

Planning and Assessment

Gateway Determination Report

LGA	Port Stephens
PPA	Port Stephens Council
NAME	Rifle Range (300 dwellings)
NUMBER	PP_2019_PORTS_002_00
LEP TO BE AMENDED	Port Stephens Local Environmental Plan 2013
ADDRESS	Popplewell Road, Fern Bay
DESCRIPTION	Lot 5 DP 233358
RECEIVED	26/07/2019
FILE NO.	EF19/23434
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Port Stephens Local Environmental Plan 2013 to rezone a site known as the Rifle Range at Fern Bay to permit residential development by:

- rezoning part of the site to R3 Medium Density Residential and retaining part of the site as the existing E2 Environmental Conservation zone;
- amending the minimum lot size map from 40ha to part 500m² and part 200m² for the areas proposed to be zoned residential; and
- amending the height of buildings to part 9m and part 15m.

Council advises that the proposal would provide for an additional 300 dwellings.

1.2 Site description

The Rifle Range site is approximately 111 hectares in area and is located on the Stockton Peninsula at Fern Bay, approximately 7km north of Newcastle CBD (Figure 1). The site is legally known as Lot 5 DP 233358.

The site is currently vacant and relatively disturbed and much of the eastern half of the site taken up by the extensive sand dune system behind Stockton Beach. A significant portion of the site comprises of the coastal dune system (Figure 1). There are strong elements of its former use a rifle range on the site including the firing mounds. The site was no longer used as a rifle range by the military in 1997.

Topography is characterised by a large flat area with steep dunes that block views to the east and low-lying areas of regrowth to the north. Larger areas of remnant

vegetation regrowth to the north of the site bordering the Worimi Conservation Lands and to the south bordering the Stockton Centre.

The Rifle Range is owned by Defence Housing Australia (DHA). The site is accessible from the west via Popplewell Road which provides access north and south (Figure 2).

The site is bound by the Worimi Conservation Lands to the north, the Stockton Centre (NSW Health) and Stockton Cemetery to the south, existing residential subdivision to the west and Stockton Beach and dune system to the east.



Figure 1: Site location in relation to Williamstown RAAF Base



Figure 2: Site Map (source: Architectus)

1.3 Existing planning controls

The site is currently zoned E2 Environmental Conservation under the Port Stephens LEP 2013 (Figure 3) and is subject to 40ha minimum lot size. The site is located on the boundary of Port Stephens and Newcastle local government areas (Figure 4).

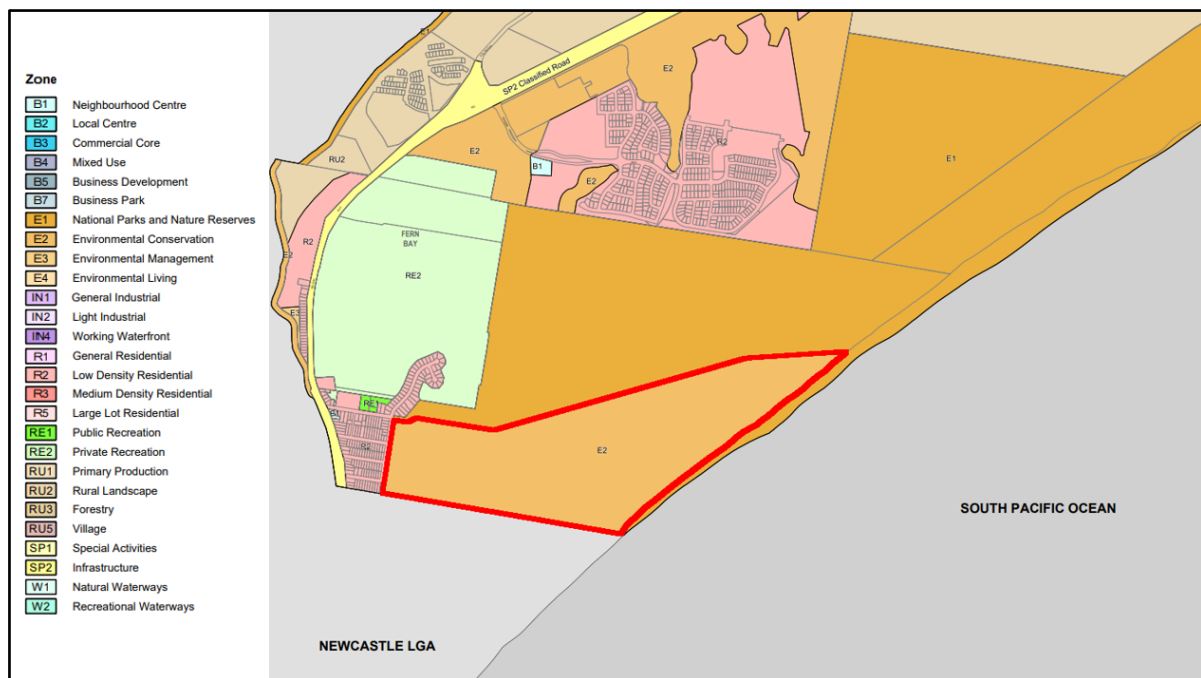


Figure 3: Current Land Use Zone Map

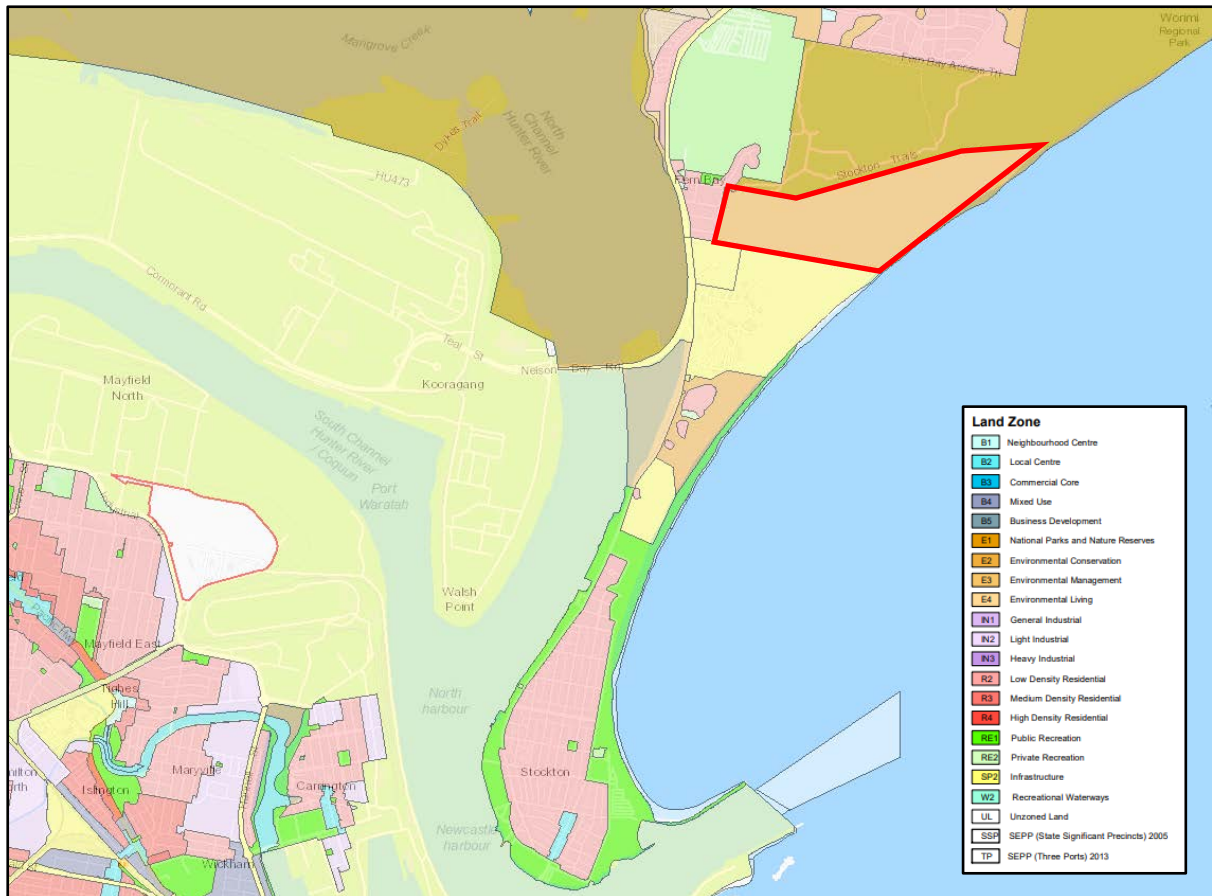


Figure 4: Land zoning map across Newcastle and Port Stephens LGA boundary

1.4 Surrounding area

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

The State significant Newcastle Port lands are located approximately 3km to the south west of the site, with the area proposed to be retained for port and industrial uses and is of strategic importance.

The site forms part of a special uses area that sits between the two residential communities of Stockton and Fern Bay (Figure 5). These uses include the Stockton Cemetery and the Stockton Centre immediately adjoining the site to the south. Fort Wallace, a former defence site also currently owned by DHA that was recently rezoned for residential purposes, lies to the south of the Stockton Centre. A redundant Hunter Water wastewater treatment works and an oval separates Fort Wallace from the Stockton Town Centre. Some small pockets of private residential uses are interspersed.



Figure 5: Locality Map with Context

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions.

The site is strategically located in Fern Bay, with close linkages to Stockton, Newcastle CBD and the Williamstown RAAF Base. The planning proposal is generally consistent with the Port Stephens Planning Strategy 2011, Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan.

The proposal is also consistent with Council's Draft Fern Bay and North Stockton Strategy which is currently on public exhibition. At the time of submission, this Strategy was not available, however a condition has been included recommending the proposal is updated to address consistency with the Strategy prior to exhibition.

Conditions are recommended to ensure input from agencies and the community on the proposed planning controls. It is recommended that the public exhibition of the planning proposal be accompanied by a site-specific Development Control Plan (DCP) providing further detail regarding the intended development outcomes. A draft DCP (Amendment No. 10 Stockton Rifle Range) has been submitted with the proposal which sets out the key objectives for the development of the site and urban design and planning guidelines to achieve the objectives.

The Department recommends that the site be mapped as an Urban Release Area in the LEP and has conditioned accordingly. This will ensure Clause 6.1 (Arrangements for designated State public infrastructure) will apply to the site and satisfactory arrangements are made for the provision of state infrastructure. This is considered appropriate as the development proposes to zone the site from an environmental zone to a residential zone.

There are several matters which need to be resolved before the planning controls could be finalised, including further consultation with NSW Rural Fire Service and the Worimi Local Aboriginal Land Council as the site is considered to have very high Aboriginal cultural value to the Worimi people as well as further investigation to stormwater management measures.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives and intended outcomes of the planning proposal are as follows:

- rezone land for medium density residential purposes; and
- protect and conserve the areas within the site that have high ecological value.

2.2 Explanation of provisions

The objectives of the planning proposal will be achieved through rezoning part of the site to R3 Medium Density Residential for areas that have been previously disturbed. The remainder of the site will conserve the high ecological value by maintaining the E2 Environmental Conservation zone.

To allow for orderly development of the site, the minimum lot size will be reduced from 40ha to 500m², with a small portion of lots proposed to be 200m². Currently Clause 4.1C of the Port Stephens LEP 2013 allows for development consent to be granted to the subdivision and development of attached dwellings, dwelling houses or semi-detached dwellings on land in the R3 Medium Density Residential zone to a minimum of 200m². Following testing undertaken, Council proposes that the base minimum lot size is 200m², rather than relying on Clause 4.1C.

A maximum height of 9m is proposed to be applied to the majority of the site, with a maximum height of 15m proposed for central elements of the site to facilitate a variety of dwelling types, including residential flat buildings.

A site-specific DCP has been prepared, which Council intends to exhibit concurrently with the planning proposal.

2.3 Mapping

The proposal includes amendments to the Port Stephens LEP 2013 maps as follows:

- Land Zoning Map;
- Height of Building Map; and
- Lot Size Map.

The maps included in the planning proposal show the current and proposed controls. The proposed map amendments are included below and considered to be suitable for exhibition purposes (refer to Figures 6 and 7).

The site is not currently listed on the Urban Release Area (URA) Map. It is recommended to include a condition to have the site mapped on the URA Map.

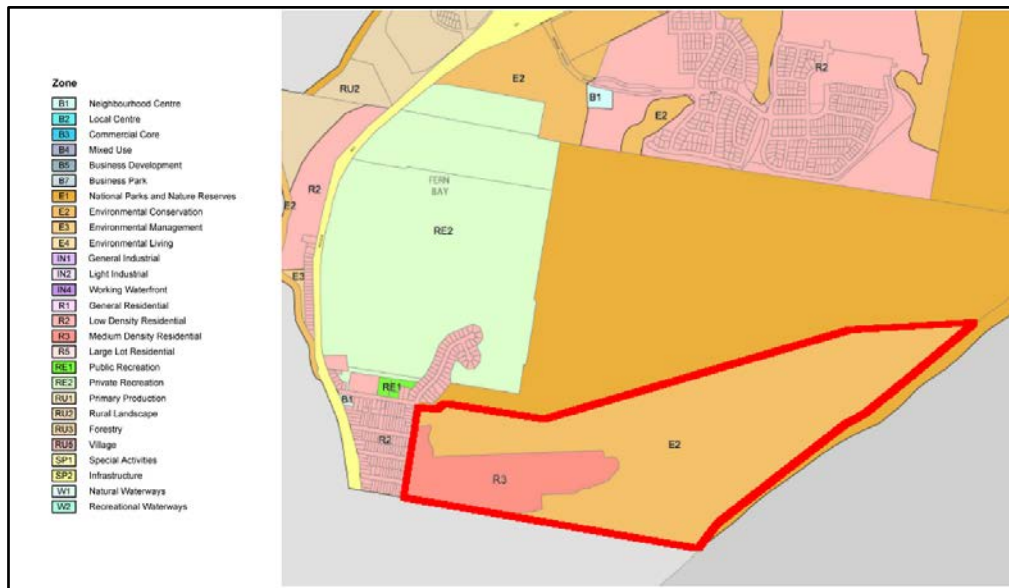


Figure 6: Proposed Land Use Zone Map

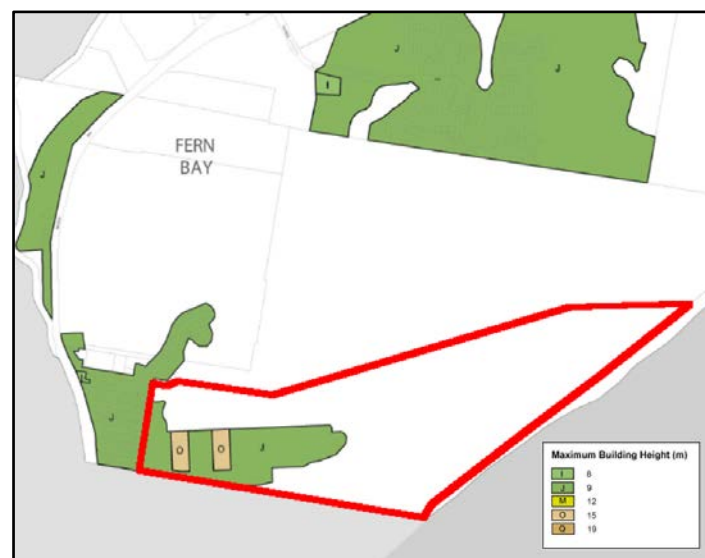


Figure 7: Proposed Height of Building Map

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal has arisen due to a request from the landowner. Council states that the site is no longer used as a rifle range and it is appropriate to develop the site for residential purposes consistent with the adjoining residential uses to the west whilst considering the sites existing environmental sensitivities and constraints. The current zoning does not achieve the best use of the site considering its strategic location.

The planning proposal aligns with the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036, which seek to deliver more housing and better housing choice in well serviced areas with high amenity, supporting the renewal of the strategically placed site. The site is strategically located in terms of providing a

short commute to major employment areas of the Williamstown RAAF base, Newcastle Airport, Port of Newcastle and Tomago industrial area.

The Port Stephens Planning Strategy 2011 applies to the site. Areas identified as Fern Bay – Fullerton Cove, to the north and west of the Rifle Range, have been identified as future growth areas within the Strategy. In addition, the Draft Fern Bay and North Stockton Strategy identifies the site for potential housing with access to the beach. This, coupled with the location of the site (adjoins existing residential areas) support the need to review the site's planning controls.

4. STRATEGIC ASSESSMENT

4.1 State

There are no State strategic plans which are relevant to the planning proposal.

4.2 Regional

The site is located on land subject to both the Hunter Regional Plan 2036 (HRP) and the Greater Newcastle Metropolitan Plan 2036 (GNMP).

Hunter Regional Plan 2036

Direction 16: Increase resilience to hazards and climate change.

Action 16.1 Manage the risks of climate change and improve the region's resilience to flooding, sea level rise, bushfire, mine subsidence, and land contamination.

Flooding:

Council has not identified the site as being flood prone land under the Port Stephens LEP 2013.

Sea Level Rise:

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

The assessment concluded that, even considering the worst-case scenario of coastal erosion and sea level rise to 2100, the site could accommodate residential development in accordance with coastal hazard and management policies.

Bushfire:

Council have undertaken an assessment of bushfire risk with respect to the development of the site for residential uses, demonstrating how the concept master plan could implement appropriate bushfire risk mitigation measures. The assessment found that the predominant bushfire hazard is located to the north and south of the site (Figure 8).

The assessment concluded that the proposed development can comply with all performance criteria at the development assessment stage. The assessment also found that the proposed design provides for suitable access and water provisions for emergency management. Consultation with the Rural Fire Service would need to occur to evaluate the suitability of the measures proposed.

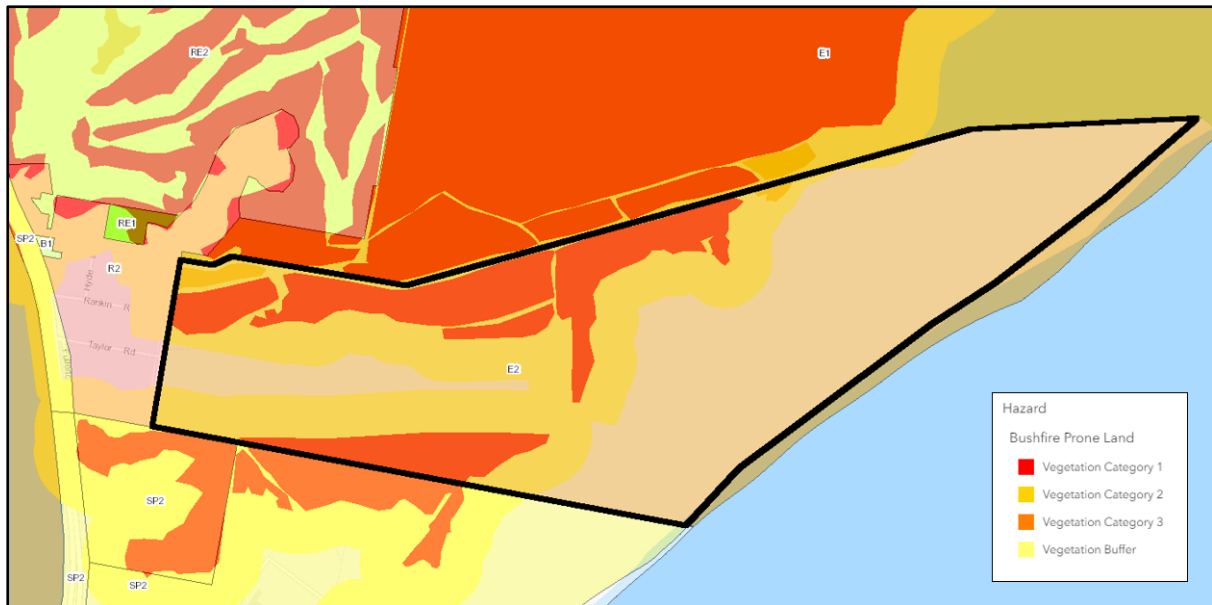


Figure 8: Bushfire Prone Land Map

Land Contamination

Council have undertaken a Site Audit Statement. The Statement did not identify any land contamination issues and considers the part of the site proposed for urban development is suitable for residential uses, sensitive land uses such as child care and also for open space. Remediation works were previously undertaken on the site associated with the previous military uses.

Direction 19: Identify and protect the region's heritage.

The planning proposal included a Heritage Impact Statement and did not identify any heritage listings on the site. However, the site does comprise of two items with some heritage significance, being the Links Anti-Aircraft Battery (located near the northern boundary of the site) and the remnants of the 1,000yd Firing Range which constitutes semi cleared tracks extending south from the central track at 100yd intervals, which is now largely overgrown. The proposal recommends that these two items not be included in the heritage listing due to the poor condition and subsequent development applications and works on the site. However it is noted that the draft Fern Bay and North Stockton Strategy review the heritage significance of the site Rifle Range site.

It is recommended as a condition of the Gateway determination that consultation with the Heritage Office occur given the potential heritage significance of these items.

Action 19.1: Consult with the local Aboriginal communities to identify and protect heritage values to minimise the impacts of urban growth and development, and to recognise their contribution to the character and landscape of the region.

Council advises that consultation with Aboriginal stakeholders has occurred. An Aboriginal Cultural Heritage and Archaeological Assessment Report concluded that the Stockton Peninsula including the site, is considered to have very high Aboriginal cultural value for the Worimi people. A number of artefact scatterings in the form of shell middens and open campsites are located on the site that demonstrate the historical use of the site by the Aboriginal people.

The assessment concludes that from an aboriginal cultural heritage and archaeological standpoint, there are no factors that should prevent the rezoning of the site. The proposal supports this conclusion, noting further consultation with the Worimi LALC should occur at the development application stage to discuss the need for an Aboriginal Impact Permit, consistent with the agreed upon approach for the nearby Fort Wallace site.

Direction 21: Create a compact settlement.

Focusing development in locations with established services and infrastructure increases the appeal of these places for new residents and enable the delivery of more affordable housing and better use of infrastructure.

The development of the site for residential uses will support an alignment of infrastructure delivery in the area by permitting residential uses on a well-located site in close proximity to both the Fern Bay and Stockton communities.

It is important for DHA to provide housing for Defence members in close proximity to the Williamstown RAAF Base. When compared to other sites in the 30km radius of the Williamstown RAAF Base, the site is very well serviced and the most appropriate location for additional housing in the Port Stephens LGA.

The concept master plan achieves a range of dwelling types and appropriately balances the environmental values of the site with the delivery of housing. By reducing the footprint of development and increasing the height, the concept master plan has minimised impact on sensitive areas of the site.

Greater Newcastle Metropolitan Plan 2036

The planning proposal is consistent with the Greater Newcastle Metropolitan Plan 2036, as it provides opportunities for greater housing choice close to centres, specifically with:

Strategy 2: Grow the airport and aerospace and defence precinct at Williamtown.

Council has outlined that Newcastle Airport is one of the largest combined defence and civilian aerodromes in Australia, with major upgrades planned to accommodate new Joint Strike Fighters posed to create a cluster of economic activity and new jobs. The planning proposal is directly related to the needs of Defence to deliver additional housing to accommodate growth and adequately support the needs of existing workers and their families at the Williamtown base.

Strategy 10: Create better buildings and great places.

Council's proposal retains the existing layout of the firing range through the street network and preserves good urban design and placemaking principles through a sensitive approach to the site ecology, creation of new public spaces, and innovative built form concepts that would sit lightly on the land.

Strategy 12: Enhance the Blue and Green Grid and the urban tree canopy.

The vision of the site is for a sensitively designed residential community providing housing diversity, best practice design and the creation of new open space and connections to the Stockton Town Centre. The site is well located to existing open space along the Stockton Peninsula and whilst the proposal does not zone any additional open space, public and private open space areas will be provided as part

of the proposed development. The proposal notes that the coastal area and new open spaces are proposed to be dedicated to Council subject to further consultation. This is consistent with Council's draft Strategy that identifies the need to investigate improved connections and public access to the beach from Stockton and to the Worimi Conservation Lands.

Strategy 16: Prioritise the delivery of infill housing opportunities within existing urban areas.

The planning proposal will focus new housing for Defence employees in the existing urban area of Fern Bay, while being strategically located within close proximity to the Williamstown RAAF base. Additional housing will be located in the Fern Bay centre, within walking distance of Fern Bay Public School, Community Hall, Fern Bay Reserve, Fern Bay store, and golf course. While not a major centre or transport node, the planning proposal does achieve housing in walking distance of key land uses and public transport. Nelson Bay Road is used as a bus route for regular and for school services. Buses serve Stockton and Fern Bay, and complete a loop via Vardon Road, Popplewell Road and Rankin Road to access Nelson Bay Road for the return journey to Newcastle.

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

Port Stephens Local Government Area Narrative.

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

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

Catalyst Area – Port of Newcastle

State Significant Newcastle Port lands are located approximately 3km to the south west of the site, including buildings and infrastructure. The area is proposed to be retained for port and industrial uses and is of strategic importance to the region. Potential land-use conflict from existing and future port-related industrial uses needs to be considered. The proposal states that it would not impact on the continued operations of the Port of Newcastle and is located in an existing residential setting and is considered suitable for residential development. The site is also not located within the land buffers zone (i.e. industrial zoned land) to the Port of Newcastle.

4.3 Local

Port Stephens Planning Strategy (2011)

The planning proposal achieves the objectives of the PSPS by delivering a diversity of dwellings whilst protecting areas of high environmental significance and responding to the site constraints. The delivery of housing for defence members and their families will also support the function of the Williamstown RAAF base, identified as a key economic driver in the region. The site is located within the 'Eastern Growth Corridor' and this area is recommended for increases in density to maximise access to existing infrastructure.

Draft Fern Bay and North Stockton Strategy (2019)

As identified, the City of Newcastle Council and Port Stephens Council are currently exhibiting the draft Fern Bay and North Stockton Strategy. The Department is part of a working group guiding the development of the strategy. The strategy aims to guide future development and ensure there is sufficient community infrastructure.

The Strategy discusses opportunities for future urban development on the Rifle Range site given the site's proximity to the potential future town centre and location given accessibility to amenity. The Strategy also identifies opportunities to connect to the surrounding environmental lands, the beach and areas to the south. The site is located in 'Precinct 3' and there are a number of outcomes relating to the site including:

- review heritage significance of Rifle Range site;
- support the proposed town centre by providing medium density housing within walkable distances;
- investigate options for improved continuous public access to the beach from Stockton to the Worimi Conservation lands; and
- provide an internal bus stop as part of any future development.

The planning proposal is considered to be consistent with the draft Strategy, and seeks to investigate the outcomes listed above further. However, at the time the planning proposal was submitted, the Strategy was not exhibited. Therefore, a condition has been recommended that the planning proposal is updated to demonstrate consistency with the draft Strategy prior to exhibition.

4.4 Section 9.1 Ministerial Directions

The planning proposal is either inconsistent or further work is required before consistency can be determined with the following Section 9.1 Directions:

2.1 Environment Protection Zones – the proposal includes provisions which facilitate the protection and conservation of environmentally sensitive land on the site by partly retaining the E2 Environmental Conservation zone, however is considered inconsistent as it seeks to rezone part of the site for residential purposes. The proposal seeks to retain as much intact vegetation as possible with the rezoning focusing on areas that are largely disturbed and vegetation is considered of a low quality, and the impacts to local biodiversity and threatened species and communities are considered minimal as supported by an Ecological Assessment.

The planning proposal seeks to protect and conserve environmentally sensitive areas, however given that the proposal will result in the loss of E2 Environmental Conservation land, further consultation with OEH should occur to confirm the suitability of the measures proposed. Consistency with this direction may then be determined.

2.2 Coastal Management

Based upon the Coastal Engineering Report provided as part of the proposal, the key risk identified for the site is managing sand drift while maintaining the active, unvegetated region of dunes on the site.

The proposed development is not expected to be affected by coastal erosion, wave overtopping or reduced foundation capacity by 2100.

Council has not raised the issue of pet ownership within the proposal, which will need to be considered in reducing the risk of predation to shorebirds in consultation with OEH.

Further consultation with OEH should occur to confirm the management of sand drift and pet ownership. Consistency with this direction may then be determined.

2.3 Heritage Conservation

Whilst the site does not have any listed heritage items, as previously identified there are two items located on the site with some heritage significance, Links Anti-Aircraft Battery and 1000yd Firing Range. The site is also within the vicinity of the Stockton Beach Dune System identified as a local heritage item. The site is identified as having a very high Aboriginal cultural value to the Worimi people. The planning proposal proposes measures to appropriately manage heritage values of the site.

Further consultation with the Heritage Office and the Worimi Local Aboriginal Land Council should occur to confirm the suitability of the measures proposed.

Consistency with this direction may then be determined.

3.5 Development Near Regulated Airports and Defence Airfields

The site is identified on the RAAF Base Williamtown Obstacle Limitation or Operations Surface map and Height Trigger Map under the Port Stephens DCP 2014. Council considers this to be in the vicinity of a licenced aerodrome.

The site is not impacted by the ANEF contours from the RAAF base.

Consultation should be undertaken with the Department of Defence as part of the planning proposal process, before consistency with this direction can be determined.

4.1 Acid Sulfate Soils (ASS)

The majority of the site is identified as having Class 4 ASS including the area to be rezoned for residential purposes. The Direction requires an ASS study to be undertaken as land use intensification would occur, Council does not intend to undertake a study so the proposal is inconsistent. Given the ASS provisions in the LEP it is considered that a study is unnecessary and the matter can be resolved at the development application stage. It is recommended that the Secretary agree that the inconsistency is of minor significance.

4.4 Planning for Bushfire Protection

The planning proposal affects land mapped as bushfire prone and consultation with RFS needs to occur before consistency with this direction can be determined.

5.10 Implementation of Regional Plans

The planning proposal is consistent with the goals and strategies of the Greater Newcastle Metropolitan Plan, particularly to:

- support the growing airport and aerospace and defence precinct at Williamtown;
- create better buildings and great places;
- consider natural hazards in forward planning; and
- deliver housing close to jobs and services.

4.5 State environmental planning policies (SEPPs)

SEPP 44 Koala Habitat Protection

Council have prepared an Ecological Assessment that found preferred koala habitat, including suitable koala feed trees are present on the site.

A preliminary Koala Plan of Management has been submitted with the planning proposal to demonstrate how the concept master plan facilitates appropriate management of koala habitat. The current concept master plan indicates potential disturbance of two koala feed trees (Figure 9). Where possible, koala feed trees should be retained within the development footprint, which will be assessed at the development application stage.

The Port Stephens Comprehensive Koala Plan of Management (CKPOM) applies to the site for the purpose of implementing SEPP 44. The CKPOM seeks to ensure no impacts on preferred habitat, low impact on supplementary habitat and to not sever koala movement. Consultation with OEH is required to confirm the suitability of the proposed measures and then consistency with the SEPP may be evaluated.

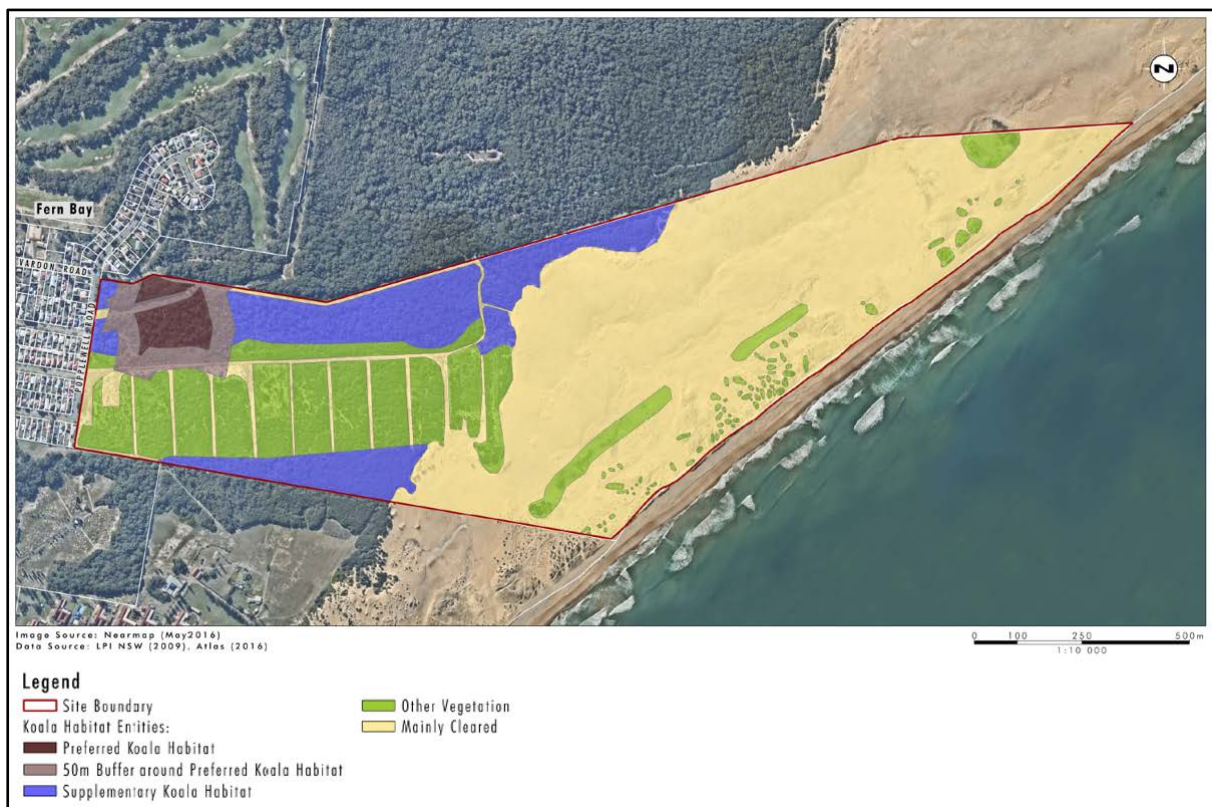


Figure 9: Koala Habitat in the Study Area (source: Umwelt)

SEPP 55 – Remediation of Land

The proposal includes a Site Audit Statement that was prepared for the site, and states that the site has been remediated to allow for residential development on part of the site proposed to be rezoned for residential purposes. Council is satisfied the proposal is consistent with the SEPP requirements. While the site has been adequately remediated, further consideration will be required at the development application stage for any residual contamination issues.

SEPP (Coastal Management) 2018

The site falls within the Land Application Map of the Coastal Management SEPP, which gives effect to the objectives of the *Coastal Management Act 2016* by specifying how development proposals are to be assessed if they fall within the coastal zone.

The proposal is supported by an engineering assessment and recommends that the site is suitable for rezoning as all proposed residential development is located landward of the 2100 'unlikely' hazard line.

The planning proposal is considered consistent with the objectives of this of this SEPP.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will deliver a range of positive social benefits to the existing and future community in the area including:

- opening the site to the public, including access to the Stockton sand dunes and beach as public access to the site is currently unavailable;
- increased demand for local shops and services; and
- providing housing for Defence employees at Williamstown RAAF base.

There are positive benefits in strategically locating more residents within a short commute to major employment zones of Williamstown RAAF, Newcastle Airport, Port of Newcastle and Tomago Industrial zones, however there are a number of site-specific constraints that will need to be overcome for the future community.

The concept master plan proposes approximately 300 dwellings and associated infrastructure such as green space, roads and footpaths. The planning proposal would increase the opportunity for the local community and visitors to move within the site, appreciating both the site's heritage values and accessing the beach for the Fern Bay community.

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



Figure 10: Landscape Hierarchy (source: Architectus)

5.2 Environmental

The site is currently zoned E2 Environmental Conservation. The ecological assessment found low quality ecological communities to the south of the main cleared track (which was used as the shooting range) and a small pocket of land to the north of the main cleared track (Figure 11).

The proposed residential zone would generally include the area which has been assessed to be disturbed and low value ecological communities. This approach retains the E2 Environmental Conservation zoning in the high value ecological communities to the north.

The Stormwater Management Plan indicates that the proposal relies on diversion of run-off to large scale infiltration basins. There are limited details provided and it is unclear on the suitability of these sites, particularly from a geotechnical perspective. The use of water sensitive urban design features may be a more effective way of managing stormwater on the site and it is recommended a that further details are provided regarding stormwater management including the investigation of WSUD and consultation with OEH is undertaken to confirm the suitability of measures proposed.

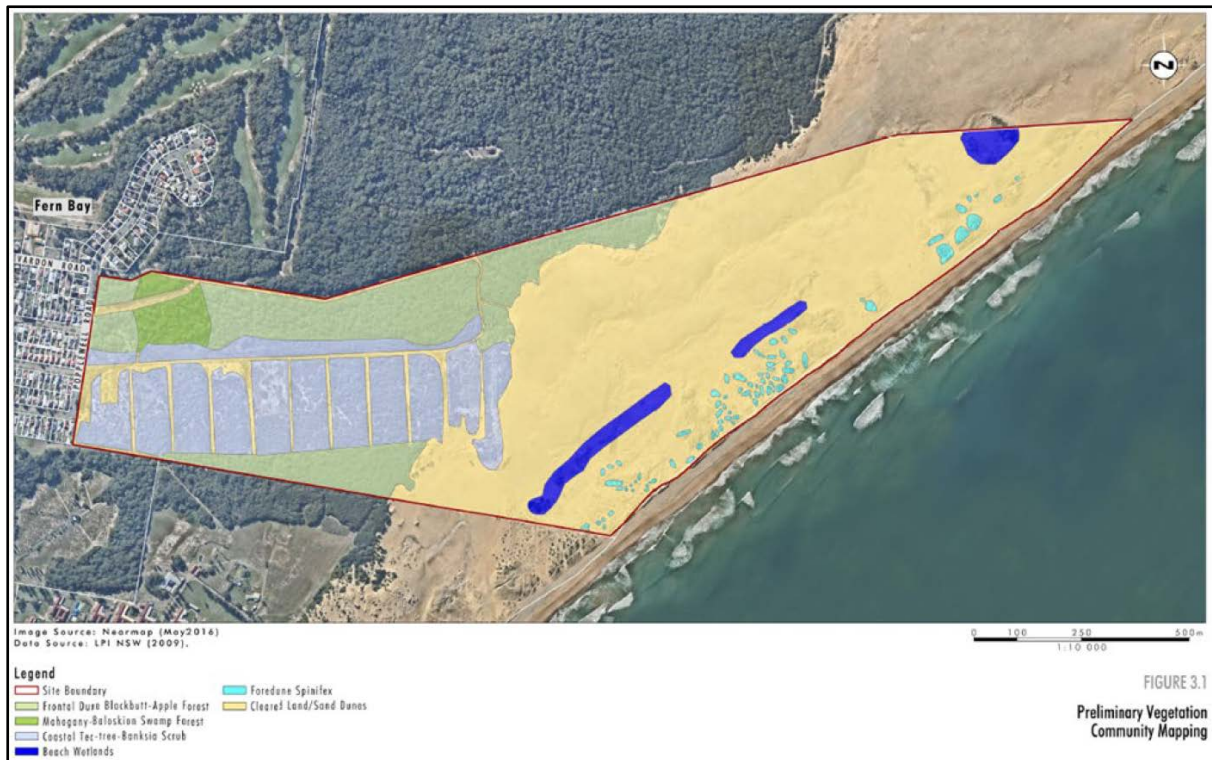


Figure 11: Preliminary Vegetation Community Mapping (source: Umwelt)

Changes to the coastal system to the east of the site have been investigated to assess the potential impacts of short and long term erosion, sea level rise, and ongoing recession. The assessment demonstrates three scenarios for erosion by 2100 and the impact of each scenario on the site, considering the concept master plan as an example of potential residential development on the site. All residential development in the concept master plan is located well landward of the 2100 'unlikely' hazard line.

Council considers that the area to be rezoned is already highly disturbed and the proposal seeks to retain areas that have high value, intact ecological communities. In addition, the proposed DCP includes controls that seek to minimise the environmental impacts on the neighbouring E2 zone.

5.3 Economic

The planning proposal will have a positive economic impact by supporting the function of the nearby Williamstown RAAF Base and the sustainability of the Defence Force in the region by delivering housing for Defence personnel. The site is currently vacant, unused and is inaccessible to the public. The planning proposal will provide additional housing that will support local businesses and the community facilities.

5.4 Infrastructure

Council advises that there is adequate infrastructure and services (water, sewer, gas, stormwater infrastructure and telecommunications infrastructure) to support the planning proposal.

The site is well located and seeks to utilise existing public transport infrastructure and road connections to the site. The Transport Study Report identified the external road network is capable of absorbing forecast traffic flows and trip generation, while remaining at a very good operational level of service.

The study found that with the site intended to provide housing for Defence members, trips north towards the Williamstown RAAF Base are expected to be higher than usual, with local traffic from the site expected to be split evenly between north and south bound trips. Council's draft Strategy also identified the need to investigate a bus stop within the site which should be investigated further.

Preliminary engagement has been undertaken with RMS to ensure that they are aware of the planning proposal, but further investigation of the appropriate mechanisms to fund the proposed upgrades need to be included in the proposal prior to exhibition. Consultation with RMS is also required in the Gateway determination.

6. CONSULTATION

6.1 Community

Council proposes to exhibit the planning proposal for 28 days. This is considered adequate.

6.2 Agencies

Consultation is required with the following Government agencies:

- Rural Fire Service (bushfire);
- Office of Environment and Heritage (biodiversity, koala habitat, national parks, coastal management, stormwater);
- Heritage Office (heritage);
- Department of Defence (airspace);
- Wornimi Local Aboriginal Land Council (heritage); and
- Roads and Maritime Service (traffic).

7. TIME FRAME

Council has proposed a six month time frame for completing the LEP. It is recommended the planning proposal be given an 18 month time frame given the agency consultation and likely community engagement with the proposal.

8. LOCAL PLAN-MAKING AUTHORITY

Council has sought authorisation to progress this planning proposal using plan-making delegation. Given the nature of the proposal, this can be supported. Council would still need to seek the Secretary's approval for the local plan-making Directions where consistency has not yet been determined.

9. CONCLUSION

It is considered that the planning proposal should proceed subject to the following conditions because:

- the proposal facilitates the reuse of a surplus Defence site that adjoins an existing residential area;
- the proposal makes use of existing infrastructure and is a well-considered extension of the existing settlement pattern; and

- the site is well located for residential use in terms of its proximity to Williamstown RAAF Base, employment areas and the transport network.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 4.1 Acid Sulfate Soils are minor or justified; and
2. note that the consistency with section 9.1 Directions 2.1 Environmental Protection Zones, 2.2 Coastal Management, 2.3 Heritage Conservation, 3.5 Development Near Regulated Airports and Defence Airfields and 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning and Public Spaces determine that the planning proposal should proceed subject to the following conditions:

1. Council is to update the planning proposal with the following information prior to exhibition:
 - map the site as an Urban Release Area on the Urban Release Area LEP map; and
 - provide further detail on the stormwater management measures proposed including analysis of geotechnical properties and consideration of water sensitive urban design measures for the site.
2. Development control plan (DCP) provisions for the site should be exhibited concurrently with the planning proposal.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the following public authorities:
 - Rural Fire Service;
 - Office of Environment and Heritage;
 - National Parks and Wildlife Services;
 - Heritage Office;
 - Department of Defence;
 - Wormiri Local Aboriginal Land Council; and
 - Roads and Maritime Service.

5. The time frame for completing the LEP is to be 18 months from the date of the Gateway determination.



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