.</p> |
| Civil Aviation and Safety Authority (CASA) | CASA raised no objection to the planning proposal proceeding. | Noted. |
| Commonwealth Department of Defence | <p>Defence noted that the site is outside the ANEF for RAAF Base Williamtown and Salt Ash Air Weapons Range but the site will still regularly experience some level of aircraft noise from aircraft on approach and departure from RAAF Base Williamtown.</p> <p>Defence requested that a property notation be placed on any S10.7 certificate that may be issued by Council for the property advising that the property is subject to aircraft noise generated by activities at RAAF Base Williamtown.</p> | <p>Noted.</p> <p>Any section 10.7(5) planning certificate issued for the site contains a note to say that the property may be affected by aircraft noise.</p> |

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| Department of Planning, Industry and Environment–Agriculture | <p>The response referred to there being no supply and demand analysis for the proposal and that the most recent information in relation to this is in the draft Rural Residential Strategy which informs Live Port Stephens.</p> | <p>Planning proposals for rural residential development are not relied on for meeting the housing targets identified by DPIE.</p> <p>Rather, they align with Outcome 3 of Live Port Stephens to “Increase diversity of housing choice” and respond directly to the findings of the ‘Housing Preferences in Port Stephens Report’ prepared by SGS Economics & Planning which identifies rural blocks as being the preferred housing choice amongst 14.4% of survey participants.</p> |
| | <p>It was noted that while it is unlikely to impact existing nearby farmers, the proposal lacks details regarding the Right to Farm Act and the existing land uses within the area (other than rural residential).</p> | <p>Regarding the Right to Farm Act, the planning proposal has been updated to include further information on the surrounding land uses.</p> |
| | <p>DPI noted that should the proposal proceed there would be two areas zoned RU1 that will be surrounded by rural residential development, and that there is no reference to this within the proposal or whether or not these RU1 zoned lots can continue to function for primary production purposes.</p> | <p>Three of the RU1 Primary Production zoned properties adjoining the subject site already have lot sizes commensurate with the proposed minimum lot size in the planning proposal, and are currently used for rural residential housing consisting of single dwellings, therefore the outcomes of the proposal are unlikely to significantly change the character of the immediate locality despite the change in zoning.</p> |

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| <p>Department of Planning, Industry and Environment – Water</p> | <p>The response from the Biodiversity and Conservation Division (BCD) noted that part of the land is flood prone, with a small portion of High Hazard Floodway on proposed lot 202.</p> | <p>While the subject land is mapped as flood prone land the proposed rezoning area largely avoids flood prone land. As provided in the concept subdivision layout, only two future allotments (Lot 202 and 204) will contain flood prone land. There is sufficient flood free land available on Lot 202 to accommodate future development and a dwelling exists on Lot 204.</p> |
| | <p>BCD stated that the proposal should only proceed if the inconsistencies with Ministerial Direction 4.3 Flood Prone Land are considered to be of a minor significance. To demonstrate this, it should be shown that proposed lot 202 will have sufficient area above the flood planning level to accommodate future development.</p> | <p>To demonstrate that proposed lot 202 will have adequate area above the flood planning level to accommodate future housing, the proposal.</p> |
| <p>Hunter Water Corporation</p> | <p>Formal consultation with Hunter Water Corporation was undertaken through preliminary servicing advice. The details of this advice is addressed above under Question 10. No objections were raised.</p> | <p>Noted.</p> |

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| Worimi Local Aboriginal Land Council | No objections were received by the Worimi Local Aboriginal Land Council. | Noted. |
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PART 4 – Mapping

Proposed changes to the Land Zoning Map and Lot Size Map are provided in Part 2 of this planning proposal (see Figures 2 and 3). Maps will be prepared in accordance with the Department of Planning, Industry and Environment’s ‘Standard technical requirements for spatial datasets and maps’.

PART 5 – Community consultation

In accordance with the Gateway determination, the planning proposal was exhibited from 13 January to 10 February 2022. Notice of the public exhibition period was placed in the local newspaper, the Port Stephens Examiner, and was also available on Council's Website. In this period 8 community submissions were received, the table below details a summary of key issues raised in community consultation and provides a response. No updates to the proposal came out community consultation.

| No. | Author of submission | Comment | Council response |
|-----|----------------------|--|--|
| 1 | Resident | <p>The submission expresses concerns regarding the ability of the road surface of Warrigal Close to support additional traffic generated from new residents as well as from the construction stage of any future dwellings.</p> <p>The submission notes that in some areas the road only supports traffic in one direction, and that the road surface is deteriorating.</p> <p>The submission also notes the fatal incident of a resident who was struck by a car on Warrigal Close.</p> | <p>A Traffic and Access Report was lodged with the planning proposal and concluded that there is sufficient capacity in the existing road networks to support the proposal.</p> <p>Warrigal Close is part of the public road network and is subject to maintenance as part of Councils ongoing road maintenance program.</p> <p>Council extends sympathy to the friends, family and community members involved in the tragic accident raised in the submission, and understands the ongoing impacts to all involved. Council has access to a range of mechanisms to deliver safety for motorists</p> |

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| | | | and pedestrians using the public road network, including the use of safety signage, and requiring construction of roads in accordance with the AustRoads Guidelines. A traffic and access review submitted to support the planning proposal has not identified any upgrades to Warrigal Close that are required to meet the AustRoads Guidelines. |
| 2 | Resident | The submission states that the ad hoc nature of the subdivision will create a precedent in the area and will result in further ad hoc subdivisions. | <p>At this stage there is no application for a subdivision being assessed. The planning proposal seeks to amend the land zoning and minimum lot size maps, which would enable a development application to subdivide the land to be lodged and assessed.</p> <p>This rezoning request is the result of several strategic planning documents including the Hunter Regional Plan, Greater Newcastle Metropolitan Plan, and the Port Stephens Local Strategic Planning Statement (LSPS), which included an action to prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land.</p> <p>A local housing strategy that included criteria for new rural residential development was adopted in July 2020 (Appendix 2 of Live Port Stephens). This application has been assessed against the Rural Residential Criteria (RRC) in Appendix 2 of Live Port Stephens and is considered to be consistent. The RRC was developed by constraints mapping in response to the Hunter</p> |

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| | | | <p>Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036 directions. It accounts for:</p> <ul style="list-style-type: none"> • land identified by, or in proximity to an area identified by, a local, regional or State strategic plan for potential urban housing • land within a 2km distance from existing or planned major employment areas • slopes greater than 18 degrees • class 1 and 2 acid sulphate soils • land within the Flood Planning Area • high biodiversity value land, including coastal wetlands or coastal lakes • noise exposure areas within an ANEF 25 or greater • land identified as Important Agricultural Land, as defined by the Biophysical Strategic Agricultural Land (BSAL) mapping prepared by the State Government for the purposes of Strategic Regional Land Use Planning • land located within 500 metres of known extractive industries, quarrying or mining. • land identified by the State Government as having known mineral resource potential <p>Suitability of locations for rural residential housing are defined in accordance with the RRC in Live Port Stephens, and not in terms of precedence.</p> <p>The characteristics of the subject land and surrounding</p> |
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| | | | locality are consistent with the RRC in Live Port Stephens. |
| | | The submission expresses concerns about the loss of fertile farmland. | <p>Both the criteria in Live Port Stephens and ministerial directions 1.2 and 1.5 outline that land that is important agricultural land, state significant agricultural land, or Biophysical Strategic Agricultural Land (BSAL) should be excluded from rezoning unless justification is provided.</p> <p>The proposal does not relate to important agricultural land or state significant agricultural land. A small portion of the subject land is mapped as BSAL. However, the mapped BSAL subject to rezoning is on land with a slope greater than 10% and the contiguous area of BSAL within the allotment is less than 20ha. Therefore, in accordance with the 'Interim protocol for site verification and mapping of biophysical strategic agricultural land' (OEH, 2013) the site is not BSAL.</p> <p>The Rural Residential Strategy identifies the need to exclude lots greater than 80ha for agricultural or biodiversity purposes. The subject land is less than 50ha, of which approximately 7ha is proposed to be rezoned. The remaining 42ha will remain zoned RU1.</p> <p>The planning proposal is not considered to represent a meaningful loss of fertile farmland.</p> |
| | | The submission expresses concern for increase in traffic on Warrigal Close, noting the fatal traffic accident in 2018. The submission states the road | See response to submission No 1. |

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| | | into the subdivision should be sealed. | |
| | | The submission notes the proposed rezoning is on the side of a hill and will present sewage issues to surrounding properties and nearby natural waterway. | <p>Connection to a reticulated sewer system is not available. As such, onsite wastewater systems will be required for each lot, which is consistent with the surrounding rural residential development of Brandy Hill. A Wastewater Management Report at the development application stage is appropriate given the size and yield of future lots.</p> <p>In accordance with PSC's Development Assessment Framework (DAF) the subject land is classified 'medium hazard'. As the number of lots that have the potential to be created is reasonably small, it would be appropriate for an OSMS report that meets the requirements of the DAF be provided at development application stage.</p> |
| | | The submission notes the noise increase from the RAAF base and Newcastle airport, and the impact of this on future development. | <p>The site is not identified as being within Australian Noise Exposure Forecast (ANEF) contours. Only proposals on land affected by ANEF contour 25 or above are deemed "unacceptable" for residential purposes under Australian Standard 2021 to 2015.</p> <p>As part of agency consultation Newcastle Airport, Civil Aviation and Safety Authority (CASA) and the Commonwealth Department of Defence were consulted with, and had no objections to the proposal.</p> <p>Despite this, the Port Stephens LGA regularly experiences some level of aircraft noise. Section 10.7(5) planning certificates</p> |

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| | | | issued for the site will contain a note advising that the property may be affected by aircraft noise. |
| | | The submission notes that the subject land is a koala corridor, and further subdivision and traffic will distress koala population. | <p>The proposal has been assessed against the Port Stephens Comprehensive Koala Plan of Management (CKPOM) and does not include any koala habitat and/or corridors.</p> <p>The land subject to rezoning is largely cleared of vegetation and does not include any significant native vegetation, endangered ecological communities, threatened species or habitats, and is not part of any regionally significant biodiversity corridors. The proposed lot size will allow for the retention of any existing trees.</p> |
| | | The submission expresses concern for the added demand on power, water, and internet infrastructure that will come from additional dwellings, and the effect of this on existing residents. | The subject land is connected to a reticulated power supply. Preliminary service advice from Ausgrid (electricity) and Hunter Water Corporation (water) confirm the availability and capacity of electricity and water supply to the subject land. Formal consultation with Hunter Water was also carried out, with no objections raised. |
| 3 | Resident | The submission notes that the site is within a private gated estate and has concerns relating to the privacy of residents and loss of amenity. | It should be noted that Warrigal Close is not a private gated community. The owners of 22 Warrigal Close have a right of carriageway on their land which permits certain neighbouring properties to access to their property. Privacy and amenity would be considered at development application stage should the site be rezoned. |
| | | The submission expresses concern for the frequency of rezonings in this area, and concern that the proposed rezoning could | Since the adoption of the current Local Environmental Plan in 2014, there has been no land rezoned in the Brandy Hill/Seaham/Nelsons |

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| | | then lead to further changes to zoning for the existing residents. | <p>Plains area.</p> <p>Any future rezoning request for rural residential housing will be assessed against the Rural Residential Criteria (RRC) in Appendix 2 of Live Port Stephens.</p> <p>It is noted that the surrounding land is inconsistent with the general housing criteria listed in Appendix 1 of Live Port Stephens.</p> |
| | | The submission expresses concern about the loss of viable rural land. | See response to submission No 2. |
| | | The submission notes that the planning proposal is inconsistent with Ministerial Direction '1.2 Rural Lands'. | <p>The planning proposal is inconsistent with Ministerial Direction 1.2 Rural Zones and 1.5 Rural Lands as it proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential and will reduce the lot size provisions enabling an increase in the permissible density of the land.</p> <p>A planning proposal may be inconsistent with these directions if the proposal is in accordance with the Hunter Regional Plan (HRP) or Greater Newcastle Metropolitan Plan (GNMP). The planning proposal is consistent with both the HRP and GNMP as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> |
| | | The submission expresses concern about the future residents gaining access via McClymonts Swamp Road, it is noted that this is flood affected. | A flood free access map and report was lodged with the planning proposal which demonstrates that the site is capable of flood free access and egress. McClymonts Swamp Road is not proposed |

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| | | | as a viable access road in a flood event. |
| | | <p>The submission expresses traffic concerns for the narrow nature of 22 Warrigal Close, and the poor visibility onto Brandy Hill Drive.</p> <p>The submission expresses concern about the trucks necessary for future development concern that this will deteriorate road conditions.</p> | <p>A Traffic and Access Report was lodged with the planning proposal and concluded that there is sufficient capacity in the existing road networks to support the proposal.</p> <p>Warrigal Close is part of the public road network and is subject to maintenance as part of Councils ongoing road maintenance program.</p> |
| | | The submission questions how rezoning 49 hectares will result in 3 blocks of 2 hectares. | It is proposed to rezone approximately 7ha of the site, with the remaining approximate 42ha to stay zoned RU1. |
| 4 | Resident | <p>The submission expresses concerns in the inability of Warrigal Close to support increased traffic / truck movement as a result of the proposed increase in number of large residential lots.</p> <p>The submission notes the danger of the road and makes reference to the fatal incident.</p> | See response to submission No 1. |
| 5 | Resident | The submission objects to koala habitat being cleared as a result of this proposal. | The proposal has been assessed against the Port Stephens CKPOM which identifies that the site does not include any koala habitat. |
| 6 | Community Group (Voice of Wallalong, Woodville and Surrounds) | The submission expresses concern about the loss of rural land, and potential precedent for rural residential rezonings. | See response to submission No 2. |
| | | The submission expresses concerns for inconsistency with the Rural Residential Criteria, specifically that the slope has not been analysed. | A local housing strategy that included criteria for new rural residential development was adopted in July 2020 (Appendix 2 of Live Port Stephens). This application has been assessed against the Rural Residential Criteria (RRC) in Appendix 2 of Live Port Stephens and is |

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| | | | <p>considered to be consistent.</p> <p>The RRC includes consideration for land that has a slope of greater than 18 degrees. The subject land slope is not greater than 18 degrees, consistent with the exclusionary criteria.</p> |
| | | <p>The submission expresses concern about the flood free access map, stating it falsely indicates a flood exit to Seaham, which has no further exit.</p> | <p>A Flood Free Access Map has been prepared following a Gateway determination. The map demonstrates that the site has flood free access to evacuation facilities at Wallalong and Seaham via a public road.</p> |
| | | <p>The submission expresses concern about the flood layout on each property, as detailed in the proposed lot layout, and states that Lot 202 would be severely compromised in a flood event.</p> <p>The submission requests that serious consideration must be given to the actual location of the dwellings, to get the safest and best outcome.</p> | <p>While the subject land is mapped as being flood prone land the proposed rezoning area largely avoids flood prone land. As provided in the concept subdivision layout, only two future allotments (Lot 202 and 204) will contain flood prone land. There is sufficient flood free land available on Lot 202 to accommodate future development and a dwelling exists on Lot 204.</p> <p>At the rezoning stage a subdivision layout is indicative only and is used to demonstrate that a minimum lot size of 2ha is appropriate to achieve a number of outcomes outlined within Ministerial Directions. Should the land be rezoned, a subsequent application for subdivision would need to be lodged, where the lot configuration would be determined.</p> <p>If the land were to be subdivided, the location of any dwellings would also be subject to a further development application which would determine the location of any future dwellings as a result of being assessed against the Port Stephens Local</p> |

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| | | | Environmental Plan, and Development Control Plan, including for flood considerations. |
| | | The submission asks whether a rezoning was needed to create 3 lots with a lot size of 2ha, or whether this could have been achieved without rezoning the land. | <p>The current minimum lot size of the site is 40ha, and therefore cannot be subdivided. One additional dwelling could currently be constructed on the lot subject to a development application, as dual occupancies are permissible in the RU1 zone.</p> <p>A rezoning is a type of LEP amendment. In order to subdivide the land, the minimum lot size map is required to be amended. While the lot size map may be amended without amending the land zoning map, the site would still need to go through the LEP amendment process.</p> <p>The zone objectives and proposed lot size are consistent with the R5 zone, and therefore if the lot size map is amended to reflect a minimum lot size of 2ha, it is most appropriate to also amend the zoning.</p> |
| | | The submission expresses that the desktop study referred to in the planning proposal that shows that a large yield of residential housing is possible is overstated because of the agricultural potential of the land and the extent of the flood plain. | The study referred to is the Port Stephens Rural Residential Strategy (2015). The rural residential criteria in Live Port Stephens requires proposals to address the Port Stephens Rural Residential Strategy (2015) including any matters for investigation that have been identified relevant to the proposed land which is why this study is referred to in the planning proposal. |
| | | The submission states that the subject site is 15 minutes north west of Raymond Terrace and not 10 minutes as described in the planning proposal. | While travel time depends on many factors such as road works and traffic, Google Maps indicates a travel time from 22 Warrigal Close to the intersection of William St and |

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| | | | Port Stephens Street, Raymond Terrace, considered the town centre, of 10 minutes. Additionally, 22 Warrigal Close to Market Place shopping centre is shown as an 11 minute drive on Google Maps. |
| | | <p>The submission expresses concern about the intersection of Brandy Hill Drive and Warrigal Close, and the date of the Traffic and Access report (March 2018).</p> <p>The submission also notes the fatal traffic accident in 2018.</p> | <p>See response to submission No 1.</p> <p>The Traffic and Access Report was undertaken in accordance with the Austroads Guides and RTA Guide to Traffic Generating Developments. The report was provided prior to issue of Gateway Determination in August 2020, which did not set a requirement for the report to be updated.</p> |
| | | The submission notes inconsistency with Ministerial Direction 1.2 Rural Zones and 1.5 Rural Lands. | See response to submission No 3. |
| | | The submission notes minor inconsistencies with Ministerial Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, and 4.3 Flood Prone Land. | <p>Section 9.1 Ministerial Directions provide for where a planning proposal is inconsistent with the relevant direction, or if the inconsistency is of a minor nature.</p> <p>Each direction has been assessed and the planning proposal addresses and provides justification where there are inconsistencies.</p> |
| 7 | Resident | The submission notes that the Local Housing Strategy states that extensive justification is required for any inconsistencies with Ministerial Directions, and expresses concern that there is not enough justification. | <p>Section 9.1 Ministerial Directions provide for where a planning proposal is inconsistent with the relevant direction, or if the inconsistency is of a minor nature.</p> <p>Each direction has been assessed and the planning proposal addresses and provides justification where there are inconsistencies. Relevant studies and reports have also been prepared to address such inconsistencies.</p> |

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| | | The submission states that all new developments should be planned with long term vision, and that the proposal does not meet Council or State's long term planning objectives. | See response to submission No 2. |
| | | The submission expresses flood concerns in relation to access via McClymonts Swamp Road. | See response to submission No 3. |
| | | The submission expresses traffic concerns from new residents, and future development, as well as the intersection at Brandy Hill Drive. The submission also notes the fatal accident that occurred in 2018. | See response to submission No 1 for further detail. |
| | | The submission notes the aircraft noise of the area. | See response to submission No 2. |
| | | The submission notes the impact on privacy and rural amenity to existing residents. | See response to submission No 3. |
| 8 | Resident | The submission expresses concern about the number of 2 hectare lots, and states the rural residential subdivision is out of character with the area. | There is a high presence of existing rural residential development to the north, south and east of the site. The site adjoins existing rural residential development and is therefore consistent with the character of the area. |

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| | | <p>The submission expresses traffic concerns about the narrow nature of Warrigal Close, stating only one car can safely pass at a time.</p> <p>The submission notes that the location of the sun means that drivers are often blinded, referencing the fatal accident in 2018.</p> <p>The submission requests that an improved road and footpath to be installed for further subdivision/rezoning on Warrigal Close.</p> | <p>See response to submission No 1.</p> <p>There are many factors that determine whether or not footpaths are installed. The low density of rural residential housing provides a higher level of amenity for residents who benefit from greater separation between developments. However low density also results in a significantly reduced feasibility for the installation of footpaths in these locations. Port Stephens Council has a pathways plan as well as a Local Infrastructure Contributions plan that details the provision of pathways.</p> |
| | | <p>The submission objects to flood mounds being built to accommodate future development, for both flooding and potential traffic concerns of trucks bringing fill in.</p> | <p>This proposal does not propose and therefore has not assessed flood mounds on site. If the site was to be rezoned, this would be the subject of a development application and assessed against the Port Stephens DCP.</p> |
| | | <p>The submission requests further subdivisions be in line with the current rural residential amenity of the area.</p> | <p>The proposed lot size of 2ha and zone are consistent with the existing rural residential amenity of the area.</p> |

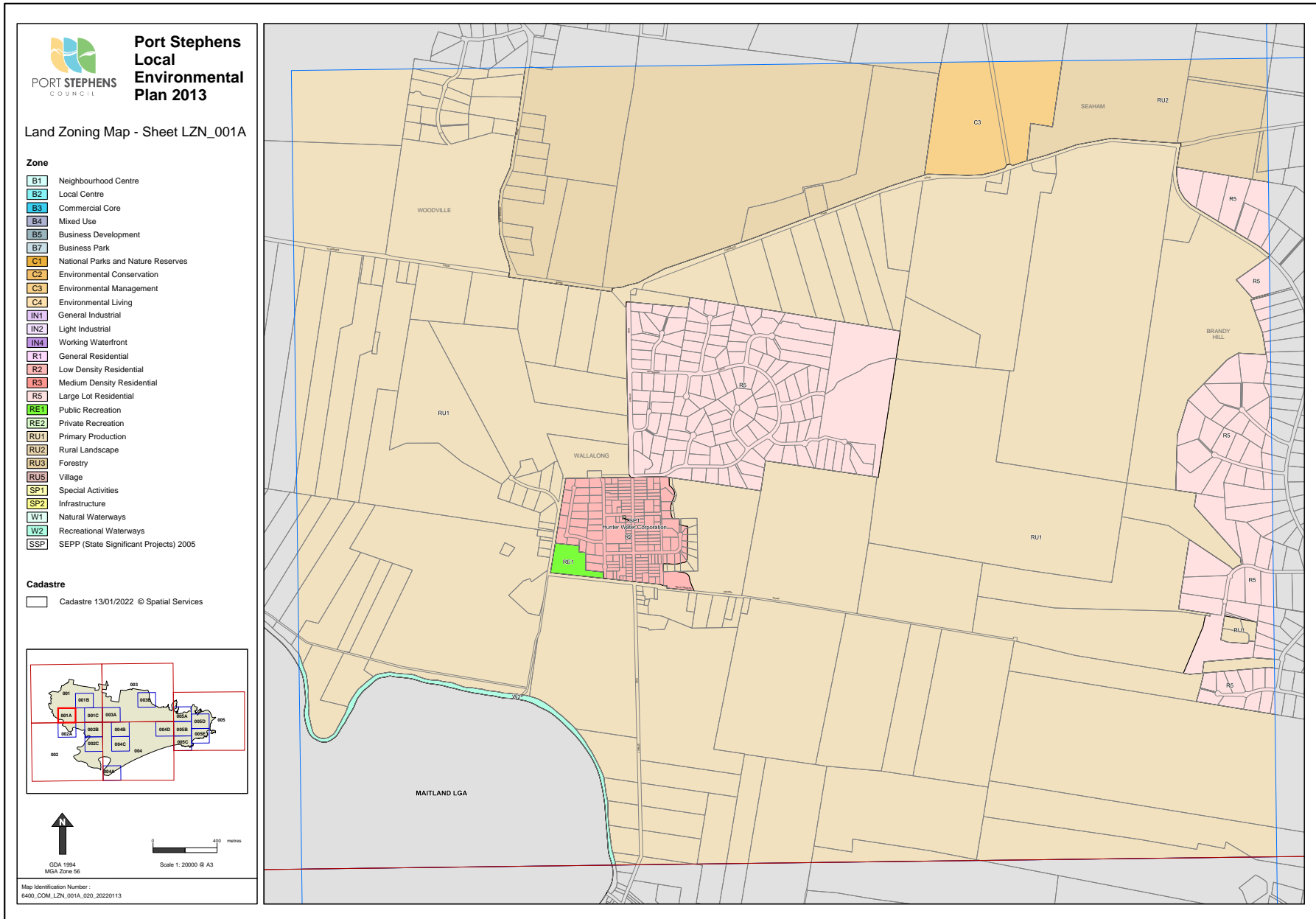
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PART 6 – Project timeline

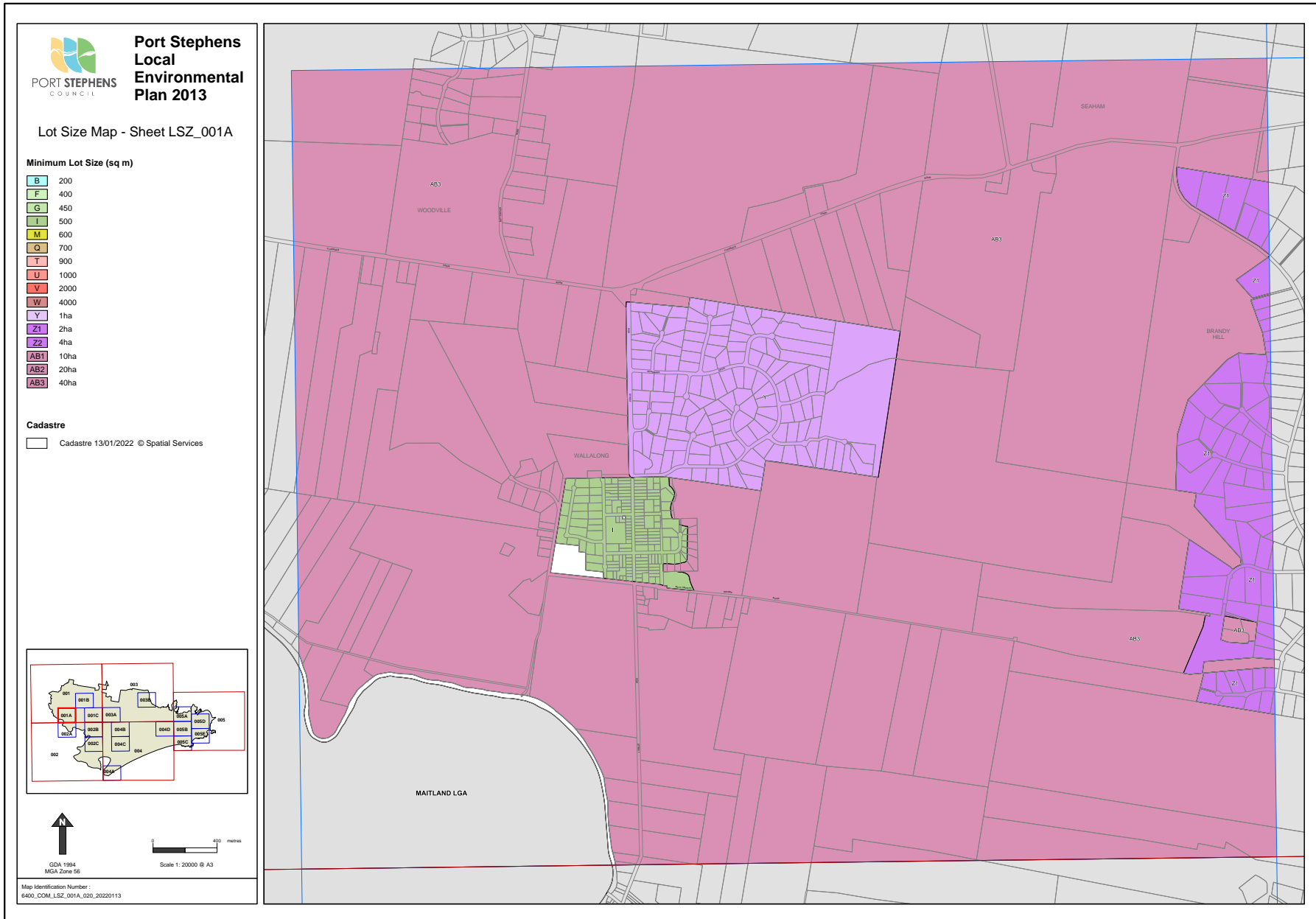
| | Aug '21 | Sep '21 | Oct '21 | Nov '21 | Dec '21 | Jan '22 | Feb '22 | Mar '22 | Apr '22 | May '22 | Jun '21 |
|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Agency Consultation | █ | █ | █ | █ | █ | █ | | | | | |
| Public Exhibition | | | | | | | █ | █ | | | |
| Review of Submissions | | | | | | | █ | | | | |
| Council Report | | | | | | | | █ | █ | | |
| Parliamentary Counsel | | | | | | | | | █ | █ | █ |

ATTACHMENT 1 – PROPOSED LAND ZONING AND LOT SIZE MAPS

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Karuah Place Plan Submissions Summary and Response Table

| Author | Sub No. | Summary | Response |
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| Resident | 1.a | The submission states that the Place Plan is an interesting document and it is positive to know that Council is pro-actively looking at ways to improve Karuah, especially in the area of liveability. | Noted. |
| | 1.b | The submission notes that the Plan does not address pedestrian issues surrounding the bottom (northern) end of Bundabah Street down to the river, and to a lesser extent, Barclay Street down to Longworth Park. | <p>The Place Plan identifies works that are either funded or can reasonably be expected to be funded over the next 5 years. While it is noted that new pathways are desirable in a number of locations in Karuah, funding is not available or anticipated to be likely in the short-term, and have therefore not been identified in the Place Plan.</p> <p>In 2016, Council adopted the Port Stephens Pathways Plan, which shows existing footpaths and shared paths and identifies locations for future pathway construction.</p> <p>The pathway plan helps Council to prioritise construction and apply for funding for pathway connections and missing links. A review of the Pathways Plan is currently being undertaken to determine where new pathways are needed and prioritisation will be allocated.</p> <p>Locations suggested in submissions to the draft Karuah Place Plan will be assessed during the review.</p> <p>If funding becomes available for pathways, such as through grants, these pathways will be added to Council's Strategic Asset Management Plan.</p> <p>The updated draft Pathways Plan is expected to be exhibited in 2022.</p> |
| | 1.c | The submission expresses concern that there is a reluctance by council to address what is a major safety issue to the community, in particular, | In November 2021, Council Rangers conducted a parking patrol of the area described in the submission. |

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| | | <p>when school is starting and finishing. The issue is that the pedestrian route down Barclay Street to Longworth Park, under the bridge, up through Memorial Park, down past the boat ramp and then up Bundabah Street (or in reverse), is frequently used by locals and visitors. In both these streets, pedestrians are forced onto the road as there are no footpaths at the pinch points in both streets. These areas are used by pedestrians, prams, children, school buses, cars, boat trailers, and caravans etc, who are all sharing the same piece of hard surface, leading to safety concerns.</p> | <p>No congestion was observed on the pedestrian route and very minimal congestion was observed at the primary school (max 2 cars in traffic for approx. 30 seconds).</p> <p>The area directly outside of the school has a well formed concrete footpath and while the surrounding streets do not have sealed paths, they have wide enough road reserves to allow easy pedestrian access and flow. No instances were observed where pedestrians had to navigate around vehicles.</p> <p>Some parking offences were observed with vehicles stopping in the bus zone (with the appropriate enforcement action to be taken) but overall, it is considered that there are no parking or traffic concerns or hazard improvements currently required.</p> <p>Rangers monitor Karuah on a weekly basis.</p> <p>Further review of this area will be undertaken during the traffic and transport study. See Submission No.7b.</p> |
| | 1.d | <p>The submission advises that these concerns have been brought to the attention of the council numerous times but have always been advised that footpaths in this area are not on the current priorities list. It was therefore surprising that this obvious improvement, that would benefit many and remove a safety issue at the same time, did not make it into the draft plan.</p> | <p>See Submission No. 1b and 1c</p> |
| Resident | 2.a | <p>The submission raises concern that parks in Karuah appear to be the only parks in the area that don't have sun protection shades or more modern play equipment and requests that a shade structure is included in the upgrades to Longworth Park.</p> | <p>The Place Plan has been updated to include 'shade structures and fencing' for the Longworth Park playground upgrade, shown on the 'creating better places and spaces in Karuah' map and Action 3.2 Park Improvements has also been updated. However, it should be noted that this project is not yet funded in Council's work program.</p> |

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| | | | Notwithstanding, by identifying the need for this in the Place Plan, funding through grants or community fundraising is more likely. |
| Resident | 3.a | <p>The submission raises concerns about pedestrian safety at the northern end of Bundabah St, particularly around the boat ramp parking area.</p> <p>The submission maker advised that they were nearly in an accident while walking in this area, due to a bus almost colliding with a reversing car.</p> | See response to submission 1.b and 1.c |
| | 3.b | <p>After this experience, the submission maker noted that the road near the school was congested with cars belonging to people working at the school, essentially reducing the road to one lane.</p> <p>The submission suggests that teachers park on Tarean Road or at Memorial Park.</p> | See Submission No. 1.c |
| | 3.c | The submission suggests that Council officers attend the area at school drop off and pick up time and the boat ramp on the weekend to see the dangerous situation. | See response to submission No. 1c |
| | 3.d | The submission advises that Bundabah Street is also used by people accessing the boat ramp and raises concern that there will be a traffic or pedestrian accident in this area. | See submission No. 1b |
| | 3.e | The submission suggests that a footpath should be constructed from the boat ramp carpark that joins the path on the school side of the road. It is also suggested that a path is needed on the opposite side of the road to the boat ramp to create a nice walking trail around Karuah. | See submission No. 1.b |
| Resident | 4.a | <p>The submission expresses concern that the plan identifies additional housing and community spaces for families to move into the area but does not mention early childhood education or day care to support the families.</p> <p>The submission notes that a service already exists in Karuah with a good reputation, ties to all aspects of the</p> | <p>The residential land release identified in the Karuah Place Plan will cater for growth over the next 15+ years. While it is likely to create additional demand for early childhood education and day care services, this demand will not be created in the immediate future.</p> <p>The preschool building is a council-owned asset, however the</p> |

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| | | community and is a local employer, but it will need to be expanded to meet the increased population. As it is a community preschool it is more accessible to low income families than a private provider, but this also means that it will need financial support from all levels of government to continue to meet the demands of a growing community. | <p>preschool is not run by council and identifying expansion of the preschool is not consistent with Council's approach to rely on external providers to cater for the delivery of preschools and day care services.</p> <p>The provision of long day care services is a commercial venture and Council relies on the private sector to provide this service to the community.</p> <p>Council would support grant applications should the preschool seek external funding to expand their service and can supply relevant data, such as demographic and population forecasts, to help support their grant. This data can also be provided to private sector investors should it be required in the consideration of developing a day care service in Karuah.</p> |
| Perception Planning on behalf of Coastal Earth Moving Hire Pty Ltd | 5.a | The submission advises of the landholder's intention to submit a Planning Proposal (PP) to rezone 254 Tarean Road to permit commercial uses, consistent with the historic use of the land (service station and food and drink premises). | Noted. |
| | 5.b | The submission notes that the proposed structure changes identify the site as 'short-term employment land'. The submission strongly supports this identification and intended land use potential. | Noted. |
| Perception Planning on behalf of AO Farm Holding Pty Ltd | 6.a | <p>The submission advises that a planning proposal was submitted seeking to rezone part of 339 Tarean Road from RU2 – Rural Landscape to R2 – Low Density Residential and E2 – Environmental Conservation and reduce the Minimum Lot Size from 40ha to part 500sqm.</p> <p>It further advises that on 6 April 2020 a gateway determination for the PP was received by the Department of Planning, Industry & Environment that required the planning proposal</p> | Noted. |

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| | <p>to either be resubmitted to be consistent with the Karuah Growth Strategy (KGS) or informed by an updated strategic planning framework.</p> <p>The submission notes that the Karuah Place Plan has been developed to support the KGS by identifying locations for housing, employment and infrastructure beyond that already identified and it is understood that the Karuah Place Plan is expected to form an addendum to the KGS and will override the KGS where any inconsistencies exist.</p> | |
| 6.b | <p>The submission notes that the proposed structure plan (Page 15) identifies a portion of the site as Stage 1 Residential Land Release. The submission strongly supports this identification and land use potential. However, based on the ecological assessments prepared for the site by Kleinfelder, the submission requests that further land on the site is identified in the KPP for residential development consistent with the proposed PP.</p> | <p>The request is not supported. Part of the site has been identified for residential development to allow for improved bushfire protection to existing dwellings and to support operational-level diversity of housing supply, to assist with housing affordability, whilst balancing the ecological impacts.</p> <p>The area of the site identified for residential development was determined having consideration for the functionality of subdivision design. Other areas of the site that contain similar vegetation are not needed in order to provide subdivision functionality or hazard protection.</p> <p>The Place Plan has been amended to reduce the area of land identified in the Stage 1 Residential Land Release. Part of the site known to contain Koala feed trees is no longer identified in the Place Plan. Additional text has been added that requires further ecological investigations to be undertaken in order to determine the appropriate development footprint on the site.</p> <p>Reducing the footprint of the development area balances environmental impacts with the need to provide affordable housing in Karuah.</p> |

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| | 6.c | <p>The submission advises that Kleinfelder prepared a Biodiversity Development Assessment Report (dated 14 January 2021) (BDAR) to support the proposed rezoning. A review of the findings of the BDAR (provided as an attachment to the submission) indicates that additional areas to the north and east of the area identified for residential development in the KPP are similarly suitable for a change in zoning.</p> <p>The land immediately to the east and north of the area identified in the KPP as Stage 1 Residential Land Release:</p> <ul style="list-style-type: none"> - has comparable vegetation condition; - has comparable habitat values (such as hollow-bearing trees); and - is similarly considered to represent Marginal Koala Habitat under the PSC CKPoM. <p>In addition, this land contains no threatened flora species, no threatened ecological communities or mapped coastal wetlands or associated proximity areas.</p> <p>The south-eastern portion of the site:</p> <ul style="list-style-type: none"> - is predominantly Low condition PCT 1590, comparable to that land identified in the KPP for residential development; - has comparable habitat values (such as hollow-bearing trees) to that land identified in the KPP for residential development; - this area is similarly considered to represent Marginal Koala Habitat under the PSC CKPoM to that land identified in the KPP for residential development. It also contains no threatened flora species or TECs. - the area is within a mapped Coastal Wetland proximity area however, the | <p>Council has reviewed the BDAR prepared by Kleinfelder. The BDAR includes some inconsistencies with biodiversity conservation legislation, particularly in relation to vegetation condition classes, endangered vegetation (Lower Hunter Spotted Gum Ironbark Forest), and koala habitat. Additional information is required in order to identify an appropriate footprint for future rezoning. The Place Plan has been updated to reflect the need for further ecological assessment in this regard.</p> |
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| | | boundary is set back from the wetland by 40 m. In addition to the above land suitability, future subdivision of the site will require areas for roads and asset protection zones. | |
| | 6.d | The submission supports the Karuah Place Plan and requests that the structure plan on Page 15 is amended to include further land consistent with the 339 Tarean Road Planning Proposal. | See Submission 6c |
| Resident | 7.a | The submission advises that the first impressions upon turning off the highway to Karuah are that of an unattractive and forgotten town. | Noted. Actions in the Place Plan aim to address this issue. |
| | 7.b | The submission notes that the roads are mostly in poor condition, including vandalised and unreadable signage, uneven surface, variations in the surface treatment, unclear markings, numerous driveways, u-turn areas, cement islands and walkways and a lack of or too-deep kerb and gutter. The submission raises safety concerns due to the poor condition of the road. | Action 2.10 Main Street survey has been added to the Place Plan. This action commits Council to undertaking a traffic and transport study of Tarean Road to determine road infrastructure requirements. This study will include an assessment of existing traffic and parking needs, road surface condition, speed environment, need for traffic calming devices, median treatments and pedestrian facilities. In the longer term, this information will be used to help inform Council of the infrastructure requirements for strategic planning in the Karuah area. |
| | 7.c | The submission notes that the town centre lacks beautification elements such as tree/shrub/flower plantings, making the town look colourless and tired. The town centre does not reflect the town's attractive waterfront location. | Actions in the Place Plan aim to address beautification of the town centre and include mechanisms to provide better connections to the waterfront, through signage and pathways. |
| | 7.d | The submission notes that whilst Council is not responsible for community and business, it is responsible for the setting up and maintaining a framework behind those things. | Action 1.10 We're here to help has been added to the Place Plan for Council to undertake an information campaign for businesses and the community to provide details about what services Council has to help facilitate projects. |
| | 7.e | The submission advises that the public spaces are untidy and unkempt, litter is a common sight, green waste dumping is occurring in | Council crews undertake regular maintenance of green spaces in Karuah. |

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| | | <p>Alice Park, the bins are often overflowing, the toilets dirty in Longworth Park and the fountain is broken in the park at the war memorial.</p> | <p>The Place Plan aims to encourage the community, including residents, business and community groups to take pride in their place. Action 1.5 Pride of place highlights ways that public spaces could be improved and has been updated to reinforce that it is the responsibility of the whole community to 'take pride of place'.</p> <p>In October 2021, Council adopted the Port Stephens Council Waste Management Strategy 2021-2031, which commits to the introduction of third bin for green waste.</p> <p>Council are in the early stages of investigating a third bin as part of the Waste Strategy which was adopted by Council in October 2021. Ongoing engagement with the community throughout this process will be undertaken. The introduction of the third bin may help alleviate issues with the dumping of green waste in public spaces.</p> |
| | <p>7.f</p> | <p>The submission maker feels that, other than the boat ramp, Council has not made a priority of Karuah's residents or visitors in some time, despite evidence of developers currently working in the town.</p> | <p>The 'creating better places and spaces in Karuah' map identifies recent investment in Karuah, including the boat ramp, sports amenities at Lionel Morton Oval, RFS building and Longworth Park amenities upgrade. It also shows that there are a number of upcoming, funded projects in Karuah over the next 5 years.</p> <p>Local infrastructure contributions, also known as developer contributions, are charged by council when new development occurs. They help fund infrastructure like parks, community facilities, local roads, footpaths, stormwater drainage and traffic management. Developer contributions are charged where there is a demonstrated link between the development and the infrastructure to be funded. Councils prepare contributions plans which specify what infrastructure will be provided</p> |

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| | | | and approximately how much it will cost. All residential subdivision developments are required to pay contributions, and this money is spent in accordance with the adopted Local Infrastructure Contributions Plan. |
| 7.g | <p>The submission advises that the river and the wetland are in some ways fragmenting the community – creating a physical divide. There is a mental and physical divide with the Karuah Aboriginal Community as well, which is not helped by the condition of Mustons Road.</p> <p>The repair of Mustons Road should be a priority as it is a huge safety issue for those who use it regularly.</p> | <p>While there is a clear physical divide between a number of areas in Karuah, caused by the natural elements in the town (wetland, river and native bushland), given that these are sensitive environments, bridging the gap through these areas, whether by additional roads or infill development is not appropriate.</p> <p>Mustons Road upgrade has been scheduled for 2024, which will help with connectivity.</p> <p>Page 15 also identifies a new road through future residential development, which will provide a secondary access road from Tarean Road to the northern residential area of town. While this is a long-term solution, it will help create a more cohesive and connected town and ease pressure on Mustons Road.</p> | |
| 7.h | <p>The submission notes that for a town of Karuah’s size, it would be expected that there would be several public spaces in existence. The town lacks open ground, parks, playgrounds, a large community hub, large open meeting area for connectivity.</p> <p>There is also a lack of public access to waterfront and questions whether Longworth Park be extended in size and or facility? Is there any other Council land that could be deemed for public space?</p> | <p>Council’s Recreation Strategy, 2018 states that the provision of recreation facilities in Karuah is adequate to 2036 (based on benchmarking against state and regional targets), and the focus in the Karuah Planning District should be to upgrade existing recreation facilities.</p> <p>The Place Plan is consistent with the Recreation Strategy which identifies projects that focus on consolidating and centralising recreation facilities in Aliceton Reserve, improving access to these and upgrading facilities in Longworth Park.</p> | |
| 7.i | <p>The submission suggests that the long-term actions, whilst appreciated and useful, far from complete the needs of the existing community, let alone the growth being seen.</p> | <p>The Place Plan will be reviewed every 5 years or on an as needed basis. The intent of the Place Plan is to only include projects that are likely to be delivered within a 5</p> | |

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| | | | year horizon so as to not create unrealistic community expectation. |
| 7.j | <p>The submission suggests that a pet friendly area be accommodated on the high ground above Longworth Park and considers this area to be 'wasted land' that is ideal for a properly developed off leash dog run area. The land has access to water and waste collection.</p> <p>The submission advises that the existing off leash area is a shared open space and there is conflict with other users. This area is also poorly maintained, is subject to illegal green waste dumping and is inundated with noxious weeds.</p> | <p>There is merit to including the provision of a fenced off-lead dog exercise area in Aliceton Reserve. The Place Plan has been updated to identify this as a community-led project, noting that it is a relatively cheap and easy project for a community group to complete. Grant funding may also become available for Council or a community group to deliver the project.</p> <p>The high ground above Longworth Park is seen as an ideal location to improve connection between the park and the town centre and fencing this area may be contrary to this objective.</p> | |
| 7.k | <p>The submission notes that while the playground at Longworth Park is great, it is not safe. The submission suggests that the park is fenced so that parents can relax without fearing that their child will fall off the stone wall. It is further advised that the stone wall has a number of serious trip hazards for the elderly and unsteady.</p> | <p>See response to Submission No. 2.a</p> <p>A risk assessment of the stone wall will be undertaken to determine appropriate course of action.</p> | |
| 7.l | <p>The submission states that there is a lack of multiple access points to the water from public spaces. While the pathway along the waterfront is supported, amendments such as a pathway from the waterfront to Aliceton Reserve that loops back around to the wetlands walk, rather than it ending at the Big 4 (private land) and making this part of the town's 'history walk' are suggested.</p> | <p>See Submission No. 1.b</p> <p>Action 2.11 Getting out on the water has been added to the Place Plan to investigate options to improve access to the water, particularly for activities such as kayaking and paddleboards.</p> | |
| 7.m | <p>The submission advises that the wetland walkway is in need of repair and it does not feel safe from anti-social behaviour or dangerous wildlife when walking in to the overgrown area.</p> | <p>Action 1.9 wetland walk has been added to the Plan. This action commits Council to undertaking vegetation management in the short-term, while the long-term repair / replacement has been identified as a potential community project.</p> | |
| 7.n | <p>The submission objects to any land known to have koalas or their habitat, or that connects to their habitat, being identified for future development.</p> | <p>See Submission No 6.c</p> <p>Council must take into consideration both potential impacts to koalas, and also social</p> | |

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| | | | <p>and economic impacts within the locality.</p> <p>The Place Plan has been amended to reduce the area of land identified in the Stage 1 Residential Land Release. Part of the site known to contain Koala feed trees is no longer identified in the Place Plan. Additional text has been added that requires further ecological investigations to be undertaken in order to determine the appropriate development footprint on the site.</p> |
| 7.o | <p>The submission raises concerns about the amount of fragmentation of koala habitat that has already occurred and states that small lots, requiring the clearing of trees, should not be allowed.</p> | | <p>Where possible, it is preferable to create higher density lots in conjunction with designated biodiversity conservation areas / faunal movement corridors rather than encouraging Koalas into residential areas (by providing feed trees in backyards), where there is risk from dog attack and vehicle strikes.</p> <p>Retaining feed trees in yards is useful when the area is already developed and corridors cannot be provided elsewhere.</p> |
| 7.p | <p>The submission states that Council should always be first to advocate for protection of the local environment and it is important that nature be given priority within the existing township.</p> | | <p>The Karuah Place Plan recognises the value that the community places on the environment and seeks to balance environmental impacts with the demand for additional (affordable) housing in Karuah. The requirement for planning proposals to demonstrate how new habitat and movement corridors will be created, encouraging wildlife to use corridors by suitable design and limiting development to areas that do not contain significant environmental constraints will minimise environmental impacts.</p> <p>As well as advocating for the environment, Council also needs to facilitate the provision of housing. The Karuah Place Plan seeks to balance these two demands.</p> |
| 7.q | <p>The submission does not support future residential development on the land next to the motel (339</p> | | <p>As per the Cityplan report, multiple housing fronts will provide</p> |

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| | Tarean Rd) and states that existing wildlife corridors should be given the high priority. | competition and more affordable housing. Further ecological investigations will be required to determine the extent of development potential within the area currently identified for residential development on 339 Tarean Road. |
| 7.r | The submission advises that fire, weed and pest (rabbit) control is needed on 339 Tarean Rd, and this would be helped if green waste services were provided. | All land owners in NSW have a Biosecurity Duty to prevent eliminate or minimise Biosecurity Risk posed by plant or animal pests on their own land. Councils and other State departments also have the same duty. On top of this, Council is also responsible educating the public about their duty, assisting them to discharge their duty, and for regulating the control of plants pests (weeds), enforcing where necessary the control of weeds that pose a biosecurity risk where a land owner has failed to do so. For pest animals, Local Land Services are the regulator. See Submission No. 7e |
| 7.s | The submission advises that the town centre has a lack of parking, in part due to the cement islands. | See Submission No. 7b |
| 7.t | The submission advises that there have been cases of drivers accidentally damaging cars on the cement islands due to their size, construction and location, particularly as they lack visible paint and are hard to see, especially for those unfamiliar with the area. | See Submission No. 7b |
| 7.u | The submission suggests that the centre of the road could be used for parking, with a pedestrian crossing near the Service Station and Pharmacy to access the other side shops ie Doctors, Bakeries and Newsagent/PO. | See Submission No. 7b |
| 7.v | The submission advises that there are a number of trip hazards in the town centre and requests that a review of the paving in town is undertaken. | See Submission No. 7b |
| 7.w | The submission requests more community facilities, including those specifically targeted at youth and | The Place Plan does not need to be amended to include the provision for youth services and |

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| | | <p>young adults. The submission advises that there is a problem with anti-social behaviour and suggests that more sports or learning programs and facilities throughout the whole year could help alleviate this.</p> | <p>activities as Council is already working with service providers to provide these to the Karuah community.</p> <p>A youth drop-in centre is not identified as the Department of Justice & Community prefer a flexible model, where existing facilities are utilised for activities and events, rather than single-purpose buildings.</p> <p>Council is not directly funded, nor is it part of Council's core business, to provide such services to the community. However, Council supports programs and deliver in partnership with service providers, such as the Smith Family. Council is a member of the Karuah Interagency, which is made up of service providers and other interested agencies, who have a focus on providing family services in Karuah.</p> <p>Council is investigating opportunities for providing programs in Karuah, such as early intervention, education skills and training programs, life skills, and school transition programs in partnership with other services providers. The Program Logic guides these activities and is reported to the Department of Communities and Justice.</p> <p>While Council maintains a number of community and sporting facilities, the provision of activities and sporting programs relies on the individual club's resourcing.</p> <p>In addition, Council's Youth Strategy (2020 – 2025) sets the direction for the delivery of youth-friendly services, advocacy goals, infrastructure and programs in Port Stephens.</p> |
| | 7.x | <p>The submission supports the proposed caravan friendly free parking area and dump point to help attract visitors.</p> | <p>Noted.</p> |

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| | 7.y | The submission supports initiatives to provide seating, artwork, nicer paving or coloured cement, plantings and covered eating areas located between shops and advises that this would also see the business district improved. | Noted. |
| Resident | 8.a | The submission states that parking is insufficient for vehicles in the commercial area and advises that parking is needed for cars, trucks, vehicles towing trailers/boats/caravans and people with a disability. | See Submission No. 7b |
| | 8.b | The submission states that there is insufficient parking for Karuah Public School and there is not a safe drop off area. | See Submission No.1c and 7b |
| | 8.c | The submission states that new developments should include parks, cycle ways and open play areas. | See Submission No. 7h Pocket parks within new developments are not compatible with Council's ability to maintain these facilities. Council instead is to focus on improving facilities in Aliceton Reserve and improving access to these facilities. New development areas identified in the Place Plan are within appropriate proximity to facilities at Aliceton Reserve. |
| | 8.d | The submission advises that a public swimming pool in the area would be a welcome addition to Karuah. | A needs assessment of swimming pools in the LGA will be undertaken by Council to determine what upgrades to existing facilities are needed and whether additional pools are required. However, given the population of Karuah, it is unlikely that this assessment will conclude that a pool is required in Karuah. |
| | 8.e | The submission suggests that a track for walking/cycling/ horse riding would also be great as a corridor between residential land Forestry/ Vegetation land. | See Submission No.1b |
| | 8.f | The submission raises concern that the public school will not be able to cope with the increased population. | Consultation with the Department of Education was undertaken during the drafting of the place plan. It was advised that the Education Act 1990 guarantees every student a place at their local |

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| | | | <p>school, which is defined by the designated school intake areas.</p> <p>When planning for demand in enrollment, a number of factors are taken into account and include:</p> <ul style="list-style-type: none"> • the population profile (older or younger population), the number and size of existing assets in the area as well as historical and current population numbers. • population and development trends so that the Department can plan to meet enrolment needs in schools across NSW. This includes regular consultation with relevant departments and agencies such as the Department of Planning, Industry and Environment, local councils and local developers. • strategies to manage fluctuating demand in the short to medium term including the school enrolment policy to restrict out of area enrolments, reviewing school catchment boundaries to improve utilisation across schools in a local area, and providing additional demountable facilities as required. The provision of additional permanent facilities or new schools, are provided if necessary. |
| Albert Johnson Pty Ltd | 9.a | The submission seeks clarification about whether the Place Plan replaces or supports the Karuah Growth Strategy and suggests that the Place Plan clarifies the hierarchy of the plans and the ongoing purpose of the Growth Strategy. | The Place Plan has been amended to clarify, upfront, that the Karuah Place Plan prevails over the Karuah Growth Strategy where there are inconsistencies. |
| | 9.b | The submission suggests that additional text be added that clarifies that the addition of Employment lands will enable the community of Karuah the chance to start new businesses in close proximity to the | The Place Plan has been amended to include this detail as recommended. |

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| | town. This will provide employment and training opportunities for the community accompanied by the additional services provided by these businesses. | |
| 9.c | <p>The submissions suggests that an additional paragraph is added to page 11 as follows:</p> <p>Critical issues include the maintenance of water quality to support the long term viability of the oyster operations and ensuring that sensitive land uses do not encroach on or impact on the continued operation (and potential growth) of the existing timber industry.</p> | The Place Plan has been amended to include this detail as recommended. |
| 9.d | The submission suggests adding the Karuah Place Plan to local strategies for consideration on page 12. | The Place Plan has not been amended to include this suggestion as the list details those strategies in addition to the Karuah Place Plan that need to be addressed in a planning proposal. |
| 9.e | The submission suggests amending page 12 to include the ability to be serviced by Hunter Water or other relevant water authority. | The Place Plan has been amended to acknowledge that alternative private systems may also be utilised in accordance with NSW Water Industry Competition Act to service new developments. Evidence from a private water and sewer provider detailing the servicing arrangement and feasibility of the system will be required to support the planning proposal. |
| 9.f | The submission suggests that on page 12, the Place Plan should acknowledge that some essential infrastructure may be able to be delivered privately in order to enable future development to proceed. The Plan should be consistent with NSW water industry competition policy by acknowledging private sector delivery of water and wastewater services and the Plan should not unreasonably restrict growth and competition that is otherwise supported by State legislation and policies. | See Submission No.9e |
| 9.g | The submission requests that page 12 be amended to reinforce that any residential rezoning will need to consider (among other issues) any impacts on the operations of existing | The Place Plan has been amended to include a requirement that planning proposals include a DCP to ensure that these matters are |

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| | <p>businesses and industries, including the timber mill and oyster leases to ensure their long term viability. This should include consideration of impacts from the existing operations such as acoustics, air quality and traffic as well as the impacts of residential development on the viability and growth and of these businesses.</p> | <p>addressed as part of a development application.</p> |
| 9.h | <p>The submission suggests that page 13 be amended to require a Biodiversity Assessment or BDAR if a rezoning requires clearing over 0.5 ha. If nominal vegetation clearing is required as part of rezoning, a BDAR should not be required.</p> <p>The submission advises that this approach is consistent with the Port Stephens Local Housing Strategy, where a BDAR is only required prior to exhibition and for residential rezoning requests for land containing 0.5 ha of native vegetation. A preliminary Flora and Fauna Assessment is the only lodgement requirement under the Housing Criteria.</p> | <p>The Place Plan has not been amended as requested. However this section has been amended as follows:</p> <p>As part of any rezoning, supporting studies, including biodiversity assessment, would be required to determine the appropriate location, size and scale for a biodiversity corridor.</p> |
| 9.i | <p>Page 13 of the Place Plan requires rezonings to include an assessment to 'determine the location, size and scale for a biodiversity corridor'.</p> <p>The submission states that the mapping relied on to establish the location of these corridors relevant to Karuah during the preparation of the Place Plan is not at a scale that is accurate enough to support the maps and actions in the Place Plan, nor are they current documents. Further, the one recent and site specific report that is relied on to establish the relevance of these corridors has not been prepared independently. Council has not in our knowledge undertaken recent or ground truthed investigations to determine the relevance or existence of the regional biodiversity corridor to Karuah at a scale that is useful to inform the Place Plan.</p> | <p>Under the <i>Biodiversity Conservation Act 2016</i>, impacts to biodiversity must be avoided and minimised. Habitat fragmentation and isolation is a key factor in determining the significance of impacts on threatened species. The establishment of biodiversity corridors is required to ensure that potential impacts on threatened species is appropriately managed. Establishment of functional biodiversity corridors is essential to facilitating development.</p> <p>Council has relied on a number of sources in its considerations for biodiversity corridors including:</p> <ul style="list-style-type: none"> • Aerial imagery. • Threatened species records (BioNet Atlas). • The Port Stephens Biodiversity Connectivity Mapping' report, prepared for Port Stephens Council |

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| | <p>The submission suggests that the Place Plan should instead include actions for rezonings to include investigations to better understand the extent (if any) of any local and regional corridors relevant to Karuah.</p> | <p>(Eco Logical Australia 2012).</p> <ul style="list-style-type: none"> • Biobanking Assessment Report for the Karuah Biobank (GHD 2012) – which is managed by Port Stephens Council. • Annual Biobanking Monitoring Reports • The 2020 Port Stephens Koala Population Study Report (OWAD 2020). • Privately commissioned biodiversity studies. |
| <p>9.j</p> | <p>Page 13 states that the North – South Corridor has been identified as part of the Watagans to Stockton green corridor and recognised as a high priority regional conservation area within the Lower Hunter Regional Strategy and subsequent Hunter Regional Plan 2036, and the Lower Hunter Regional Conservation Plan.</p> <p>The Watagon's - Stockton green corridor is a regional scale corridor that principally exists to the west of the Karuah township and on the western side of the Pacific Highway and extends toward the south. Karuah lies at the very northern extremity of the Watagans to Stockton corridor and the much larger connections to the north and west are formed by the Karuah National Park and Wallaroo State Forest .</p> <p>The submission recognises that a north-south corridor could comprise a small component of this regional corridor, however believes that its function is more reflective of a local corridor and should be identified in the Place Plan as such.</p> <p>The submission therefore suggests rewording as follows:</p> <p>The north-south biodiversity corridor provides local connectivity supporting habitat and the</p> | <p>The Lower Hunter Regional Strategy clearly identifies areas within and surrounding the Karuah township as part of the important Watagan to Stockton Corridor. The Lower Hunter Regional Strategy places emphasis on the need to protect green corridors along the riverine environments of the Karuah River. The strategy also outlines that additional protection of the biodiversity and conservation values of the green corridors will be achieved through appropriate planning controls on private lands, as well as the exclusion of one-off development proposals in these areas.</p> |

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| | | movement of fauna. The extent of any local and regional corridors relevant to Karuah will need to be established as part of relevant planning proposals. | |
| 9.k | | The submission suggests that this paragraph be clarification about the status of the Karuah Growth Strategy is included earlier in the document. | The Place Plan has been amended to include this detail as recommended. |
| 9.l | | <p>The submission advises that the requirement on page 14 for all rezoning requests to include an agreement with Hunter Water is anti-competitive and directly inconsistent with State policies and legislation to promote competition in the water industry.</p> <p>This requirement should be deleted and replaced with a statement acknowledging opportunities for private sector delivery of water and wastewater services.</p> <p>The State government's commitment to promoting competition and private sector participation in the delivery of water and wastewater infrastructure was recently reaffirmed by the passing of the Water Industry Competition Amendment Bill 2021.</p> <p>The submission strongly suggests that the Place Plan be amended to be consistent with this State policy and water industry legislation which facilitates competition, encourages innovation and improves efficiency.</p> <p>The submission strongly requests that the following text be added to page 14:</p> <p>"or another relevant servicing authority"</p> | See Submission No.9e |
| 9.m | Page 15 | Show regional corridor connection to the west of the Pacific Highway. | The Place Plan has not been amended as the Pacific Highway forms a barrier that limits fauna movement to the west. |
| 9.n | Page 15 | Identify the north-west biodiversity corridor as a local connection | The Place Plan has not been amended as the Green corridors within Karuah are regionally significant due to their importance |

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| | | | in connecting habitats to riverine areas. |
| 9.o | Regarding the map on page 15, the submission suggests that the outer two arrows be angled slightly to demonstrate that the future investigation area comprises the whole of the landholding located between the Hunter Water land and existing residential development. | | The Place Plan has been amended as requested. |
| 9.p | The submission requests that the map on page 15 identifies the existing timber mill operations as well as identifying that land for 'Future Investigation Employment Land' as it currently gives the impression that the mill does not exist. | | The Place Plan has been amended as requested. |
| 9.q | The submission requests that the 'Future Investigation Area' is changed to 'Stage 3 Future Investigation Area'. | | The Place Plan has not been amended as the 'Future Investigation Area' is considered separate to the Stage 1 and Stage 2 Residential land release areas. This can be reviewed in future reviews of the Place Plan, or when housing supply data identifies a need. |
| 9.r | Regarding the infill housing opportunity identified, the submission raises concern that the boundary is fixed and suggests that the boundary be extended down to the Barclay Street road extension. The submission states that it is understood that this could only occur where flood impacts are able to be addressed. The submission advises that at present, the oyster industry only operates on the eastern side of the Barclay Street extension and this is not expected to change. | | The Place Plan has been amended as suggested. Noting that part of this area is flood prone and is not appropriate for infill development. |
| 9.s | The submission suggest that page 18 show an opportunity for secondary road linkage through the residential release areas to better connect existing residents who utilise Mustons Road. | | This road has not been added to the 'creating better places and spaces in Karuah' map as this shows shorter-term projects which are likely to be completed within 5 years. The road connection will be a longer-term project, associated with the future development of the land. |

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| | | | It is appropriately located on the 'planning for the future of Karuah' map, which does include longer-term aspirations. |
| | 9.t | The submission suggests that the opportunity for a future road connection to the existing community in Karuah north is shown in the residential release areas on the map on page 22. | See Submission No.9s |
| | 9.u | The submission suggests that page 22 should include / acknowledge potential for stronger links to the water and access via water transport. For example, the submission advises that there are currently tour boats that run from Nelson Bay, stopping at Karuah for oyster tours and potential to grow these connections and opportunities. | The Place Plan has been amended as recommended. |
| | 9.v | The submission suggests that the map titled 'A vibrant Karuah' identifies the new road access from Tarean Road to Barclay Street as identified on the 'creating better places and spaces in Karuah' map. | The identification of the Barclay Street extension is appropriately located on the 'creating better places and spaces in Karuah' map. The Place Plan has not been amended. |
| | 9.w | <p>The submission suggests that the Place Plan should facilitate individuals and local businesses donating resources towards or sponsoring the delivery of public domain and improvement projects in the Place Plan or any public domain plan.</p> <p>This could be done through a webpage notice board or co-ordinated through the town team. It needs to be a streamlined process independent of Council red tape and easy for the community to access and understand what can be donated or which projects are a priority for the community.</p> | Council has a dedicated officer to implement Place Plans. This role includes being a point of contact within Council to manage enquiries about Place Plan actions, facilitating events and activities unique to the place, undertaking consultation and education campaigns, liaising with business owners and assisting community members and groups with undertaking projects, applying for grants or navigating approvals processes. |
| Resident | 10.a | The submission recommends that the Place Plan include plans to either refurbish or extend the preschool in order to provide additional care to children in the area and to accommodate the population growth. It is suggested that the land next to the preschool, which has been vacant for years, could be used to extend the preschool. | See Submission No.4a |

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| | 10.b | The submissions states that another playground that is suitable for a variety of age groups is needed in Karuah, similar to that at Stockton Park. | In accordance with the Recreation Strategy 2018, recreation facilities will be concentrated in Aliceton Reserve. A new playground and amenities is scheduled for 2024. Action 3.2 has been revised so that a community workshop will be held when designing the new facilities. |
| | 10.c | The submission notes that need for a pub in Karuah is very high and would attract locals and visitors. | Council facilitates private commercial investment by ensuring that there is sufficient land zoned that allows such ventures. In Karuah, there is sufficient commercial land available for private investment for a licensed premises. |
| | 10.d | The submissions notes that more activities for youth are needed, such as dances and a youth centre and while the community hall is a suitable venue, the cost of hiring is not feasible. | See Submission No. 7w Council's fees and charges are reviewed and adopted and annually. During the next review period (December 2022), the cost of hiring community halls can be reviewed. Notwithstanding, a waiver of council's fees can be given for a community or charity event via a resolution of Council. Ward Councilors can be contacted to discuss opportunities for bringing a motion to Council to waive fees for a youth event. |
| | 10.e | The submission maker feels that the Men's Shed is underutilised and does not benefit the whole community and suggests that the building be made available for an alternate use, such as a café or boat hire. | The Men's Shed is not owned or operated by Council, however the Place Plan recognises that their building would be ideal for a number of shared community ventures. Such ventures would need to be agreed to by the operators of the Men's Shed who should be contacted to discuss. |
| | 10.f | The submission maker requests that Lionel Morten Oval is available for public use at all times and more organised activities should be available for children. | Lionel Morten Oval will be open to the public from early 2022. Sporting clubs with user agreements will have priority access during their allocated time. |
| Karuah Progress Assoc. | 11.a | The submission raises concern that there is no mention of upgrades and support for Karuah Community Pre-School Facilities and suggests the facility needs support to expand for long day-care service, increase play | See Submission No. 4a |

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| | capacity and expansion as the population increases. | |
| 11.b | The submission notes that the plan does not identify any upcoming repairs, renovations or extensions for the preschool. | See Submission No. 4a |
| 11.c | The submission recommends that the Longworth Park Playground replacement includes fencing and all weather covering. | See Submission No. 2a |
| 11.d | The submission requests that the toilet block at Memorial Park be retained and the additional toilet facility be installed at Aliceton Reserve. | Council does not have the capacity to maintain an additional toilet block. A needs analysis has determined that amenities at Aliceton Reserve are of high priority, whereas the amenities in Longworth Park are accessible to users of Memorial Park. |
| 11.e | The submission requests that an extension to the existing skate park at Aliceton Park, including a skate bowl, and an upgrade to the existing bike track be identified. | See Submission No.10b |
| 11.f | The submission advises that dedicated infrastructure at Aliceton Park for teenagers is needed in the community and should include lighting at night. | See Submission No.10b |
| 11.g | The submission requests that Lionel Moreton Oval is made available for public community use at all times, rather than being locked. | See Submission No. 10f |
| 11.h | The submission requests that the resealing of Tarean Road (from the Southbound entry) new line marking is identified in the plan. | See Submission No. 7b |
| 11.i | The submission notes that the Pathways Plan for Karuah was not mentioned and requests that this plan is actioned. | See Submission No.1b |
| 11.j | The submission advises that an amendment is required on page 22 as the map is incorrect and states that an existing walking track is available. However, the walking track does not exist and is likely to have been colour coded incorrectly. | The Place Plan has been corrected. |
| 11.k | The submission suggests that a Welcome to Karuah feature sign on the southern entry to town is included in the plan and suggests that it should be located on Tarean Road, near the Golf Club. | Action 1.8 Welcome to Karuah has been added to the plan. This new action commits Council to construct a new town entry sign on the southern entrance to town (location to be determined). |

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| | | | Council is also liaising with Transport for NSW regarding the installation of a sign on the Pacific Highway notifying motorists about Karuah. |
| 11.1 | <p>The submission notes that many items in the plan have the community as the lead and suggests that due to Karuah's population and demographics, Council should be the lead on more items and provide greater support to the community. The submission requests greater Council assistance in providing these items, which are much needed.</p> <p>For example on page 18 there are numerous large items marked "Potential Community Projects" ranging from footpaths, drainage, Karuah Centre external renovation (building owned and leased by PSC) and these items are needed and beneficial to the community however the council works for these projects may be better to be listed as "upcoming Projects" opposed to "Potential Community Projects".</p> | <p>In order to clarify what is meant by community projects and to provide further clarification about council's role in facilitating projects, the following updates have been made to the place plan:</p> <ol style="list-style-type: none"> 1. A new statement has been added to the Place Plan to clarify that community led projects are those that represent opportunities to deliver desired outcomes for Karuah, but are not currently funded in Council's work program. It notes that there are many other ways to deliver these outcomes – such as through grants obtained by either council or community groups, fundraising by charity groups, or agreements with developers. The statement clarifies that delivering the best future for Karuah requires everyone to contribute and work together. 2. Advice has been added to let the community know that there are a range of funding streams available from council for our community to create vibrant places and improve the livability of their town. Council can be contacted for further information about funding opportunities. 3. Action 1.10 We're here to help has been added. This action commits Council to preparing fact sheets and a campaign will be undertaken to educate the community about how to | |

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| | | | <p>get involved and start implementing the Karuah Place Plan and improve their town. In addition, Council will offer concierge services for business, volunteers and event organisers to help facilitate projects.</p> <p>4. Action 2.6 Make way for festivals and events has been updated to ensure that Council will continue to advocate for events in Karuah and provide assistance with planning, marketing and funding.</p> |
| Resident | 12.a | <p>The submission raises concern with the amount of proposed residential land identified. In particular, the submission maker is concerned about the impact on the environment and the lack of available infrastructure to support the increase.</p> | <p>See Submission No.7p</p> <p>The Place Plan is based on a residential needs analysis undertaken for Karuah, which concludes that there is not sufficient land available to meet demand for housing over the next 15 years. A lack of housing supply impacts housing affordability and accessibility.</p> <p>In preparing the place plan, Council liaised with Hunter Water, who have advised that, following planned upgrades, the first stage of residential land release, as identified in the place plan, can be serviced.</p> <p>While critical infrastructure, including sewer and water, is not currently available to service the Stage 2 land release areas, Hunter Water have advised that they are currently exploring opportunities to increase capacity to service future development.</p> <p>All planning proposals will be required to either include evidence of an agreement with Hunter Water confirming that the land can be adequately serviced, or a servicing agreement and feasibility assessment demonstrating that a private provider can service the development.</p> |

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| | 12.b | The submission notes concern with planning proposals submitted for land along Tarean Road being inconsistent with the Karuah Growth Strategy. | The planning proposals submitted are not consistent with the Karuah Growth Strategy, however, the Karuah Place Plan will override the Strategy where inconsistencies exist. |
| Resident / business owner | 13.a | <p>The submission expresses support for the ideas in the plan to improve Karuah and the community spaces and notes that there is a positive balance between growth and the natural beauty of the town.</p> <p>The submission notes that the plan allows for the town's beauty to be improved to create a more attractive and vibrant Port Stephens town, which will be placed in the minds of the many visitors we have that pass through and many who come for the accommodation and ease of a stopover break on their way south or north.</p> | Agree. |
| | 13.b | <p>The submission supports growth of the town and providing options for additional families to live in Karuah as this will bring new businesses and ideas that will complete an all-round great vibrant town.</p> <p>The option of outdoor eating, coffee van, encouraging businesses to improve their images and the council being open to ideas and encouraging business owners to try something new is important.</p> | Noted. |
| Resident | 14.a | The submissions advises that Karuah needs an industrial area. | The 2011 Karuah Growth Strategy identifies land to the west of the town, around the existing timbermill, as suitable for industrial or employment land, and this has been retained in the Karuah Place Plan. Further investigation will be required to understand the short and long-term needs for employment land, the amount of employment land needed, the appropriate land use zone, the infrastructure required to service this land, and the recommended staging of any land release. |
| | 14.b | The submission advises that following rain events, the sewerage works releases water into the river which doesn't smell like its treated | The Karuah Waste Water Treatment Works (WWTW) and the Karuah Effluent Reuse Enterprise (KERE) are unlikely to |

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| | <p>enough and the river remains foamy for a couple of days.</p> <p>With the extra houses been proposed to be built in Karuah this problem needs to be addressed before more houses are built.</p> | <p>be the cause of foaming in the Karuah River or odours in the vicinity of Franklin Street and Mustons Road.</p> <p>Similarly, the wastewater network in the vicinity of Franklin Street and Muston Road is unlikely to be the cause of odour problems.</p> <p>Hunter Water have advised that they can be contacted to investigate future incidents of foaming in the Karuah River and odour in the vicinity of Franklin Street and Mustons Road, and assess the performance of our infrastructure.</p> <p>The Karuah WWTW and KERE are operated in accordance with Environment Protection Licence EPL10230 and have sufficient capacity to service the current population of the Karuah township. Wastewater collected by the Hunter Water network from within the Karuah township is pumped to the Karuah WWTW. The wastewater received at this plant is screened, biologically treated, disinfected with UV and then stored in a large storage pond from where it is irrigated onto two large pivots and used to produce fodder crops.</p> <p>Some incoming wastewater may bypass the biological treatment process during large rainfall events. However, all treated effluent receives screening and UV disinfection prior to entering the storage pond, and a significant proportion of the effluent held in the storage pond has also received aeration and full biological treatment.</p> <p>The storage pond can overflow when its capacity is reached after prolonged heavy rainfall events and when the pivots are too wet to irrigate them. However,</p> <ul style="list-style-type: none"> • Any overflow from the storage pond leaves the site at the lowest point, flows under the Pacific Highway, crosses Mines Hill Trail, meanders overland in |
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| | | | <p>a north-west direction before entering Lizzies Creek and Limeburners Creeks. The direction of overflow is generally in the opposite direction to Franklin Street and Mustons Road.</p> <ul style="list-style-type: none"> Any overflow from this storage pond has an effluent quality that has been treated and is suitable for land irrigation, and is unlikely to contribute to foaming in Karuah River above what would occur naturally as a result of a heavy rainfall event. There is no odour at the storage pond nor any odour associated with the overflow of treated effluent from the storage pond. <p>On this basis, the Karuah WWTW and KERE are unlikely to be the cause of foaming in the Karuah River or odours in the vicinity of Franklin Street and Mustons Road.</p> |
| | 14.c | <p>The submission advises that in the area known as Mustons Gully, which runs behind Franklin Street and corner of Mustons Road, needs to be cleaned out a septic odour can be smelt in the soil due to water from the treatment works that runs underneath Mustons Road into this tidal area.</p> <p>The submissions suggests if the gully was cleaned out deep enough, then it could be turned into a marina.</p> | <p>Hunter Water operates the wastewater network within their operating licence, with no overflows expected to occur during dry weather. However, short duration overflows can occur in large wet weather events, including during power supply interruptions during storms.</p> <p>On this basis, the wastewater network in the vicinity of Franklin Street and Mustons Road are unlikely to be the cause of foaming in the Karuah River or odours in the vicinity of Franklin Street and Mustons Road.</p> |
| Resident | 15.a | <p>The submission advises that the draft Karuah Place Plan incorrectly labels Engel Avenue.</p> | <p>The Place Plan has been amended to correct this.</p> |
| | 15.b | <p>The submission notes that the Place Plan does not identify the Karuah Preschool, despite it being an integral learning institution and the only early childhood facility in town. The submission suggests that the</p> | <p>The Place Plan has been amended to identify the Karuah Preschool on the 'creating better places and spaces in Karuah' map and 'a vibrant Karuah' map.</p> |

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| | | preschool should be identified on the map. | |
| | 15.c | The submission advises that the preschool has had to extend operating hours in order to cater for demand for its services, and this demand will increase further with future growth of the town. Therefore, the submission requests that additional land from the Reserve is dedicated to the preschool in order for it to expand and meet the growing demand. | See Submission No. 4a |
| | 15.d | The submission notes that under the draft plan there is an expectation that the community will take the lead on a number of projects. The submission advises that the preschool, which is not-for-profit organisation is happy to provide the service as needed, but it should be factored into the draft plan. The submission requests that council commits to supporting the only preschool in town by dedicating land for possible future expansion. | See Submission No. 4a and 11l |
| Resident | 16.a | The submission welcomes council's enthusiasm to help better Karuah's town residents quality of life. | Noted. |
| | 16.b | The submission agrees that the Main street needs a makeover and encouraging businesses to get involved is great. The submission questions whether council will be offering assistance in the makeover process? | See Submission No. 11l |
| | 16.c | The submission suggests that Longworth Park should be first to be upgraded as this is Karuah's showcase location. The submission suggests that the playground upgrade caters for all age groups. | Recent upgrades to Longworth Park, including new barbeques and amenities block, are now complete. In the long term, the playground will also be upgraded, however this project is not currently funded in Council's work program and has been identified as a potential community project. Council may seek grants to deliver this project, or a community group could deliver the playground. See Submission No. 7h |
| | 16.d | The submission raises concern about the location of the food truck | This location is a suggestion as it is considered that it will bridge a |

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| | parking area given that it is so close to local businesses offering refreshments and takeaway food. | gap / disconnect between the main street and Longworth Park. Other locations can be considered in consultation with vendors. Council will support vendors who may wish to trial locations to determine where to set up a more permanent arrangement. |
| 16.e | <p>The submission advises that parking is limited in Longworth Park and suggests that footpath access from the RSL Club's car park and through the bushland at the back of the club to Longworth Park is a good option.</p> <p>The submission states that this footpath would be a better option than a new vehicular access to Tarean Road, which would create additional traffic movement through the park and an increase danger to children and pedestrians.</p> | <p>Improved access to Longworth Park is identified as a key issue in Karuah, and the Place Plan seeks to address this by identifying better pedestrian and vehicle access.</p> <p>The community have advised that there are safety concerns currently with vehicles doing U-turns to exit the car park, made even more difficult by congestion caused by caravan/ RV parking etc. The 'creating better places and spaces' map identifies a new access to Tarean Road as a community project, which will help alleviate this issue.</p> <p>Pathways are also noted in the Place Plan to improve access, and a new community project has been added to work with the landholders of property between the RSL and Longworth Park to improve access.</p> |
| 16.f | The submission states that the mural planned for the Karuah Bridge will be a great addition to Memorial Park and advises that while Memorial park is also an exceptional spot, it would benefit from a playground upgrade, and is an ideal location for some more BBQ facilities. | See Submission No. 11d |
| 16.g | The submission raises concern about the plan to relocate amenities from Memorial Park to Aliceton reserve. | See Submission No. 11d |
| 16.h | The submission advises that the area has previously hosted many Timber and Oyster festivals and successful music festivals that are great for the town and advises that this area is also a perfect for Markets. | Agree. Council's Vibrant Spaces Team will continue to advocate and provide assistance to ensure that festivals and events are able to continue into the future. |
| 16.i | The submission supports the Men's Shed and believes that there is a lot of interest in this facility. | The Place Plan has been updated to include suggestions that the Men's Shed could be used for |

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| | <p>While the shed could benefit from some fresh paint and repairs, the submission supports the idea of allowing others to use the site for a kayak rental facility or allowing local artists to use the space. The submission also suggests that the Men's Shed be used for a Community Tool Library.</p> | <p>studio space or a community tool library.</p> |
| 16.j | <p>The submission maker believes that Aliceton Reserve has great potential and was excited when the skate park was built in Karuah. However the building of the skate park, over the netball courts was a disaster. New courts for netball and basketball should be planned.</p> | <p>See Submission No.10b</p> |
| 16.k | <p>The submission advises that new amenities, lighting and access to drinking water are needed in Aliceton Reserve.</p> | <p>See Submission No.10b</p> |
| 16.l | <p>The submission does not support the diagonal path through Aliceton Reserve and believes that this area should instead be levelled and fitted with soccer facilities.</p> | <p>See Submission No.10b</p> |
| 16.m | <p>It is suggested that the path go past the Preschool and connect to the Tennis Courts, skate park and BMX track.</p> | <p>See Submission No. 1b</p> |
| 16.n | <p>The submission advises that the BMX track requires upgrades.</p> | <p>See Submission No.10b</p> |
| 16.o | <p>The submission questions why Lionel Morten Oval, which has recently obtained a fantastic upgrade, cannot be accessed by the community during the day.</p> <p>The submission suggests that if there are concerns about vandalism, then the amenities could be locked after hours.</p> | <p>See Submission No. 10f</p> |
| 16.p | <p>The submission states that cycle paths are great for towns and more shared paths in town would be beneficial.</p> <p>The submission advises that the segregated path on the dip in Mustons Road is still dangerous and many people have had incidents where oncoming traffic does not give way to cyclists.</p> | <p>See Submission No.7g</p> |

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| 16.q | The submission suggests that a walk-bridge be built past the wetlands in order to properly separate traffic from pedestrians. This would also improve access to the National Park at the top of Roundhill Cres. | See Submission No. 7g |
| 16.r | The submission advises that access to the National Park really needs to be improved because there is a locked gate blocking access and suggests that a separate pedestrian/cyclist access would be much safer. The submission also suggests that a map board at the Entrance showcasing the areas trails would be beneficial. | National Parks and Wildlife Service have been contacted to comment on the Karuah Place Plan, particularly options for improving walking trails within Parks and introducing mountain bike trails, however a response has not yet been received. It is recommended that members of the public contact NPWS to discuss concerns with walking trails and options for mountain biking in National Parks. |
| 16.s | The submission advises that there is an abundance of wildlife in Karuah's Bushland and believes that the development of the land to the left of Karuah Gardens Motel going back up past the wetlands would be an environmental disaster. Further concern for the plan to build the new roads through the area and allow housing development to take place is raised in the submission. The submission considers this area to be pristine bush land and requests that it be purchased for recreation bushwalks. | Council does not have the capacity to purchase the site. See Submission No. 6c and 7q |
| 16.t | The submission suggests that the area identified for the north south biodiversity corridor, which is currently farm land, should be developed instead of the vegetated wetland site. The corridor should be identified on the wetland site rather than development which would destroy the wetland environment. The submission further questions whether the ground is suitable for a road. | The proposed location of wildlife corridors has been determined having regard for best practice guidelines and the Port Stephens Biodiversity Connectivity Mapping' report, prepared for Port Stephens Council (Eco Logical Australia 2012). The nature of development directly to the south of the wetland site precludes the wetland site from forming the main north-south corridor. The identified location for the north-south corridor on the partially cleared site provides an effective corridor for wildlife to |

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| | | | <p>move north and south around the township of Karuah.</p> <p>Part of the wetland site represents a suitable east-west corridor and will be established as such.</p> <p>See Submission No.6b and 9i</p> <p>See Submission No.6c</p> |
| | 16.u | The submission suggests that the impact of the identified growth on the preschool and primary school are considered. | See Submission No. 4a and 8f |
| Resident | 17.a | The submission is concerned that more onus should be put on council to deliver actions rather than the community. | See Submission No. 11.i |
| | 17.b | The submission does not support the removal of the toilet block at Memorial Park as it is used by both locals and people visiting the community. | See Submission No.11d |
| | 17.c | The submission advises that the playground at Longworth Park needs facilities that are safer, including all-inclusive soft flooring, all weather cover and a fence around the equipment. | See Submission No. 2a |
| | 17.d | The submission notes that facilities at Aliceton Reserve require upgrading and suggests completing the skate park, a toilet block, lights and an upgrade of the bike track. | See Submission No.10b |
| | 17.e | The submission requests that the Pathway Plan be included in the Place Plan and implemented so that Karuah residents can safely walk around town and so that we can draw more visitors to the area. | See Submission No.1b |
| | 17.f | The submission requests that the Karuah Community Preschool is mentioned in the place plan, and identifies upgrades to the facility, which is owned by Council, and support to operate as a long day care centre. | See Submission No. 4a and 15.b |
| Hunter Water Corporation | 18 | Hunter Water have requested that emphasis is added to the sentence advising that critical infrastructure, including sewer and water, is not currently available to service the Stage 2 land release areas. | <p>Adding bold text to the document is not consistent with Council's style guide. However, the Place Plan has been updated as follows:</p> <p>While sewer and water services are not currently available to service these stages, Hunter Water</p> |

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| | | Hunter Water have also suggested that it would be worthwhile mentioning at the end of this paragraph that Hunter Water is exploring opportunities to increase capacity to service future development. | is exploring opportunities to increase capacity to service future development. |
| Resident | 19.a | The submission notes that while there are many great features on this plan, it raises concern with the number of "community-led" projects. For example, the Karuah Progress Association and the Karuah Landcare Group, struggles to get many volunteers for community projects, which is likely due to our small population and demographics. The submission maker believes that more council support to make some of these projects happen will be necessary to see them get underway, however with the growing population, there will be more future community engagement. | See Submission No. 11.I Action 1.7 Revitalise Karuah's Landcare Group has been added to the Place Plan. This action commits Council to hosting a free community workshop and information session in conjunction with the Karuah Landcare Group to attract new members and reinvigorate the group. |
| | 19.b | The submission does not support the removal of the toilet block at Memorial Park, which will be replaced by a new facility in Aliceton Reserve. The submission advises that while a toilet block at Aliceton Reserve is needed, it would be a shame to remove the one at Memorial Park as it is often used by caravans who stay overnight at this spot. | See Submission No.11d Action 2.1 acknowledges that Karuah is an ideal location for short-stay visitors. Council will investigate options for providing RV friendly locations within Karuah and will likely include the provision of infrastructure and amenity needs, noting that many RVs are self-contained and require a dump point, rather than amenities. |
| | 19.c | The submission advises that the new playground at Aliceton Reserve needs to be really good, as the other playgrounds in town are pretty lame and only useful for children who are quite young. The submission questions whether \$150k is sufficient. The submission advises that the community would like to be consulted on the playground design. | See Submission No. 10b |
| | 19.d | Regarding the Longworth Park playground upgrades, the submission suggests that these upgrades should include shade, and fencing as it is very easy for young children to run to the water, where there is a sharp drop into deep water | See Submission No. 2a |

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| | | if the tide is up. A scooter track around the playground is also suggested. | |
| 19.e | | The submission advises that the walking track shown on Page 22 from Tarean Rd around to the back of Aliceton Reserve does not currently exist and suggests that they may have been wrongly colour coded. Walking tracks in this area are supported. | The Place Plan has been corrected. |
| 19.f | | The submission suggests that Aliceton Reserve should have a plan for a youth drop in sports area for teenage kids as there is not much in town for teenage kids to do. | See Submission No.7 w and 10b |
| 19.g | | The submission requests that the community is given access to Lionel Morten Oval. | See Submission No.10f |
| 19.h | | The submission suggests that a welcome sign on the entrance to Karuah would be welcome. | See Submission No.11k |
| 19.i | | The submission requests assistance with weed removal and planting of native groundcovers, shrubs and trees to enhance the visual aspect of Karuah's public spaces as well as provide habitat for native birds and animals. It is further advised that the Karuah Landcare Group has undertaken planting at Memorial Park and currently maintains this site but with only 4 members the group has limited capacity to do more. As an example, Newcastle Council contracts bush regen teams to rehabilitate bushland areas and maintain them. It would be lovely to see this occur here in order to support Landcare's current efforts. | See Submission No. 19a Council provides native plants free of charge to be used in public spaces by Council volunteers and members of the public in approved projects. Council's Environmental Operations team run regular weed control and Natural area management programs on priority weeds and in priority areas, and can be on hand to assist and deliver workshops or assist with working bees and the like. The Volunteers Team Leader is responsible for coordinating and encouraging volunteer groups and for leading them in environmental and asset maintenance projects. Council's Natural Area Maintenance program operates on a limited budget and across over 1000ha of Natural area under Council management, so investment in maintenance must be prioritised. This is done through a prioritisation model that allows us to focus on the areas that are the most important from a conservation perspective. In |

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| | | | <p>Karuah there are 2 such areas including the Wetlands Reserve (with the boardwalk) and the Crown Land area behind the oval.</p> <p>Volunteer groups working in any area are able to utilise several avenues for support, including a request to the Environmental Operations Team Leader, or Volunteers Team Leader, applying for one of the Environmental or other grants offered annually by Council or by reporting work through the Environmental Works Record form on Council’s website. This attracts funding from Council as an incentive for reporting.</p> |
| 19.j | The submission advises that the boardwalk through the wetlands near the visitors centre is in need of repair and requests that any upgrade includes non-slip material as the wood decking is very slippery when wet. A linking pathway from the boardwalk, along the river and over to the Karuah Aboriginal Community side of Karuah is needed. An elevated boardwalk through the mangroves would be an amazing feature and would attract visitors. | | See Submission No.7m |
| 19.k | The submission requests assistance in partnering with National Parks to improve access and walking or mountain biking trails through Karuah National Park. | | See Submission No. 16r |
| 19.l | The submission suggests that new housing development needs to include green spaces instead of full clearing of blocks to put in higher density housing. It is so important to maintain habitat connectivity throughout town and the existing wildlife corridors. | | See Submission No. 7q |
| 19.m | The submission notes that shared pathways linking Riverside Drive, Roundhill Crescent through Mustons Rd and into Karuah are needed. | | See Submission No.1b |
| 19.n | The submission advises that the Karuah visitors centre is council owned, and is in need of repairs and upgrades. | | The repairs and maintenance of the Karuah Centre have been identified as a community project as these works are not currently identified in Council’s work program in the next 5 years, however works are scheduled |

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| | | | beyond the life of the Place Plan. By identifying it as a community project, council may be able to seek grant funding to undertake the work sooner than otherwise anticipated. See Submission No. 11l |
| Resident | 20.a | The submission requests that the Longworth Park replacement includes fencing and all weather covering. | See Submission No.2a |
| | 20.b | The submission requests that an extension to the existing skate park at Aliceton Park, including a skate bowl and upgrade to existing bike track is included because dedicated infrastructure at Aliceton Park for teenagers is needed in the community. This should also include lighting. | See Submission No.10b |
| | 20.c | The submission requests that the resealing of Tarean Road (Southbound entry) and line marking to be added to the place plan. | See Submission No. 11h |
| | 20.d | The submission advises that the Place Plan does not mention the Footpath Plan for Karuah and requests that this be included in the Place Plan actions. | See Submission No.1b |
| | 20.e | The submission advises that an amendment to Page 22 is required as the map is incorrect; it states that an existing walking track is available, however this track does not exist and is likely to have been colour coded incorrectly. | The Place Plan has been corrected. |
| | 20.f | The submission requests that a 'Welcome to Karuah' feature sign, located on Tarean Road by the Golf Course is added to the place plan. | See Submission No.11k |
| | 20.g | The submission advises that the BBQ facilities at Longworth Park were just replaced, but the Place Plan has this item identified as an upcoming project. The submission requests clarification of the status of this project. | The upgrade of the facilities was identified in the exhibition Place Plan for 2022, as it was planned for the 2021/22 financial year. The Place Plan has been amended to clarify that the replacement of the barbeques at Longworth Park is complete. |
| | 20.h | The submission notes that many items needed in Karuah have been identified in the plan for the Karuah Community to lead, however the submission suggests that council be | See Submission No. 11.l |

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| | responsible for more of these items and apply for grants as footpaths and drainage items that the community can lead. While it is noted that Council does not have funding for a number of these items, the submission considers it acceptable that a community should be leading PSC owned assets upgrades such as the Karuah Centre external renovation (building owned and leased by PSC), footpaths or drainage needed in George Street. | |
| 20.i | The submission supports other, more achievable community lead items, including the mural project under the Karuah Bridge and opportunities for main street beautification. Community led items should be achievable by the community. | See Submission No. 11l |
| 20.j | The submission notes that the Karuah population is less than 1300 and advises that the Place Plan needs to incorporate greater council support and advocacy for footpaths, drainage and the Karuah Centre external renovation (specifically as it is a council owned asset). The submission advises that the Kaurah Progress Association is able to provide support and assistance for grant applications for these projects, but that they should be Council led items. | See Submission No. 11l |
| 20.k | The submission requests that the George Street- missing shared walking path connecting Stage 1 Development already complete which provides direct links to the Pre-School and Aliceton Reserve | See Submission No.1b |
| 20.l | The submission requests to add Wattle Street to Tarean Road- missing shared walking path that connects Pre School and Aliceton Reserve. Missing needed crosswalk for children to cross safely from one side of Tarean Road to Wattle Street. | See Submission No.1b |
| 20.m | The submission requests to add upgrades and support for Karuah Community Pre-School Facilities, which is owned by PSC. Services and facility needs support to accommodate long day-care service, | See Submission No.4a |

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| | | increase play capacity and expansion as the population increases. | |
| | 20.n | The submission advises that the Karuah Centre is the community hub for elderly volunteers and needs new paint, new roof, and repairs of damaged wood. Opportunity for community gardens, lighting and expended commercial services via the carpark similar to The Hatch in Maitland. The Karuah Info centre would be the prime spot for an upgrade to the picnic area next to the wetland walk and opportunity for Aboriginal and culture exhibits for tourism. | See Submission No. 11l and 19n |
| | 20.o | The submission requests that Lionel Morton Oval is open to the community. | See Submission No.10f |
| | 20.p | The submission requests that an extension to the wetlands walking track to link along the river via Franklin Street to Memorial Drive or to Karuah National Park is identified in the plan. It further advises that the existing wooden boardwalk needs to be replaced as wood is broken in numerous places and suggests that this is would be suitable as a community led project. | See Submission No.7m |
| Resident | 21.a | The submission suggests that more green spaces with established trees and walking paths should be included in the development planning for new residential areas. | See Submission No. 8c The Port Stephens Development Control Plan 2014 requires footpaths to be provided as part of the subdivision works for new residential developments. |
| | 21.b | The submission states that there is an opportunity to partner with National Parks to improve and activate Karuah National Park for mountain biking and hiking. | See Submission No. 16r |
| | 21.c | The submission states that existing detailed corridors within the proposed residential land should be established and requests that the native environment is reflected in the new developments, rather than a sea of housing. | See Submission No.7o |
| | 21.d | The submission agrees with a number of recommendations in the Cityplan report including that no | Noted. The recommendations in the report have been considered in the drafting of the Place Plan. |

ITEM 4 - ATTACHMENT 1 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

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| | development to be located on the wetland in perpetuity, the locations recommended for the establishment of habitat corridors (subject to further ecological assessment), and rezoning of any lands subject to in-perpetuity conservation agreements to environmental protection zoning. | |
| 21.e | The submission notes that the Place Plan identifies upgrades to Mustons Road but does not include a shared pathway linking Riverside Drive and Roundhill Crescent. The submission advises that shared pathway and access is needed for the elderly, children and those with disabilities that live on the Northern side of Tarean Road and Karuah Aboriginal Community. | See Submission No. 7g |
| 21.f | The submission requests that parking within the existing commercial area is mapped and new parking spaces are planned in order to support existing and new businesses as the population increases. | See Submission No. 7b |
| 21.g | The submission notes that the plan misses an opportunity to identify a Wetlands / Riverside shared pathway/walking track. | See Submission No. 1b |
| 21.h | The submission advises that there is a missing pathway link from George Street - connecting Stage 1 Development already complete which provides direct links to the Pre-School and Aliceton Reserve. | See Submission No. 1b |
| 21.i | The submission advises that there is a missing pathway link from Wattle Street to Tarean Road that connects the Pre School and Aliceton Reserve. A pedestrian crossing for children to cross safely from one side of Tarean Road to Wattle Street is also needed. | See Submission No. 1b |
| 21.j | The submission advises that the Place Plan does not mention upgrades and support for Karuah Community Pre-School Facilities, which is owned by PSC. The preschool needs support to accommodate long daycare service, increase play capacity and expansion as the population increases. | See Submission No. 4a |

ITEM 4 - ATTACHMENT 1 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

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| 21.k | The submission advises that Aliceton Reserve is currently used by children and young people across Karuah for sports and is the only place for Karuah Public School to access open sports fields. The submission advises that it would be better to use this area for a youth sports precinct rather than another playground. Suggestions include: Junior Athletics, Soccer, Cricket, Basketball / Netball, Indoor/Outdoor Pool space, circle walking track around the reserve, lighting for evening access. | See Submission No. 10b |
| 21.l | The submission notes that the cost of the Longworth Park playground replacement is not included in the plan. The submission suggests that there is opportunity to make a riverside feature that attracts tourists and increases family stopovers from the Pacific Hwy so that they spend money in town. It is advised that the playground needs fencing and shade/all weather covering. There is an opportunity to partner with Destination NSW on infrastructure funding. | This project is currently unfunded and not on Council's work plan, which is why the cost is not included in the Place Plan. See Submission No. 2a Destination Port Stephens continues to advocate on behalf of the LGA to Destination NSW to encourage tourism in Port Stephens. |
| 21.m | The submission suggests that there is opportunity to expand the stage in Longworth Park to support entertainment. Activation, tourism and arts support may include live music, evening cinema, arts. Work needed includes upgrading stage, electronics systems, lighting and all-weather coverings. | Rather than providing additional permanent structures for events, which remove open space and require maintenance costs, ensuring that power and water is available for temporary structures is considered to be a better use of space and resources. In Longworth Park, the stage, amenity block and barbeque area provide sources of water and power that can be used for temporary events. |
| 21.n | The submission advises that the Karuah Centre is the community hub for Karuah's elderly volunteers and it needs new paint, new roof and repairs of damaged wood. There is also an opportunity for community gardens, lighting and expanded commercial services via the carpark. | See Submission No. 20n |
| 21.o | The submission notes that the Place Plan does not mention upgrades needed for the wetlands walking track to link along the river via | See Submission No. 7m |

ITEM 4 - ATTACHMENT 1 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

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| | Franklin Street to Memorial Drive or to Karuah National Park. | |
| 21.p | The submission advises that there are a number of issues with existing bus access, timetabling and shelter. | <p>The lack of public transport in Karuah is noted. Scheduling and bus stop location is set by private operators, while Council plays a lobbying role.</p> <p>Increased population may result in a better economy of scale and increased availability of services. Council has investigated locations for a bus shelter in the town centre, however due to a number of physical factors, a shelter in the main street would be unable to meet Disability Discrimination Act requirements.</p> |
| 21.q | The submission requests a Welcome to Karuah Feature sign on Tarean Road near the Golf Course | See Submission No. 11k |
| 21.r | The submission requests that the plan identify the Mangrove Boardwalk to connect Memorial Park to Karuah National Park, and Karuah Aboriginal Community with consideration for boat, kayak and fishing access. | Community members could seek funding to undertake this project despite it not being identified in the Place Plan. Concerns about maintenance costs would need to be addressed. |
| 21.s | The submission advises that Longworth Park is the preferred meeting place in Karuah as it has the best views and connection to the river. | Noted. Recent investment and works/actions identified in the Place Plan aim to ensure that Longworth Park continues to be an asset to Karuah. |
| 21.t | The submission advises that Aliceton Reserve is the current place for community sport and a meeting place for children and young people. | Noted. The Place Plan and Council's Recreation Strategy acknowledges Aliceton Reserve's status as the primary recreation area in Karuah. See Submission No. 7h |
| 21.u | The submission advises that while Lionel Morton Oval is nice, the community cannot access it. | See Submission No. 10f |
| 21.v | The submission notes that there are no shared paths connecting Karuah Aboriginal Community to the town centre. | See Submission No. 7g |
| 21.w | The submission notes that the plan identifies potential RV parking at Memorial Park. While the submission supports this action, more detail about how this looks is requested, particularly the impact on the existing park dedicated to servicemen and the Aboriginal meeting place. | Council has not investigated, in detail, options for RV parking in Karuah. Further information, such as location and infrastructure required, will not be available until these investigations have occurred. |

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| | <p>The submission suggests that this would be an ideal place, close to the river, to recognise Worimi culture and could include signage, and art to attract tourists to stop and stay in town to support local business.</p> <p>An alternative place for caravan / RV parking is in front of the Visitors Centre next to the wetlands.</p> | <p>Council has, and will continue to liaise with the Karuah Local Aboriginal Land Council to showcase local cultural heritage.</p> |
| 21.x | <p>The submission does not support the removal of the toilet block at Memorial Park as this is the main stop for tourists.</p> | <p>See Submission No. 11d</p> |
| 21.y | <p>The submission supports the use of the Men's Shed facility for use as a shared space for community use on the water, events, venue hire potential, catering, arts/craft, water sports.</p> | <p>Noted.</p> |
| 21.z | <p>The submission supports a number of actions in the Place Plan and provides additional suggestions and advice on the actions below.</p> | <p>Noted.</p> |
| 21.aa | <p>The submission supports Action 1.3 Growth through beautification however has recommended that the community will need guidance from the council, particularly regarding on Council owned assets and greenspaces.</p> | <p>Council can provide guidance to community members seeking to undertake projects.</p> <p>Action 1.10 We're here to help commits Council to providing information to the community about how to navigate approvals, seek funding to start a project or facilitate a new event or business.</p> |
| 21.ab | <p>The submission supports Action 1.5 Pride of place however advises that this should not just be the responsibility of business. In particular, green spaces are already maintained by the community which is owned by the council.</p> | <p>This action has been updated to note that the whole of the community is responsible for creating pride of place.</p> |
| 21.ac | <p>The submission advises more support is needed from Council on Action 1.6 Start a conservation project. The submission questions what conservation and land management is being done by Council to maintain green spaces. The submission advises that there are missed opportunities through grants to assist in maintaining green spaces, that collaboration is needed with National Parks and other</p> | <p>See Submission No. 16 r and 19a</p> |

ITEM 4 - ATTACHMENT 1 SUBMISSIONS SUMMARY AND RESPONSE TABLE.

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| | | contractors and that the Karuah Landcare Group has limited numbers of volunteers. | |
| 21.ad | | The submission supports Action 1.7 Short stay RV visitors, however suggests that location should create activation. Check with Karuah Visitors Centre who welcomes Caravans to stop and park in from of the Centre next to the wetlands. Locations need to be flat and supported with services / facilities and waste management. | See Submission No. 19b |
| 21.ae | | The submission supports Action 2.2 Help them find a way but advises that more support is needed from Council, and this should not be the responsibility of just the community. Destination NSW engages directly with PSC in this space to support tourism. | See Submission No. 11l and 21l |
| 21.af | | The submission supports Action 2.5 Fill in the gaps on the main street however notes that this is a missed opportunity for PSC to acquire land needed for public parking and to support the community in navigating permissions, restrictions, and determine areas available for activation. | Council does not have the capacity to purchase property within Karuah for parking at this time. A transport and traffic survey will be undertaken to determine the parking needs in Karuah. See Submission No. 7b |
| 21.ag | | The submission supports Action 2.6 Make way for festivals however notes that this is a missed opportunity to identify assets for upgrades to use and activate Longworth Park for art, music, and entertainment. Other councils engage Events Managers to support markets, music, and festivals. | See Submission No. 21m |
| 21.ah | | The submission supports Action 2.7 Showcase local Cultural heritage however advises that this needs to be done with correct cultural protocols in place. | Agree. Ongoing consultation with the Karuah Local Aboriginal Land Council has occurred during the drafting of the Place Plan and will continue once it is adopted. |
| 21.ai | | The submission maker advises that they have never seen the Karuah Development Control Plan. | The Port Stephens Development Control Plan, Chapter D2: Karuah, is available on Council's website. |
| 21.aj | | The submission requests that when a review of the Local Infrastructure Contributions Plan in undertaken (Action 2.9), it is a transparent process with community consultation to be undertaken to determine priorities for Karuah. | In accordance with the Environmental Planning and Assessment Regulation 2000, Council must make a draft contributions plan available for public comment. |

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| | 21.ak | The submission advises that Action 3.2 Park furniture improvements needs further review and this is a missed opportunity. | This action has been renamed to 'park improvements' and updated to advise that the barbeques have recently been replaced. |
| | 21.al | The submission requests that community consultation be undertaken, including with the Karuah Preschool, when planning the Aliceton Reserve upgrades. | See Submission No. 10b |
| | 21.am | The submission advises that the Karuah Pre School is a Council owned asset and will need to expand in order to cater for population growth. The submission requests that land is identified in the Place Plan for the expansion of the preschool. | See Submission No. 4a |
| | 21.an | The submission advises that the Karuah Visitors Centre is a council-owned asset and is in need of repairs, including a new roof and wood panelling and should be upgraded to include and an expansion of the community garden space and a hub for Karuah's aging community. The submission notes that the centre is run by community volunteers, supports the mobile Library, showcases local history, and more. | See Submission No. 20n |
| | 21.ao | The submission questions what planning is in place to support Public School amenities and resources as the population increases. | See Submission No. 8f |
| Business owner / resident | 22 | The submission supports the residential land release areas identified to the west of town and the initiatives in the Place Plan to grow the town and main street beatification projects. The submission notes that the town will benefit from having more housing and industrial land available, more investment and protection of public places. The submission maker is keen to assist Local Government, business owners, land holders and visitors with the modernisation of Karuah. | Support is noted. |
| Karuah Preschool | 23.a | The submission suggests that the Karuah Place Plan considers the impact of the additional population on the education establishments in Karuah, particularly the preschool. It | See Submission No. 4a and 8f |

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| | | requests that the Place Plan includes support from council for the ongoing use of the building for the preschool and plans for expansion in order to cater for the anticipated growth. | |
| | 23.b | The submission suggests that land for the expansion of the preschool should be considered as part of the Aliceton Reserve upgrades and advises that there are funding opportunities available to the preschool through capital works grants and alike, however the preschool is ineligible to without the dedication of land on which to build and the security of council dedicated support. | See Submission No. 4a. Should the Karuah Preschool seek grant funding in order to expand its service, Council will support the application and provide information, such as demographic data and population forecasts if required. Support for the continued operation and potential expansion does not need to be identified in the Plan. |
| Resident | 24.a | The submission notes that the draft plan provides positive guidance to both council and the Karuah community in areas of development, community infrastructure and the wellbeing of residents and provides a number of suggestions to improve the plan prior to it being adopted. | Noted. |
| | 24.b | The submission notes that the community is identified as the lead on many of the 'Short term' and 'Medium term' actions detailed in the plan and advises that the Karuah population is less than 1300, making it unlikely that such a small population, despite the passion of residents, would be able to lead and coordinate such large and complex projects. The submission suggests that plan incorporates greater council support and advocacy for these actions in order for them to be achieved. | See Submission No. 11l |
| | 24.c | The submission requests that the Longworth Park playground replacement include fencing and the provision of shade and that these aspects are factored into budgeting for the project. | See Submission No. 2a |
| | 24.d | The submission suggests that the promotion of 'Youth Services' be noted on page 18 and be attached to the Karuah Community Hall area of Aliceton Reserve. The submission advises that these services would serve to address the underperforming liveability priority of | See Submission No. 7w |

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| | | community access to facilities for specific activities or special interests. | |
| | 24.e | The submission advises that it is vitally important that the 'Karuah Centre' is properly maintained and supported for it to remain as a key hub of the town for both local residents and incoming tourists. The building is ageing and is in need of immediate repair. | See Submission No. 20n |
| | 24.f | The submission advises that nature tourism is key to the long term success of Karuah. Access to the river front and the adjacent nature reserves is important, but significant investment will need to be made in the provision of mangrove walkways, signage and environmental protection. | Council, through Destination Port Stephens, will continue to advocate for tourism in the LGA, including Karuah. Action 2.11 Getting out on the water has been added to the Place Plan to improve access to the water for kayaks, stand up paddleboards and other watercraft. Funding is not currently available to create and maintain additional mangrove boardwalks in Karuah. However an action has been added to maintain and repair the existing boardwalk. |
| | 24.g | The submission states that it is imperative that the public space in the commercial centre of Karuah is activated through successful placemaking strategies. This will only be achieved through effective partnerships with business and community. This activation of space should be a priority of the final plan. | See Submission No. 11l |
| Resident | 25.a | The submission states that while a new playground at Aliceton Reserve is appreciated, it suggests that a new playground at Longworth Park should have priority and should cater for all ages, be fenced in and have shade covering. | See Submission No. 2a and 7h |
| | 25.b | The submission states that new developments should be required to have an appropriately sized neighbourhood park & playground, which is provided by the developer. | See Submission No. 7o and 8c Developers will be required to pay developer contributions, which will contribute towards recreation facilities. |
| | 25.c | The submission states that roads must be in good condition, and unsealed roads must be sealed as soon as possible to an appropriate standard (incl. proper edging etc). | See Submission No. 7b and 11h |

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| 25.d | The submission states that Council & developers should build shared bike paths to the city centre. | See Submission No. 1b |
| 25.e | The submission does not support any development on 339 Tarean Road. | See submission 6c and 7q |
| 25.f | The submission notes that in the CityPlan Independent Review advises that a condition for the future development of the Timberrill site on the Northern site of Tarean road must be the creation of a wildlife corridor. The Report recommends that an east-west corridor connecting to the wetland should be established. | The Place Plan reflects this recommendation by requiring that future planning proposal will need to undertake investigations to determine the most appropriate location for an east-west corridor that will allow for the movement of animals away from developed areas. |
| 25.g | The submission states that development of the land fronting 339 Tarean Road and the Wetlands must never be allowed. The submission does not support the view that this land is required for shops or business use as there is more suitable land available. An ideal outcome would be for council to acquire this land for public recreation. Fire danger could be reduced by fire trails that would be used as bike/walking tracks, with an improved area where the current wetland viewing platform is located. | Part of 339 Tarean Rd has been identified for residential development, not commercial as recommended in the Independent Review. The wetland itself has not been identified for development and a planning proposal will investigate the future zoning of the most environmentally significant part of the site for an environmental conservation zone. Council does not have the funds to acquire the land. |
| 25.h | The submission advises that there is valuable wildlife corridor on 339 Tarean Road; Koalas have regularly been seen in the koala feed trees and other wildlife have been seen in the location. Council must protect this environment. | See Submission No. 6c, 7n and 7q |
| 25.i | The submission does not support rezoning of 254 Tarean Road to allow a for a service station as one service station is sufficient. This site should be considered for other businesses or a pub. | The site has been identified for short-term employment, with the zone and future use of the site is yet to be determined, as this will be subject to a planning proposal and development application. The existing infrastructure located onsite makes it an ideal short-term solution for employment lands while long-term, the area around the timber mill has been identified as a location for potential employment land. Council cannot limit commercial ventures that meet the |

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| | | requirements of LEP and other planning provisions. |
| 25.j | The submission agrees with the summary of recommendations in Table 8 of the Cityplan Independent Review, except for: b) development should not encroach on the existing vegetation on the western side of the Timbermill site and development should be planning in a way that does not require the removal of established vegetation. e) Any residential development 339 Tarean Road is not supported due to existing wildlife and Koala feed trees. f) Commercial development on land 339 Tarean road is not supported due to the previously stated reasons. There is undeveloped land between Fish&Chip shop and Caravan Park, which is much better suited for commercial development. | See Submission No. 6c, 7n and 7q |
| 25.k | The submission does not support the removal of the toilet facilities in Memorial Park as they are in good condition structurally and thus an asset, though could do however with some refurbishment. It is advised that they are very much needed for visitors and users of the boating facilities. | See Submission No. 11d |
| 25.l | The submission advises that there is no mention of the Karuah Preschool in the plan and advises that town is growing and preschool must be able to adapt and grow with the town. The submission suggests that the park next to the building should be identified for preschool facilities as well as sports fields for the kids from Karuah Public School. | See Submission No. 4a, 15b and 10 b |
| 25.m | The submission advises that Karuah needs more greenery, artwork and entertainment. While the community has a role to play, the lead should come from Council, particularly considering all the facilities and upgrades done in the Bay. | The Place Plan seeks to encourage community members to activate Karuah and notes Council's roles in assisting the community – which include the actual delivery of infrastructure, funding through local community grants, assistance in navigating regulations, and marketing and promotion of events. Action 1.10 We're here to help has been added to the plan. This action |

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| | | | <p>commits Council to educating the community groups and businesses about how to facilitate projects.</p> <p>In Nelson Bay, the Nelson Bay Civic Pride group have delivered a number of beautification projects in the town centre, such as working bees to tidy the town and revitalising gardens. This group formed independently following community working bees. Council supports the initiative and has provided access to additional taps and mulch, but the group facilitates sponsorships from local businesses for the provision of plants and other supplies.</p> |
| | 25.n | The submission raises concern with the state of roads and the lack of shared bike/foot paths and advises that an effort needs to be made to connect existing infrastructure and build new connections. | See Submission No. 1b |
| | 25.o | The submission advises that the culvert on Mustons Rd is a great concern and council has been inactive for years. The culvert is dangerous and the "improvements" done a short time ago are rudimentary/insufficient. | See Submission No. 7g |
| Resident | 26 | The submission requests a public toilet be provided in the town centre as those available at Longworth and Memorial Parks are not easy for elderly people to access when in town and to use toilets at a business, you need to be a customer at the time. | Council does not have the capacity to build or maintain an additional toilet in Karuah's town centre. |



Guudji Yiigu (Goo-jee ik-koo)

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

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

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



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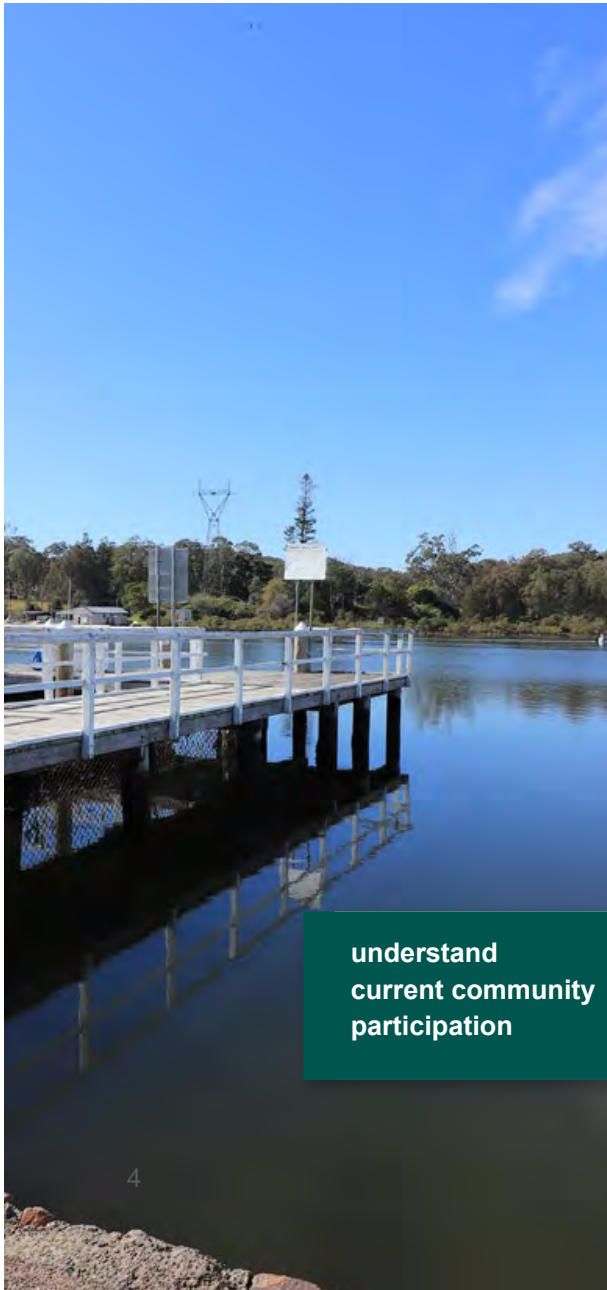
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PORT STEPHENS
COUNCIL

ETHOS
URBAN





What is a Place Plan

Explaining Place Plans

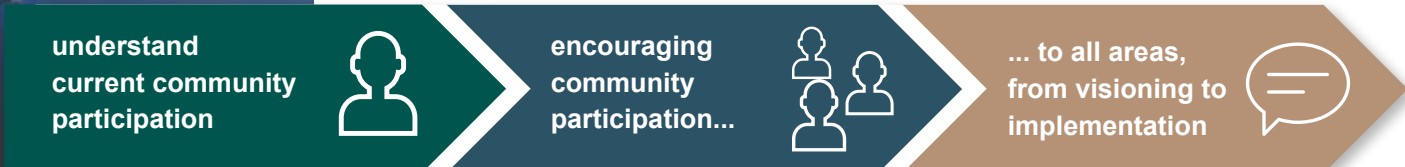
Place Plans are a new way of planning for the growth of the unique towns and villages across Port Stephens. Place Plans provide a local filter on the Port Stephens Local Strategic Planning Statement and other strategic documents to create actions which improve the liveability and wellbeing of our communities.

Actions

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

Community

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





Local values

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



Start with yes

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



Test and trial

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



Civic pride

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



Measure benchmark

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



Character principles

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

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

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

The Karuah River should be acknowledged and celebrated for its historical and cultural significance and its value to the local economy, the environment and the people of Karuah. Traditionally the river was an important part of the Worimi people's daily lives for fishing, lobster freediving, oyster collection and rituals.



About Karuah

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

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

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

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

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

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

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

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



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



Population
1,296

15%

Aboriginal & Torres Strait Islander population



160
Families

99
Active Businesses
trading in Karuah



Most common age cohort
60-69 YEARS

Remplan October 2021

“

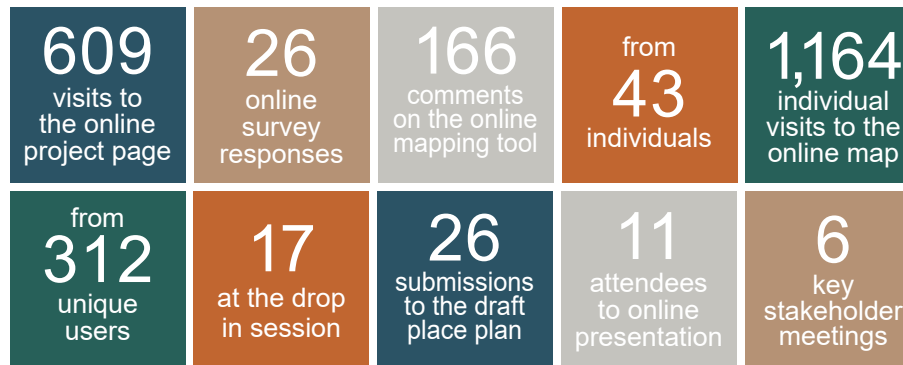
Liveability is simply what a place is like to live in – a liveable place is a healthy place.

”



We've been listening

In August 2020 we commenced community consultation to explore the future of Karuah. Since that time, we have engaged with lots of people, via a number of different forums:



Community Engagement

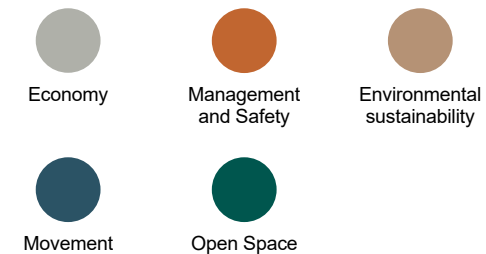
What makes a place a great place to live?

That's the question we asked our community in September 2020. More than 3,700 people across Port Stephens told us what they value about a place and how our places are performing.

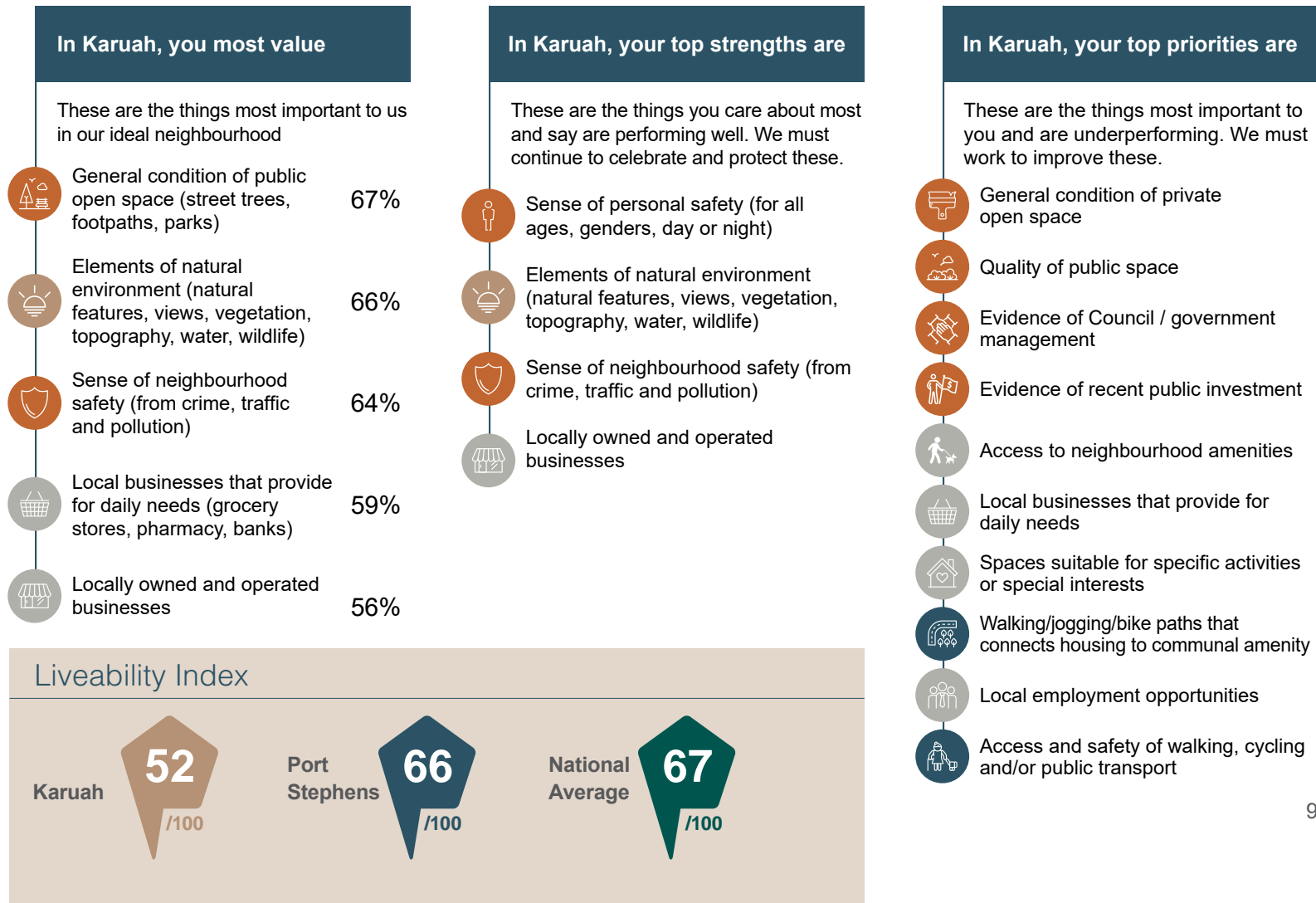
We have used this data to shape our Place Plan, to set the vision and the actions that best benefit the wellbeing of Karuah locals.

Key Themes

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



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Planning for the future of Karuah

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

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

However, over the past few years, new population forecasts, and most importantly, housing demand, tells us that this current strategy needs to be reviewed and new land identified for future growth.

The Karuah Place Plan has been designed to support the Karuah Growth Strategy by identifying additional opportunities for residential development, employment lands and public infrastructure. Where there are any inconsistencies between the place plan and the strategy, the Karuah Place Plan will prevail.

Employment land

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

Through the community engagement process, the need to ensure the long term viability of these industries was identified as important to the local community. New development will need to assess and consider these industries to minimise their impact and ensure their long-term sustainability. Critical issues include the maintenance of water quality to support the long term viability of the oyster operations and ensuring that sensitive land uses do not encroach on or impact on the continued operation (and potential growth) of the existing timber industry.

As Karuah grows and new residential land is released, new business and employment opportunities are needed within close proximity to town.

The 2011 Karuah Growth Strategy identifies land to the west of the town as suitable for industrial or employment land. Further investigation will be required to understand the short and long-term needs for employment land, the amount of employment land needed, the appropriate land use zone, the infrastructure required to service this land, and the recommended staging of any land release. This additional Employment land will enable the community of Karuah the chance to start new businesses, provide employment and training opportunities and offer additional services to the community.

Planning proposal process

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

Planning proposals will need to address impacts on the operations of existing businesses and industries. This should include the consideration of impacts from the existing operations such as noise, air quality and traffic as well as the impacts of residential development on the viability and growth and of these businesses. A development control plan will need to be prepared to ensure that these matters are addressed at the development application stage.

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



Housing demand and growth

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

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

Using this data and taking into account the current market conditions, a short to medium term high growth scenario for Karuah has been assumed for this plan. This includes two stages of land release and identifying land for future investigation beyond these.

Applications to rezone land

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

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

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

Alternative private systems may also be utilised in accordance with NSW Water Industry Competition Act 2006 to service new developments.

Stage two and the future investigation area identify opportunities for medium to long-term development. To move forward with these stages, developers will need to work closely with the relevant authorities to manage critical infrastructure such as sewerage and water. While sewer and water services are not currently available to service these stages, Hunter Water is exploring opportunities to increase capacity to service future development.

Habitat protection

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

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

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

access food sources, breeding sites and water.

The Stage 1 residential land release identifies some land that is currently vegetated. Further ecological investigations will need to be undertaken at the rezoning stage to determine the appropriate development footprint in these areas.

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

The North – South Corridor has been identified as part of the Watagans to Stockton green corridor and recognised as a high priority regional conservation area within the Lower Hunter Regional Strategy and subsequent Hunter Regional Plan 2036, and the Lower Hunter Regional Conservation Plan.

Biodiversity

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

The North-South Corridor is also identified in the Port Stephens Biodiversity Connectivity Mapping Project as a location where improvements to connectivity are required. As part of any rezoning, supporting studies, including biodiversity assessment, would be required to determine the appropriate location, size and scale for a biodiversity corridor.

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



Planning for the future of Karuah

What is the plan?

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

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

All rezoning proposals must include evidence of an agreement with Hunter Water Corporation confirming that the land can be adequately serviced, or evidence from a private water and sewer provider detailing the servicing arrangement and feasibility of the system.

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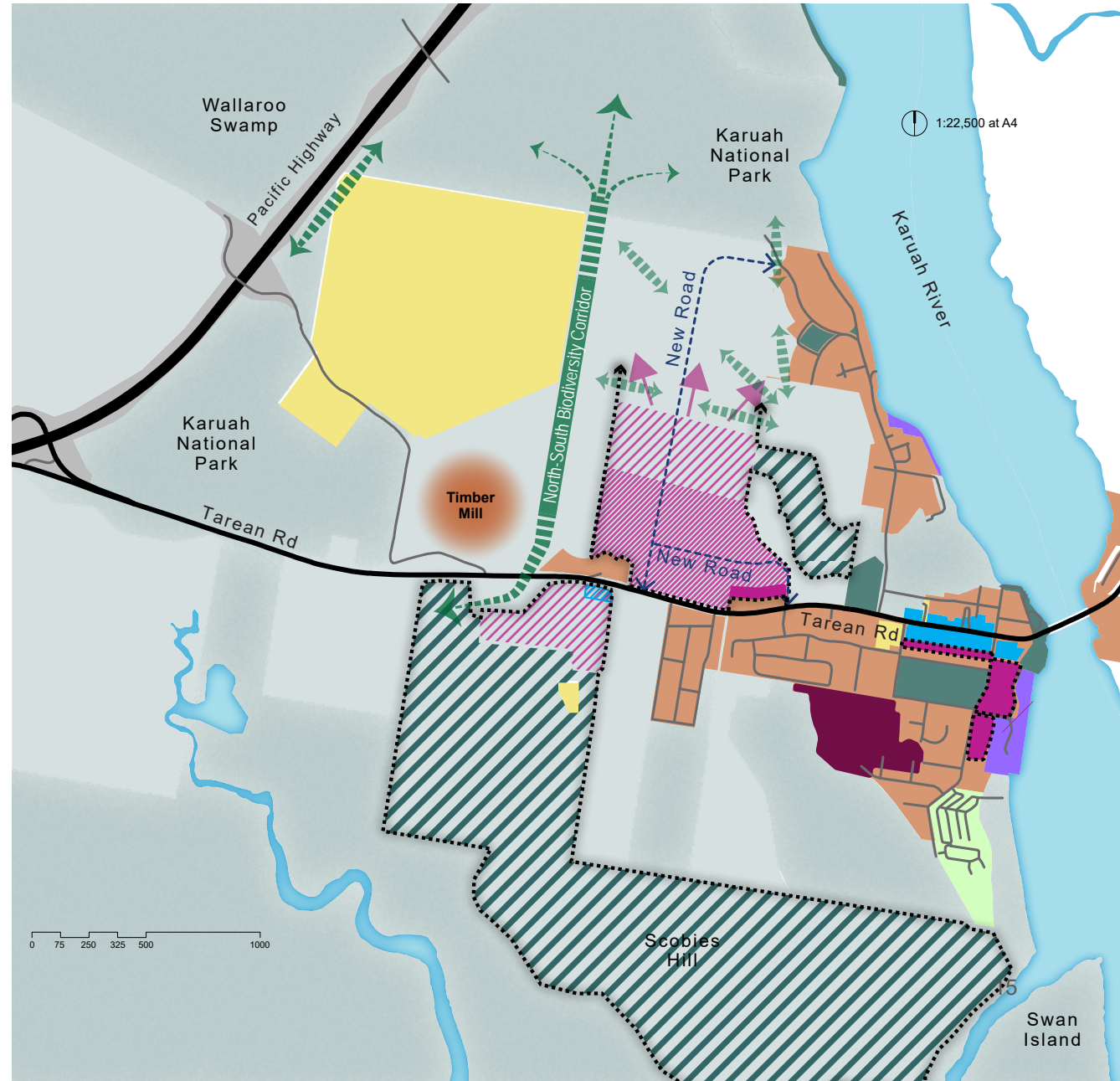
Key

Existing Structure

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

Proposed Structure Changes

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





A shared responsibility for our place

Aboriginal community

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



Local workers

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

Image: John Chambers, Citizen of the Year 2020



Business and tourism leaders

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

Port Stephens Council

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



Karuah



Residents

All kinds of residents in Port Stephens make an important contribution to the place they live through individual or collective effort.

Residents might plant trees, share their knowledge or skill with community, voice an opinion on a strategic direction from Council or initiate a street party!

Investment stakeholders

A town or city need people who believe in it's potential and celebrate it's success.

Investors play an active role in ensuring development aligns with strategic directors and invests in it's future.

Community groups

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

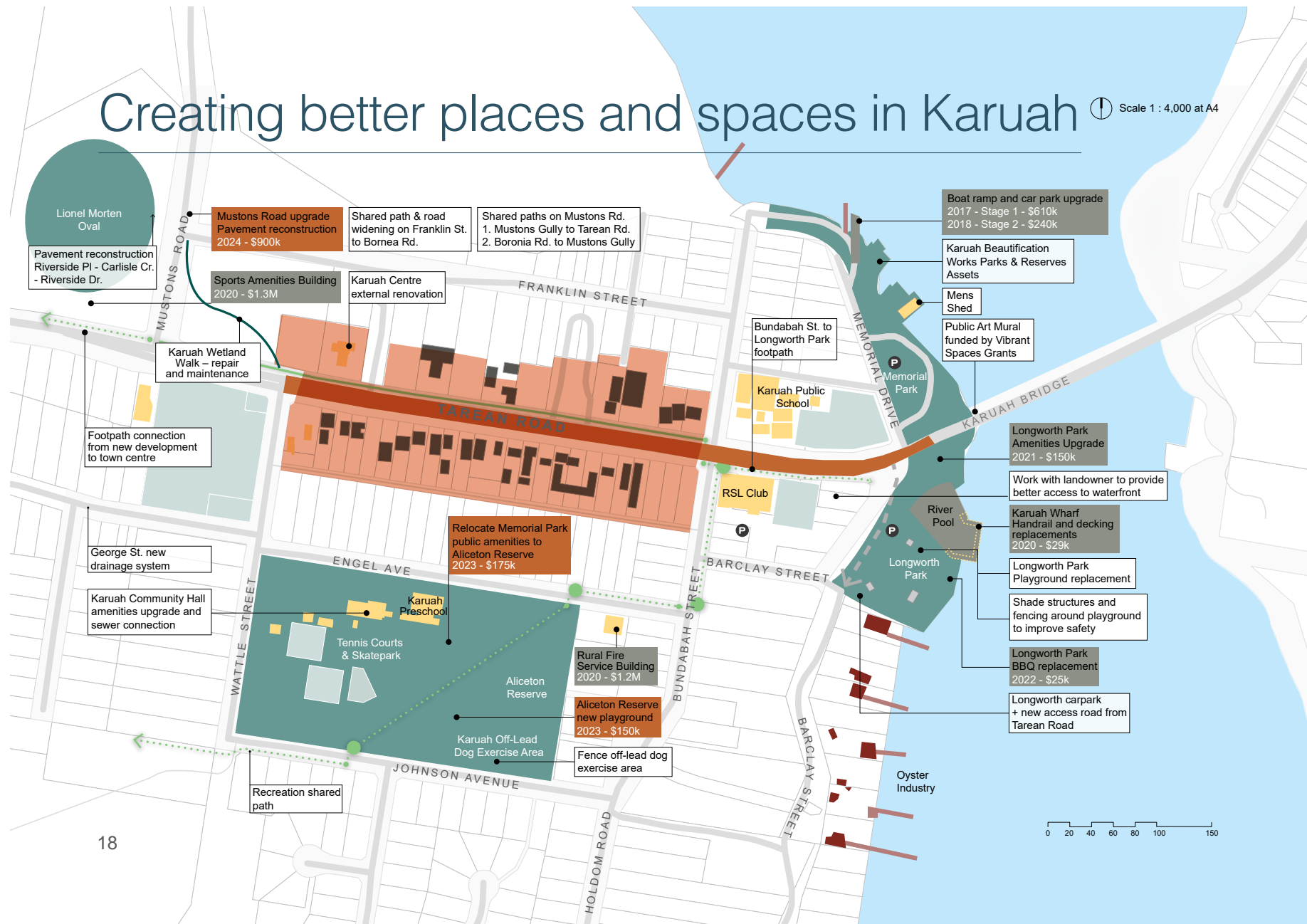
State Government

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

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

Creating better places and spaces in Karuah

Scale 1 : 4,000 at A4



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What are we doing?

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

Key

Built Form

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

Transport / Parking

- ⤴ Pedestrian
- P Car park

Access / Connections

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

Council Works Labels

- Recent Investment
- Upcoming Projects
- Potential Community Projects

Working together

Community projects represent opportunities to deliver desired outcomes for Karuah, but these projects are not currently funded in Council's work program. There are many other ways to deliver these outcomes – such as through grants obtained by either Council or community groups, fundraising by individuals or charity groups, donations or sponsorship by businesses, or agreements with developers.

These projects should inspire all of the community to get involved in creating a better Karuah; delivering the best future for Karuah requires everyone to contribute and work together.



Look and feel for Karuah

Creating an attractive streetscape brings people into town and compels people to stay and linger. The use of a consistent colour palette and materials can help to create a beautiful town with its own, unique 'look and feel'.

Small projects such as shop front renovations, fence replacements and street furniture may all present opportunities to create a more cohesive town centre and a sense of belonging to the community.

The colour palette of earthy tones, represents the many attributes of Karuah and celebrates the diversity of the broader Port Stephens Central Ward region.



Yellow for the sandy soil and waterways, and for the stunning skies at dawn and dusk.

C: 0% **M:** 9% **Y:** 44% **K:** 0%
R: 255 **G:** 229 **B:** 159
Hex: FFE59F



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

C: 35% **M:** 28% **Y:** 32% **K:** 0%
R: 171 **G:** 170 **B:** 165
Hex: ABAAA5



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

C: 91% **M:** 44% **Y:** 66% **K:** 35%
R: 0 **G:** 86 **B:** 78
Hex: 00554D



Rusted steel for industrial components of the Central Ward and its surrounds.



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

C: 19% **M:** 69% **Y:** 94% **K:** 6%
R: 193 **G:** 102 **B:** 50
Hex: C16632



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

C: 29% **M:** 41% **Y:** 56% **K:** 3%
R: 181 **G:** 146 **B:** 117
Hex: B59275



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

C: 86% **M:** 58% **Y:** 44% **K:** 26%
R: 43 **G:** 83 **B:** 101
Hex: 2A5364

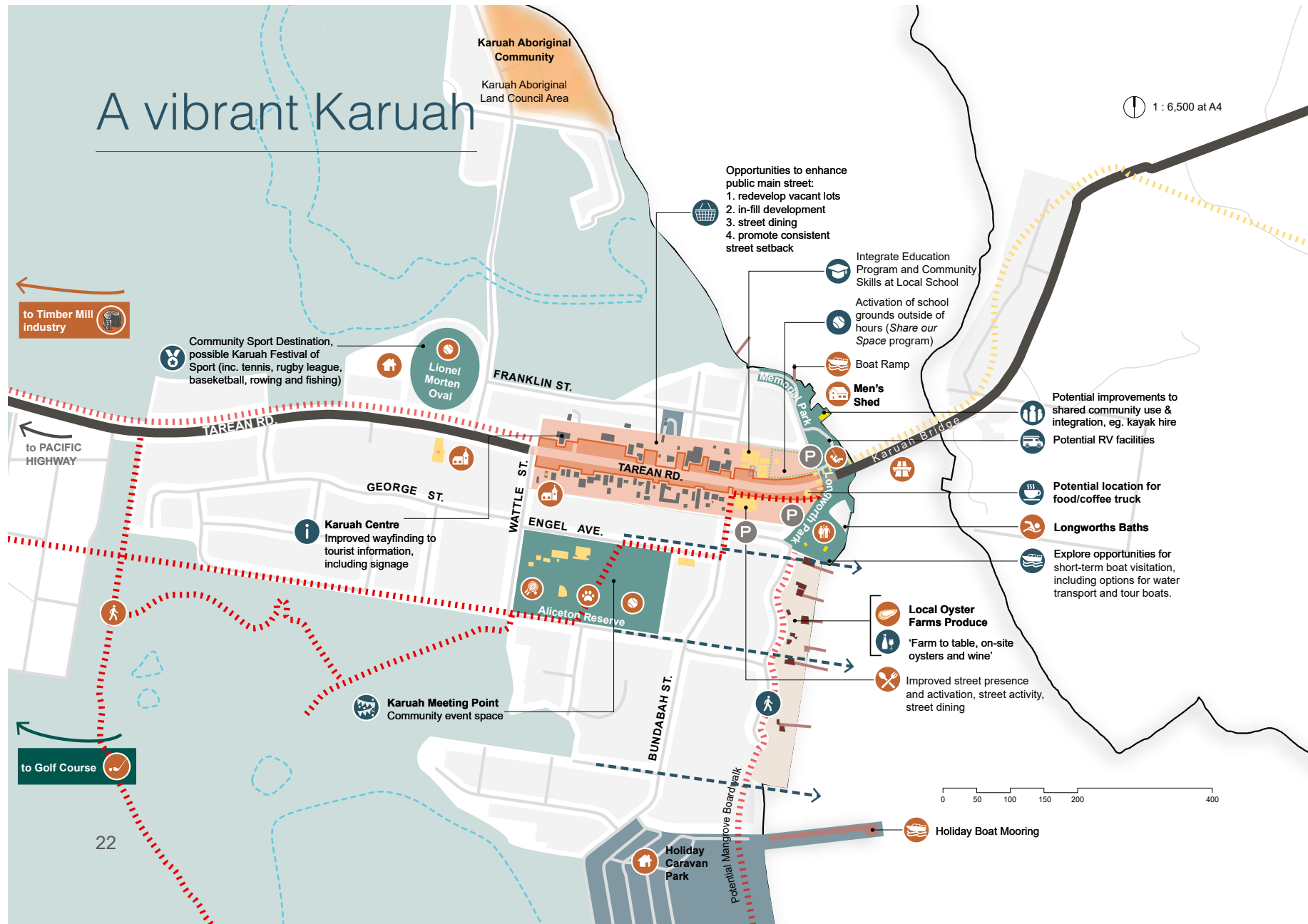


Clear-finished timber for the local timber, produced in Karuah and used far and wide.

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ITEM 4 - ATTACHMENT 2 KARUAH PLACE PLAN.







ITEM 4 - ATTACHMENT 2 KARUAH PLACE PLAN.

Key



Land Use

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



Access / Connections

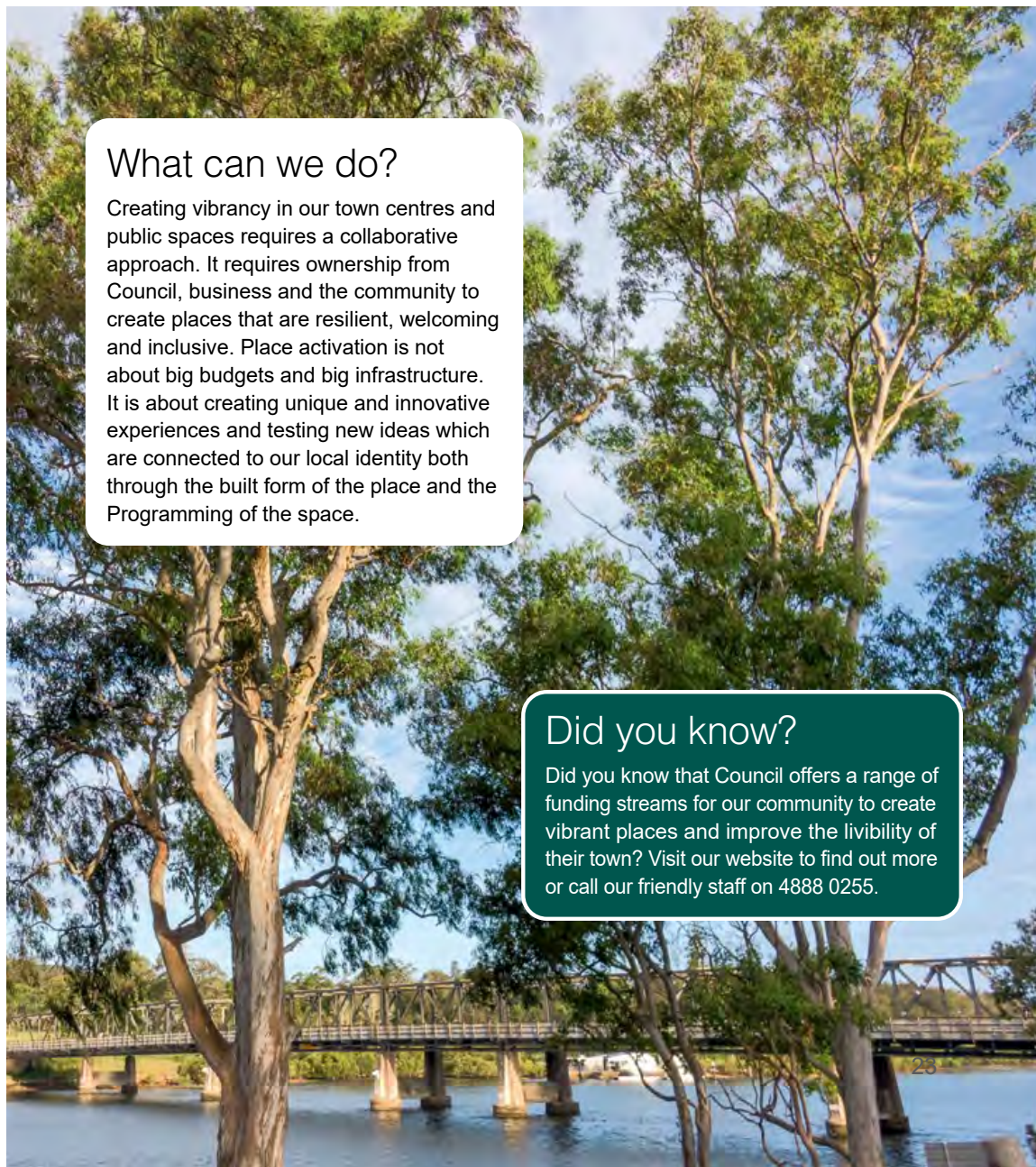
-  Existing shared paths
-  Possible future shared paths
-  Heritage walk to Tahlee
-  Promote permeability from town to river where possible

Public Amenities

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

Activation Icons

-  Opportunity for activation
-  Existing opportunities



What can we do?

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

Did you know?

Did you know that Council offers a range of funding streams for our community to create vibrant places and improve the livability of their town? Visit our website to find out more or call our friendly staff on 4888 0255.

Living and working in your community

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

Key



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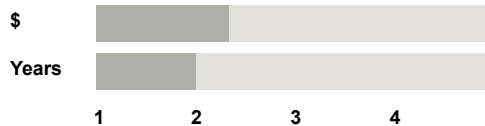
24

Short term actions

1.1 Coffee in the crook

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

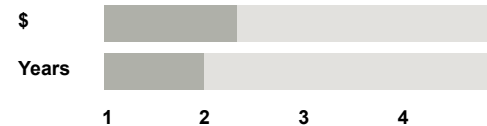
A prime location that draws in the school drop off crowd and services the riverside parks is shown on the map (page 22). Talk to Council about our business toolkit for outdoor trading.



Lead: Business

1.2 Community collaboration

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



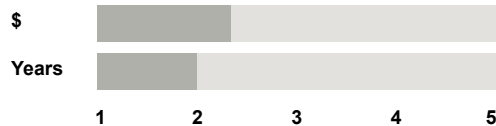
Lead: Community

ITEM 4 - ATTACHMENT 2 KARUAH PLACE PLAN.

1.3 Growth through beautification

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

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

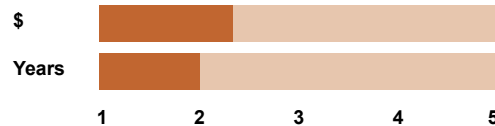



 **Lead: Community**

1.4 Take a seat

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

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

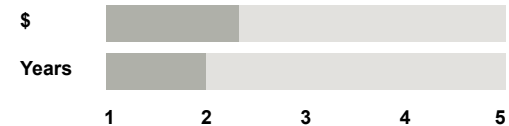



 **Lead: Council/Business**

1.5 Pride of place

A tidy and visually appealing main street will create pride of place and encourage others to keep their town tidy. Council, individuals and community groups continue to be responsible for keeping both public and private spaces in Karuah tidy and creating a sense of pride.

Businesses can consider reviewing how their premises presents to the street; evaluate whether the business signage could be freshened up, or re-finish the façade by aligning with the colours and materials on the 'look and feel' page.



 **Lead: Business**

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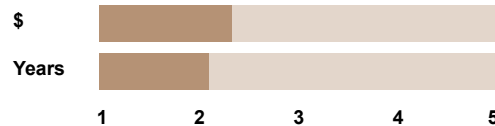
26

Short term actions

1.6 Start a conservation project

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

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

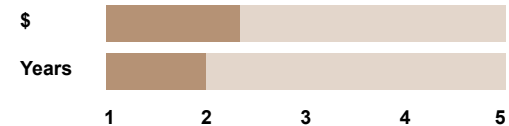


Lead: Community / Business

1.7 Revitalise Karuah's Landcare Group

Karuah's Landcare group is looking for more volunteers so that they can continue their important role as custodians of the natural environment.

Council, together with local volunteers, will hold a community event and environmental workshop to outline the important work Landcare does, and encourage more community members to get involved.



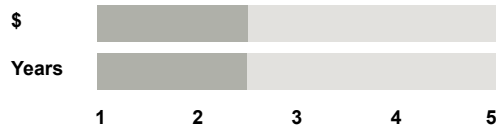
Lead: Council

ITEM 4 - ATTACHMENT 2 KARUAH PLACE PLAN.

1.8 Welcome to Karuah

Town entry signs provide residents and visitors with a sense of arrival to a place.

Council will construct a new town entry sign on the southern entrance to town (location to be determined) to announce arrival to Karuah.

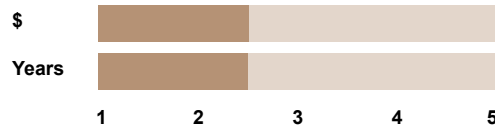


Lead: Council

1.9 Restore the Wetland walk

Karuah's wetland boardwalk is a much-loved asset, allowing the community to access the wetland in a way that does not damage the sensitive environment.

The boardwalk structure is in need of repair and maintenance. In the short term, Council will undertake vegetation management to assist the Landcare group in continuing the maintenance of the area. In the longer term, repair of the structure is an ideal community project that benefits the local environment. Grant funding should be sought to assist in this project.



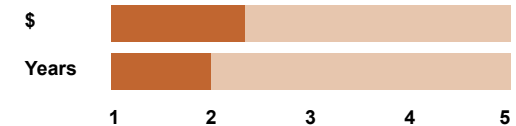
Lead: Community

1.10 We're here to help

Council understands that it can be hard to know how to start a project, what approvals are required or whether there are funding streams available.

Fact sheets will be prepared and a campaign will be undertaken to educate the community about how to get involved and start implementing the Karuah Place Plan and improving their town.

Council will offer concierge services for business, volunteers and event organisers to help facilitate projects.



Lead: Council

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Key



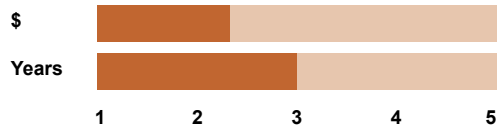
Note: budget and delivery time-frames are an estimate and subject to further investigation.

28

Medium term action

2.1 Short stay RV visitors

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

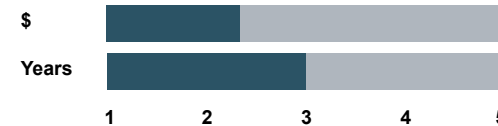


Lead: Council

2.2 Help them find a way

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

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



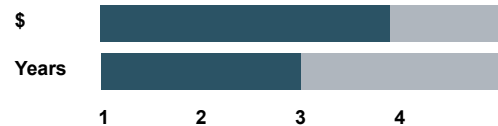
Lead: Community

ITEM 4 - ATTACHMENT 2 KARUAH PLACE PLAN.

2.3 Improve the streets for people

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

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



Lead: Council

2.4 Connect main street to river

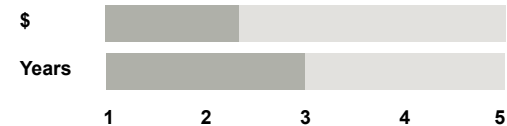
The riverfront is one of Karuah's best assets, yet it is not well connected to the town centre. Creating interest points, removing barriers and installing activation spaces between Tarean Rd and Longworth Park will improve this connection. This could be achieved through artwork, signage, removal of impermeable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



Lead: Business

2.5 Fill in the gaps (on the main street)

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



Lead: Business / Community

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Key



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30

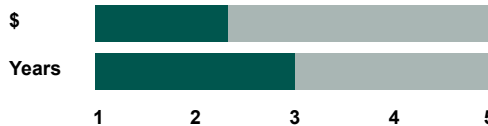
Medium term action

2.6 Make way for festivities and events

Karuah has some great locations for festivals and larger scale gatherings. Longworth Park, Aliceton Reserve and Lionel Morten Oval have high quality facilities that might be suitable for your next festival or event.

Council will continue to advocate for events in Karuah and can provide assistance with planning, marketing and funding.

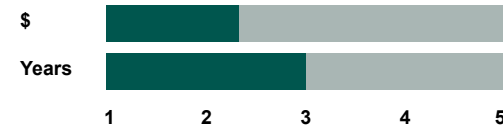
Talk to us about opportunities to host your next event in Karuah.



Lead: Community

2.7 Showcase the local cultural heritage

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

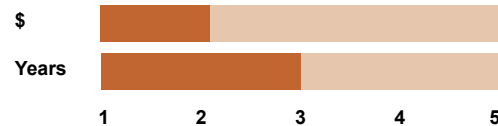


Lead: Community

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2.8 Review the Karuah development control plan

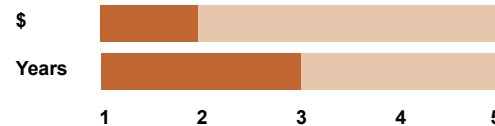
The Karuah chapter of the Development Control Plan will require review to ensure that new development incorporates the values and liveability priorities of the community.



 **Lead: Council**

2.9 Review the Port Stephens local infrastructure contributions plan

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

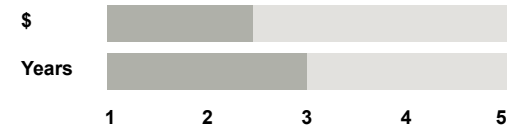



 **Lead: Council**

2.10 Main Street survey

Karuah’s main street continues to reflect the town’s history as a bypassed highway town, creating a disjointed town centre.

In the short term, Council will undertake a traffic and transport study of Tarean Road to determine proposed road infrastructure requirements and will include assessment of existing traffic and parking needs, road surface condition, speed environment, need for traffic calming devices, median treatments and pedestrian facilities. In the longer term, this information will be used to help inform the infrastructure requirements for future improvement projects in Karuah.



 **Lead: Council**

Living and working in your community

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

Key



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

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Medium term action

2.11 Getting out on the water

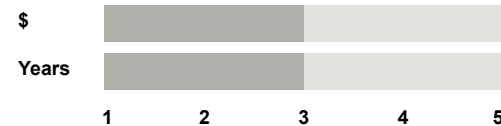
The river is one of the Karuah's most loved features, yet getting out on the water can be a bit tricky for some users. Options to improve this access should be investigated so that activities like kayaking and stand up paddle boarding on the river is made easier. Infrastructure, such as locations to temporarily park watercraft and access ramps may be needed.



Lead: Community

2.12 Showcase Karuah's oysters

Karuah's oysters are some of the best in Australia and are much sought after. Opportunities to diversify the oyster industry could be explored by business owners – such as champagne oyster tours that showcase the local delicacy and attract more people to Karuah.



Lead: Business



Living and working in your community

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Key



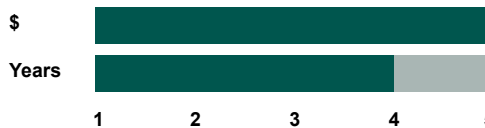
Note: budget and delivery time-frames are an estimate and subject to further investigation.

34

Long term action

3.1 Park access and connection

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

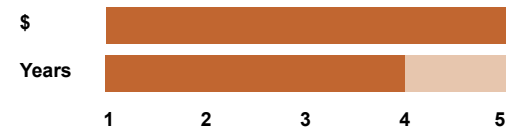


Lead: Council

3.2 Park improvements

Amenity improvements give community better enjoyment of their public spaces. Council has recently built new toilet facilities and replaced the barbecues in Longworth Park, and in the longer term has plans for a new playground. Features such as play equipment, shade structures and fencing will be considered in order to create a safer play environment.

In the shorter term, Council has plans for a new playground and public amenity project in Aliceton Reserve, which will replace the aging playground in Memorial Park. Council will consult with the community when designing the new facilities at Aliceton Reserve.



Lead: Council

3.3 Sustainable development

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



Lead: Investor



