



Planning Proposal

George Street and Coxs Lane, Fullerton Cove

Council Meeting – 28 November 2017

**Proposed Amendment to Port Stephens Local
Environmental Plan 2013:**

16 George Street, Fullerton Cove (Lot 991 DP 627179)
16A George Street, Fullerton Cove (Lot 201 DP 39968)
3 Zircon Lane, Fullerton Cove (Lot 1910 DP 557701)
3A Zircon Lane, Fullerton Cove (Lot 1 DP 1142113)
10 Road 530, Fullerton Cove (Lot 1 DP 794575)
12 Road 530, Fullerton Cove (Lot 3 DP 111519)
21 Coxs Lane, Fullerton Cove (Lot 1 DP 1006307)



FILE NUMBERS

Council: PSC2015-03236

Department: To be provided at Gateway Determination.

SUMMARY

Subject land: 16 George Street, Fullerton Cove (Lot 991 DP 627179)
16A George Street, Fullerton Cove (Lot 201 DP 39968)
3 Zircon Lane, Fullerton Cove (Lot 1910 DP 557701)
3A Zircon Lane, Fullerton Cove (Lot 1 DP 1142113)
10 Road 530, Fullerton Cove (Lot 1 DP 794575)
12 Road 530, Fullerton Cove (Lot 3 DP 111519)
21 Coss Lane, Fullerton Cove (Lot 1 DP 1006307)

Proponent: Pulver Cooper & Blackley (pcb) on behalf of Coastal Developments Pty Ltd

Area of land: 26 Ha

Existing Zoning: RU2 Rural Landscape

Proposed changes: 20 Ha minimum lot size for subdivision
Rezone the subject land to part R5 Large Lot Residential and part E2 Environmental Conservation
Amend the lot size map to 4,000m² and 40 Ha respectively

Potential Lot yield: Preliminary concept proposes 33 lots

Supporting studies: Flora and Fauna Assessment – GHD - May 2017
Traffic Assessment – Seca Solution - August 2016
Flooding and Drainage Report – Pulver Cooper & Blackley - May 2017
Preliminary Groundwater Application – GHD – August 2016
Preliminary Bushfire Assessment – GHD - August 2016
Onsite Effluent Dispersal Preliminary Assessment – GHD – August 2016
Geotechnical Assessment – GHD – August 2016
Phase 1 Environmental Site Assessment – GHD – August 2016
Preliminary Engineering Design - Pulver Cooper & Blackley – September 2017

BACKGROUND

In September 2016 Council received a Planning Proposal to amend the Port Stephens Local Environmental Plan 2013 (PS LEP 2013).

As identified in this Planning Proposal, the following additional investigations will be required post Department of Planning Gateway determination, including:

1. The site is adjacent to a classified road. Consideration should be given to the State Environmental Planning Policy (SEPP) Infrastructure 2007 and practical advice provided in the Department of Planning, 2008, 'Development Near Rail Corridors and Busy Roads – Interim Guideline'. The guideline gives direction to potential impacts of development adjacent to road corridors (such as noise and vibration impacts). It is proposed future consultation with RMS will be undertaken and consideration may need to be given on SEPP Infrastructure 2007.
2. A commitment has been provided in the planning proposal (PCB 2017a) that revegetation works in the E2 conservation areas will be completed as part of the site Revegetation Management Plan which forms part of the mine closure plan linked to the completion of the extractive industries licence on site. An updated site Revegetation Management Plan which incorporates the additional revegetation requirements for the rezoning planning proposal should be prepared post-gateway and provided to Council for review.
3. The site is located on the periphery of the Williamstown RAAF Base Contamination Investigation Area and the current development activity is development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines. SEPP 55 – Remediation of Land (c6) requires contamination to be considered at the rezoning stage. The Stage 1 – Contamination Assessment provided identifies the need for further investigations. A future report to Council will recommend the need for Stage 2 investigations post-gateway.
4. The site is identified as bushfire prone land. The Bushfire Report is to be amended post-gateway to include a contour map that identifies the location of Asset Protection Zones (APZ)'s within the site boundary and should not encroach into the retained vegetation and movement corridors on site.

It is considered that the Planning Proposal has sufficient merit to proceed to gateway on the basis that the additional information will be submitted post-gateway. The Planning Proposal will not be exhibited until the additional information is provided.

SITE

The site is approximately 26 hectares and located off George Street and Coxs Lane in Fullerton Cove. Access is gained from George Street and Coxs Lane. The site is surrounded by rural housing and properties. Land uses adjoining the subject land are a mix of large lot residential development and businesses (such as bus depot, Boral Quarries and the RAAF Base 3km north). The site is currently zoned RU2 Rural Landscape under Port Stephens Local Environmental Plan 2013, with RU2 zoned land also surrounding the site. Nelson Bay Road is adjacent to the east of the site. Further east is the Worimi State Conservation Area, Tomago Nature Reserve and Stockton Beach, while further to the west is Fullerton Cove on the Hunter River.

Between 1975 and 1977 the site was mined for mineral sands (rutile and zircon) with the previous mine tailings (essentially sand) reshaped and rehabilitated to form the larger part of the current site landform.

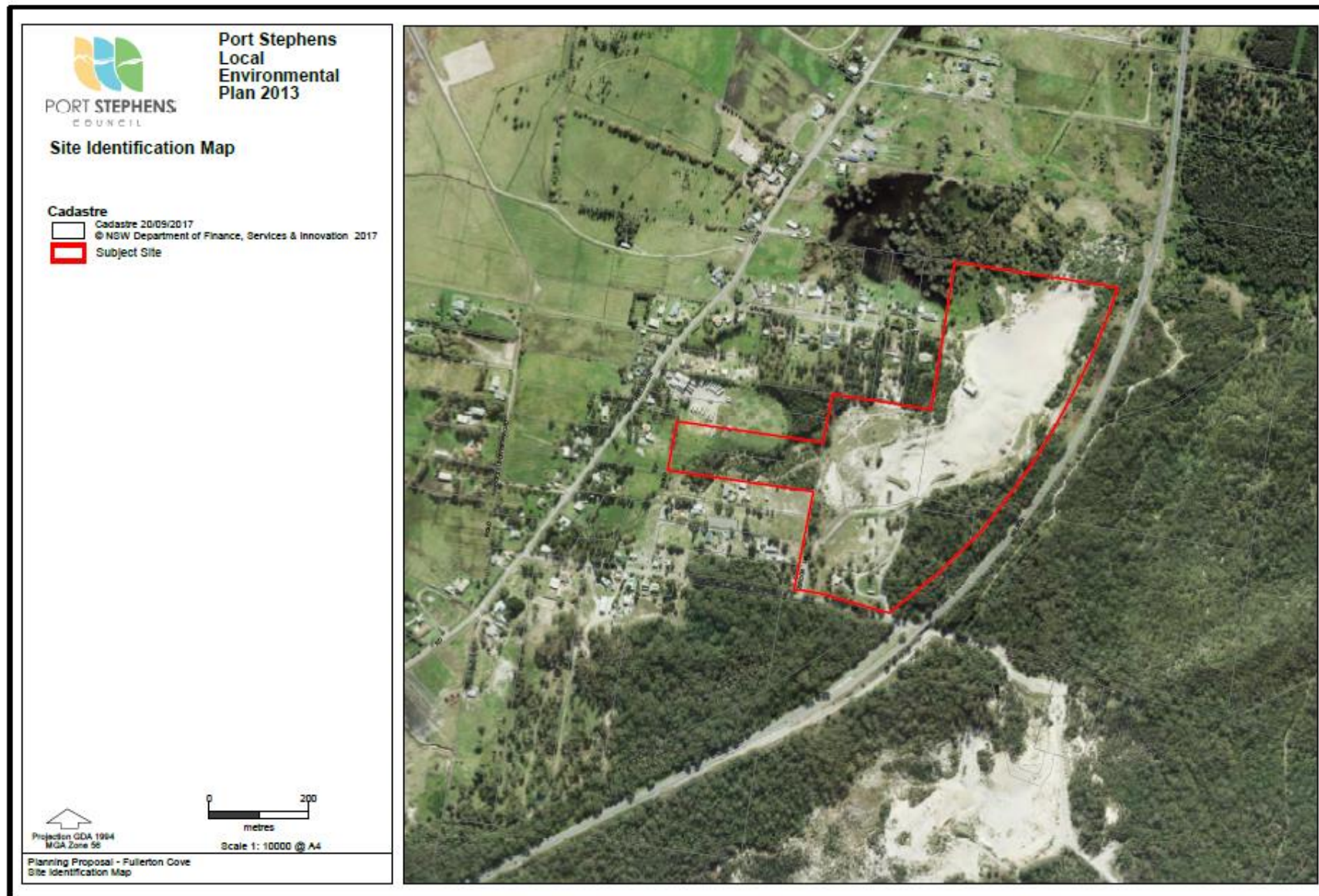
Part of the site has a quarry development consent issued by the NSW Department of Planning and has operated as an extractive industry (sand quarry) since 2008 (MP 07_0145 18/07/2009, 07_0145 MOD 1 17/11/2010 and 07_0145 MOD 2 18/01/2016). The original modification was to include an additional 3.1 hectares to access 96,000 tonnes of sand. The second modification was to extend the approved duration of quarrying activities at the Fullerton Cove Sand Quarry, as permitted under Project Approval 07_0145, by four years. The current approvals for the site include a total extraction area of 18ha with the approved resource of 1,056,500 tonnes of sand until 30 June 2020.

The existing development consent (PA07_0145 including MOD 1 and MOD 2) includes conditions that require the site to be rehabilitated following the completion of the extractive industries licence. Written correspondence has been provided from the NSW Department of Planning and Environment (the Department) which has stated the proposed modification to facilitate future residential subdivision of the site. The Department does not object to, in principle, to altering the final landform in order to facilitate an appropriate post-closure land use. The proposed changes would need to be supported by a detailed Environmental Assessment to demonstrate all environmental impacts from the development can be suitably managed as well as information on the proposed modification and supporting justification.

The remaining portions of the subject land are considered either native bushland or rural land. The northern and southern portion of the site is identified as minimal risk flood prone land, with the north-west corner identified as low hazard flood fringe area as well as being mapped Class 2 acid sulfate soils. The entire site is identified as bushfire prone land.

Figure 1– George Street and Coxs Lane, Fullerton Cove Planning Proposal, identifies the subject land.

FIGURE 1 – George Street and Coxs Lane, Fullerton Cove (land subject to Planning Proposal is shown in red)



PART 1 – Objective of the proposed Local Environmental Plan

The Planning Proposal seeks to amend the Port Stephens Local Environmental Plan 2013 (PS LEP) to achieve the following outcomes on 16 George Street, 16A George Street, 3 Zircon Lane, 3A Zircon Lane, 10 Road 530, 12 Road 530, 21 Cocks Lane, Fullerton Cove:

1. Enable the development for rural residential purposes and;
2. To protect and conserve the areas within the site that has high ecological value.

PART 2 – Explanation of the provisions to be included in proposed LEP

The objectives of this Planning Proposal will be achieved by the following amendments to the PS LEP:

- Amending the Land Zoning Map on the subject land at Fullerton Cove in accordance with the proposed zoning map shown at **Attachment 2**, which indicates a R5 Large Lot Residential Zone and E2 Environmental Conservation Zone;
- Amending the Lot Size Map on the subject land at Fullerton Cove in accordance with the proposed lot size map shown at **Attachment 4**, which indicates a maximum permissible lot size of 4,000 square metres for all land proposed to be rezoned R5 Large Lot Residential Zone and 40 hectares for all land proposed to be rezoned E2 Environmental Conservation Zone;

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

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

Port Stephens Rural Residential Policy 2017

The Rural Residential Policy provides a framework to consider the appropriateness of future rural residential planning proposals in the interim of undertaking future work as part of the Port Stephens Planning Strategy review.

Justification for the planning proposal and analysis of the assessment criteria is described below.

Exclusionary Criteria	
1.1 Located within a Future Urban Growth Areas identified in a Local or Regional Strategic Plans, as they are proposed to be developed for urban purposes including land within	<p>The site is not identified as a future urban growth area.</p> <p>Therefore it satisfies this criterion.</p>

(Karuah, Raymond Terrace, Medowie, Mallabula, Anna Bay, Nelson Bay and Fern Bay).	
1.2 Within a 2km distance from existing or planned major employment areas.	<p>The site is not within a 2km distance to an existing or planned major employment area.</p> <p>Therefore it satisfies this criterion.</p>
1.3 Slopes greater than 18 degrees because of slope instability and clearing of vegetation are restricted under State legislation including the Native Vegetation Act 2003.	<p>The site elevations are typically between 5 and 10 m Australian Height Datum (AHD).</p> <p>Therefore it satisfies this criterion.</p>
1.4 Class 1 and 2 acid sulphate soils because of the high risk of exposing acid soils during dwelling and infrastructure construction.	<p>The site does not have Class 1 and 2 acid sulphate soils.</p> <p>Therefore it satisfies this criterion.</p>
1.5 Below the flood planning level as identified on Councils Flooding Hazard map.	<p>A portion of the site is positioned below the 1:100 year flood level. The majority of the site is above the 1:100 year flood level, with future buildings able to be constructed with a 500m freeboard to the flood level with no significant filling of the site necessary.</p> <p>Therefore it satisfies this criterion.</p>
1.6 High environmental value land including SEPP 14 Coastal Wetlands or local wetlands plus a 100 m buffer or any SEPP 71 Coastal Lakes.	<p>The E2 Environmental Conservation zoning has been allocated to the areas which include the existing biodiversity offset lands and areas of high ecological value located outside of the approved excavation extents. The zoning also covers a 40m buffer around the freshwater Wetland/Paperbark Swamp Forrest, areas identified as preferred and supplementary koala habitat and a corridor along the northern boundary and eastern site boundary along Nelson Bay Road.</p> <p>Therefore it satisfies this criterion.</p>
1.7 Noise exposure areas within an ANEF 25 or greater, in keeping with Australian Standards and Port Stephens Aircraft Noise Policy.	<p>The site is not identified in the noise planning area (ANEF 2012 and ANEF 2025).</p> <p>Therefore it satisfies this criterion.</p>
1.8 Identified as Important Agricultural Land as defined by the Biophysical Strategic Agricultural land (BSAL)	The site is not identified as Important Agricultural Land as defined by the Biophysical Strategic Agricultural land

mapping prepared by the State Government for the purposes of Strategic Regional Land Use Planning.	(BSAL) mapping. Therefore it satisfies this criterion.
1.9 Located on known extractive industries, quarrying or mining or within a 500m buffer.	From a preliminary assessment it is considered the future use for the site and landform may be considered an appropriate end use once the sand quarry extraction has ceased. Therefore it satisfies this criterion.
1.10 Identified by the State Government as having known mineral resource potential in accordance with S117 Directions.	
Management Criteria	
2.1 Development 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.	A Flooding and Drainage Report by Pulver Cooper & Blackley (May 2017) has been completed on the site and shows the Port Stephens flood hazard mapping depicts the area around Cox's Lane as 'Minimal Flood Prone Land', which is capable of facilitating emergency flood access to the proposed development site via Nelson Bay Road and the proposed development site will not be isolated in the a 1:100 year flood event. The planning proposal is able to be supported at the rezoning stage, however more precise engineering details for sizing of drainage, lot layout and road network to be detailed at subdivision development application stage. Therefore it partly satisfies this criterion.
2.2 Development in flood prone areas are to identify minimum lot sizes that provide appropriate stock refuge in the event of flooding.	
2.3 Development on areas identified as bush fire prone on Councils Bush Fire Prone Land Map must demonstrate consistency with the planning principles for rezoning including the provision of contour map with Bushfire Attack Level (BAL) applied.	A Preliminary Bushfire Assessment by GHD (August 2016) was undertaken the recommendation of which was the subject sites could accommodate buildings on site once active safe guards were adopted in accordance with AS3959- 1999. This would be investigated and given further consideration during the development application stage. Therefore it satisfies this criterion.
2.4 Development identified in SEPP 71 Coastal Zone needs to provide for the protection of the coastal	The site is identified in SEPP71 and an assessment has been completed against the Clause 8 matters

environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development.	contained in the SEPP. The planning proposal is consistent with these matters. Therefore it satisfies this criterion.
2.5 Koala habitat areas and corridors are to be protected in accordance with the Port Stephens Comprehensive Koala Plan of Management.	The E2 Environmental Conservation zoning has been allocated to the areas which include the existing biodiversity offset lands and areas of high ecological value located outside of the approved excavation extents. The zoning also covers a 40m buffer around the freshwater Wetland/Paperbark Swamp Forrest, areas identified as preferred and supplementary koala habitat and a corridor along the northern boundary and eastern site boundary along Nelson Bay Road. Therefore it satisfies this criterion.
2.6 Development must not impact on native vegetation, endangered ecological communities, threatened species or habitats.	
2.7 Development must contribute to the conservation of important biodiversity values or the establishment of important biodiversity corridor linkages.	
2.8 Development must include a provision to ensure that development meets AS 2021-2015 regarding interior noise levels in areas where the ANEF is between 20 and 25.	The site is not identified in the noise planning area (ANEF 2012 and ANEF 2025). Therefore it satisfies this criterion.
2.9 Development near items identified within the PSLEP 2013 need to consider the impact on heritage values, including the setting of the items and any archaeological remains.	Between 1975 and 1977 the site was mined for mineral sands (rutile and zircon) with the previous mine tailings (essentially sand) reshaped and rehabilitated to form the larger part of the current site landform. Therefore there is an unlikely chance of Aboriginal cultural heritage values. Further east is the Worimi State Conservation Area (Stockton Beach Dune System, identified as an item of local heritage significance), Tomago Nature Reserve and Stockton Beach, the planning proposal is not considered to have an impact on the item. Therefore it satisfies this criterion.
2.10 Any development should undertake an initial assessment of the likelihood of Aboriginal cultural heritage values including: - a search of the Aboriginal Heritage Information Management System (AHIMS); - Determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects; - Site inspections; and - Consultation with the Aboriginal community.	
2.11 Development within a drinking water catchment must be able to be connected to reticulated sewer and able to demonstrate NorBE 'neutral	The site is not identified within a drinking water catchment. Therefore it satisfies this criterion.

and beneficial effect' in accordance with Hunter Water requirements.	
2.12 Development is a minimum 1km buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) measures from property boundary to property boundary. Development proposed within the 1km buffer if required to provide expert reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks.	<p>The site is surrounded by rural housing and properties. Land uses adjoining the subject land are a mix of large lot residential development and businesses (such as bus depot, Boral Quarries and the RAAF Base 3km north).</p> <p>Therefore it satisfies this criterion.</p>
2.13 Development must not impact on strategic or important energy, mineral or extractive resource viability.	<p>From a preliminary assessment it is considered the future use for the site and landform may be considered an appropriate end use once the sand quarry extraction has ceased.</p> <p>Therefore it satisfies this criterion.</p>
2.14 A visual impact assessment is required for land within a high or very high landscape area as defined in the Rural Land Study.	<p>The site is not identified as high landscape area as defined in the Rural Land Study.</p> <p>Therefore it satisfies this criterion.</p>
2.15 Development fronting road corridors to identify appropriate buffer zone to prevent clearing and protect scenic qualities.	<p>A Traffic Assessment by Seca Solution (August 2016) and a Preliminary Engineering Design by Pulver Cooper & Blackley (September 2017) has been completed and reviewed by our Engineering Services Traffic team and no objections are raised.</p> <p>The site is adjacent to a classified road. Consideration should be given to the State Environmental Planning Policy (SEPP) Infrastructure 2007 and practical advice provided in the Department of Planning, 2008, 'Development Near Rail Corridors and Busy Roads – Interim Guideline'. The guideline gives direction to potential impacts of development adjacent to road corridors (such as noise and vibration impacts). It is proposed future consultation with RMS will be undertaken and consideration may need to be given on SEPP Infrastructure 2007.</p>
2.16 Development must be accessed via sealed roads.	
2.17 Development must not result in the creation of direct access to a state road.	
2.18 Local infrastructure contributions must not require a level of infrastructure greater than the nexus of apportionment and/or are equivalent to \$20,000 per lot, or less.	
2.19 Development must not create additional demand for unplanned state infrastructure upgrades.	
2.20 Development must be able to be connected to reticulated power supply.	

	<p>The proponent proposes reticulated services including water; telecommunications and electrical infrastructure are all available to the subject land. A specific servicing strategy has not been prepared at this point.</p> <p>Further information and agency consultation is required post-Gateway to determine satisfaction of this criterion.</p>
2.21 Development requiring on-site sewage disposal must be carried out in accordance with Councils Development Assessment Framework (DAF) for the management of on-site sewage management, which includes a performance standards and recommendations about appropriate areas.	<p>An Onsite Effluent Dispersal Preliminary Assessment was conducted by GHD (August 2016) and the provision of a 4,000m² minimum lot size requirement for the site will allow for allotments to be created which provide adequate area for the installation of onsite effluent disposal areas.</p> <p>Therefore it satisfies this criterion.</p>
Land to where the assessment criteria applies	
3.1 Zoned RU1 – Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living.	<p>The site is zoned RU2 Rural Landscape.</p> <p>Therefore it satisfies this criterion.</p>
3.2 Located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land.	<p>While the assessment criteria applies to land located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land, it does consider land outside this criteria if it is considered of minor significance. The subject site is within 1.2km of an existing R2 Low Density Residential zoned land and can be considered rural fringe as it is in close proximity to an urban area or village centre and seeks a minimum lot size of 4,000 square metres (the Strategy defines a range of between 4,000 square metres up to 2 hectares).</p> <p>Therefore it partly satisfies this criterion.</p>
3.3 Any part of the lot is located within 800 metres of existing R5 Large Lot	<p>The site is not located 800 metres to existing R5 zoned land.</p>

Residential zoned land at the time this Policy was adopted.	Therefore it does not satisfy this criterion.
3.4 Land outside that identified above may be considered if it can be justified that its inconsistency is of minor significance.	Any inconsistency identified above is considered of minor significance.

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

The proposal can only be achieved through an amendment to the Port Stephens Local Environmental Plan 2013.

SECTION B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Hunter Regional Plan

Department of Planning and Environment, 2016, Hunter Regional Plan outlines the vision, goals and actions for sustainable growth in the Hunter region between now and 2036. The Planning Proposal is considered consistent and relevant with the following goals, directions and actions:

Goal 2: Protect and connect natural areas

Action 14.4: Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts. The proposal seeks to protect biodiversity by maintaining and conserving habitat connectivity and local habitat corridors. Part of the Planning Proposal area is identified as high environmental value.

Goal 4: Greater housing choice and jobs

Direction 21 Create a compact settlement

Action 21.4 Create 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.

The proposal seeks to makes efficient use of existing infrastructure networks and capacity by seeking to develop adjacent to the existing rural residential footprint.

Direction 22 Promote Housing Diversity

Action 22.5 Include guidance in local land use strategies for expanding rural villages and rural residential development so that such developments will:

Hunter Regional Plan criteria	Planning Proposal – Consistency and Implications
not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;	The current land use is extractive industry. The proposal considers the lifecycle of the sand quarry and seeks a future land use that is most appropriate, suitable and compatible for the surroundings. Any new rural residential development on the site will be consistent with the rural residential nature of the adjoining allotments and surrounding area.
not impact on drinking water catchments;	The site is not identified within a drinking water catchment.
not result in greater natural hazard risk; (flooding, coastal inundation, erosion and bushfires)	It is considered that natural risks such as flooding and bushfires have been considered through preliminary assessments such as a Bushfire Assessment (GHD, August 2016), Flooding and Drainage Report (Pulver Cooper & Blackley, May 2017) and a Geotechnical Assessment (GHD, August 2016). None of these assessments have identified any greater natural hazard risk.
occur on land that is unlikely to be needed for urban development;	The site meets the criteria of the rural residential policy and is not considered likely to be needed for urban purposes.
contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and	The proposal seeks to protect biodiversity by maintaining and conserving habitat connectivity and local habitat corridors. Part of the Planning Proposal area is identified as high environmental value.
facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.	The proposal will not facilitate new tourism development activities. The site is not identified in agricultural or resource lands. From a preliminary assessment it is considered the future use for the site and landform may be considered an appropriate end use once the sand quarry extraction has ceased.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Integrated Strategic Plan (Community Strategic Plan 2013- 2023)

The proposal is consistent with Council's *Integrated Strategic Plan* (Port Stephens 2023) which states that Council should review and prepare statutory

plans (Local Environment Plan, Development Control Plan and Planning Proposals).

Port Stephens Planning Strategy (PSPS)

The *Port Stephens Planning Strategy* identifies Fern Bay - Fullerton Cove as a Priority 1 Infill and New Release Area. The Planning Proposal will contribute towards infill development in Fullerton Cove.

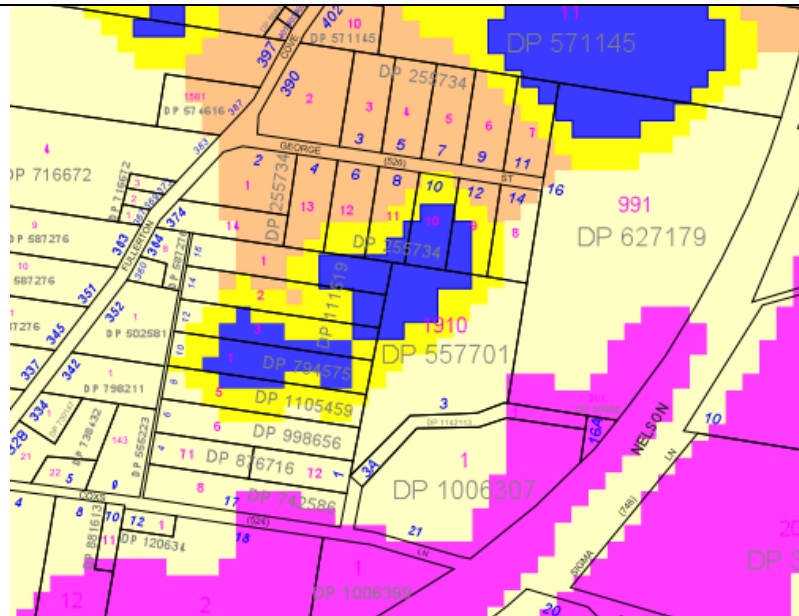
The *Port Stephens Planning Strategy* identifies Fullerton Cove within the Eastern Growth Corridor, however does not identify any significant growth potential within this locality. The potential for additional growth in the medium to long term in the Eastern Growth Corridor area will be re-evaluated following review of the Lower Hunter Regional Strategy and completion of the Raymond Terrace/Heatherbrae Growth Strategy.

6. Is the planning proposal consistent with applicable state environmental planning policies?

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

Table 1: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
<p>SEPP 44 – Koala Habitat Protection</p> <p>This SEPP applies to land across NSW that is greater than 1 hectare and is not a National 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>Any inconsistency of the planning proposal with the CKPOM performance criteria for rezoning is minor.</p> <p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPoM) is applied in Port Stephens for the purposes of implementing SEPP 44.</p> <p>Assessment is that the CKPOM performance criteria for rezoning have limited practical application because the site is highly disturbed and consists of cleared land and bushland, with majority of the site having been cleared for the extraction of heavy mineral sands.</p> <p>Council koala habitat mapping from 2000 shows "Preferred Habitat" (blue), "Supplementary Habitat" (pink), "50m Buffer over Cleared Land" (yellow) and "Mainly Cleared" (cream) (shown below).</p>



A preliminary assessment has been undertaken against the Comprehensive Koala Plan of Management. The relevant assessment criteria and an appropriate response is provided below :

- a. *Not result in development within areas of preferred koala habitat;*
Sites that are identified as "Preferred Habitat" will be protected in the proposed E2 zone and protected from development pressures. Any future development on the site that requires development consent will be assessed on its merits at that time.
- b. *Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;*
The areas identified as "Supplementary Habitat" is proposed to be protected in the proposed E2 zone and protected from development pressures. The "50m Buffer over Cleared Land" (yellow) are proposed to be low impact rural residential development.
- c. *Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;*
Primary feed trees such as the Swamp Mahogany will be protected in the proposed E2 zone and protected from development pressures.
- d. *Not result in development which would sever koala movement across the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.*
The proposed development areas have been constrained to historically cleared areas. Areas of Koala habitat present on site are accessible via the

	<p>corridor of vegetation that exists to the east. The planning proposal has minimised the removal of any individuals of preferred koala food trees, wherever they occur on the site. Habitat restoration is proposed to provide additional links.</p> <p>Consultation is recommended to occur with Office of Environment and Heritage should it receive a favourable outcome at the Gateway stage.</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>Requires further investigation. The consistency of the Planning Proposal with this SEPP is subject to confirmation following a Gateway Determination.</p> <p>The site is located on the periphery of the Williamtown RAAF Base Contamination Investigation Area and the current development activity is development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines. SEPP 55 – Remediation of Land (c6) requires contamination to be considered at the rezoning stage.</p> <p>A Phase 1 Environmental Site Assessment has been carried out by GHD to identify any potential contamination issues on the subject land and provide recommendations as to potential remediation measures.</p> <p>The assessment concluded that further investigation is needed to confirm that the identified contaminants of concern do not present an issue for the subject land to be rezoned for rural/residential purposes.</p> <p>Council recommends Stage 2 investigations post-gateway if a favourable outcome is received at the Gateway stage. This recommendation is supported by preliminary advice from EPA which recommended a detailed site investigation be undertaken.</p>
<p>SEPP 71- Coastal Protection</p> <p>Provides consideration to development in the NSW coastal zone.</p>	<p>Consistent.</p> <p>The subject site is mapped as being located within the identified “coastal zone” as per the NSW Coastal Protection Act 1979 Coastal Zone map.</p> <p>The planning proposal has been considered against the Clause 8 matters contained in the SEPP. The planning proposal is consistent with these matters.</p> <ul style="list-style-type: none"> • Access to foreshores will not be affected. • The proposal is suitable for the location and relationship with surrounding areas. • There will be no adverse impacts on the foreshore.

	<ul style="list-style-type: none"> • The scenic qualities of the coast will not be affected. • The land is not subject to coastal hazards. • The proposal will not impact Aboriginal cultural aspects. • The proposal will not impact coastal waterbodies. • The proposal will not affect any items of heritage, archaeological or historic significance.
SEPP (Rural Lands) 2008 Provides consideration to the protection of rural lands for rural purposes.	<p>Inconsistent.</p> <p>As the planning proposal would rezone rural land to large lot residential, the proposal is inconsistent with both the rural planning principles and the rural subdivision principles of the SEPP.</p> <p>The site is currently incapable of meeting the objectives of the RU2 rural landscape zone, given the existing use of the site as a sand quarry and is not practical for sustainable agricultural practices.</p> <p>Therefore any inconsistency with the aims of the Rural Lands SEPP 2008 is justified or is of minor significance.</p> <p>The Department of Primary Industries to be consulted if a favourable outcome is received at the Gateway stage.</p>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007 Provides consideration to the proper management and development of land containing mineral, petroleum and extractive material resources.	<p>Any inconsistency of the planning proposal is considered minor.</p> <p>The subject land is currently used for sand mining. Once the existing approval and extraction capacity have been exhausted the mining activities will be ceased. It is not viable to remove any further sand resource.</p> <p>However as the PP would rezone the land to residential, and in doing so make mining, petroleum and extractive industries prohibited, the direction applies (subclause 3a).</p> <p>Trade and Investment (Minerals and Resources Division) to be consulted if a favourable outcome is received at the Gateway stage.</p>
SEPP Infrastructure 2007 Provides a consistent approach for infrastructure and	<p>Further investigation required. The consistency of the Planning Proposal with this SEPP is subject to confirmation following a Gateway Determination.</p> <p>The site is adjacent to a classified road. Consideration should be given to the State Environmental Planning Policy (SEPP) Infrastructure 2007 and practical advice provided in the Department of Planning, 2008, 'Development Near Rail Corridors and Busy Roads –</p>

the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Interim Guideline'. The guideline gives direction to potential impacts of development adjacent to road corridors (such as noise and vibration impacts). RMS to be consulted if a favourable outcome is received at the Gateway stage to determine whether further consideration may need to be given on SEPP Infrastructure 2007.
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7. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant s.117 Ministerial Directions

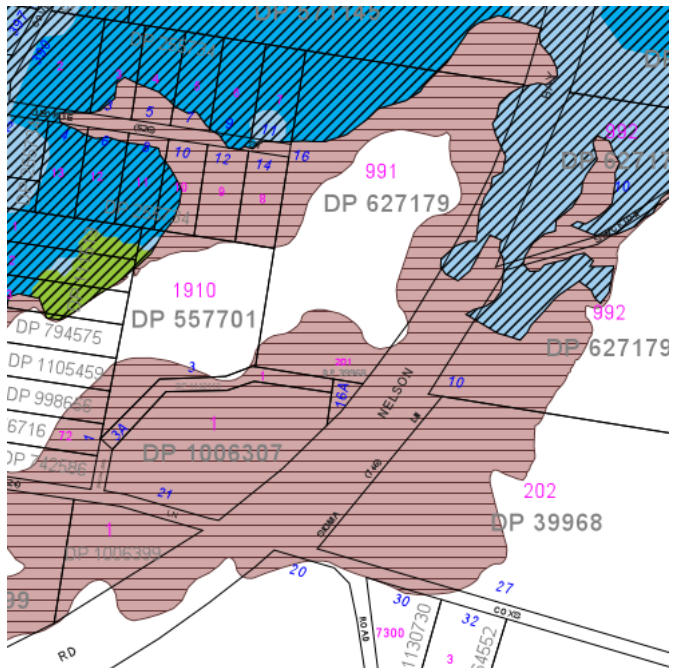
Ministerial Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES	
1.2 Rural Zones The direction applies when a proposal will affect land within an existing rural zone	Inconsistent, however this is considered of minor significance. The planning proposal is inconsistent because it rezones land from a rural zone to a residential zone (subclause 4a). The inconsistency is considered of minor significance as: <ul style="list-style-type: none"> • The land has limited agricultural values. This site is not mapped as regionally significant agricultural land. • The effect on rural land is considered to be of minor significance as the site is currently used for sand mining, not agricultural production purposes. • Despite its zoning as RU2 Rural Landscape is not conducive to any financially viable agricultural enterprise. Will require consultation with Department of Primary Industries on the inconsistency to seek the Secretary's agreement to the inconsistency with the direction.
1.3 Mining, Petroleum Production and Extractive Industries The direction applies when a proposal will affect land	Inconsistent, however this is considered of minor significance. The existing sand mine located on the site will cease once the current approval has been fully exhausted. After this time the site will be developed for residential purposes. However as the planning proposal would

that will impact on the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials.	<p>rezone the land to residential, and in doing so make mining, petroleum and extractive industries prohibited, the direction applies (subclause 3a).</p> <p>Consultation with Trade and Investment (Minerals and Resources Division) should occur, (subclause 4) post-Gateway before consistency can be determined.</p>
<p>1.5 Rural Lands</p> <p>The direction applies when the proposal will affect land within an existing rural zone.</p>	<p>Inconsistent, however this is considered of minor significance.</p> <p>As the planning proposal would rezone rural land to large lot residential, the proposal is inconsistent with this Direction, the rural planning principles and the rural subdivision principles of the SEPP.</p> <p>The site is currently incapable of meeting the objectives of the RU2 Rural Landscape zone, given the existing use of the site as a sand quarry and is not practical for sustainable agricultural practices. Therefore any inconsistency with the aims of the Rural Lands SEPP 2008 is justified or is of minor significance.</p> <p>Consultation with Department of Primary Industries (Agriculture) should occur and Council seek the Secretary's agreement to the inconsistency with the direction if a favourable outcome is received at the Gateway stage.</p>
2. ENVIRONMENT AND HERITAGE	
<p>2.1 Environmental Protection Zones</p> <p>The direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>Consistent, however further investigations are required post-Gateway.</p> <p>The planning proposal is consistent with this Direction as it includes provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>It is proposed revegetation works will be conducted in the E2 areas as part of the site Revegetation Management Plan. It is recommended post-gateway an updated site Revegetation Management Plan incorporating the revegetation requirements and provided to Council for review.</p> <p>The flora and fauna assessment (GHD, 2017)</p>

	<p>recommended the preparation of a property vegetation plan for proposed lots 1 to 12, 16, 23 to 25 which contain spilt R5 and E2 zones. This was proposed as it has been successfully applied to other developments on land subject to the Native Vegetation Act 2003 (NV Act). However, as of the 25 August 2017, the NV Act was repealed by the amendments to Local Land Services Act 2013 (LLS Act) and the preparation of PVPs under the NV Act is no longer a viable option. Alternative options were considered on how the spilt R5 and E2 zones will operate and be protected from future development. Consultation with Office of Environment and Heritage is recommended to consider the most appropriate option.</p>
<p>2.2 Coastal Protection</p> <p>The direction applies when the proposal will affect land within the coastal zone, as defined in the Coastal Protection Act 1979</p>	<p>Consistent.</p> <p>The subject site is mapped as being located within the identified “coastal zone” as per the NSW Coastal Protection Act 1979 Coastal Zone map.</p> <p>The planning proposal is consistent with the Coastal Policy and Coastal Design Guidelines.</p> <ul style="list-style-type: none"> • Access to foreshores will not be affected. • The proposal is suitable for the location and relationship with surrounding areas. • There will be no adverse impacts on the foreshore. • The scenic qualities of the coast will not be affected. • The land is not subject to coastal hazards. • The proposal will not impact Aboriginal cultural aspects. • The proposal will not impact coastal waterbodies. • The proposal will not affect any items of heritage, archaeological or historic significance.
<p>2.3 Heritage Conservation</p> <p>The direction applies when a relevant planning authority prepares a planning proposal.</p>	<p>Consistent.</p> <p>There are no items of European heritage on the site or listed in the LEP. Investigations into potential for indigenous heritage have not been undertaken by the proponent.</p> <p>Between 1975 and 1977 the site was mined for mineral sands (rutile and zircon) with the</p>

	<p>previous mine tailings (essentially sand) reshaped and rehabilitated to form the larger part of the current site landform. Therefore there is an unlikely chance of Aboriginal cultural heritage values.</p> <p>Heritage can be managed through the existing planning instruments, legislation and regulations that apply to the land. Further detailed assessment of the proposal may be required at detailed development application stage to ensure consistency with this SEPP.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
<p>3.1 Residential Zones</p> <p>The direction applies as the part of the land is proposed residential.</p>	<p>Consistent.</p> <p>This Direction applies as the planning proposal seeks to apply an R5 Large Lot Residential Zone to the site. The proposal aims to support the growing population in the area while providing rural residential housing choice for residents.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure development achieves the following objectives: improving access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and reduce dependence on cars; reducing travel demand including the number trips generated by the development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services.</p>	<p>Inconsistent.</p> <p>This Direction applies because the Planning Proposal seeks to apply the R5 Large Lot Residential Zone and increase residential density on the site. While the site provides high levels of accessibility to the existing road networks. Give the sites location it is will require dependence on cars to access jobs and services. It will increase travel demand and the number trips generated by the development and the distances travelled, especially by car.</p> <p>Consultation with Department of Planning should occur and Council seek the Secretary's agreement to the inconsistency with the direction if a favourable outcome is received at the Gateway stage.</p>
<p>3.5 Development Near Licensed Aerodromes</p> <p>The objectives of this direction are: to ensure the effective and safe operation of aerodromes; to ensure</p>	<p>Consistent.</p> <p>The subject lands are located outside of the mapped aircraft noise planning area. The Port Stephens Height Trigger map shows the site as being included within the area for which structures higher than 7.5m would be referred.</p>

that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development for residential purposes of human occupation, if situated within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	The planning proposal will not compromise the operation and any future structures constructed on the site will need to take into consideration any obstacle height limitations.
4. HAZARD AND RISK	
4.1 Acid Sulfate Soils The direction applies when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Consistent. The site is nominated as Class 2 and 4 lands in terms of Acid Sulfate Soils. Future development may require Acid Sulfate Soils Management Plan; however, it will not impede the additional development controls proposed in this planning proposal. The issue will be managed through existing provisions of the LEP.
4.3 Flood Prone Land The direction applies to all flood prone land.	Inconsistent, however is considered of minor significance. The planning proposal is inconsistent with the Direction as it proposes to rezone land from a Rural zone to a Residential zone. A Flooding and Drainage Report by Pulver Cooper & Blackley (May 2017) has been completed on the site and shows the Port Stephens flood hazard mapping depicts the area around Cox's Lane as 'Minimal Flood Prone Land', which is capable of facilitating emergency flood access to the proposed development site via Nelson Bay Road and the proposed development site will not be isolated in the a 1:100 year flood event. Councils Engineering Section has supported the proposal at rezoning stage, however more precise engineering details for sizing of drainage, lot layout and road network to be

	<p>detailed at subdivision development application stage.</p> <p>Consultation with Department of Planning should occur and Council seek the Secretary's agreement to the inconsistency with the direction if a favourable outcome is received at the Gateway stage.</p> 
<p>4.4 Planning for Bushfire Protection</p> <p>This direction applies as the land is identified as bushfire prone.</p>	<p>Consistent, however further investigation required post-Gateway.</p> <p>The site is identified as bushfire prone land. The Bushfire Report is to be amended post-gateway to include a contour map that identifies the location of Asset Protection Zones (APZ)'s within the site boundary and should not encroach into the retained vegetation and movement corridors on site.</p> <p>The Bushfire Report recommends the subject sites can accommodate buildings on site once active safe guards were adopted in accordance with AS3959- 1999.</p> <p>The APZs will be considered as part of the development footprint as part of the subdivision layout. This will be assessed post-Gateway in accordance with the new provisions of the Biodiversity Conservation Act 2016 as part of the Biodiversity Development Assessment Report (BDAR). The E2 conservation zones within the lots will be</p>

	considered as avoid areas within the subdivision layout for the proposed development.
5. REGIONAL PLANNING	
5.1 Implementation of Regional Strategies The direction applies when a relevant planning authority prepares a planning proposal.	Consistent. Under Section 4 of this report, it considers the consistency with the following Hunter Regional Plan: <ul style="list-style-type: none"> • Action 14.4: Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; • Action 22.5 Include guidance in local land use strategies for expanding rural villages and rural residential development.

SECTION C – Environmental, Social and Economic Impact

8. 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?

A Flora and Fauna Assessment (GHD, 2017) was undertaken which concluded that:

- The site is highly disturbed and consists of cleared land and bushland, with majority of the site having been cleared for the extraction of heavy mineral sands. The remainder of the site consists of remnant and revegetated bushland including 2.47 ha of conservation area that was established as biodiversity offset land as part of the existing quarry approval. This proposal will not impact that area.
- Areas mapped as high ecological constraints contain areas proposed as E2 conservation zones, EECs and other areas of native vegetation, and Koala habitat and fauna movement corridors.
- Two endangered ecological communities were recorded at the study area, Swamp Sclerophyll Forest and Freshwater Wetlands. These EECs provide potential habitat for a range of threatened flora and fauna species and migratory fauna species. The majority of these areas will be retained as E2 conservation zones part of the planning proposal.
- In addition to maintaining the established biodiversity offset areas, a buffer area of 40 metres will be retained around the area of Freshwater Wetland/Paperbark Swamp Forest in the northwest of the study area, this buffer area has also been included within the E2 zoning. A portion of this buffer is located over the proposed access road and is not possible to maintain.
- No threatened flora species were recorded. Threatened flora species predicted to occur based on habitat assessments would likely only occur in the area of Freshwater wetland/Paperbark Swamp Forest in the study area, which is part of the proposed E2 conservation zones and would not be impacted by the proposal.

- Eight threatened fauna species have been previously recorded on site, including the Koala, Grey-headed Flying-fox, Powerful Owl and microchiropteran bats (OEH 2016a, Orogen 2008). Additional threatened species may also occur in the study area. A number of migratory species may also occur on occasion. The proposal is unlikely to result in a significant impact on any of these species given that any clearing of native vegetation would be restricted to the disturbed edges of larger tracts of vegetation.

The Flora and Fauna Assessment (GHD, 2017) recommends the following:

- Mitigation measures are recommended to reduce the impact on identified biodiversity values where avoidance is not possible. It is recommended that a soil and water management plan, groundwater management plan, vegetation management plan, weed management plan, fauna management plan, revegetation plan and property vegetation plan be incorporated into the Construction Environment Management Plan for the site.
- A recommendation for future development of the site includes restrictions on land use, vegetation maintenance and management and domestic animal access within the E2 zones. Other Koala sensitive management recommended include the following: provision for Koala friendly fencing, restrictions on dog access and ownership, 'Koala Warning Signs' and restrictions on speed limits and/or use of traffic calming devices.
- A flora and fauna impact assessment report be prepared at the development application stage.

It is proposed revegetation works will be conducted in the E2 areas as part of the site Revegetation Management Plan. It is recommended post-Gateway an updated site Revegetation Management Plan incorporating the revegetation requirements and provided to Council for review.

The flora and fauna assessment (GHD, 2017) recommended the preparation of a property vegetation plan for proposed lots 1 to 12, 16, 23 to 25 which contain spilt R5 and E2 zones. This was proposed as it has been successfully applied to other developments on land subject to the Native Vegetation Act 2003 (NV Act). However, as of the 25 August 2017, the NV Act was repealed by the amendments to Local Land Services Act 2013 (LLS Act) and the preparation of PVPs under the NV Act is no longer a viable option. Alternative options were considered on how the spilt R5 and E2 zones will operate and be protected from future development. Consultation with Office of Environment and Heritage is recommended to consider the most appropriate option.

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

Environmental Site Assessment
GHD (2016) report concluded:

Based on the Phase 1 ESA, GHD concluded that there was a potential for contamination to exist within the Site, particularly in the following areas:

- Northern and central portion of the Site – former and current sand mining area including use and maintenance of vehicles and machinery, stockpiling of fill materials and potential burial of radioactive wastes.
- Western Area – Parking of buses from adjacent (off-site) depot.
- Southern Area – Administration area and potential for use of hazardous building materials, stockpiling/storage of wastes.
- Throughout the Site – stockpiling and use of fill associated with development of the sand mine and accesses and the potential for use of pesticides/herbicides.
- Throughout the Site - Groundwater contamination migrated from RAAF Williamtown.

The overall likelihood for widespread significant chemical or asbestos contamination to be present within the proposed area for rezoning is considered to be low. However, it is noted that given the location of the site to the Department of Defence PFOS/PFOA investigation area, there is a potential for groundwater to be impacted with PFOS/PFOA.

Council recommends Stage 2 investigations post-gateway if a favourable outcome is received at the Gateway stage. This recommendation is supported by preliminary advice from EPA which recommended a detailed site investigation be undertaken.

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

The main social and economic benefits resulting from this planning proposal include the potential for additional large lot residential housing supply in Fullerton Cove and the utilisation of the land for a higher order use.

As such, the social and economic impacts associated with the planning proposal are considered to be of a minor nature. In the broader context of providing land supply for residential growth, the extension of the existing large lot residential development in the area assists in reducing urban sprawl, which results in a more efficient use of existing infrastructure and the provision of services to the general public.

Using the Remplan Economic Modelling and Planning System the following is a list of flow-on economic impacts for the Port Stephens economy when considering an increase of an additional 33 additional dwellings. It is estimated that the additional housing capacity would support an estimated increase of 87 persons in Port Stephens across a range of age cohorts. From this net population increase of 87 persons it is estimated that the number of working residents would increase by 36 persons, of which it is estimated 19 persons would work in Port Stephens, with the remainder working outside of

Port Stephens. Under this scenario Gross Region Product is estimated to increase by \$5.2 million (0.13 %) to \$3,992,995 million. Contributing to this is a direct increase in output of \$7.399 million and 19 jobs. From this direct expansion in the economy, flow-on industrial and consumption effects result in total output expected to rise by \$11.126 million, and a total of 30 jobs.

SECTION D – State and Commonwealth interests

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

The Proponent provides the following summary of the ability to provide utilities to the site:

Reticulated water, electricity and telecommunications infrastructure are available in the area and can be provided to the subject site. It is considered that there is adequate public infrastructure available or suitable capacity for upgrading at the proponents expense. On site effluent treatment systems will be installed on all new residential lots as part of the applications for future dwellings.

This planning proposal is not considered to place significant additional demands on the public infrastructure and general infrastructure needs of the locality, given the limited size and scale of future anticipated development within the site.

Traffic

The Traffic Assessment (Seca Solution, 2016) based on the concept subdivision (Preliminary Engineering Design, Pulver Cooper & Blackley, 2017) states the proposed rezoning would not have a significant impact on the surrounding road network with traffic flows in the general locality of the subject site within the capacity of these roads. Access to the subdivision is acceptable and all intersections provide adequate visibility which is consistent with the Austroads Guides in terms of approach sight distance and safe intersection sight distance. The proposed subdivision road is generally consistent with the Port Stephens Council Development Control Plan.

The site is adjacent to a classified road. Consultation with RMS is recommended post-Gateway and consideration may need to be given to the State Environmental Planning Policy (SEPP) Infrastructure 2007 and practical advice provided in the Department of Planning, 2008, 'Development Near Rail Corridors and Busy Roads – Interim Guideline'. The guideline gives direction to potential impacts of development adjacent to road corridors (such as noise and vibration impacts).

Flooding and Drainage

The Flooding and Drainage Report (Pulver Cooper & Blackley, 2017) shows the majority of the site is considered minimal risk flood prone land, with the middle of the site considered flood free. The north-west corner of the site is

mapped as high-hazard flood storage area; this area is to remain undeveloped as E2 Environmental Conservation.

Site contours show the flood level wrapping around the edges of the subject land, the remainder of the site will remain elevated above RL3.2m and therefore flood-free. Dwellings constructed on the subject land after regrade and the construction of roads and drainage, be situated above RL3.2m. This will ensure that there is minimal risk to life and property on the subject land in a 1:100-year flood event.

The site is capable of facilitating emergency flood access to the proposed development site via Nelson Bay Road and the proposed development site will not be isolated in the a 1:100 year flood event.

The planning proposal is able to be supported at the rezoning stage, however more precise engineering details for sizing of drainage, lot layout and road network to be detailed at subdivision development application stage.

Preliminary Groundwater Assessment

The Preliminary Groundwater Assessment (GHD, 2016) stated the planning proposal may introduce activities (such as onsite effluent disposal, movement and stockpiling of potentially contaminated soil across the site and storage of fuels and chemicals) which may impact on groundwater quality.

To reduce the impacts on groundwater a range of mitigation measures have been recommended:

Potential impact	Mitigation measures
Reduced recharge of aquifer due to increase in impermeable surface area	Minimise impermeable surface area as part of the proposed development. Impermeable areas to be small and disconnected. Ensure a sufficient buffer distance between impermeable areas and GDEs.
Groundwater interception and groundwater drawdown due to excavation and bore use	Minimise the size and depth of any excavation below the water table (approximately 2 m AHD). Continuation of groundwater level monitoring at existing groundwater monitoring locations. Backfill or line excavations as soon as practicable. Ensure a sufficient buffer distance between bores/excavations and GDEs. New bores to be installed and operated in accordance with the rules of the WSP.
Accidental spills of fuels and chemicals impact groundwater quality	Fuels should be stored in bunded areas during construction. Refuelling should occur in bunded areas.
Movement of contaminated soils impacting groundwater quality	Identify areas of soil contamination and implement appropriate contaminated soil handling methods during construction.

Contamination of groundwater due to effluent disposal including increased nutrient load in groundwater	<p>The use of secondary treatment with disinfection has been recommended at the site. The following treatment systems have been considered to be applicable:</p> <ul style="list-style-type: none"> • Septic tank with secondary treatment, such as a recirculating sand filter or ameliorated soil mounds. • Standard Aerated Wastewater Treatment System (AWTS) with chlorine or UV disinfection. • Mounded effluent disposal area to increase the separation between effluent and groundwater. • Any tank systems would be required to be designed to withstand a fluctuating and high groundwater level.
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Preliminary Bushfire Assessment

The Preliminary Bushfire Assessment (GHD, 2016) shows the site is mapped as Vegetation Category 1 on the eastern half of the site and Vegetation Buffer on the western half of the site. Large areas of bush fire prone land are also located to the east of the site. The report recommended the subject sites could accommodate buildings on site once active safe guards were adopted in accordance with AS3959- 1999.

The Bushfire Report is to be amended post-gateway to include a contour map that identifies the location of Asset Protection Zones (APZ)'s within the site boundary and should not encroach into the retained vegetation and movement corridors on site.

This assessment has identified a number of bush fire management measures that need to be incorporated into the subdivision design should the site be rezoned and a development application lodged.

The APZs will be considered as part of the development footprint as part of the subdivision layout. This will be assessed post-Gateway in accordance with the new provisions of the Biodiversity Conservation Act 2016 as part of the Biodiversity Development Assessment Report (BDAR). The E2 conservation zones within the lots will be considered as avoid areas within the subdivision layout for the proposed development.

Onsite Effluent Dispersal Preliminary Assessment

The onsite effluent dispersal assessment (GHD, 2016) concludes the recommended treatment system for the proposed rezoned lots should provide for a secondary quality effluent and include disinfection. This is due to the expected groundwater use and sandy soil. All proposed lots would be a minimum of 4000m², so adequate land area would be available.

The assessment recommends that the following options be considered during design to reduce the size of the disposal area:

- Mounded or Raised System, utilising imported soils with better nutrient removal characteristics
- Importing soils with better nutrient removal characteristics
- Providing a higher level of treatment
- Undertaking more detailed modelling of the site based on a daily time step model.

GHD has also recommended that subsurface irrigation be adopted for future allotments on the site as this type of system maximises evapotranspiration and nutrient uptake.

Geotechnical Assessment

The assessment (GHD, 2016) concludes that the subject site is considered suitable for rural residential development. However, several aspects will require further consideration and assessment at the development application stage. These include:

- Potential zones of loose sand that require densification to avoid unacceptable future settlements
- Potential zones stripped bund material containing trees and stumps
- General filling and re-grading, with consideration of final lot classification to AS2870-2011 Residential Slabs and Footings
- Final site levels and potential for groundwater table rises during and following periods of wet weather
- Batter slopes and erosion protection measures
- In low lying areas and watercourses, consideration of potentially weak or wet soils which may contain organics and may be ASS.

It is recommended that an experienced geotechnical engineer or engineering geologist be consulted in preparing a scope of work for the proposed development once the rezoning is approved and a subdivision layout is finalised.

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

The existing development consent (PA07_0145 including MOD 1 and MOD 2) includes conditions that require the site to be rehabilitated following the completion of the extractive industries licence. Written correspondence has been provided from the NSW Department of Planning and Environment (the Department, 12 January 2017) which has stated the proposed modification to facilitate future residential subdivision of the site. The Department does not object to, in principle, to altering the final landform in order to facilitate an appropriate post-closure land use. The proposed changes would need to be supported by a detailed Environmental Assessment to demonstrate all environmental impacts from the development can be suitably managed as well as information on the proposed modification and supporting justification.

Council recommends Stage 2 investigations post-Gateway if a favourable outcome is received at the Gateway stage. This recommendation is supported by preliminary advice from EPA (3 October 2017) which recommended a detailed site investigation be undertaken.

Consultation with relevant State and Commonwealth Agencies will be undertaken following a Gateway Determination. It is envisaged that the following agencies will be consulted with:

- Roads and Maritime Services
- Rural Fire Services
- Hunter Water Cooperation
- Office of Environment and Heritage
- Department of Primary Industries
- NSW Trade & Investment, Division Resources and Energy
- NSW Environment Protection Authority (EPA)

Part 4 - Mapping

The proposed map layer amendments are included as attachments to the planning proposal as follows:

Attachment One – Current Zoning Plan - Sheet LZN_004

Attachment Two – Proposed Zoning Map – Sheet LZN_004

Attachment Three – Current Lot Size Map – Sheet LSZ_004

Attachment Four – Proposed Lot Size Map LSZ_004

Part 5 - Details of Community Consultation

Community consultation will be undertaken in accordance with the gateway determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at Council's Administration Building 116 Adelaide Street, Raymond Terrace. The planning proposal will also be available on Council's website.

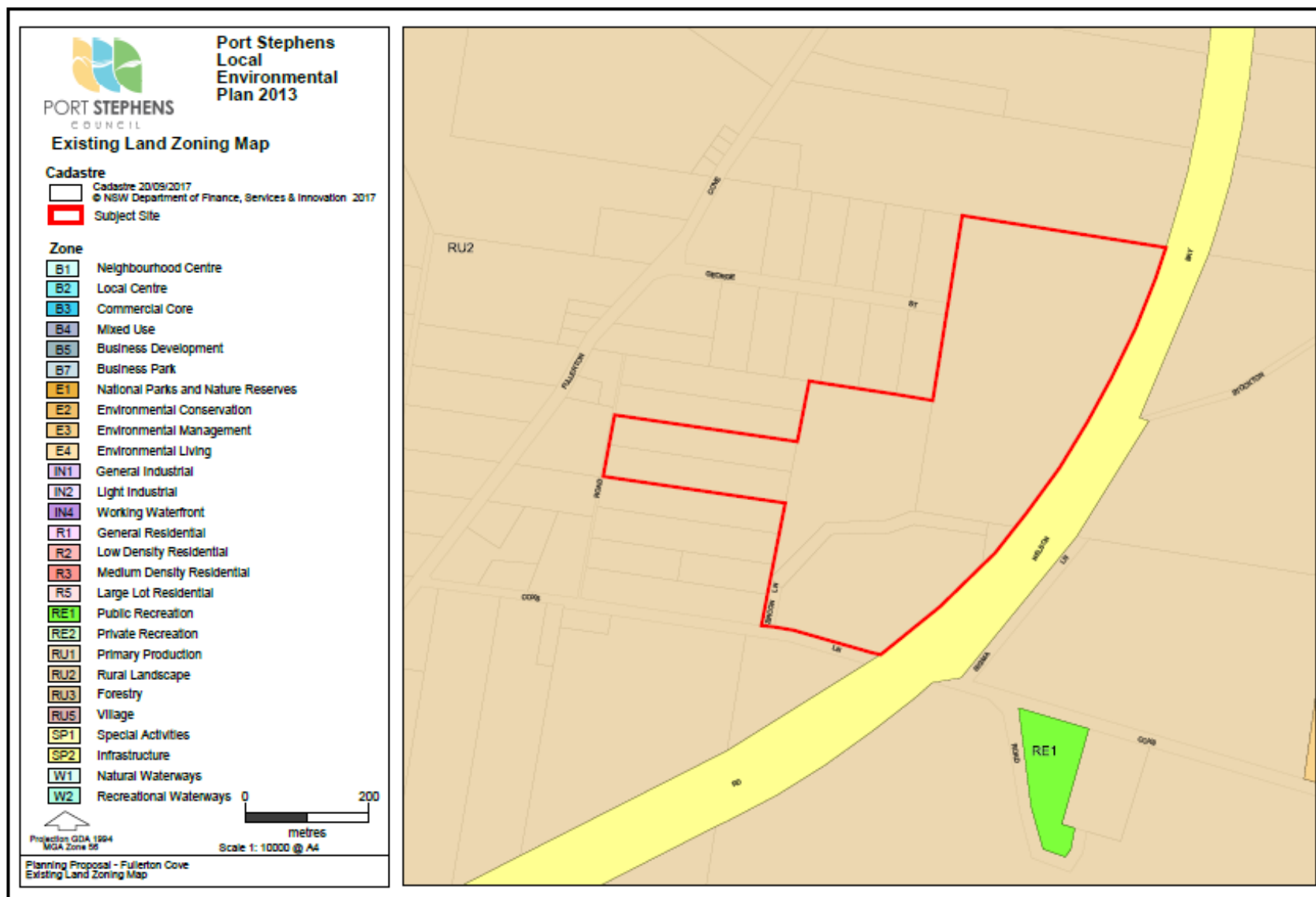
Part 6 – Project timeline

The planning proposal is expected to be reported to Council following the completion of the public exhibition period.

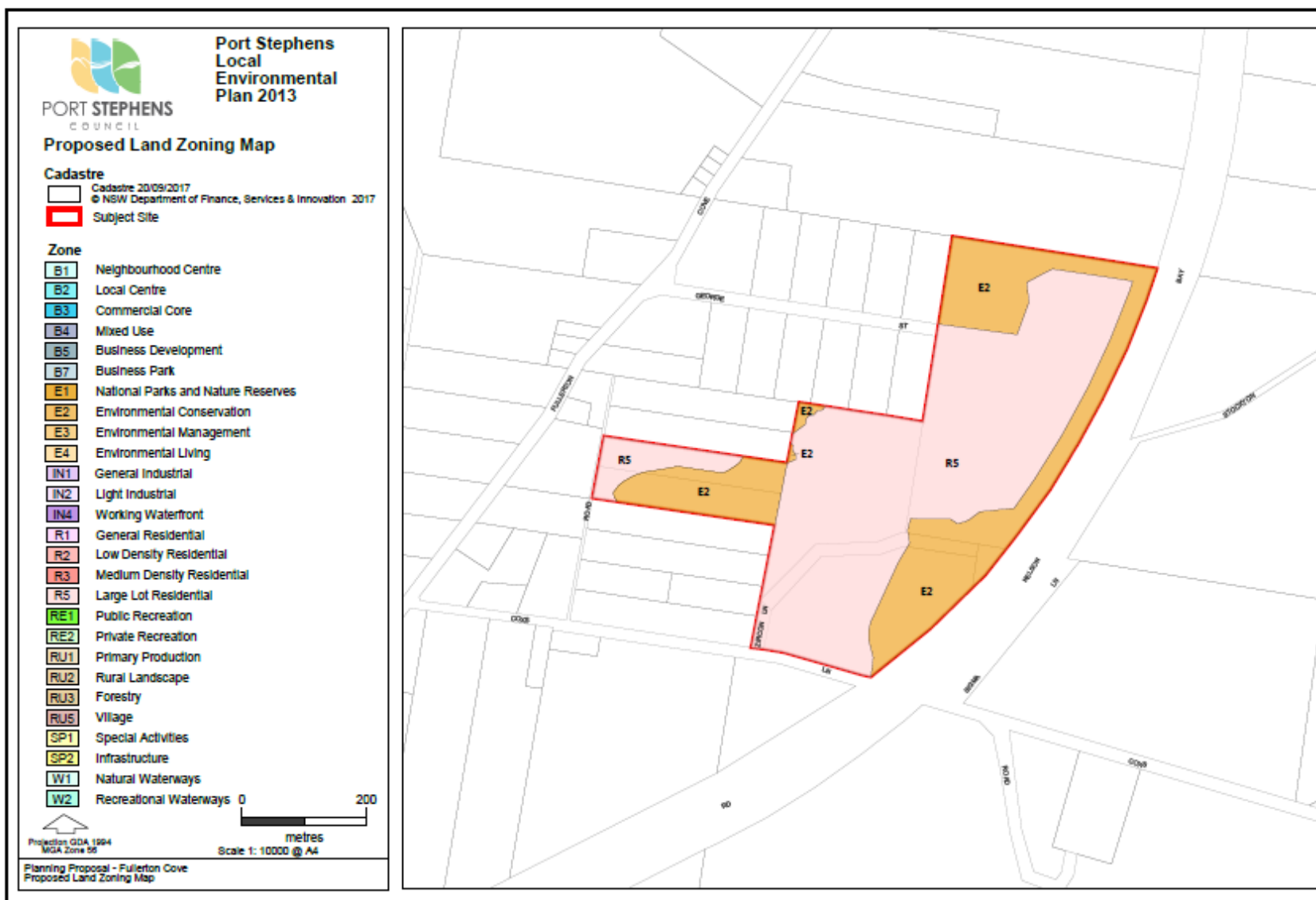
The following timetable is proposed:

	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<i>Council Report</i>								
<i>Gateway Determination</i>								
<i>Agency Consultation</i>								
<i>Public Exhibition</i>								
<i>Council Report</i>								
<i>Parliamentary Counsel</i>								

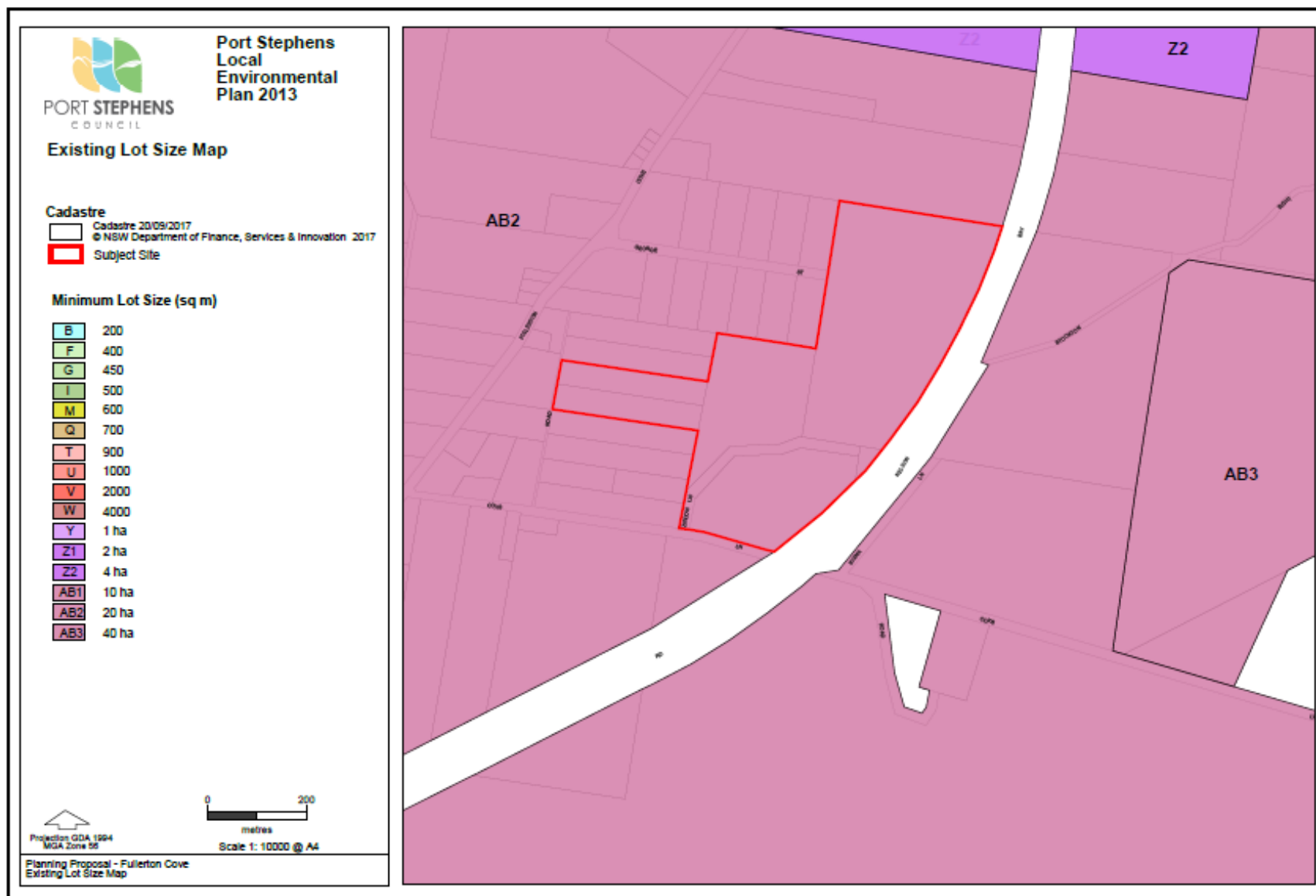
Attachment One – Current Zoning Map



Attachment Two – Proposed Zoning Map



Attachment Three – Existing Lot Size Map



Attachment Four – Proposed Lot Size Map

