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PLANNING PROPOSAL

AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2013

KARUAH RSL CLUB

SUBMITTED TO: PORT STEPHENS COUNCIL

DECEMBER 2017

cityscape planning + projects

abn: 37 089 650 386

phone: 4739 3374 fax: 4739 3408 mobile: 0408 866913 email: cityscape@cityscape.net.au www.cityscape.net.au post: PO Box 127 Glenbrook NSW 2773

This submission has been prepared by:

Vince Hardy BTP, RPIA URBAN PLANNING CONSULTANT



Planning Institute Australia

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INTRODUCTION

Cityscape Planning + *Projects* has been engaged by the *Karuah RSL Club* to prepare a *Planning Proposal* for the subject site. The Planning Proposal explains the intended effect of a proposed Local Environmental Plan (LEP) and sets out the justification for making that plan.

The report has been prepared in accordance with the NSW Department of Planning and Infrastructure requirements as set out in Guide to Preparing *Local Environmental Plans (2016)* and *A Guide to Preparing Planning Proposals (2016.)*

SUBJECT SITE

LOCATION

The subject site is a large irregular shaped parcel of land located on the southern side of Tarean Rd, at its intersection with Bundabah St. Figure 1 identifies the location of the site.

DESCRIPTION

The site is known as 434-436 Tarean Rd, Karuah but is comprised off 16 x lots with the following real property description:

Lot:	164, 166-170, 172-177, 179	DP: 753196
Lot:	1781-1783	DP : 609636

The site has a total area of approximately 9300m². It has a street frontage of 130m to Tarean Rd and a depth of approximately 75m along its frontage to Bundabah St. and Figure 1 provides an overview of the sites cadastral arrangements.

EXISTING ZONING

The subject site is zoned **R2 Low density Residential** pursuant to *Port Stephens Local Environmental Plan 2013.*



FIGURE 2: AERIAL PHOTO OF SITE



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SITE HISTORY

The site has a long and established lawful use, over many decades, as registered club. Therefore, the site is considered to enjoy the benefit of existing use rights pursuant to Division 10 of the *Environmental Planning & Assessment Act, 1979.*

The lawfulness of this use is demonstrated by approval granted for the development of alterations and additions to the club by Port Stephen Council on 18 March 2016 pursuant to DA 16-2015-718-1.

EXISTING USE OF SITE

The site currently accommodates a large club building together with one bowling green and an at-grade car park. The site also operates in conjunction with a parcel of land located on the western side of Bundabah St which also provided a dwelling and garage type structure at its rear, whilst dwellings are also located at the south western and south eastern corners of the primary site. The location and images of these buildings and land uses are evident in the aerial photo provided at Figure 2.

Recently, the club have purchased two adjoining residential sites located at the north-western corner of Bundabah and Barclay St and the eastern extent of Barclay St and it is their intention to have that those sites absorbed into future development plan and use of the club. Whilst no formal proposal for the sue of these lands has been developed it si likely that they could be used for either car parking or relocated bowling greens.

SITE CONTEXT

The site and its immediate environs experience limited topographic relief. Also, the site has been cleared of much of its natural vegetation as part of previous development. Nevertheless, small pockets of vegetation remain at both the north-eastern corner and south-western corner of the site. Images of the site that confirm its cleared status are provided at the aerial photo at Figure 2.

The site sits on the eastern edge of an established town centre but also adjoins park and residential type land uses. Figure 3 provides an aerial photo of the site that demonstrates the sites proximity to adjacent land uses.



FIGURE 3: AERIAL PHOTO OF SITE AND SURROUNDS

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The planning proposal has the following objectives:

- To resolve an existing planning anomaly which currently causes the existing club development to be a prohibited land use on the subject
- To allow immediately adjacent lands, currently owned by the Club, to be developed for the purposes of a club and recreation facility.

PART 2: EXPLANATION OF PROVISIONS

The proposed objective will be achieved by amending the Port Stephens LEP 2013 – *Schedule 1 Additional permitted uses* by identifying the following land uses as being permissible, with Council consent, on the subject site:

- Registered club
- Recreation facility (outdoor)

PART 3: JUSTIFICATION

SECTION A: NEED FOR THE PLANNING PROPOSAL

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

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

Rather, it has emerged from a recognition that the current statutory planning framework for the site is somewhat anomalous in that it prohibits the development of the site for the purposes of its current use and as such this potentially frustrates the redevelopment or reconfiguration of the site and immediately adjacent lands.

The most logical planning outcome to resolve this planning anomaly would therefore see the statutory planning framework modified to formally allow use of the site and adjacent lands under club ownership, for the purposes of a registered club and recreation facility.

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

The same outcome could be achieved by seeking a rezoning of the subject site to a *RE2 Private Recreation* Zone. However, previous discussions with Council officers have confirmed that a Schedule 1 amendment would represents a more appropriate means of achieving that outcome as this would not open up the site for the potential redevelopment for the broad range of land uses that are also permissible under that RE2 Zoning.

As such it is considered that the planning proposal is clearly the best means of achieving the objectives or intended outcomes.

SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plan or strategies)?

ASSESSMENT CRITERIA

- a. Does the proposal have strategic merit? Is it:
- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- Consistent with a relevant local council strategy that has been endorsed by the Department; or
- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

COMMENT:

The planning proposal is limited to a single small site and is not of a scale that is likely to cause an inconsistency with any metropolitan, regional, or district strategic plan. Nevertheless, as assessment of the planning proposal against relevant planning strategies is provided below:

HUNTER REGIONAL PLAN 2036

This strategy represents a 20-year blueprint for the future of the Hunter region. The plan identifies Karuah as a regionally significant centre and employment land cluster.

The plan identifies a series of goal and directions, the most relevant of which are identified below:

GOAL 3 Thriving communities

- Direction 17: Create healthy built environments through good design
- Direction 18: Enhance access to recreational facilities and connect open spaces
- Direction 20 Revitalise existing communities

The planning proposal seeks to secure and enhance the role of the existing recreational and community facility on site and as such is entirely consistent with the goal and directions.

PORT STEPHENS PLANNING STRATEGY 2011

This strategy identifies Karuah as being within a Village Centre within the retail hierarchy of the LGA.

It states that Karuah Village is likely to continue to adjust from its previous role as a motoring stop over to a local centre servicing the needs of a growing residential population over the longer term.

It further suggests Commercial/retail floor space demand is forecast to increase by around 1,500m² between 2009 and 2031. This demand could be entirely accommodated within existing vacant buildings and there are also a number of vacant sites which could be developed.

The continued presence and potential further redevelopment of the subject site for the purposes of a club and recreational facility is therefore entirely consistent with this strategy.

KARUAH GROWTH STRATEGY 2011

This strategy was prepared by Port Stephens Council and seeks to provide a spatial and land use plan for the growth of the town. It identifies sufficient land for urban development close to the town to meet growth needs until at least 2035.

The Strategy aims to further underpin local business and employment creation through residential growth. Whilst recognising local businesses will expand and others will establish, the strategy states that the commercial centre is likely to remain a village centre in scale, due to the relatively small local population and the closeness of Raymond Terrace as an alternative shopping venue.

The strategy recognises the important role the Karuah RSL Club provides within the community and its role in ensuring that Tarean

Rd continues promote the economic health of the village through operating as a traditional main street for the village.

The planning proposal seeks only to confirm and secure the clubs community and commercial role in the village and its presence on Tarean Rd is therefore entirely consistent with this local planning strategy.

b. Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following:

- the natural environment (including known significant environmental values, resources or hazards) and
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

COMMENT:

The site already accommodates a club, recreational facility, car parks and dwelling houses and there are no built or natural environment constraints that would preclude its continued use or potential redevelopment.

The planning proposal therefore seeks only to confirm the existing use of the site and as such must be considered to demonstrate site-specific merit and compatibility with surrounding land uses.

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

The planning proposal causes no inconsistency with the Port Stephens Integrated Plans 2013-2016 comprising, amongst other things, the Community Strategic Plan.

Consistency with Karuah Growth Strategy 2011 was referenced previously in this planning proposal.

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

An assessment against these planning instruments is provided at Table 1 and demonstrates consistency where relevant with all planning instruments.

SEPP TITLE	CONSIS-	COMMENTS
	TENCY	
SEPP (Three Ports) 2013	N/A	
SEPP (Sydney Drinking Water	N/A	
Catchment) 2011		
SEPP (State and Regional	N/A	
Development) 2011		
SEPP (Urban Renewal) 2010	N/A	
SEPP (Western Sydney Employment	N/A	
Area) 2009		
SEPP (Affordable Rental Housing)	N/A	
2009		

TABLE 1: RELEVANT PLANNING INSTRUMENTS

SEPP (Western Sydney Parklands)	N/A	
2009	N1/ A	
SEPP (Exempt and Complying Development Codes) 2008	N/A	
SEPP (Rural Lands) 2008	N/A	
SEPP (Kosciuszko National Park -	N/A	
Alpine Resorts) 2007		
SEPP (Infrastructure) 2007	N/A	
SEPP (Temporary Structures and	NA	
Places of Public Entertainment) 2007		
SEPP (Mining, Petroleum Production	N/A	
and Extractive Industries) 2007		
SEPP (Sydney Region Growth	N/A	
Centres) 2006		
SEPP (Major Development) 2005	N/A	
SEPP (Kurnell Peninsula) 1989	N/A	
SEPP (Building Sustainability Index:	N/A	
BASIX) 2004		
SEPP (Housing for Seniors or People	N/A	
with a Disability) 2004		
SEPP (Penrith Lakes Scheme) 1989	N/A	
SEPP No. 71 - Coastal Protection	YES	The subject site is located within an
		urbanised and previously developed area
		that is setback well from the foreshore of
		the Karuah River. As such the
		development will not adversely effect any
		ecological, natural or scenic qualities of
		the foreshore or broader coastal zone.
		Similarly, the development is wholly
		contained within private lands and
		therefore will not cause any loss or
		disruption of public access to that

		foreshore area.
		Finally, the scale of any future development is relatively limited when viewed within the context of the existing development on site and as such will not cause any adverse impact upon views to and from the coast line nor cause any overshadowing of that area.
		Nevertheless, a stormwater and drainage plan accompany this report and demonstrates that the site has the potential to manage all waste water on site without adverse impact upon the receiving waters including the Karuah River and its coastal environs.
SEPP 70 - Affordable Housing (Revised Schemes)	N/A	
SEPP No. 65 - Design Quality of Residential Flat Development	N/A	
SEPP No. 64 - Advertising and Signage	N/A	
SEPP No. 62 - Sustainable	N/A	
Aquaculture		
SEPP No. 55 - Remediation of Land	N/A	
SEPP No. 52 - Farm Dams and Other	N/A	
Works in Land and Water Management Plan Areas		
SEPP No. 50 - Canal Estates	N/A	
SEPP No. 47 - Moore Park Showground	N/A	

SEPP No. 44 - Koala Habitat	YES	This Policy aims to encourage the proper
Protection		conservation and management of areas of
		natural vegetation that provide habitat for
		koalas to ensure a permanent free-living
		population over their present range and
		reverse the current trend of koala
		population decline.
		The site provides only isolated and small
		pockets of vegetation (some of it exotic
		species) that makes it unlikely to provide
		any Koala habitat.
SEPP No. 36 - Manufactured Home	N/A	
Estates	N/A	
SEPP No. 33 - Hazardous and	N/A	
Offensive Development		
SEPP No. 30 - Intensive Agriculture	N/A	
SEPP No. 26 - Littoral Rainforests	N/A	
SEPP No. 21 - Caravan Parks	N/A	
SEPP No. 19 - Bushland in Urban	N/A	
Areas		
SEPP No. 14 - Coastal Wetlands	N/A	
SEPP No. 1 - Development Standards	N/A	

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment against these directions is provided in Table 2:

TABLE 2: S117 DIRECTIONS

DIREC	TIONS UNDER s.117(2)	CONSIST- ENCY	COMMENT/JUSTIFICATION (WHERE INCONSISTENT)	
1. Em	ployment and Resources			
1.1	Business and Industrial Zones	N/A	Site currently has a residential zone and the Planning Proposal seeks to maintain a residential zoning, albeit with an additional land use. This additional land use is a community type activity that is currently operating on site and as such will have no impact upon the existing business zone lands that adjoin the site.	
1.2	Rural Zones	N/A	Site has and seeks to maintain a residential zoning	
1.3	Mining, Petroleum Production and Extractive Industries	N/A		
1.4	Oyster Aquaculture	N/A		
1.5	Rural Land	N/A		
2. En	vironment Heritage			
2.1	Environment Protection Zones	N/A		
2.2	Coastal Protection	YES	NSW Coastal Policy outlines provides strategic actions	

pertaining to the natural
environment, natural processes
and climate change, aesthetics,
cultural heritage, ecological
sustainable development, human
settlement, and public access.
The subject site is located within
an urbanised and previously
developed area that is setback
well from the foreshore of the
Karuah River. As such the
continued use and even potential
redevelopment of the site will not
adversely impact upon any
ecological, natural or scenic
qualities of the foreshore or
broader coastal zone.
Similarly, any further development
would be wholly contained within
private lands and therefore will not
cause any loss or disruption of
public access to that foreshore
area.
Finally, the scale of the any
subsequent development would
be managed as part of nay
development application but would
be expected to be relatively limited
when viewed within the context of
the existing development on site
and in the broader and as such

			would not be expected to cause
			any adverse impact upon views to
			and from the coast line.
2.3	Heritage Conservation	N/A	
2.4	Recreation Vehicle Areas	N/A	
3. Ho	using, Infrastructure and Urban		
Dev	velopment		
3.1	Residential Zones	YES	Underlying residential zone will be
			retained.
3.2	Caravan Parks and	N/A	
	Manufactured Home Estates		
3.3	Home Occupations	N/A	
3.4	Integrating Land Use and	YES	The site is located within the
	Transport		Karuah Village and therefore is
			highly accessible to the township
			and its environs.
			It also enjoys good access to the
			broader regional road network.
			Further, the site is also located
			only 100m to the east of a bus
			stop that provides regular services
			to Newcastle, Hawks Nest and
			Taree and the club also provides
			its own courtesy bus services for
			local patrons which represents a
			highly integrated land use and
			transport outcome for the site and
			local community.
			No change to the existing or
			proposed land use and transport
			·

			network will arise from this Planning Proposal and the site will retain good accessibility to public and private transport networks. However, it may ultimately facilitate further car parking or development to the sites south on the sites that currently accommodate the dwelling houses and this would represent a good planning and transport outcome
			for the site.
3.5	Development Near Licensed Aerodromes	N/A	
3.6	Shooting Ranges	N/A	
4. Haz	zard and Risk		
4.1	Acid Sulfate Soils	N/A	
4.2	Mine Subsidence and Unstable Land	N/A	
4.3	Flood Prone Land	NA	
4.4	Planning for Bushfire Protection	N/A	
5. Reg	gional Planning		
5.1	Implementation of Regional Strategies	N/A	Revoked 17 October 2017
5.10	Implementation of Regional	N/A	The Planning Proposal seeks only
	Plans		to confirm the existing and lawful
			land uses of the existing site and
			as such will not impact upon local
			planning strategies and similarly
			has no potential to cause any
			inconsistency with any existing or future regional strategies. This
			has been discussed in greater
			has been discussed in greater

			detail preceding sections of this
			Planning Proposal.
6. Loc	cal Plan Making		
6.1	Approval and Referral	YES	
	Requirements		
6.2	Reserving Land for Public Purposes	YES	
6.3	Site Specific Provisions	YES	The Planning Proposal will facilitate continued use and development of the site for its current lawful and approved use. Such development is currently problematic because of the sites underlying zoning. Accordingly, the Planning Proposal is entirely consistent with the relevant direction objectives of discouraging unnecessarily restrictive site specific planning controls.
7. Met	ropolitan Strategy		
7.1	Implementation of the	NA	
	Metropolitan Plan for Sydney		
	2036		

SECTION C: ENVIRONMENTAL SOCIAL AND ECONOMIC IMPACT

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

The broader site has been extensively modified as part of previous development and such provides limited natural vegetation coverage. It is also well removed from any other larger vegetation or bushland units. This is demonstrated by the aerial photo provided at Figure 3. Nevertheless, there are two small stands of vegetation, some of it exotic, at the north eastern and south-eastern corners of the site.

The isolated and small scale of these pockets of vegetation makes them unlikely to provide any important or significant ecological value to individual species or their communities.

Therefore, there is no likelihood that any critical habitat or threatened ecological communities will be adversely affected by the planning proposal.

However, there is some potential, albeit unlikely, for this vegetation to provide some limited Koala habitat. Council's Comprehensive Koala Plan of Management (CKPoM) provides the following criteria for assessment of rezoning proposals:

a) not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers;

b) allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas; c) minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site; and

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.

The developed and highly modified nature of the site and its adjacent village environment makes it highly unlikely to represent a preferred Koala habitat or habitat buffer.

Further, the planning proposal does not proposes any built development and it is possible that further redevelopment of the site would not involve any removal of native vegetation or tree species.

However, future development proposals will fully examine the impact of development on any trees or habitat and if necessary any important trees or tree hollows could be preserved or even relocated in accordance with the CKPoM.

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

BUILT CHARACTER

The built character of the site and its surrounds can generally be described a village environment and as such provides a diverse mix of built forms and land uses including retail, commercial, and educational buildings represented as both and two storey forms, provided as both large and small built forms. The village is primarily provided as a retail strip strung along the northern side of Tarean Rd and the subject site, together with the public school located opposite provides the terminus to that strip prior to the village transitioning to more recreational and open spaces uses as the village extends to the Karuah River to its east.

The club building therefore sits comfortably within that village environment with a direct address to Tarean Rd. The car park is sited behind the built form, thereby ensuring it is screened from that important viewshed. The bowling greens also provide a sympathetic transition between the built forms of the site and the coastal landscape provide by Karuah River and its immediate environs

Future development of the site will likely extend to the south and occupy the currently residential land uses located on Barclay Street.

This land use change will still contain the club development entirely within the street block bounded by Tarean Rd, Bundabah St, Barclay St and the existing paper road and therefore will provide limited change to the urban structure, character and form of the site and broader village.

TRANSPORT, VEHICLE ACCESS + MOVEMENT

The site is located within the Karuah Village and therefore is highly accessible to the township and its environs.

It also enjoys good access to the broader regional road network including the following arterial and major collector roads:

- Tarean Rd
- Pacific Highway

Further, the site is also located only 100m to the east of a bus stop that provides regular services to Newcastle, Hawks Nest and Taree. The club also provides its own courtesy bus services for local patrons.

At the local level the site enjoys direct frontages to Tarean Rd, Bundabah St and Barclay St. Currently, no direct vehicle access is provided to Tarean Rd and all vehicle access occurs via Bundabah and Barclay Streets.

This current access arrangement ensures that traffic generated by the development does not adversely impact on traffic movement along Tarean Rd and also allows for movement to and from the site to be suitably managed by the local road network including the signalised intersection at the intersection of Tarean Rd and Bundabah St.

Existing parking demand is managed by the at-grade car park provided to the south of the site.

The planning proposal does not seek to alter existing traffic and vehicular arrangements, however, it may facilitate further car parking or development to the sites south on the sites that currently accommodate the dwelling houses.

This potential future development would sit comfortably within the local traffic and transport environment.

NATURAL HAZARDS

The site is not exposed to any bushfire or flooding hazard as demonstrated by extract of the relevant council maps provided at Figures 4-5.



COUNCIL BUSHFIRE HAZARD MAP

FIGURE 4: **TOPOGRAPHIC MAP**



subject site

STORMWATER MANAGEMENT

A stormwater management plan accompanies this Planning Proposal and demonstrates that the site has the potential to manage all stormwater on site without adverse impact to local or regional water quality of the local and broader drainage catchment.

9. How has the planning proposal adequately addressed any social and economic effects?

The Karuah Growth Strategy 2011 recognises the important role the Karuah RSL Club provides within the community and its role in ensuring that Tarean Rd continues promote the economic health of the village through operating as a traditional main street for the village.

The planning proposal will allow the club to maintain and strengthen that important community role by providing ongoing opportunities for community and social interaction together with ongoing recreation and sporting opportunities.

Accordingly, the planning proposal is considered to provide a positive social impact.

The planning proposal will also facilitate the orderly and economic use and development of land in accordance with the objects of the *Environmental Planning & Assessment Act, 1979*.

Further, the planning proposal will continue to allow the Club to maintain its presence as part of the Tarean Rd main-street and as such will promote and strengthen that main street role of Tarean Rd with the Karuah Village environment. Accordingly, the planning proposal is considered to provide a positive economic impact.

SECTION D: STATE & COMMONWEALTH INTERESTS

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

The site sits within an existing village environment and enjoys access to a full range of urban services and infrastructure including reticulated water and sewer together with a full suite of energy and communication utilities.

The subject site enjoys direct vehicle access through its extensive frontages to both Bundabah St and Barclay St and also enjoys good access to the broader regional road network including the following arterial and major collector roads:

- Tarean Rd
- Pacific Highway

The site is also located only 100m to the east of a bus stop that provides regular services to Newcastle, Hawks Nest and Taree.

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

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers;

however, consultation will occur in accordance with the Gateway Determination.

PART 4: MAPS

The planning proposal will not require the amendment of the Port Stephens LEP 2013 maps.

PART 5: COMMUNITY Consultation

The planning proposal will be exhibited by Council in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979*.

The planning proposal is considered to represent a 'low' impact planning proposal given that it is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing not a principal LEP – does not reclassify public land.
- Not a principal LEP
- Does not reclassify public land

It is therefore proposed that the planning proposal will be placed on public exhibition for a minimum of 14 days. Notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, adjoining landowners will be notified in writing. During the public exhibition period the following documents will be placed on public exhibition:

- The Planning Proposal;
- The Gateway determination;
- Relevant council reports

PART 6: PROJECT TIMELINE

No.	Task	Commence	Complete
1	Gateway Determination	March 2018	July 2018
2	Completion of Studies	No further studies required	
3	Government Agency Consultation	Agency and community consultation to be undertaken as part of the formal public exhibition of the Planning Proposal in accordance with any conditions of the Gateway Determination.	
4	Public Exhibition	August 2018	September 2018
5	Public Hearing	NA	NA
6	Consider Submissions	October 2018	October 2018
7	Document Finalisation	November 2018	November 2018
8	Submission to NSW	December 2018	December 2018
	Planning & Environment		