

27 April 2018

Ms Monica Gibson
Director Regions, Hunter & Central Coast

PO Box 1226
Newcastle NSW 2300
Newcastle Regional Office
Department of Planning and Environment

By email: hunter@planning.nsw.gov.au

Dear Monica,

**Re: Response to Request for Further Information
Planning Proposal – George Street and Coxs Lane, Fullerton Cove**

I refer to the abovementioned Planning Proposal submitted to the Department requesting Gateway determination on 4 December 2017. The Department requested further information on four (4) matters relating to rural residential development, existing development consents, PFAS contamination and green corridors.

Following ongoing discussions between Council staff and Mr Ben Holmes, Senior Planning Officer of the Department, please find below Council's responses to each of these matters.

Rural Residential Development

Department: The locational criteria in the draft Rural Residential Policy is not considered sufficient justification for planning proposals, and that additional justification would be required, which should include how a proposal aligns with Council's vision, land-use strategy, directions and desired outcomes for rural residential development. The latter aspects have not been addressed.

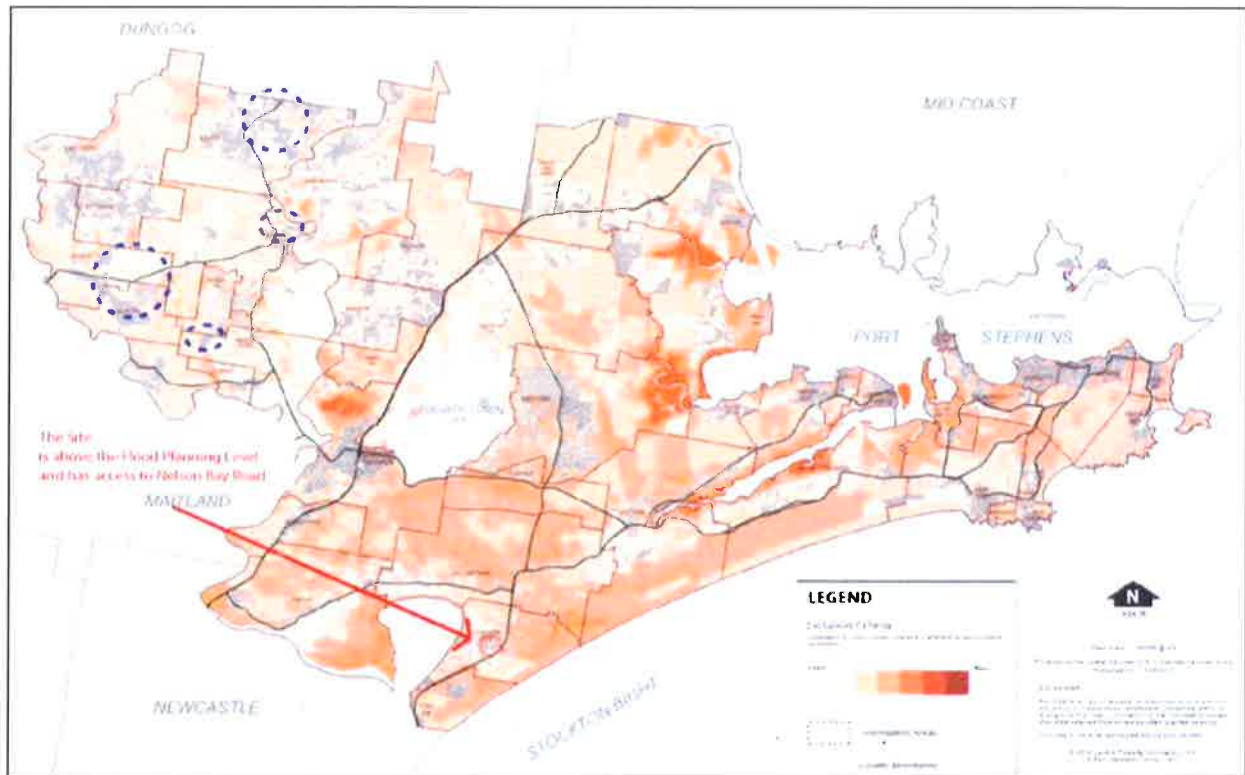
Council resolved to adopt and seek a Gateway determination for this proposal on 29 November 2017. It is therefore consistent with Council's vision, direction and desired outcome for rural residential development for this site.

The proposal is also consistent with the Rural Residential Policy, which was adopted by Council on 13 June 2017. The purpose of the policy is to provide guidance for the assessment of planning proposals for rural residential development. The proposal is consistent with the two key aspects of this Policy, being:

- 1) Exclusionary Criteria (e.g. it is not located within a future growth area);
- 2) Management Criteria (e.g. it is not located on environmentally sensitive land).

The following map (*Figure 1*), illustrates the Rural Residential Policy, identifies the site as a rare parcel of unconstrained land and in turn, it would assist Port Stephens Council in achieving its dwelling targets. A shortcoming of previous strategies was identifying locations to realise dwelling targets where landowners have been unwilling and a complete understanding of constraints were unknown (e.g. Medowie and Kings Hill). The site presents an opportunity to work with a landowner who has a proven track record for realising residential development (Waterside Pastures, Pastures Drive, Medowie).

Figure 1 – Rural Residential Policy Map



The Port Stephens Planning Strategy, which is the 'Settlement Strategy' for Port Stephens was informed by a Rural Lands Strategy that was completed in 2011. This Strategy did not recognise Rural Residential as a type of development that contributes to housing diversity. Rather, this Strategy highlighted that Port Stephens is highly constrained due to factors, such as flooding. It states the importance of protecting unconstrained land from premature urban development.

The site is not identified by the Port Stephens Planning Strategy for urban development, nor is it likely to be identified in future strategies. It is located to the north of the North Stockton and Fern Bay Strategy, which is focused on providing direction for commercial lands, residential lands and open space. It is also located to the south of the Williamstown Land-Use Strategy, which will focus on identifying employment lands that complement the Airport (FIGURE 2).

The housing strategy is being developed as a result of the direction provided by the Metro Plan will be at the Local Government Area (LGA) scale. It will not identify sites at this scale. The housing strategy will simply adopt the dwelling targets provided by the Metro Plan and distribute them amongst the LGA. This site provides a landowner will to assist with these targets.

The site's development would be consistent with the continued direction by the State Government to facilitate growth within the Newcastle to Airport Corridor. Fern Bay/Fullerton Cove has evidenced the highest level of population growth in the 2016 census. This can be attributed the Part 3A Approval of Seashells Residential subdivision and the State Environmental Planning Policy that has allowed for Manufactured Home Estates, such as Palm Cove Resort.

An assessment of the proposal against the Draft Greater Newcastle Metropolitan Plan a criterion for rural residential is provided by the following table (*Figure 3*).

Figure 3 – Rural Residential Criterion

No	Criteria	Response
1	The land is unlikely to be required for more intensive urban purposes in the future due to physical constraints, such as slope, environmental characteristics or natural hazards.	The site is not identified for more intensive urban development in any land-use plan. The proposal for rural residential lots would be consistent with the existing character of Fullerton Cove.
2	Less intensive development will result in a better management of the land	The proposed zoning and minimum lot size will enable the environmental significance that has been identified (i.e. offset land on the rear of the lots) to be protected and managed for its environmental significance.
3	The delivery of infrastructure required to service the development is physically and economically feasible	Reticulated water is available in Fullerton Cove Road. The provision of reticulated sewer is considered unfeasible given its location within Cabbage Tree Road, which is 8km to the north of the site.
4	The above criteria have been demonstrated through a local planning strategy endorsed by the NSW Department of Planning and Environment.	The Department have not yet developed a template and framework for the endorsement of local planning strategies. The proposal will assist with achieving dwelling targets identified for Port Stephens. This is the provision of housing within a corridor is consistent with past decisions by the Department of housing within Fern Bay.

Figure 4 – Land Use Strategy Boundaries



2. Existing Development Consent and Proposed Modification

Department: It's not clear what the plan is regarding the consent, potential modifications and the need for 'detailed environmental assessment' referred to in the planning proposal (p.30) and how this relates to the timing of the rezoning.

The proposal will increase the list of permissible uses (e.g. subdivision and residential accommodation). If the proposal proceeds, then, a development application for subdivision and residential development is likely to be lodged with Council.

3. Williamstown Contamination

Department: New mapping was released for the contamination area in November 2017. It appears as though parts of the site sit within the broader contamination management zone, including proposed residential areas.

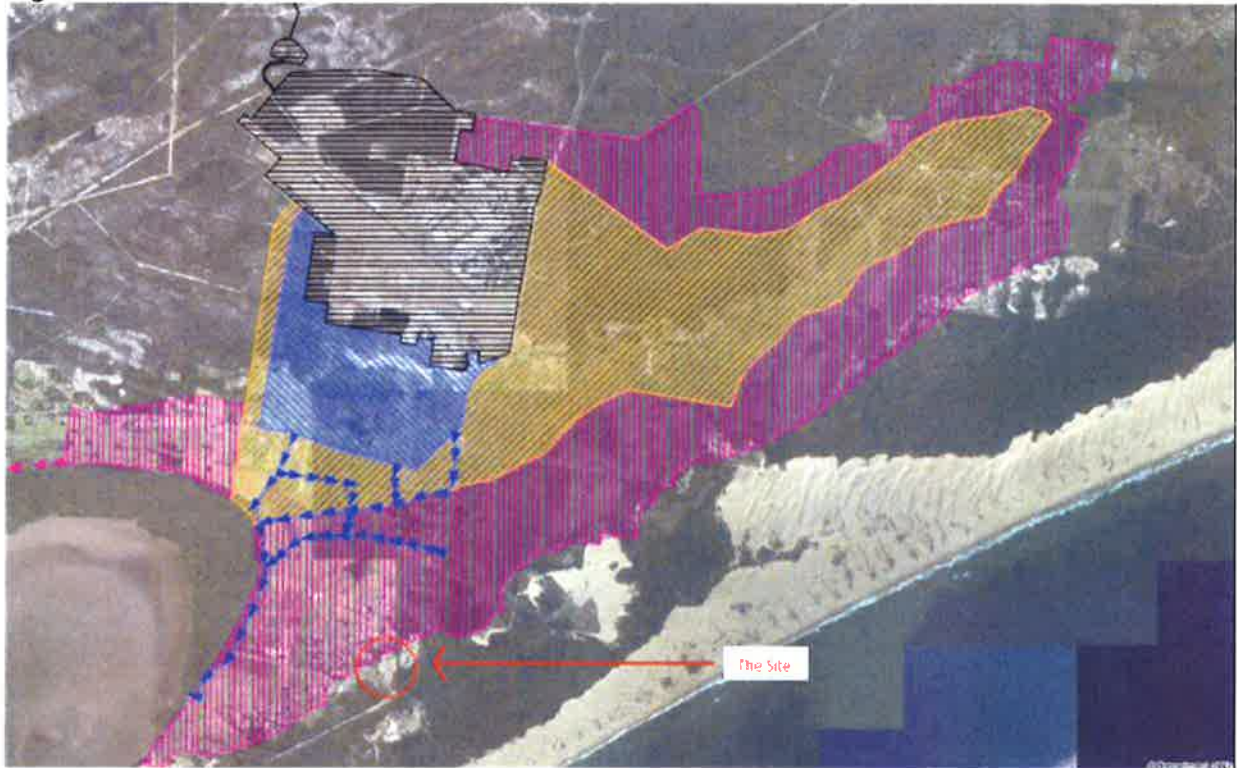
Part of the site is located on the eastern periphery of the Greater Management Zone (GMZ) mapping that has been developed by the Environmental Protection Agency (EPA) (Figure 5).

The EPA provided advice to Council about this proposal prior to the release of the revised mapping (Attachment 1). Within this advice, the EPA advised that PFAS and other conventional contaminants be considered in a detailed site contamination investigation during the Development Application (DA) process.

In recognition that this information would be best provided prior to DA, a Groundwater Monitoring Investigation took place on 22 February 2018 (Attachment 2). The results

concluded that "PFAS was not detected in the samples collected from the wells located on the quarry". The EPA can be consulted further as a post-Gateway condition, prior to proceeding with the planning proposal.

Figure 5 – Williamstown Contamination Zones



4. Green Corridor

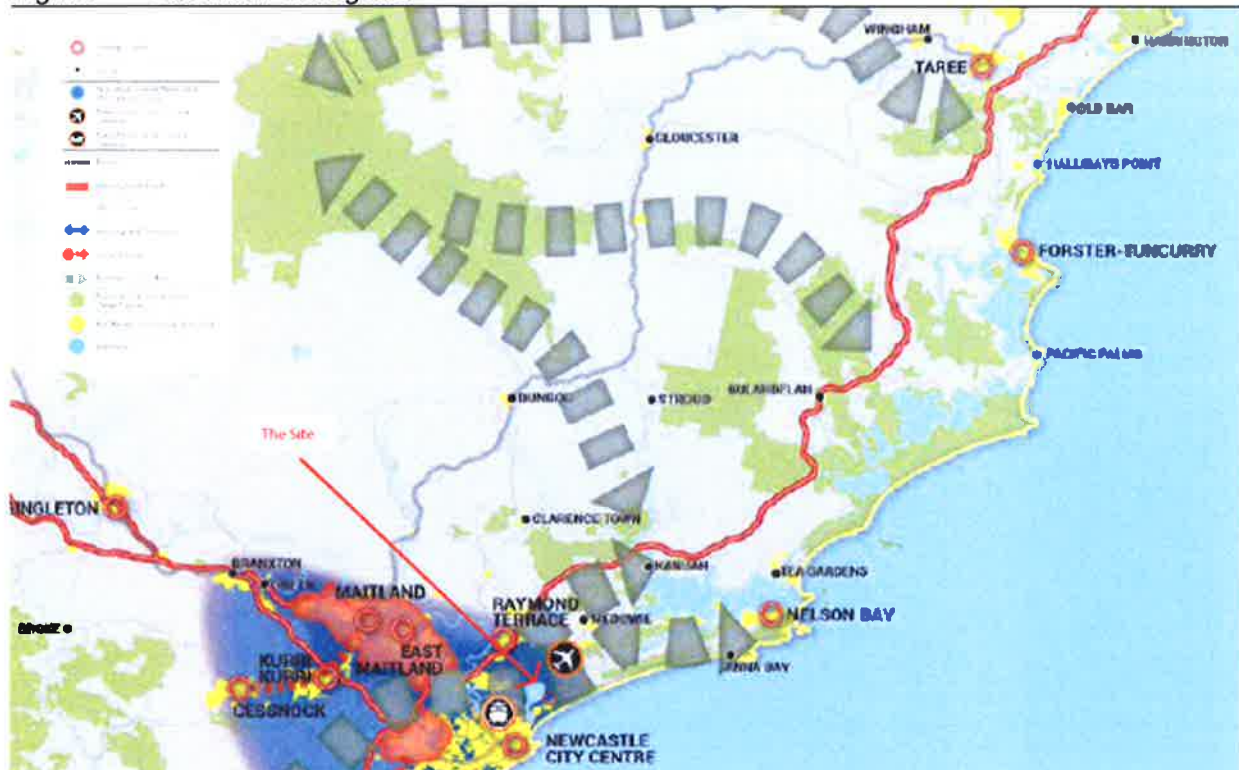
Department: The site is in the Stockton-Watagans green corridor, which the Hunter Regional Plan seeks to conserve and enhance. The PP appears to focus on protecting high value vegetation, but it is not clear how connectivity has been considered and informed the proposed planning controls.

The Hunter Regional Plan uses 'broad arrows' to identify the Stockton-Watagans Green Corridor (*Figure 5*). These arrows cover the entire Hunter Region. No direct actions, funding or details are provided to improve this Green Corridor.

An overview of this locality identifies that no remnant vegetation is present to the north of the site and only a number of remnant pockets exist to the south of the site. The valuable parts of this green corridor are located on the eastern side of Nelson Bay Road.

The Flora and Fauna Assessment (*Attachment 3*) that was accompanies the proposal concludes that 'the area is of low ecological constraint and is suitable for future development with minimal ecological impacts likely' (p. 43). The NSW Office of Environment and Heritage can be consulted as a post-Gateway condition prior to proceeding with the Planning Proposal.

Figure 4 – Stockton-Watagans Green Corridor



Conclusion

Council resolved to seek a Gateway determination for this proposal. It is therefore consistent with our vision, direction and desired outcome for rural residential development. We understand the the landowner is willing to provide further information to facilitate a Gateway determination from the Department.

Please contact Deniz Kilic, Planning Consultant, on Deniz.Kilic@portstephens.nsw.gov.au or on 0491 008 300 should you have any questions regarding this matter.

Regards,

Elizabeth Lamb
Strategic Planning Coordinator
Port Stephens Council