

Telephone Inquiries
Ian Shillington
49800282
Integrated Planning
Please Quote File No:
PSC2006-0038

7 June 2010

The Director General
NSW Department of Planning
PO Box 1226
NEWCASTLE NSW 2300
Attention: Michael Leavey

Dear Michael

Planning Proposal – Development Near Defence and Air Transport Facility.

On 25 May 2010 Council resolved to prepare a Planning Proposal for Development Near Defence and Air Transport Facility.

Please find attached a planning proposal providing relevant justification for the draft LEP to be submitted to the Gateway for consideration under the Part 3 of the Environmental Planning and Assessment Act 1979. A copy of the draft LEP amendment, Draft Aircraft Noise Policy and draft amendment to the Port Stephens Development Control Plan are included as support documentation for the planning proposal. A copy of the Council report on this matter and relevant correspondence from the Department of Defence is also included for your information.

Yours faithfully

PETER MARLER
STRATEGIC PLANNING COORDINATOR
SUSTAINABLE PLANNING

Planning proposal – for Development Near Defence and Air Transport Facility.

Part 1 – Objectives or Intended Outcomes

At its meeting on 25 May 2010, Port Stephens Council resolved to prepare a planning proposal to comprehensively revise the provisions of *Port Stephens Local Environmental Plan 2000* relating to development near defence and air transport facilities.

The proposal intends to protect the role and function of the RAAF Base Williamstown/Newcastle Airport from inappropriate development and ensure aircraft noise impacts on the community are within acceptable limits. The proposal brings together a range of considerations relevant to development in the vicinity of defence and air transport facilities, such as public safety areas, obstacle height limits and aircraft noise.

The planning proposal is also supported by the following complementary documents:

- draft *Port Stephens Aircraft Noise Policy 2010*
- draft amendments to the *Port Stephens Development Control Plan 2007*.

A draft LEP amendment, along with the proposed Aircraft Noise Policy and draft DCP amendments, are included at Attachment 1. With regard to aircraft noise, site suitability for future development in terms of criteria under AS 2021-2000 and ANEF contours are a key consideration. However, this approach can have limitations when applied to military airports, due to the very high maximum sound levels - L(A)max - that can be produced by combat aircraft. In some locations, compliance with aircraft noise reduction levels specified by AS 2021-2000 may not be possible or practicable within ANEF contours that define 'acceptable' and 'conditionally acceptable' locations. This issue needs to be carefully addressed and it highlights the limitations of the current Section 117 Direction – 3.5 Development near Licensed Aerodromes when dealing with military aircraft. The planning proposal, in conjunction with Council's policy and DCP amendment, are intended to deal with this potential situation with respect to future planning and development proposals.

Part 2 – Explanation of Provisions

A draft LEP amendment to facilitate the planning proposal has been prepared and is at Attachment 1. An explanation of the provisions of the draft LEP are outlined below:

Aims of plan

This clause states what the plan aims to achieve. The plan aims to comprehensively revise the provisions of Port Stephens Local Environmental Plan 2000 relating to development near defence and air transport facilities (for example, RAAF Base Williamstown, Salt Ash Air Weapons Range and Newcastle Airport).

The proposed revision to the existing planning controls includes the following.

- A new clause will be inserted [clause 38A] containing specific provisions relating to public safety areas, obstacle height limits and aircraft noise.
- Changes will be made to the existing clause 26A relating to land within Zone SP1 Defence and Airport Related Employment Development Zone. This change is necessary to maintain consistency with the proposed clause 38A.

- Changes will be made to the existing clause 49A and Schedule 4 relating to 'complying development' standards for housing development. This change is necessary to maintain consistency with the proposed clause 38A.

Land to which plan applies

This clause identifies the land to which the plan applies. The plan applies to all land within the Port Stephens local government area.

Amendment of Port Stephens Local Environmental Plan 2000

This clause specifies how the draft plan will amend the *Port Stephens Local Environmental Plan 2000*, which is the legal plan for controlling development throughout the Port Stephens area. The specific amendments are set out in Schedule 1 and the proposed provisions are explained below:

Clause 26A

Development in the vicinity of RAAF Base Williamtown/Newcastle Airport

This is an existing clause that applies to land within Zone SP1 Defence and Airport Related Employment Development.

It is proposed to alter the title of this clause to more accurately reflect the application of the clause.

It is also proposed to remove from the clause requirements for development to comply with Australian Standard AS 2021-2000. All noise reduction requirements will instead be contained in the proposed clause 38A (see separate entry below).

When amended, clause 26A would read as follows (matter to be omitted is shown in red and ruled through, matter to be inserted is shown in blue).

26A ~~Development in the vicinity of RAAF Base Williamtown/Newcastle Airport~~ Development within Zone SP1 Defence and Airport Related Employment Development

- (1) This clause applies to land within Zone SP1 Defence and Airport Related Employment Development.
- (2) Despite any other provisions of this plan, consent to any development on land to which this clause applies must not be granted unless the consent authority is satisfied that:
 - (a) ~~it complies with the relevant provisions of Australian Standard AS 2021-2000, Acoustics--Aircraft noise intrusion--Building siting and construction as applicable, and~~
 - (b) it will not compromise the continued operation of RAAF Base Williamtown or Newcastle Airport, and
 - (c) the location and type of development supports a focused defence and airport related employment area.

Clause 38A

Development near defence and air transport facilities

This is a new clause that is proposed to be inserted in the Port Stephens LEP 2000. The clause brings together a range of considerations relevant to development in the vicinity of defence and air transport facilities, such as public safety areas, obstacle height limits and aircraft noise.

The clause is generally consistent with:

- section 117 Direction 3.5 *Development Near Licensed Aerodromes*

- proposed clause 23A of State Environmental Planning Policy (Infrastructure) 2007 (See '*Review of the Infrastructure SEPP Discussion Paper*, March 2010').

However, the proposed clause differs in the following respects.

- The proposed clause recognises that assessment of the level of aircraft noise exposure may need to consider preceding editions of noise exposure maps where such maps continue to be relevant.
- Provision is made for public safety areas, such as those relating to military ordnance.

The proposed clause is explained as follows.

(1) Objectives

Subclause (1) sets out the objectives of the clause, which generally relate to:

- supporting the role of the RAAF Base, Newcastle Airport and Weapons Range as facilities of national, State and regional significance.
- ensuring the operation of those facilities is not compromised by inappropriate development
- preventing increases in the number of people or dwellings affected by aircraft noise
- ensuring that development is located having regard to its sensitivity to aircraft noise
- requiring development exposed to significant aircraft noise to meet an acceptable level of indoor noise reduction.

(2) Public safety areas

Subclause (2) sets out arrangements relating to 'public safety areas'. These are defined in subclause (5) generally as land that the Department of Defence has notified to the consent authority as being subject to public safety requirements relating to military ordnance, or to risk of aircraft accidents at runway ends.

Under the proposed clause, the consent authority [normally Port Stephens Council] must refer any development application for land within a public safety area to the Department of Defence, and must take into consideration any comments made within 28 days.

The proposed provision formalises existing arrangements. See Council policy 'Development within the Explosives Safety Zone' (available at www.portstephens.nsw.gov.au/council/1080/1159.html). It is proposed to include provisions within the *Port Stephens Development Control Plan 2007* to replace that policy.

A map showing the Explosives Safety Zone area is shown in **Appendix 1** to this document.

(3) Obstacle height limits

Subclause (3) sets out requirements relating to 'obstacle height limits'. These are defined in subclause (5) generally as height limits that the Department of Defence has notified to the consent authority as being necessary for the safe operation of RAAF Base Williamtown, Newcastle Airport or the Salt Ash Air Weapons Range.

An obstacle height limit takes the form of an imaginary three dimensional surface that defines the lower limit of operational airspace. For safety reasons, buildings and structures should not intrude above that limit.

Under the proposed clause, development consent cannot be given to a proposed building if its height would exceed any obstacle height limit.

There is currently a proposed obstacle height limit for RAAF Base Williamstown. If adopted by the Department of Defence, this would be formally declared as an 'obstacle clearance surface' under the *Defence (Areas Control) Regulation 1989*.

(4) Development in areas subject to aircraft noise

Subclause (4) sets out requirements for development within the 'aircraft noise planning area'. This area is defined in subclause (5) generally as all land shown on '**relevant ANEF maps**' as having an ANEF level of 20 or greater, as well as the remainder of any lot that is partly affected by that ANEF level. Thus, a lot cannot be partly within the aircraft noise planning area—it is either entirely inside or outside that area. (The attached policy provides the rationale for the proposed "aircraft noise planning area" based on relevant ANEF maps).

Australian Noise Exposure Forecast (ANEF) is a measure of predicted aircraft noise exposure that takes into account a wide variety of factors, such as aircraft mix, noise levels, frequency of aircraft movements, time of day and other factors. These forecasts are shown on ANEF maps.

A map showing the proposed aircraft noise planning area is shown in **Appendix 2** to this document.

The aircraft noise planning area defines the area that is subject to aircraft noise related development controls. It does not define the area that is subject to aircraft noise. Significant areas of land within the Port Stephens area are subject to some level of aircraft noise. However, the level of aircraft noise exposure within the aircraft noise planning area is considered sufficiently adverse to warrant controls under AUS 2021-2000 on development, such as by:

- preventing intensification of development that would significantly increase the number of people affected by aircraft noise
- excluding noise-sensitive activities in locations where the level of aircraft noise exposure would be unacceptable (even with the best noise reduction measures)
- requiring noise reduction measures (such as acoustic insulation and special windows) in locations where such measures can achieve acceptable outcomes.

Under the proposed clause, where a development application is received for land within the aircraft noise planning area, the consent authority [normally Port Stephens Council] must consider the following matters before it grants development consent.

- The consent authority must consider whether the proposal would increase the number of dwellings or people affected by aircraft noise. Because of the proposed objective in subclause (1) 'to prevent a significant cumulative increase in the number of people or dwellings affected by aircraft noise', there is a presumption against any substantial intensification of residential accommodation within the aircraft noise planning area.
- The consent authority must consider the acceptability of the development under the Building Site Acceptability Table in Australian Standard AS 2021-2000. This Table sets out whether different types of development are 'acceptable', 'conditionally acceptable' or 'unacceptable' according to the

level of aircraft noise exposure at the site. A copy of the Table is included in **Appendix 3** to this document.

- The consent authority must be satisfied that the level of indoor noise reduction achieved is acceptable, as specified by section 3.2 of Australian Standard AS 2021—2000, which is a nationally-recognised standard for buildings in locations affected by aircraft noise.

Part 3 – Justification

Section A – Need for the planning proposal.

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

The need to review the planning provisions has been prompted largely by the phased replacement of existing Hawk and Hornet military aircraft by the Joint Strike Fighter after 2018. Differences between these aircraft and changes to flight patterns will result in significant variations in the level and incidence of aircraft noise across the Port Stephens area.

The Department of Defence has prepared a draft Public Environment Report that assesses the impact of the Joint Strike Fighter on the environment. This included an assessment of the anticipated frequency and maximum aircraft noise levels associated with the Joint Strike Fighter within the vicinity of the RAAF Base Williamtown or Newcastle Airport. In October 2009, the Department of Defence released ANEF 2025 maps which changed the future impact from aircraft noise of areas of Port Stephens as a result of the introduction of the Joint Strike Fighter. The Department has also provided Council with additional information in relation to the predicted impact of future aircraft noise on various “hotspots.”

More recently the DOD have notified Council of an ANEC 2025 which is proposed to replace the existing ANEF 2025.

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

The planning proposal is considered to be the best way of achieving the objectives. The proposal is to be implemented in conjunction with the introduction of a Council policy and amendment to the Port Stephens DCP 2007. The planning proposal provides the legal mechanism to identify the “aircraft noise planning area” and development standards.

Is there a net community benefit?

The proposal aims to provide the following community benefits:

- a) to support the role of RAAF Base Williamtown and the Salt Ash Air Weapons Range as defence facilities of national significance, and
- b) to support the role of Newcastle Airport as a competitive air transport facility of State and regional significance, and
- c) to ensure the effective and continued operation of those facilities is not compromised by inappropriate development, and
- d) to prevent a significant cumulative increase in the number of people or dwellings affected by aircraft noise, and
- e) to ensure that development is located having regard to its sensitivity to aircraft noise, and
- f) to ensure that aircraft noise impacts on the community are within acceptable limits.

Section B – Relationship to strategic planning framework.

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

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy identifies town centres such as Raymond Terrace and Medowie as having potential for both infill and greenfield urban development. The Strategy recognises that the potential impact of aircraft noise must be considered for future release areas such as Kings Hill.

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

The Port Stephens Community Settlement and Infrastructure Strategy identifies aircraft noise as a key potential constraint on future planning and development in Port Stephens. The proposal is consistent with the Strategy.

Is the planning proposal consistent with the applicable LEP and Section 117 Ministerial Directions?

Port Stephens LEP 2000

The planning proposal intends to amend the Port Stephens LEP 2000 to allow for a consistent analysis of issues where future planning proposals and development are affected or potentially affected by aircraft noise.

Direction 3.5 Development near Licensed Aerodromes

Section 117 Direction 3.5, 'Development near Licensed Aerodromes' (dated 1 July 2009) applies to any planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

The objectives of this direction are:

- to ensure the effective and safe operation of aerodromes, and
- to ensure 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 or human occupation, if situated on land within the Australian Noise Exposure Forecast (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 is considered to be consistent and provides additional guidance in the application of this Direction.

Section C – Environmental, social and economic impact

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

No.

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

The proposal seeks to protect existing and future residents from aircraft noise. The proposal also seeks to provide protection from inappropriate development in the vicinity of RAAF Base Williamtown/Newcastle Airport which may adversely impact on public health and safety.

The proposal proposes to deal with environmental effects through designation of 'public safety areas', reference to obstacle limitation surface maps and reference to the Building Site Acceptability Table in Australian Standard AS 2021-2000 *Acoustics—Aircraft noise intrusion—Building siting and construction*.

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

The planning proposal will have positive social and economic impacts through the protection of the RAAF Base Williamtown/Newcastle Airport from inappropriate development. The proposal's measures to deal with public safety and aircraft noise will have benefits for both residents and visitors to Port Stephens. These benefits are considered to override private economic impacts that may arise from modified development potential for some land and the additional requirements on future development to deal with acoustic impacts.

Section D – State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

The Department of Defence has promulgated to 2025 an ANEF map which is being used to assess the impact of aircraft noise and potential aircraft noise on particular properties in the Port Stephens LGA. In addition Council is required to have regard for the noise impact from the Hawk and Hornet under the 2012 ANEF.

There is currently no obstacle height limit map for the RAAF Base Williamtown/Newcastle Airport, however the proposal has been prepared in the event that such a map will be prepared.

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

The views of the Department of Defence have been obtained in relation to the proposal. Further consultation with Defence will be undertaken during exhibition.

Part 4 – Community Consultation

The proposal is proposed to be exhibited to obtain comments from the community and public authorities including the Department of Defence. The draft Council Policy and draft DCP provisions will also be publicly exhibited.

Conclusion

The proposal intends to protect the role and function of the RAAF Base Williamtown/Newcastle Airport from inappropriate development, while ensuring that the interests of the community are adequately protected. The proposal brings together a range of considerations relevant to development in the vicinity of defence and air transport facilities, such as public safety areas, obstacle height limits and aircraft noise.

NOTICE OF COMMITTEE MEETING

25 MAY 2010

5.30pm

Port Stephens

C·O·U·N·C·I·L

... a community partnership

The following Councillors attendance is respectfully requested:-

Councillors: Councillors MacKenzie (Mayor); R. Westbury, (Deputy Mayor); G. Dingle; S. Dover, G. Francis; K. Jordan; P. Kafer; J. Nell; S. O'Brien; S. Tucker; F. Ward.

CHAIR: Councillor Ken Jordan

SCHEDULE OF MEETINGS

TIME	ITEM	VENUE
5.30pm	Public Access (if applied for)	Council Chambers
followed by	Council Committee	Committee Rooms
followed by	Ordinary Meeting	Council Chambers

Please Note:

In accordance with the NSW Privacy and Personal Information Protection Act, you are advised that all documentation and all discussion held during the Open section of the Committee meeting will be considered public information. This will include any discussion involving a Councillor, Staff member or a member of the public. Please advise the Executive Officer or the General Manager prior to the meeting should you have a concern in this regard.

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BUSINESS

- 1) Apologies
- 2) Confirmation of Minutes Ordinary Meeting of 11 May 2010.
- 3) Declaration of Interest
- 4) Motions to close meeting to the public
- 5) Council Committee Reports
- 6) Council Committee Information Papers
- 7) Confidential Items

COUNCIL'S CHARTER

Port Stephens Council is a local authority constituted under the Local Government Act 1993. The Act includes a Charter for all Councils in NSW. The Charter is a set of principles that are a guide to councils in carrying out their functions. A council may add other principles not inconsistent with those in the Act.

Council's Charter is:-

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of cultural diversity;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development ;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it the wider community) informed about its activities;
- to ensure that in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected; and
- to be a responsible employer.

MEETING PROCEDURES – SUMMARY SHEET

Starting time – All meeting must commence within 30 minutes of the advertised time

Quorum – A quorum at Port Stephens Council is 7.

Declarations of Interest – See Over for more detail

Pecuniary – Councillors who have a pecuniary interest must declare the interest, not participate in the debate and leave the meeting.

Non-Pecuniary – Councillors are required to indicate if they will be participating in the debate and voting on the decision – Councillors may stay in the meeting i.e. optional to leave.

Confirm the Minutes – Councillors are able to raise any matter concerning the Minutes prior to confirmation of the Minutes.

Public Access – Each speaker has five (5) minutes to address Council with no more than two (2) for and two (2) against the subject.

Motions and Amendments

Moving Recommendations – If a Committee recommendation is being moved, ie has been to a Committee first, then the **motion must be moved and seconded at Council prior to debate proceeding. A councillor may move an alternate motion to the recommendation.**

Amendments – A councillor may move an amendment to any motion however only one amendment or motion can be before Council at any one time, if carried it becomes the motion.

Seconding Amendments – When moving an amendment, it must be seconded or it lapses.

Incorporating Amendments – If a motion has been moved and the mover and seconder agree with something which is being moved as an amendment by others, they may elect to incorporate it into their motion or amendment as the case may be.

Voting Order – When voting on a matter the order is as follows:-

1. Amendment (If any)
2. Foreshadowed Amendments – (If any, and in order that they were moved)
3. Motion

NB – Where an amendment is carried, there must be another vote on the Amendment becoming the motion.

Voting – an item is passed where a majority vote for the subject. If the voting is tied the Chairperson has a second (Casting) vote which is used to break the deadlock.

Closed Session – There must be a motion to close a meeting. Prior to voting on the motion the chairperson must invite the gallery to make representations if they believe the meeting shouldn't be closed. Then Councillors vote on the matter. If adopted the gallery should then be cleared and the matter considered in closed session. Any decision taken in session closed is a Recommendation. There must be a motion to reopen the Council meeting to the public. If a decision occurred in Closed Session, the meeting is advised of the Recommendation in Open session, then there must be a motion to adopt the recommendation.

Procedural Motion – Is a motion necessary for the conduct of the meeting, it is voted on without debate. e.g. defer an item to the end of the meeting (however, to defer an item to another meeting is not a procedural motion), extend the time for a Councillor to speak etc.

Points of Order – when any of the following are occurring or have occurred a councillor can rise on a “Point of Order”, the breach is explained to the Chairperson who rules on the matter.

A Point of Order can be raised where:-

1. There has been any non compliance with procedure, eg motion not seconded etc.
2. A Councillor commits an act of disorder:
 - a) Contravenes the Act, any Regulation in force under the Act, the Code of Conduct or this Code
 - b) Assaults or threatens to assault another Councillor or person present at the meeting
 - c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or address or attempts to address the Council or Committee on such a motion, amendment or matter
 - d) Insults or makes personal reflections on or imputes improper motives to any other Councillor, any staff member or any person present at the meeting
 - e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt
 - f) Reads at length from any correspondence, report or other document, without the leave of the Council
 - g) Discusses, moves or attempts to move a motion or amendment with respect to the Confirmation or Minutes, which does not relate to their accuracy as a true record of the proceedings.

Declarations of Conflict of Interest – Definitions

Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in Clause 7 of the Code of Conduct.

Non Pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

Making a Declaration of Interest

At the start of the meeting when declaring an interest at the meeting, Councillors:-

1. Identify the Item to which the declaration relates
2. Provide completed Declaration of Interest form to the Chairperson
3. Declare the nature of the interest eg *Live next door to the application*
4. Declare the type of the interest eg *Pecuniary interest or Non Pecuniary*
5. Action to be taken eg. *Pecuniary interest (must leave the room), Non Pecuniary (whether will discuss, vote, or leave the room)*

Finish of Meetings

1. If disorder occurs the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair.
2. No discussion allowed on any motion for adjournment of the Council. If negatived, no similar motion for adjournment until half an hour again has elapsed.
3. A motion to extend the time of any meeting beyond the time of 9:00pm is required.



DECLARATION OF INTEREST

Item No. in agenda _____

Brief Description of Item _____

Councillor _____ declared a * pecuniary interest
significant non pecuniary
non- pecuniary
conflict of interest
(*circle type of interest)

in this item. The nature of the interest was _____

Councillor _____ left the Chamber at and
thereby did not take part in the discussion or voting on the Item.

Time Councillor retired from the Chamber _____.

Councillor _____ returned to the Chamber and resumed
his/her usual place at the meeting.

Time Councillor returned to the Chamber _____.

COUNCIL COMMITTEE REPORTS



ITEM NO. 1

FILE NO: PSC2006-0038

AIRCRAFT NOISE

REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Aircraft Noise Policy, draft planning proposal and draft amendment to Port Stephens Development Control Plan 2007 for public exhibition for a minimum of 28 days;
 - 2) Resolve to forward the planning proposal to the NSW Department of Planning which:
 - a) addresses the provisions for aircraft noise management in Port Stephens, and
 - b) amends Clause 26(a) of the Local Environmental Plan for the Defence and Airport Related Employment Zone land adjacent to Newcastle Airport, and
 - 3) Endorse the draft amendment to the Port Stephens Development Control Plan (Attachment 3) to be applied as Council policy in the interim period pending resubmission of that draft amendment to Council following public exhibition.
-

BACKGROUND

On Monday 17 May 2010, the Department of Defence announced the downscaling of planned use by the Joint Strike Fighter of the Salt Ash Weapons Range. Consequently, the “footprint” of noise impacts has been reduced and, it is understood, this will benefit landowners and residents at Oyster Cove, Salt Ash, Swan Bay and Medowie East. The revised aircraft noise maps will be provided to Council on 21 May 2010.

The purpose of this report is to present a revised policy approach to land use planning in areas affected by aircraft noise for consideration and public exhibition.

This report follows a previous report to Council in December 2009. The purpose of that report was primarily to advise Council of the adoption of a new Australian Noise Exposure Forecast (ANEF) map for the introduction of the Joint Strike Fighter; the implications of that map for planning and development in Port Stephens LGA and recommended actions in response to the new ANEF map and draft Public Environment Report (PER) for the Operation of the Joint Strike Fighter Aircraft at RAAF Base Williamtown (Department of Defence October 2009).

The Commonwealth Government is planning to purchase just over 100 of the Joint Strike Fighters – 60 of which will be fully operational at Williamtown by 2025 with operations commencing in 2018. It is understood that the Hornet aircraft will be progressively reduced in operation and potentially phased out over the period 2018-2025.

In October 2009, at a meeting of the Williamtown Community Forum, the representatives of the Department of Defence and the RAAF announced the intent to promulgate new noise mapping for Port Stephens Local Government Area as a whole and not just for Kings Hill which was the subject of the North Raymond Terrace Working Party. The promulgation of these maps for areas outside Kings Hill was not previously foreshadowed, and neither was Council consulted about this previously.

The North Raymond Terrace Working Party was established in late 2007 by the then Commonwealth Minister for Defence, Joel Fitzgibbon and the then NSW Minister for Planning, Frank Sartor. The Lower Hunter Regional Strategy refers to the release of Kings Hill as being subject to aircraft noise considerations. The setting up of the Working Party responded to emphatic objections from the Department of Defence about the proposed release of Kings Hill. Council representation on the Working Party was by the previous Mayor, Cr Ron Swan, then Councillor Helen Brown, Group Manager, Sustainable Planning and the Manager, Integrated Planning. The Working Party that comprised representatives of the NSW Department of Planning, the Commonwealth Department of Defence, the RAAF and Council all had to sign confidential agreements initiated by the Department of Defence.

There were major gaps in the promulgation of the ANEF 2025 maps by the Deputy Chief of Staff of the RAAF and in terms of the related communication and announcements by the Department of Defence and RAAF:

Research was not completed about the actual impacts that were newly created or where impacts under ANEF 2012 mapping had now worsened. The adequate research about the effects on the ground as projected from Joint Strike Fighter operations is still not complete. This is essential to any soundly-based policy being recommended to Council and should have been more advanced before promulgation of the maps by the RAAF;

The limited communication by the Department of Defence of the new mapping and the draft Public Environmental Report to the residents and property owners of Port Stephens – with very limited exhibition and presentations in the area in October 2009. The superseding of the ANEF 2012 map – thereby negating any formal planning basis from the Department of Defence for managing the continued noise impact of the Hawk and Hornet aircraft.

Council's historical practice – as reaffirmed in DCP 2007 – has been to apply the Australian Standard 2021. This is soundly based as this is the approach of other Councils in NSW that manage aircraft noise issues and reflects expectations of the Department of Defence and the NSW Department of Planning.

The key issues raised are:

The new areas affected and the areas where impacts are worsened by the ANEF mapping for the Joint Strike Fighter compared to the previous ANEF mapping for the Hawk and Hornet.

Advice from the Department of Defence that the ANEF 2025 mapping (for the Joint Strike Fighter) supersedes the noise mapping for the Hawk and Hornet. Management of the continuing impact of the Hawk and Hornet up to 2025 was raised immediately by Council. It was not until the Department of Defence confirmed in April 2010 a composite map of Hawk, Hornet and Joint Strike Fighter noise impacts that the overall "noise planning map" became clarified.

The question of natural justice for property owners newly affected or who have worsened effects – given impacts on property values, health, comfort of living etc.

The legal exposure of Council if it had not immediately acted on the promulgated the aircraft noise mapping and sought to make consistent decisions and provide consistent advice in accordance with ANEF 2025 mapping.

Approximately 3,500 letters were distributed to property owners in Port Stephens on 16 April 2010 after the composite map (noise mapping for the combined impacts of the Hawk, Hornet and Joint Strike Fighter) was confirmed on 1 April 2010 and the content of the letter was subject of consultation with the Department of Defence before dispatch.

It is proposed to take into account all of the above matters and prepare a suitable policy response, including a general policy position, amendments to the Port Stephens Local Environmental Plan 2000 and the Port Stephens Development Control Plan 2000. Principles that should underpin Council's policy on aircraft noise are:

protecting the health, well being and comfort of living of residents and property owners – current and future;

consistency of implementation of the policy which is crucial to the policy's integrity, equity to land owners and applicants affected - and potentially, in terms of ability to defend any future legal proceedings.

Strong consideration of natural justice – that is to give land owners newly affected or more adversely affected particular consideration in terms of applying the "best practice means" to achieve the noise reduction rather than necessarily strictly meeting the Australian Standard.

Managing Council's legal and policy responsibilities as a Planning Authority under State legislation and the Australian Standard

FINANCIAL/RESOURCE IMPLICATIONS

As stated in Council's previous report to Council in December 2009, there are considerable financial implications for those landowners seeking to develop land in areas affected by aircraft noise under new 2025 ANEF. It should be noted that the financial impact of aircraft noise is not new in Port Stephens LGA and there has been ongoing impact under 2012 ANEF. The impact of 2025 ANEF is that the impact

footprint and degree of impact has significantly increased or altered from the previous 2012 ANEF map.

The main financial implications for landowners affected by aircraft noise are the deprivation of development entitlement and the cost of attenuating new buildings to meet the indoor sound design levels set down by Australian Standard 2021-2000. Indications are it can cost up to approximately \$40 000 (note: there has been wide variation in estimated cost impacts). Standardised 'deemed to comply' measures for noise attenuation for dwellings in new residential subdivisions are proposed for noise to help address this issue. This measure will save applicants the cost of undertaking subsequent acoustic reports when a development application is lodged.

LEGAL, POLICY AND RISK IMPLICATIONS

Legal

Legal opinion has been provided in the preparation of the recommended noise planning framework and is reflected in Attachment 6 to this report.

Impact of the proposed Policy and related LEP and DCP amendments

The Court of Appeal decision makes it clear that Council should have applied AS2120-2000, and the ANEF 2002 map, when it considered and determined the Swan Bay development application. Council owed the developers and prospective landowners a duty of care when it exercised its statutory functions as consent authority under the EP&A Act, and it breached that duty because of an essential misunderstanding that the extent to which the Swan Bay site was affected by aircraft noise in 1993 was different to the predicted noise impacts for the period from 1993 to 2002 by ANEF 2002.

The recommended Policy, and the related amendments to the LEP and DCP, address the risk that Council might be similarly negligent in the future by ensuring that AS2021-2000 (with ANEF 2012 and ANEF 2025) is the primary policy basis and set of development standards by which aircraft noise impacts are considered, and does so in a manner that is consistent with directions issued pursuant to s.117 of the EP&A Act.

Some land owners will be aggrieved by the proposed policy, and the related amendments to the LEP and DCP, as the requirement to comply with AS2021-2000 will result in certain types of development as being unacceptable or only acceptable where potentially expensive noise attenuation measures are implemented.

Implementing less robust approaches than the recommended Policy, and the related amendments to the LEP and DCP, may leave Council exposed to further negligence claims. Whilst Council had the benefit of an indemnity from Statewide Mutual for the Fisherman's Village proceedings, it is unlikely that similar indemnities

would be available to Council where Council knowingly pursues a policy that results in further negligence claims.

General Policy Position

It is proposed to consider the adoption of a revised policy position on land use decision making on aircraft noise to underpin decision making for rezoning and development applications. As stated, the principles that should underpin the policy are:

protecting the health, well being and comfort of living of residents and property owners – current and future;

consistency of implementation of the policy which is crucial to the policy's integrity, equity to land owners and applicants affected - and potentially, in terms of ability to defend any future legal proceedings.

Strong consideration of natural justice – that is to give land owners newly affected or more adversely affected particular consideration in terms of applying the “best practice means” to achieve the noise reduction rather than necessarily strictly meeting the Australian Standard.

In all of this, the positive co-existence of Council, the RAAF and the Port Stephens community is paramount. The Joint Strike Fighter will lead to an increase of \$500M investment with consequent job increases above the current 3,000 employees and wider positive economic multiplier effects.

In considering a policy, it needs to be noted that there are legal matters that should be adhered to reduce legal exposure to Council. These include consistency with AS 2021-2000 and the ANEF mapping system, and the relevant State Planning Direction 3.5 Development Near Licensed Aerodromes. This method is the recognised framework for planning in areas affected by aircraft noise on a national and State level.

The proposed policy is at Attachment 1.

The planning policy is not a stand-alone document and is part of a ‘package’ that also includes proposed amendments to the Port Stephens Local Environmental Plan 2000 and Port Stephens Development Control Plan 2000.

Port Stephens Local Environmental Plan 2000 (LEP 2000)

It is proposed to introduce into LEP 2000 a clause to deal with aircraft noise in a general and consistent manner, whenever land is mapped as affected by aircraft noise. Introducing such a clause to LEP 2000 will avoid sole reliance on the DCP to control development, and will implement NSW State Planning Direction 3.5 Development Near Licensed Aerodromes.

The LEP 2000 currently contains no provision for addressing aircraft noise, with the exception of a specific provision relating to development within the DAREZ zone at Williamstown.

Compliance with Planning Direction 3.5 is compulsory under section 117 of the Environmental Planning and Assessment Act 1979, and must be complied with in the preparation of Planning Proposals. The Direction implements the ANEF and AS2021-2000 system into a Council's LEP. The matter has to be addressed now, rather than wait for the comprehensive review of LEP 2000.

The planning proposal aims to comprehensively revise the provisions of LEP 2000 relating to development near RAAF Base Williamstown and the Salt Ash Air Weapons Range. The need to review the planning provisions has been prompted largely by the phased replacement of Hawk and Hornet military aircraft by the Joint Strike Fighter from 2018 and the associated changes to flight patterns and variation in the level and incidence of aircraft noise across the Port Stephens LGA. It has also been prompted by relatively recent planning proposals to rezone land that is likely to be impacted by future aircraft noise.

The proposed revision to the LEP 2000 includes:

- A new clause, clause 38A, containing specific provisions relating to public safety areas, obstacle height limits and general provisions for aircraft noise affected areas;
- Changes to the existing clause 26A, relating to land within Zone SP1 Defence and Airport Related Employment Development Zone (DAREZ), to maintain consistency with the above; and
- Changes to clause 49A and schedule 4 relating to complying development standards for housing development (this change is necessary to maintain consistency with the proposed clause 38A).

The planning proposal has been prepared to deliberately provide Council greater discretion, particularly for single dwellings on pre-existing allotments between the 25-30 ANEF contours and to acknowledge the Defence and Airport Related Employment (DAREZ), Newcastle Airport Limited (NAL) development areas and Defence land.

Further detail on development control will be provided through proposed amendments to the Port Stephens Development Control Plan 2007.

Port Stephens Development Control Plan 2007 (DCP 2007)

Council's current planning approach to dealing with aircraft noise is primarily through DCP 2007. The approach undertaken in the DCP is based on AS 2021-2000 and an accompanying ANEF map.

It is proposed to amend the DCP to:

- Address aircraft noise in a stand-alone DCP chapter;
- Refer to the new Aircraft Noise Planning Area Map that takes into account the continued operation of the Hawk and Hornet and the transition to the Joint Strike Fighter;
- Introduce controls that deliberately allow consideration of development in the DAREZ and NAL areas, regardless of 'acceptability';
- Identify circumstances when development will be considered as 'infill' development regardless of 'acceptability' under AS 2021-2000. Particular reference is made towards permitting single dwellings between the 25-30 ANEF contour;
- Require development applications for residential subdivision to provide an acoustic report that will provide 'deemed to satisfy' construction requirements for all subsequent dwellings;
- Introduce a set of 'deemed to satisfy' construction requirements to achieve practicable noise reduction targets for 'infill' development only; and
- Introduce practicable noise reduction targets to the DCP of 35dB(A) for sleeping areas and 30dB(A) for other habitable spaces;

It should be noted that the proposed amendments to the DCP:

- Will maintain that an acoustic report is required for single dwellings on existing allotments;
- Will not recommend approval of a single dwelling above the 30 ANEF contour;
- Will maintain that subdivision of land is 'unacceptable' above the 25 ANEF contour. The intent is to prevent the intensification of residential development and population on land that is substantially affected by aircraft noise; and
- Will maintain the indoor sound design levels set down by AS 2021-2000:
 - Sleeping areas only 50dB(A)
 - Other habitable spaces 55dB(A)
 - Bathrooms, toilets, laundries 60dB(A);

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Draft Public Environment Report

In October 2009 the Department of Defence released a Draft Public Environment Report for the Operation of the JSF Aircraft at RAAF Base Williamstown that sought to address the sustainability implications of introducing the Joint Strike Fighter. It is a precursor to the preparation of a formal Environmental Impact Statement or Public Environment Report that would be directed by the Federal Minister for the Environment, Water, Heritage and the Arts under the Environmental Protection and Biodiversity Conservation Act 1999.

There are social, economic and environmental implications if Council adopts the proposed policy, planning proposal and amends DCP 2007. The general implications are primarily the same as those that already exist for ANEF 2012, because Council already applies development controls for aircraft noise in these areas. The difference is that the noise 'footprint' has increased with the introduction of ANEF 2025.

The following table, modified from page 109 of the draft Public Environment Report and included in the report to Council in December 2009, summarises the number of lots impacted by the ANEF 2025 map and the ANEF contour in which they are located:

Noise contour	Number of lots affected
20-25	1937
25-30	1224
30-35	229
35-40	42
40-45	24
45-50	5
50-55	10
55-60	2
Total	3473

2025 ANEF has been promulgated or 'adopted' by the Department of Defence and Council has a legal obligation to consider the matter in making land use decisions. The promulgation of 2025 ANEF did not rely on the finalisation of the Draft Public Environment Report.

CONSULTATION

Planning Policy, Planning Proposal and DCP Amendments

If Council resolves to support the planning proposal it will be forwarded to the NSW Department of Planning LEP Review Panel for a 'gateway' determination. It will be recommended to the Department that the proposal be placed on public exhibition for a minimum period of 28 days, and would be referred to the range of government authorities for comment, including the Department of Defence.

The planning proposal will be exhibited as part of a 'package' including the proposed policy and the DCP.

Notification of 2025 ANEF to Landowners

Approximately 3,500 letters were distributed to property owners in Port Stephens on 16 April 2010 after the composite map (noise mapping for the combined impacts of the Hawk, Hornet and Joint Strike Fighter) was confirmed on 1 April and the content of the letter was subject of consultation with the Department of Defence before dispatch. Council was not under any legal obligation to send the letters to landowners. The Department of Defence did not notify individual landowners that their land was impacted by the introduction of the 2025 ANEF map.

OPTIONS

- 1) Adopt the recommendation of this report
- 2) Adopt the recommendations of this report with amendments
- 3) Not adopt the recommendations of this report

ATTACHMENTS

- 1) Planning Policy
- 2) Planning Proposal
- 3) Development Control Plan 2007
- 4) Aircraft Noise Planning Area Map
- 5) 2025 ANEF Map
- 6) Legal Advice Harris Wheeler

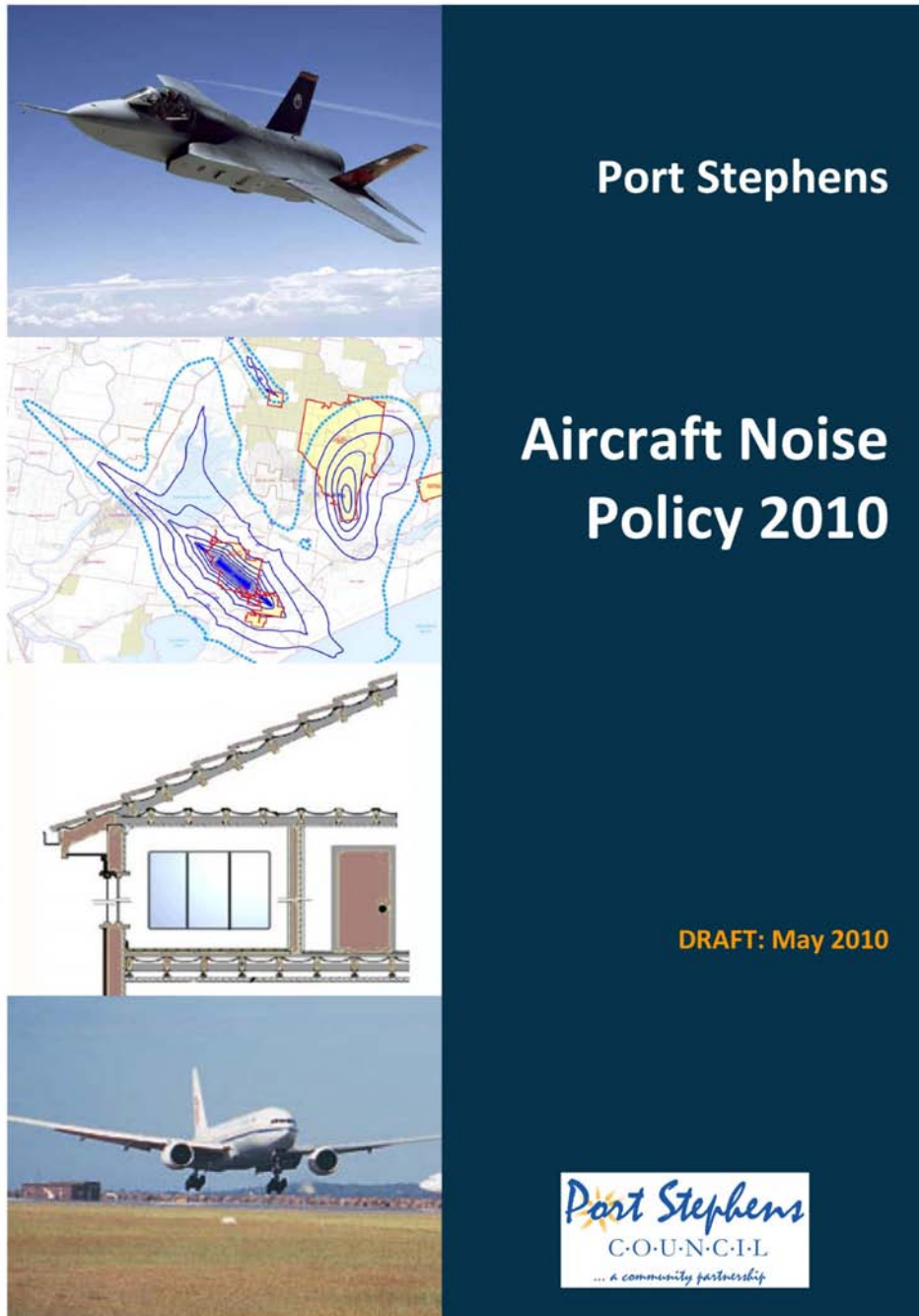
COUNCILLORS ROOM

- 1) Planning Policy
- 2) Planning Proposal
- 3) Development Control Plan 2007
- 4) Aircraft Noise Planning Area Map
- 5) 2025 ANEF Map

TABLED DOCUMENTS

Nil.

ATTACHMENT 1
PLANNING POLICY



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Summary

The Policy provides a framework for planning decisions and other Council programs relating to aircraft noise. It sets out principles that are to guide planning proposals, development assessment, provision of aircraft noise information and efforts to initiate aircraft noise amelioration programs.

The Policy aims to:

- recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the national, State, regional and local levels
- protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise
- to ensure that aircraft noise impacts on the community are within acceptable limits
- allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable
- ensure that planning and information management functions are exercised with a reasonable standard of care and diligence
- facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions
- to promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

An aircraft noise planning area is defined based on Australian Noise Exposure Forecast (ANEF) maps. Within this area, the Policy establishes principles based on relevant State planning directions, Australian Standards and current best practice aircraft noise amelioration programs. Whilst the Policy seeks consistency with these general principles, it also provides guidance for the application of discretion. This allows decisions to respond to local circumstances and the merits of each case.

Detailed aircraft noise related development controls based on the Policy are set out in Chapter B15 of the *Port Stephens Development Control Plan 2007*. These controls adopt the Building Site Acceptability principles outlined in AS 2021—2000, but provide more definitive guidance regarding discretionary matters under that Standard.

Part 1: About this Policy

1.1 Purpose

The purpose of this Policy is to guide Port Stephens Council when exercising its planning and other functions as they relate to aircraft noise.

The Policy relates specifically to the following Council functions:

- planning proposals
- development assessment
- information management.

The Policy provides a framework for decision making that is generally consistent with national standards and State planning policies and directions, whilst also responding to local needs and expectations.

1.2 Principal aims

The Policy has the following aims:

- to recognise the fundamental significance of RAAF Base Williamtown, Newcastle Airport and Salt Ash Air Weapons Range at the local, national, State and regional levels—not only in terms of defence and air transport, but as a key generator of economic activity
- to protect the long-term operation of those facilities by preventing encroachment of incompatible activities that are sensitive to aircraft noise
- to ensure that aircraft noise impacts on the community are within acceptable limits
- to allow a merit-based framework that is responsive to local expectations, weighs up potential costs and benefits to the community, and promotes approaches that are cost-effective, equitable and affordable
- to ensure that planning and information management functions are exercised with a reasonable standard of care and diligence
- to facilitate the provision of information to the public about aircraft noise that is accurate and meaningful, and that enables people to make appropriate decisions
- to promote a cooperative framework in which all interested stakeholders can contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

1.3 Contents of this Policy

Port Stephens
C·O·U·N·C·I·L
...a community partnership

The Policy is divided into 6 Parts.

- **Part 1 About this Policy** - outlines the Policy's purpose, principal aims, and its relationship to other policies and plans.
- **Part 2 Policy context** - explains why the Policy is necessary, introduces important noise concepts, defines the area within which the Policy should be applied, outlines essential planning criteria and identifies the policy tools that will be used to implement the Policy.
- **Part 3 Planning proposals** - outlines principles for the preparation of planning proposals, such as those relating to the rezoning of land. These principles are essentially concerned with preventing future encroachment of development into areas where it would be incompatible with existing and future airport operations.
- **Part 4 Cooperative mechanisms** - outlines cooperative mechanisms which help to promote mutually satisfactory outcomes for all interested stakeholders and ensure the burden is at the lowest extent possible for the benefit of the existing community.
- **Part 5 Noise information** - outlines principles and procedures relating to the collection and use of aircraft noise information. Whilst managing risk and liability is an important objective, of equal significance is the need to provide meaningful information to the public. This will help people to make decisions appropriate to their needs and sensitivity to aircraft noise.
- **Part 6 Reference material** - contains a glossary of words with special or technical meanings, and a list of relevant publications.

1.4 Relationship to other policies etc.

The Policy:

- outlines principles for planning proposals that are consistent with section 117 Direction 3.5 Development near Licensed Aerodromes (dated 1 July 2009) made by the NSW Minister for Planning under the *Environmental Planning and Assessment Act 1979*
- provides the rationale for aircraft noise related development controls contained in the *Port Stephens Local Environmental Plan 2000* (clause 38A) and the *Port Stephens Development Control Plan 2007* (Chapter B15).

Port Stephens Aircraft Noise Policy 2010

Part 1: About this Policy

- adopts the Building Site Acceptability principles outlined in Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*, but provides more definitive guidance regarding discretionary matters under that Standard

1.5 Explanation of terms

Terms used in the Policy with special or technical meanings are explained in Part 6: Glossary.

Part 2: Policy context

2.1 Introduction

Aircraft noise is not a new issue for the Port Stephens area, due to the community's longstanding co-existence with RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range ('RAAF Williamtown-Newcastle Airport').

The RAAF Base was first established in 1941, and now plays an important role in supporting Australia's air combat capability. Civilian use of the airfield began in 1947, and today Newcastle Airport, which is located within the RAAF Base site, is a major regional airport undergoing rapid growth in passenger numbers. Newcastle Airport is managed by Newcastle Airport Ltd on behalf of Newcastle City Council and Port Stephens Council, which hold a lease over the Airport site.

To limit aircraft noise impacts, Port Stephens Council has for many years applied controls on new development in noise-affected areas. These controls are based on Australian Noise Exposure Forecast (ANEF) maps and compliance with Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* ('AS 2021—2000').

The scheduled introduction of F-35 Lightning II Joint Strike Fighter combat aircraft after 2018 (to replace the current F/A-18 A/B Hornets) prompted the need for a complete review of the ANEF maps by the Department of Defence, as the new aircraft will produce louder noise emissions than their predecessors, and will use the weapons range in different ways.

2.2 Why is the Policy needed?

Protecting the airport

RAAF Williamtown-Newcastle Airport is a facility of fundamental significance at the local, national, State and regional levels. Its importance relates not only to defence and air transport, but also to its role as a key generator of economic activity in the Hunter Region. Investment in military capability, airport infrastructure and the economic opportunities that cluster nearby are a very important and growing element in the regional and local economy.

For example, the Joint Strike Fighter will contribute an additional \$500 million investment in the region, with consequent job increases above the current 3,000 defence-related employees, as well as wider multiplier effects on regional employment and income.

Accordingly, the importance of RAAF Williamtown-Newcastle Airport and its ongoing development need to be appropriately recognised and supported. The enormous public investment in the facility should be protected from factors that would constrain its future operation, performance and competitiveness.

Protecting the community

Whilst airports need to be protected from too close a relationship with the community they serve, so too does the community need to be protected from aircraft noise.

Aircraft noise is an inescapable by-product of aviation. Unless measures are taken to reduce the impacts of aircraft noise on nearby communities, there can be a wide range of undesirable social, economic and environmental consequences. These range between annoyance and irritation, interference with speech and social activities, interference with classroom learning, loss of relaxation and tranquillity, sleep disruption, health impacts and many others. Loss of amenity due to aircraft noise can have significant impacts on the local economy.

Managing the impacts of aircraft noise is a major challenge for the Port Stephens local government area. A clear policy framework is required that can promote aircraft noise outcomes that are acceptable to the community.

Responding to local circumstances and expectations

It is not feasible to exclude all noise-sensitive development from the vicinity of RAAF Williamtown-Newcastle Airport, since existing built-up areas are already subject to major noise issues. These examples emphasise the need for guidance regarding discretionary matters under AS 2021—2000 so as to acknowledge the existing situation.

Exercising due care & diligence

Council has a duty to developers and landowners to exercise proper care when it exercises its planning functions. It is therefore essential that the planning controls intended to manage aircraft noise impacts are based on best practice and the most reliable factual information available.

Consequently, development proposals and requests for information that involve aircraft noise related matters should be considered with particular care and diligence. This requires clear criteria, consistent application of those criteria, and sound record keeping practices.

Informing the public

Successful co-existence between RAAF Williamtown-Newcastle Airport and the local community presupposes that members of the public have access to aircraft noise information that is accurate and meaningful. This will help people make appropriate decisions about where to locate

Part 2: Policy context

their homes and businesses, based on their particular needs and personal sensitivity to aircraft noise. In particular, poor information can lead to false expectations and highly negative responses to aircraft noise. Well thought out information strategies can avoid these problems.

Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and local community interest groups.

2.3 What is aircraft noise?

Australian Noise Exposure Forecasts (ANEF)

Aircraft noise exposure is a measure of the cumulative amount of aircraft noise likely to be experienced at a particular site on an average day, taking into account factors such as noise intensity, duration and tonal qualities, as well as frequency of flights, type of aircraft and time of day. Computational processes are used to derive a single integrated measure that aims to reflect the average community response to aircraft noise. Aircraft noise exposure is widely used to guide decisions about locations that may be suitable for different activities.

The method used in Australia for measuring aircraft noise exposure is known as the Australian Noise Exposure Forecast (ANEF) system. It includes the following noise measures, which are usually illustrated on maps by noise exposure contours.

- ANEF—a noise exposure forecast for a particular time in the future or based on particular circumstances such as ultimate capacity. ANEF maps are the maps that are referenced in the parts of AS 2021-2000 that are applied to land use planning.
- ANEI—a noise exposure index based on data for a previous year where the exact numbers and types of aircraft which used the airport are known. ANEI maps are not referenced in the parts of AS 2021-2000 that are applied to land use planning.
- ANEC—a noise exposure concept depicting possible noise exposure levels based on a predetermined set of assumptions about airport use and operation. ANEC

maps are not referenced in the parts of AS 2021-2000 that are applied to land use planning.

It is important to appreciate that ANEF values represent predicted noise exposure, not predicted noise level or intensity. They do not give any indication of the maximum sound level $(L(A)_{max})$ that may be experienced at a site.

2.4 Aircraft Noise Planning Area

Drawing the line

Many areas of the Port Stephens local government area are subject to some level of aircraft noise. Yet, clearly, some parts experience much more aircraft noise than others. This raises the question as to where to draw the line between those areas where aircraft noise should be considered in planning and other decisions (the 'Aircraft Noise Planning Area'), and those areas where it need not.

Aircraft noise planning thresholds are usually defined in terms of ANEF values. Under AS 2021-2000, all building types are classed as being 'acceptable' where the ANEF value is less than 20. Below this value, there is usually no need for aircraft noise reduction measures. However, even below this threshold level, most complaints about aircraft noise in Australia originate from outside the ANEF 20 contour. (see **Figure 1**).

ANEFs have certain limitations, and several alternatives have been raised for discussion (Department of Transport and Regional Services, 2003). Not the least of these limitations is that ANEFs tend to reinforce the misconception that aircraft noise magically ends at the ANEF 20 contour, which it does not.

The Commonwealth Government is currently reviewing its policy on development near airports, and is seeking to develop an enhanced national framework (Department of Infrastructure, Transport, Regional Development and Local Government, 2009). Until such time as this is introduced, ANEFs and AS 2021-2000 represent the best available means, and the most commonly applied method, to define a planning threshold.

Part 2: Policy context

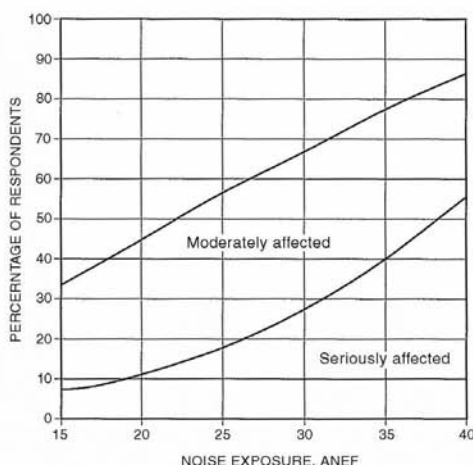


Figure 1: Relationship between ANEF level and community reaction in residential areas
Source: AS 2021-2000.

Available ANEF maps

ANEF maps for RAAF Williamtown-Newcastle Airport are produced by the Department of Defence. The following maps have been published in recent years:

- **RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF**—this forecast was made in 2009, and is based on predicted conditions in 2025. It reflects the operation of Joint Strike Fighter combat aircraft after 2018. (See **Appendix 1**).
- **RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF**—this forecast was made in 2003, and is based on predicted conditions in 2012. It reflects the operation of existing Hawk, Hornet and FA 18 and This is expected to continue until at least 2018. (See **Appendix 2**).

It is an established convention that there will only be one current ANEF map for a given airport at any one time, this being the latest map endorsed by the relevant authority. However, application of that convention is problematical in the above circumstances. Omitting to have regard to the 2012 ANEF map might amount to a failure to exercise reasonable care, in which case there would be the potential for liability. Accordingly, the Department of Defence have advised the prudent approach is to consider the 2012 ANEF map for such period as it continues to be relevant.

Aircraft Noise Planning Area

The Aircraft Noise Planning Area defines the area within which aircraft noise should always be considered in planning and development decisions, generally in accordance with this Policy.

The ANEF 20 level is adopted as the appropriate minimum planning threshold. The Aircraft Noise Planning Area therefore comprises all properties that are wholly or partly within the ANEF 20 contour on the relevant planning area map, and so includes land within ANEF contours of 20 and higher. The relevant planning area map is a composite of the 2025 ANEF and the 2012 ANEF, as provided by the Department of Defence, as ANEF2025 is the most recent ANEF map, and ANEF2012 is an earlier ANEF map that remains relevant to present or future circumstances. A property-based approach has been adopted in defining the Aircraft Noise Planning Area (See **Appendix 3**). That is, if part of a property falls within the ANEF 20 contour, the entire property is defined to be within the Aircraft Noise Planning Area. This is intended to avoid artificial demarcation of noise considerations across individual development sites.

The information necessary to determine if a particular property is within the Aircraft Noise Planning Area will be recorded on the Council's property database (refer to Part 5 of the Policy).

No inference should be made that land outside the Aircraft Noise Planning Area is not subject to aircraft noise. Such land is merely below the minimum noise exposure threshold adopted for planning purposes.

2.5 Planning criteria

There are three essential planning criteria that should be applied to all planning and development proposals within the Aircraft Noise Planning Area:

- Aircraft noise burden
- Site suitability
- Aircraft noise reduction.

These criteria are critical to attaining progress on the two key objectives of this Policy, namely to protect RAAF Williamtown-Newcastle Airport from encroachment by noise-sensitive activities, and to protect the community from adverse noise impacts.

Part 2: Policy context

Criteria

Purpose

Aircraft noise burden

Containing or reducing the aggregate aircraft noise problem

Site suitability

Putting the right activities in the right place ('prevention')

Aircraft noise reduction

Reducing noise through building construction measures ('cure')

Aircraft noise burden

- A. The aircraft noise burden refers to the total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase.

The aircraft noise burden can be broken down into two distinct components.

- The *existing aircraft noise burden* comprises housing and other noise sensitive development that is already in existence. For such development, aircraft noise is an historical problem that cannot be dealt with by traditional planning policies. This is largely a Department of Defence problem. Council can, outside of its functions as a consent authority, advocate and call for Co-operation from Department of Defence to achieve any reduction and such areas are kept to a minimum when considering operations.
- The *future aircraft noise burden* comprises housing and other development that is yet to be built. Aircraft noise is a planning problem that can be dealt with by zoning and other planning controls. Planning decisions should not make the future situation worse than that which currently exists. To do so would be contrary to the principle of intergenerational equity, which binds Council in its role as a consent authority and as a local council.

Site suitability

- B. Site suitability refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions at that site, and the sensitivity of that development to those conditions.

Site suitability provides a key criterion for deciding whether or not to permit or encourage particular

activities in particular locations. It is about putting the right kinds of development in the right places, and represents 'prevention' rather than 'cure'. Where possible, achieving site suitability should have priority over aircraft noise reduction.

The currently recognised standard for site suitability is specified by Table 2.1 in AS 2021-2000.

Aircraft noise reduction

- C. This refers to the reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing).

Aircraft noise reduction represents 'cure' rather than 'prevention'. It is the next best option when a development site is conditionally suitable. However, there are theoretical and practical limits to aircraft noise reduction. When applied to highly unsuitable sites, acceptable noise outcomes may not be possible.

The currently recognised standard for aircraft noise reduction is specified by Part 3 of AS 2021-2000.

2.6 Policy tools

The tools or mechanisms that can be used to implement the Policy are as follows:

Planning proposals

Planning proposals involve the preparation of plans relating to the future use and development of land. They are a critical tool for preventing an increase in the *future* aircraft noise burden.

Development assessment

Development assessment involves the regulation of development proposals under existing planning instruments. It is an important tool for containing growth in the *future* aircraft noise burden, but is often constrained by the limitations of historical zoning decisions.

Cooperative mechanisms

Cooperative mechanisms involve providing a forum for dialogue and feedback regarding the effects of aircraft operations on the local community, particularly in relation to minimising noise impacts and enable Council to advocate on behalf of the community

Information management

Information management relates to the way that information on aircraft noise is gathered, kept, used and distributed. It can promote a number of important

Part 2: Policy context

objectives, such as ensuring due care and diligence, and providing accurate and useful information to the public.

When considered together, application of the above policy tools forms a holistic aircraft noise policy framework. This is illustrated in **Figure 2**.

Port Stephens Aircraft Noise Policy 2010

Part 2: Policy context

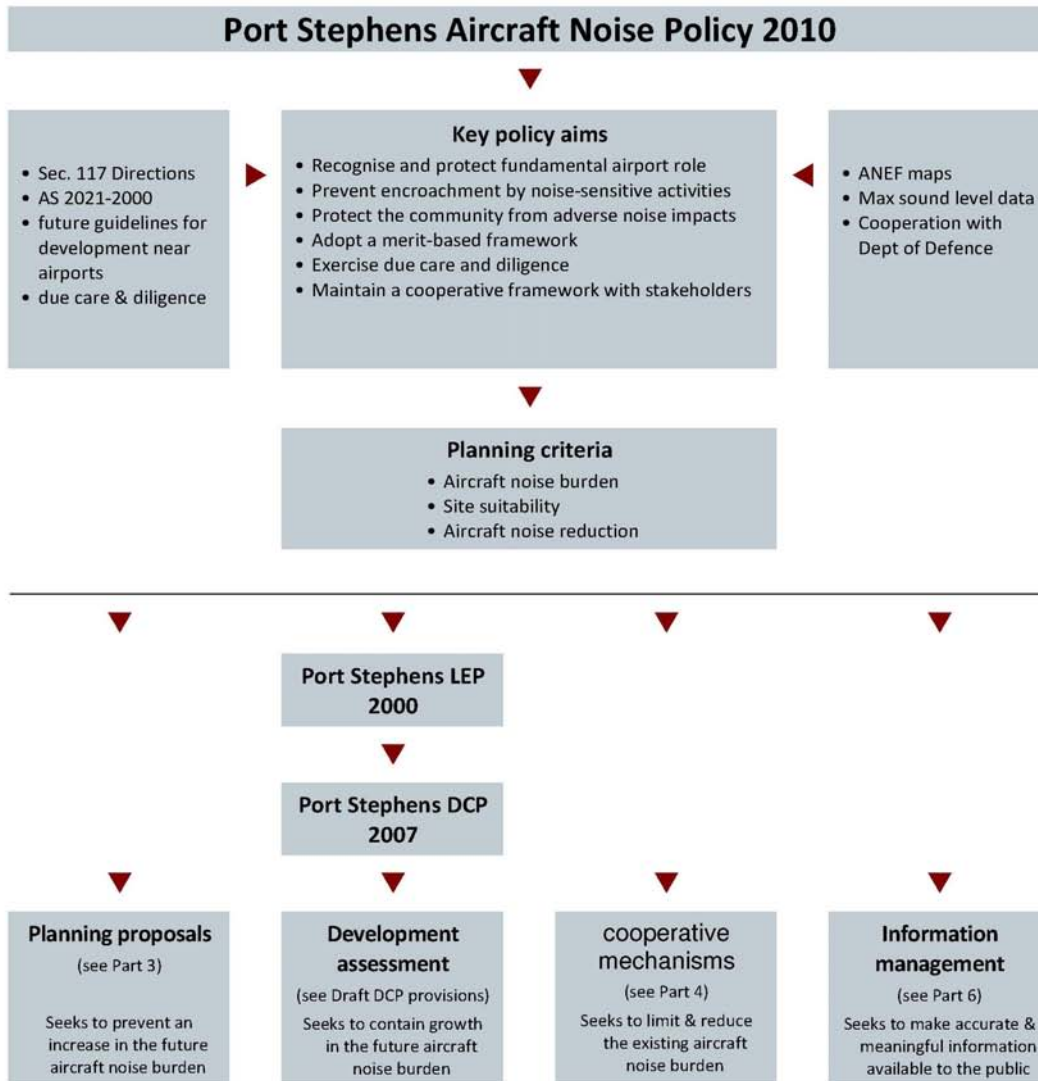


Figure 2: Aircraft noise policy framework

Part 3: Planning proposals

3.1 Role of planning proposals

A planning proposal refers to a proposal to alter the planning controls that operate under the *Port Stephens Local Environmental Plan*. Planning proposals may relate to a broad strategic review of urban structure and settlement pattern within the Port Stephens area, a process commonly referred to as 'strategic planning'. Alternatively, they may involve consideration of a change of zoning for a specific land parcel, typically in response to a landowner's request. This latter type is commonly referred to as a 'rezoning request' or 'spot rezoning'.

Planning proposals usually cannot be used as a tool for reducing the *existing* aircraft noise burden. This is because the planning legislation allows the continued operation of 'existing uses' and other permitted land uses. However, they are of particular value in preventing an increase in the *future* aircraft noise burden. That is, planning proposals can be used to promote a future settlement pattern that, relative to the current situation, does not increase the number of people adversely affected by aircraft noise.

3.2 Statutory requirements

Under the (NSW) *Environmental Planning and Assessment Act 1979*, a planning proposal must include documentation setting out the intended effect of the proposal and its justification. It must also be consistent with the *Lower Hunter Regional Strategy*, and any relevant section 117 Directions issued by the Minister for Planning. Alternatively, it must provide suitable justification to support any inconsistency.

Section 117 Direction 3.5, 'Development near Licensed Aerodromes' (dated 1 July 2009) applies to any planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. It includes the objective:

to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

3.3 Strategic approach

Protecting the long-term operation of RAAF Williamtown-Newcastle Airport, whilst also protecting the community from unacceptable aircraft noise impacts, requires a strategy that prevents encroachment of noise-sensitive development into incompatible noise-exposed locations. In some cases there is likely to be conflicts between this strategy and landowners' aspirations for rezoning of land for urban purposes. These conflicts should be resolved in favour of the overriding priority and importance of RAAF Williamtown-Newcastle Airport.

The Aircraft Noise Planning Area (refer to section 2.4) provides the spatial overlay within which planning proposals require detailed scrutiny. Planning proposals within that area need to be assessed in terms of the essential planning criteria identified in section 2.5:

- aircraft noise burden
- site suitability
- aircraft noise reduction.

Site suitability in terms of the acceptability criteria under AS 2021-2000 and ANEF contours are a key consideration. However, this approach can have limitations when applied to military airports, due to the very high maximum sound levels - $L(A)_{max}$ - that can be produced by combat aircraft. In some locations, compliance with aircraft noise reduction levels specified by AS 2021-2000 may not be possible or practicable within ANEF contours that define 'acceptable' and 'conditionally acceptable' locations. This issue needs to be carefully addressed.

Planning proposals outside the Aircraft Noise Planning Area may also require scrutiny. This is because it is based on medium-term noise forecasts (currently 2025), yet planning proposals may initiate land use changes well beyond that planning horizon. Therefore, any foreseeable long-term changes that might have aircraft noise impacts over a wider area should also be considered (for example, changes to aircraft types, flight paths or volume of traffic). This should be considered by way of suitable consultation with the airport operator.

Part 3: Planning proposals

3.4 Principles

Where the principles apply

The following principles apply to planning proposals in respect of land that is:

- within the Aircraft Noise Planning Area, or
- within 2 kilometres of the Aircraft Noise Planning Area which has the potential to increase residential densities or other noise sensitive land uses;
- Where the consent authority has been advised by Department of Defence that aircraft noise has the potential to adversely effect future development.

Aircraft noise burden

- A. A planning proposal should not result in an increase in the future aircraft noise burden. That is, it should not permit any intensification of development within the Aircraft Noise Planning Area that would significantly increase the number of people or dwellings adversely affected by aircraft noise.

Site suitability

- B. In its preparation of broad settlement strategies for the Port Stephens area, the Council should give preference to land uses in the vicinity of RAAF Williamstown-Newcastle Airport that:
- will be compatible with the future long-term operation and growth of that facility
 - have a mutually beneficial relationship with activities undertaken within that facility
 - do not rely on aircraft noise reduction to achieve compatibility.
- C. A planning proposal should permit new development in a manner that is generally consistent with the Building Site Acceptability Criteria in AS 2021-2000. For example, a planning proposal should not:
- rezone land for residential purposes where the ANEF level exceeds 25
 - increase residential densities in areas where the ANEF level exceeds 25
 - rezone land for schools, hospitals, churches and theatres where the ANEF exceeds 20
 - rezone land for hotels, motels, offices or public buildings where the ANEF exceeds 30.

- D. However, a planning proposal should not be supported if there is evidence that it would not be 'possible' or 'practicable' for development permitted under the proposal to meet the level of aircraft noise reduction specified by AS 2021-2000. Such decisions should have regard to an acoustic study prepared by a noise control expert to establish the predicted maximum sound level $[L(A)_{max}]$ for the site in accordance with AS 2021-2000 and level of Aircraft Noise Reduction (ANR) required.

- E. For the purposes of satisfying "D" above Council will have regard for the predicted maximum sound level $[L(A)_{max}]$, as may be provided to Council from time to time by the Department of Defence to assist Council in its planning.

Aircraft noise reduction

- F. A planning proposal should not lessen existing requirements for aircraft noise reduction that apply under the *Port Stephens Local Environmental Plan 2000*.

Inconsistency with principles

- G. A planning proposal that is inconsistent with any of the above principles should not be prepared unless:
- it is justified by a planning strategy that considers the objectives of this Policy
 - meets requirements under Section 117 Direction 'Development near Licensed Aerodromes'.
 - the Council is satisfied that to do so would be both reasonable and in the public interest.

Consultation

- H. When preparing a planning proposal relating to land:
- within the Aircraft Noise Planning Area, or
 - within 2 kilometres of the Aircraft Noise Planning Area,

the Council should consult with the Department of Defence and any stakeholder having a particular interest in the issue of aircraft noise.

Part 4: Cooperative mechanisms

4.1 Extent of the additional burden

The Public Environment Report for the introduction of the Joint Strike Fighter (Department of Defence, 2009) includes considerable information about the likely noise impacts of the new military aircraft on the existing community, including consideration of likely health, social and economic consequences. As it was prepared as part of the process in promulgating ANEF2025 it references ANEC levels, there being a number of conceptual ANEC maps prepared as part of that process. It should be noted the ANEC concept maps differ from the final ANEF maps on which acceptability is determined under the AS2021-2000

Figure 3 below, which is derived from the Public Environment Report, indicates that almost 3,500 existing lots are located within the area generally equivalent to the Aircraft Noise Planning Area, and that over 1,500 of these are located in areas classed as 'unacceptable' for dwellings under AS 2021-2000 (that is, with an ANEC value exceeding 25).

Of these, 312 lots occur within areas with an ANEC value exceeding 30. Such lots are likely to experience severe noise impacts. The actual extent of impacts would need to be assessed in more detail by reference to other measures of aircraft noise, such as maximum sound levels - $L(A)_{max}$, as this is a critical determinant of the amount of aircraft noise reduction needed, and its practicality.

The extent to which these lots are used for residential or other purposes, or are vacant land, is not known. This and other information would need to be obtained in order to determine the likely extent.

Figure 3 Number of lots within Australian Noise Exposure Concept contours for Joint Strike Fighter Base Case

ANEC	Number of lots	Cumulative lots
55-60	2	2
50-55	10	12
45-50	5	17
40-45	24	41
35-40	42	83
30-35	229	312
25-30	1224	1536
20-25	1937	3473

Source: derived from Dept of Defence (2009), Table 6-14, p. 109.

Note: Australian Noise Exposure Concepts depict possible noise exposure levels based on a predetermined set of assumptions about airport use and operation.

4.2 Promoting cooperation

Defence and airport operations are regulated at the Commonwealth level, whilst land use planning is undertaken at the local and regional levels. Because of this division of responsibilities, cooperative mechanisms can help to promote mutually satisfactory outcomes for all interested stakeholders. These include the Department of Defence, Port Stephens Council, NSW Department of Planning and local community interest groups.

- Members of the Council, acting as community leaders, can play an active role in advocating the case for programs including possible amelioration for the community to parliamentary members and Ministers.
- Studies should be undertaken to more fully document the extent to which existing development is subject to unacceptable levels of aircraft noise. These should be undertaken cooperatively by the Council and the Department of Defence.

Ideally a cooperative framework should be maintained in which all stakeholders can:

- appreciate the strategic importance of the airport and its operational requirements
- appreciate the impacts that aircraft noise has on the local community, and the measures that might be needed to resolve those impacts
- ensure the local community burdened to the minimum extent possible from aircraft noise for the Department of Defence to undertake operations
- contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

Port Stephens Aircraft Noise Policy 2010

Part 4: Cooperative mechanisms

4.3 Model programs

The Sydney and Adelaide Noise Amelioration Programs, which are now completed, are generally considered the best practice approach in Australia. Being civil airports, these programs were funded by an industry levy, and have brought about significant improvements for noise sensitive buildings in high noise exposure zones. Funding for the up-grading of existing housing was set at a maximum of \$57,000 per dwelling.

The approach taken was to provide amelioration at the following thresholds:

Threshold	Land use	Amelioration provided
>25 ANEI	Public buildings	Aircraft noise reduction
>30 ANEI	Dwellings	Aircraft noise reduction by: • 35 db(A) - sleeping areas • 30 dB(A) - living areas
>40 ANEI	Dwellings	Voluntary acquisition of property

Note: Australian Noise Exposure Index (ANEI) is based on data for a previous year where the exact numbers and types of aircraft which used the airport are known.

Subject to appropriate justification, the Council should work with the Department of Defence and the community to frame an appropriate amelioration program based on the above model.

- provide opportunities for all interested stakeholders to contribute to the future planning of RAAF Williamtown-Newcastle Airport and its environs.

4.4 Consultative Committee

To promote the objectives of this Policy in cooperation with the Department of Defence, RAAF, the community and other stakeholders, the Council investigate the benefits of forming a Consultative Committee (or sub-committee of the existing AirPort Consultative Committee):

- provide an interface between the community and the operators of the RAAF Base and Newcastle Airport
- provide a forum for dialogue and feedback regarding the effects of aircraft operations on the local community, particularly in relation to minimising noise impacts
- promote sharing of relevant information, such as that relating to aircraft noise, planning proposals, development trends, noise complaints and so forth

Part 5: Noise information

5.1 Planning certificates

Planning certificates—advice under s.149(2)

D. The following aircraft noise information should be included on planning certificates as prescribed advice under section 149(2):

Where the property is within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is subject to aircraft noise related development controls under the *Port Stephens LEP 2000* and Part B15 of the *Port Stephens DCP 2007*
- relevant principles are set out in the *Port Stephens Aircraft Noise Policy 2010*.

Note: This disclosure relates to the matter as to whether or not the council has adopted a policy to restrict the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation or any other risk. (Item 7 of Schedule 4, EP&A Regulation 2000).

Planning certificates—advice under s.149(5)

E. The following aircraft noise information should be included on planning certificates as additional advice [section 149(5)]:

Where the property is not located within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is not located within the Aircraft Noise Planning Area under the *Port Stephens LEP 2000*
- no inference should be made that the land is not subject to aircraft noise—it merely indicates that the level of aircraft noise exposure present on the land is below the threshold adopted for planning purposes
- the land is likely to be affected by some level of aircraft noise, which may cause some persons serious annoyance from time to time, particularly those with a higher sensitivity to noise
- persons with particular noise requirements may need to consider aircraft noise reduction measures for the site.

Where the property is located within the Aircraft Noise Planning Area, a statement should be made to the effect that:

- the land is located within the Aircraft Noise Planning Area under the *Port Stephens LEP 2000*
- this indicates that the level of aircraft noise exposure present on the land is above the threshold adopted for planning purposes
- the likely extent of aircraft noise exposure for the land is shown on Australian Noise Exposure Forecast maps which can be inspected at the office of the Council or on the Department of Defence internet site
- Australian Noise Exposure Forecasts are used for planning purposes in determining the suitability of land for particular purposes (refer to *Port Stephens Aircraft Noise Policy 2010*)
- Australian Noise Exposure Forecasts do not give an indication of 'decibel' sound levels likely to be experienced at the site, and that information on this may be available at the office of the Council
- the land is likely to be affected by aircraft noise that may cause some persons serious annoyance.

Where the land is the subject of aircraft noise related requirements or conditions under a development consent, a statement should be provided to the effect that:

- aircraft noise related requirements or conditions were imposed under a development consent (give details of consent number)
- the consent may be inspected at the office of the Council
- closure of windows and doors is required in order to achieve the benefits of noise control measures
- applicants should consider the need for independent professional advice as to any supplementary aircraft noise reduction measures that might be needed to meet the applicant's particular needs or requirements.

5.2 Aircraft noise community information strategy

G. In collaboration with the Department of Defence, the Council investigate preparing and implementing a community information strategy to provide meaningful aircraft noise information to the community. Such information would be readily interpreted by non-experts, and would be based on communication

Part 5: Noise information

concepts rather than technical parameters. Information may include noise data received from Defence.

The overall aim should be to enable people to make more informed decisions about the noise environment likely to be experienced at particular locations, and how that environment might be compatible or incompatible with their needs or objectives. The strategy could also address possible alternative delivery media. Such approaches have been discussed in the following publications:

- Department of the Environment and Heritage and Department of Transport and Regional Services (2003). *Guidance Material for Selecting and Providing Aircraft Noise Information*. DEH & DOTARS, Canberra.
- Department of Transport and Regional Services (2000). *Expanding Ways to Describe and Assess Aircraft Noise*. DOTARS, Canberra.

Part 6: Reference material

6.1 Glossary

Acceptability

What is acceptable is ultimately a value judgement that reflects community norms and expectations, as well as the level of available resources. AS 2021-2000 provides guidance as to acceptable aircraft noise outcomes, but wider public interest considerations and the particular circumstances of the case may also need to be considered.

Acoustic study

A study undertaken by a noise control expert that describes the noise conditions present at a site and identifies aircraft noise reduction measures required to achieve an acceptable noise environment. The study will also address related issues such as likely cost and practicability. Its purpose is to provide an adequate factual basis for planning and development decisions.

Aircraft noise burden

The total number of dwellings or people that are exposed to unacceptable aircraft noise. Ideally, this burden should be reduced, or failing that, should not be permitted to increase. Two components can be distinguished, each requiring different policy responses:

- the *existing aircraft noise burden*—housing and other development that is already in existence
- the *future aircraft noise burden*—housing and other development that is yet to be built.

Aircraft noise information

Information that describes existing or predicted future aircraft noise conditions, or that enables the interpretation of such information.

Aircraft Noise Planning Area

The area of land subject to aircraft noise related development controls. It comprises all properties that are wholly or partly within the ANEF 20 contour on 'relevant ANEF maps' and includes land that is within ANEF contours of 20 and greater.

Aircraft noise reduction

The reduction of indoor noise levels by the application of suitable measures to the design, construction or modification of buildings (for example, building mass, noise insulation or double glazing). The currently recognised standard for aircraft noise reduction is specified by Part 3 of AS 2021—2000.

Australian Noise Exposure Forecast (ANEF)

A single integrated measure of predicted future exposure to aircraft noise that aims to reflect the average

community responses. It takes into account a wide variety of factors, such as noise intensity, duration and tonal qualities, as well as type of aircraft, frequency of flights and time of day. Forecasts are shown by contour lines on ANEF maps, and assist decisions regarding the suitability of development according to its sensitivity to aircraft noise.

AS 2021—2000

Australian Standard AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction. This is a nationally recognised standard for development affected by aircraft noise.

the Council

Port Stephens Council

dB (decibels)

A logarithmic scale unit used to measure sound pressure levels. A sound level levels as high as 130–140 dB can be felt as pain.

dB(A) (decibels on the A-weighted scale)

Decibels measured using a particular weighting scale that reflects the sensitivity of the human ear across the audible frequency range.

Department of Defence

The Commonwealth agency responsible for administering Australia's defence services.

Development

The use of land, the subdivision of land, the erection of a building, the carrying out of a work, the demolition of a building or work, and certain other regulated activities.

Development control plan (DCP)

A type of plan prepared under the *Environmental Planning and Assessment Act 1979*. DCPs provide more detail than a local environmental plan, and must be considered when development applications are determined.

Local environmental plan (LEP)

A type of planning instrument prepared under the *Environmental Planning and Assessment Act 1979*. LEPs provide the broad local framework for development assessment, including objectives, urban structure, land use controls, approval criteria, and other matters.

Maximum sound level - $L(A)_{max}$

A measure of aircraft noise, being the highest instantaneous sound pressure level measured at a site during a single aircraft flight. It provides some indication of interference with speech, listening to television, sleeping or other common activities, but does not give any information about how long this level will last or how frequently it will occur.

Port Stephens Aircraft Noise Policy 2010

Part 6: Reference material

Noise

The subjective response to sound, particularly any loud, annoying or unwanted sound. Psychological responses to sound are affected by a wide variety of factors. As these responses vary from person to person, there is no single universal measure of noise.

Planning certificate

A certificate issued under section 149 of the *Environmental Planning and Assessment Act 1979* that provides information about planning and related matters for a specified parcel of land. Under conveyancing laws a planning certificate containing basic information must be attached to any contract for the sale of land.

Planning proposal

Proposals that involve the preparation of plans relating to the future use and development of land. They include both broad strategic reviews and the rezoning of individual properties.

Principle

A rule of conduct or action that is applied when implementing a policy. The principles set out in this Policy serve to guide how decisions should be made.

RAAF

Royal Australian Air Force.

RAAF Williamtown-Newcastle Airport

The interrelated complex of defence, air transport and support facilities comprising RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range.

Relevant ANEF maps

Refers to the most recent ANEF map, and any earlier ANEF map that remains relevant to present or future circumstances. ANEF maps for RAAF Williamtown-Newcastle Airport are published by the Department of Defence, and can be inspected at the office of the Council.

Site suitability

Refers to the acceptability of proposed development at a particular site, having regard to actual or forecast aircraft noise conditions at that site, and the sensitivity of that development to those conditions. The currently recognised standard for site suitability is specified by Table 2.1 in AS 2021-2000.

Sound

A pressure disturbance that travels through air. Sound is a physical phenomenon that can be objectively measured (see decibels). However, the way in which people perceive and react to sound is entirely subjective (see noise).

6.2 Relevant publications

Airservices Australia (1999). *The Australian Noise Exposure Forecast System and Associated Land Use Compatibility Advice for Areas in the Vicinity of Airports*. Airservices Australia, Canberra.

Department of Defence (2009). *Operation of the JSF Aircraft as New Air Combat Capability (NACC) at RAAF Base Williamtown and Salt Ash Air Weapons Range Public Environment Report*. Report prepared by Sinclair Knight Merz.

Department of Defence (2009). *RAAF Base Williamtown & Saltash Air Weapons Range 2025 ANEF Summary Report*. Report prepared by GHD Pty Ltd.

Department of Infrastructure, Transport, Regional Development and Local Government (2009). *Safeguards for airports and the communities around them*. Discussion Paper. DITRD LG, Canberra.

Department of Infrastructure, Transport, Regional Development and Local Government (2009). *National Aviation Policy White Paper*. Chapter 14: Minimising the impact of aircraft noise.

Department of the Environment and Heritage and Department of Transport and Regional Services (2003). *Guidance Material for Selecting and Providing Aircraft Noise Information*. DEH & DOTARS, Canberra.

Department of Transport and Regional Services (2000). *Expanding Ways to Describe and Assess Aircraft Noise*. DOTARS, Canberra.

Department of Transport and Regional Services (2003). *Going Beyond Noise Contours: Local Approaches to Land Use Planning Around Smaller Australian Airports*. DOTARS, Canberra.

Newcastle Airport Ltd (2007). *Newcastle Airport Masterplan*. NAL, Williamtown NSW.

NSW Minister for Planning (2009). Direction 3.5: *Development near Licensed Aerodromes*. Made under section 117 of the Environmental Planning and Assessment Act 1979, and dated 1 July 2009.

Queensland Government (2002). *State Planning Policy 1/02 Guideline: Development in the Vicinity of Certain Airports and Aviation Facilities*. Dept of Local Government and Planning, Brisbane.

Queensland Government (2002). *State Planning Policy 1/02: Development in the Vicinity of Certain Airports and*

Part 6: Reference material

Aviation Facilities. Dept of Local Government and Planning, Brisbane.

Standards Australia (2000). *Australian Standard AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction.* Standards Australia, Homebush NSW.

WA Planning Commission (2004). *Aircraft Noise Insulation for Residential Development in the Vicinity of Perth Airport.* WAPC, Perth.

WA Planning Commission (2004). *Statement of Planning Policy No. 5.1: Land use Planning in the Vicinity of Perth Airport.* WAPC, Perth.

Appendix 1:: RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF map

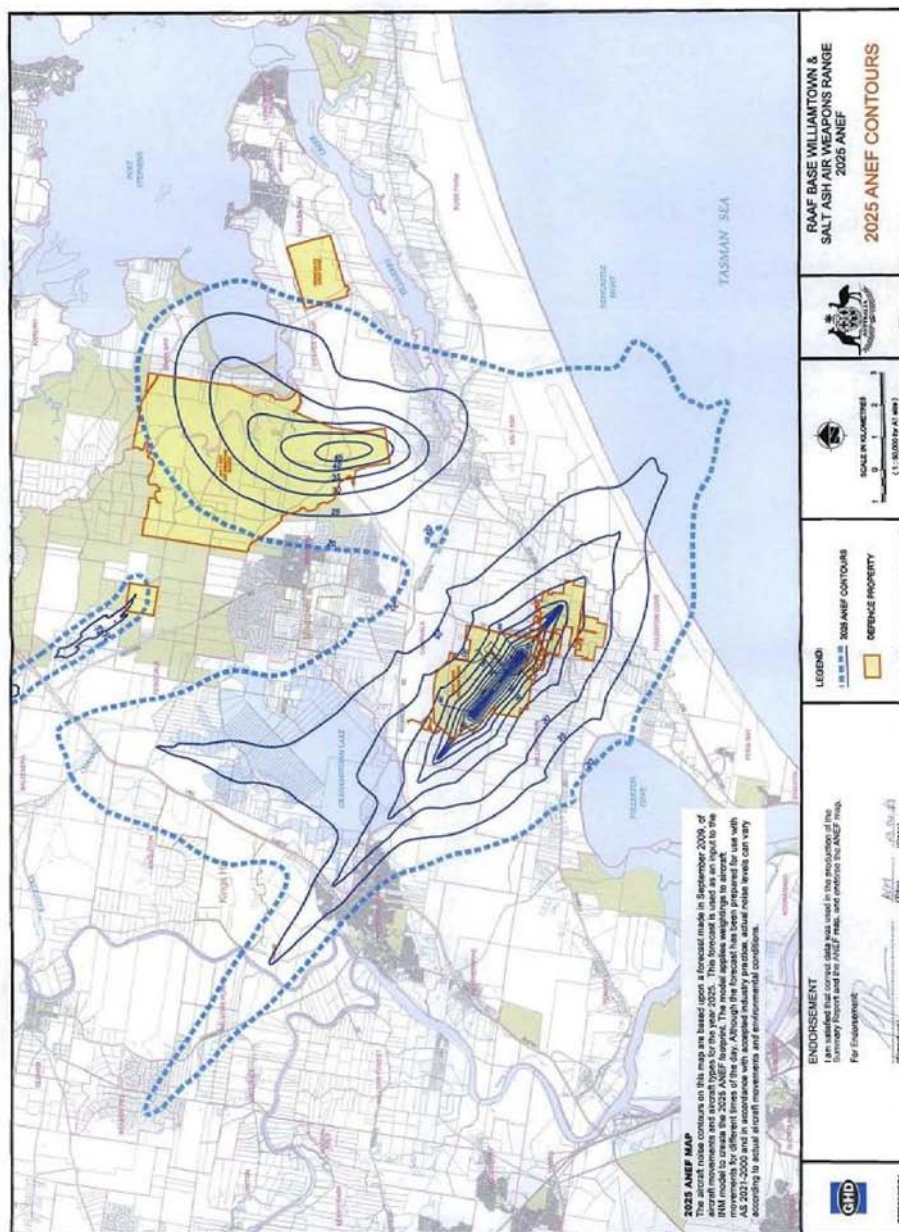
Appendix 2:: RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF map

Appendix 3:: Aircraft Noise Planning Area

Port Stephens Aircraft Noise Policy 2010

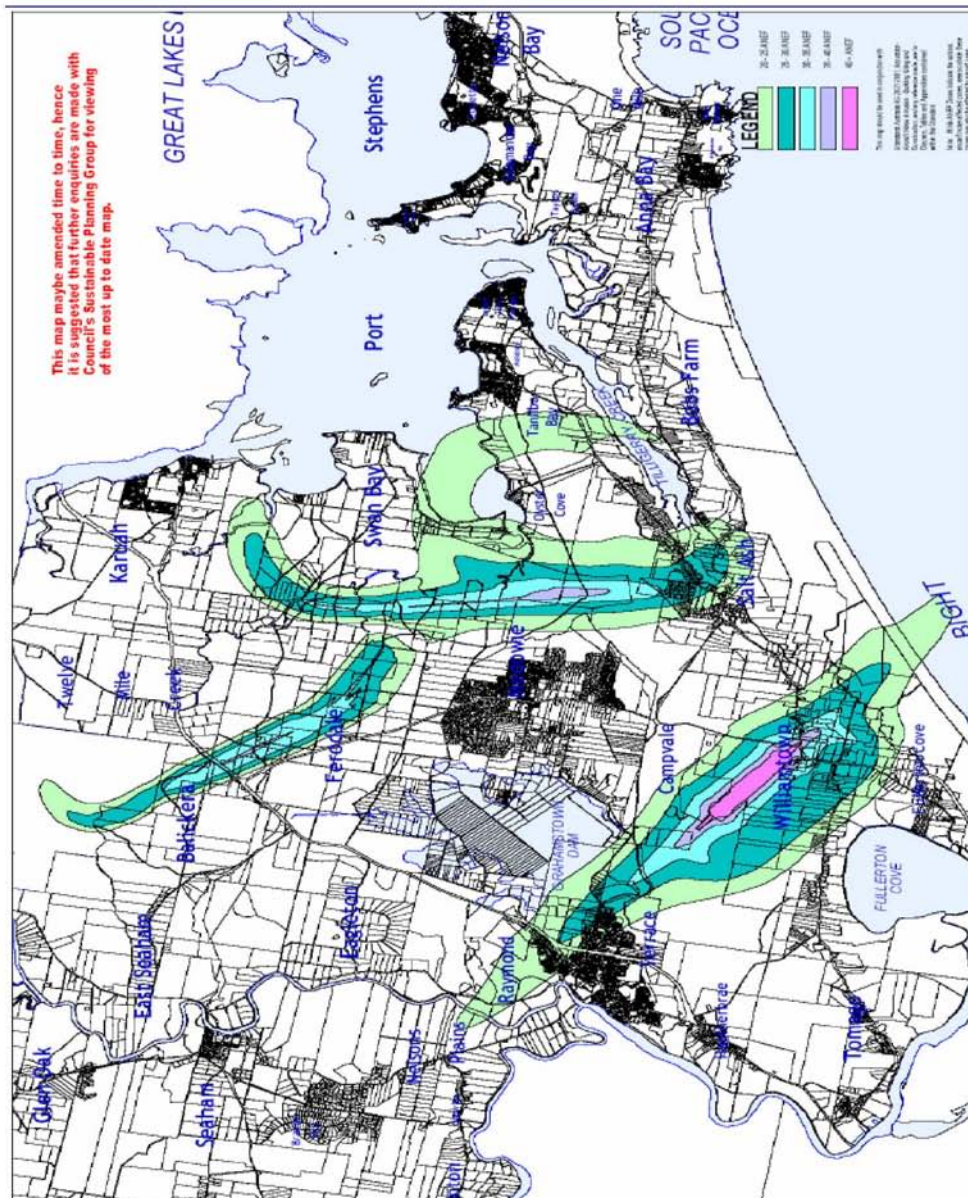
Part 6: Reference material

Appendix 1: RAAF Base Williamtown & Salt Ash Weapons Range 2025 ANEF map



Part 6: Reference material

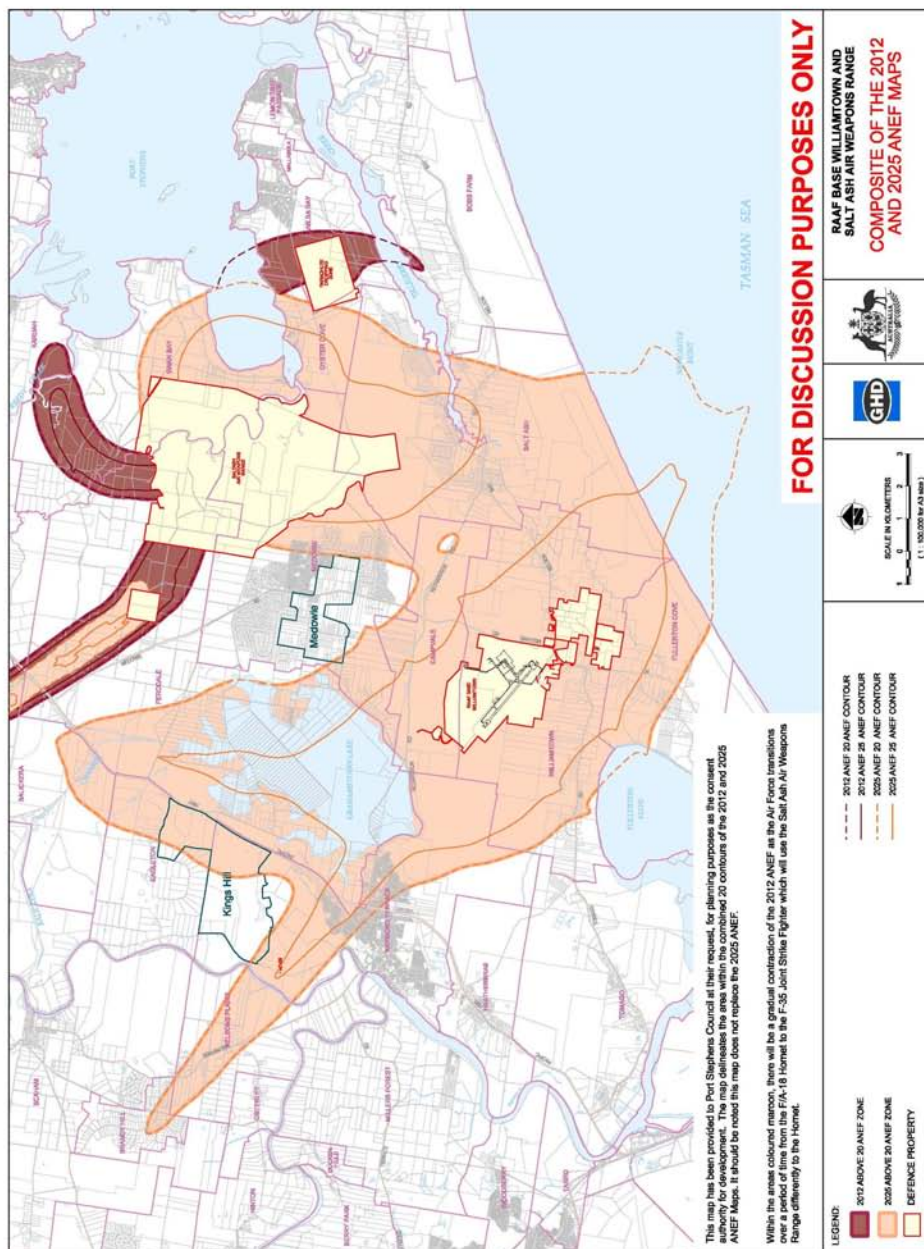
Appendix 2: RAAF Base Williamtown & Salt Ash Weapons Range 2012 ANEF map



Port Stephens Aircraft Noise Policy 2010

Part 6: Reference material

Appendix 3: Aircraft Noise Planning Area



ATTACHMENT 2 PLANNING PROPOSAL

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

4. The building types shown in Column 1 have their ordinary meaning. They do not necessarily correspond to defined planning terms. Proposed development should be categorised according to the building type that most closely characterises or corresponds to the nature and scale of the development.
 5. 'Acceptable' means that special measures are usually not required to reduce aircraft noise. Refer to section 2.3.1 of AS 2021—2000.
 6. 'Conditionally acceptable' means that special measures are required to reduce aircraft noise. Refer to section 2.3.2 of AS 2021—2000.
 7. 'Unacceptable' means that the development should not normally be considered. Refer to section 2.3.3 of AS 2021—2000.
-

planning proposal

**Port Stephens Local Environmental
Plan 2000 (Amendment No __)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (.....)

Minister for Planning

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Clause 1

Port Stephens Local Environmental Plan 2000 (Amendment No __)

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No __)*.

2 Aims of plan

This plan aims to comprehensively revise the provisions of Port Stephens Local Environmental Plan 2000 relating to development near defence and air transport facilities, and in particular:

- (a) to insert a new clause relating to public safety areas, obstacle height limits, and aircraft noise, and
- (b) to make consequential amendments to clause 26A (relating to land within Zone SPI), and
- (c) to make consequential amendments to clause 49A and Schedule 4 (relating to complying development).

3 Land to which plan applies

This plan applies to all land in the local government area of Port Stephens.

4 Amendment of Port Stephens Local Environmental Plan 2000

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Schedule 1 Amendments

Schedule 1 Amendments

[1] Clause 26A

Omit the heading of the clause and insert instead:

**Development within Zone SP1 Defence and Airport Related Employment
Development**

In subclause (2), omit paragraph (a).

[2] Clause 38A

Insert after clause 38 the following clause:

38A Development near defence and air transport facilities

(1) Objectives

The objectives of this clause are:

- (a) to support the role of RAAF Base Williamtown and the Salt Ash Air Weapons Range as defence facilities of national significance, and
- (b) to support the role of Newcastle Airport as a competitive air transport facility of State and regional significance, and
- (c) to ensure the effective and continued operation of those facilities is not compromised by inappropriate development, and
- (d) to prevent a significant cumulative increase in the number of people or dwellings affected by aircraft noise, and
- (e) to ensure that development is located having regard to its sensitivity to aircraft noise, and
- (f) to ensure that aircraft noise impacts on the community are within acceptable limits.

(2) Public safety areas

Development consent must not be granted to carry out development within a public safety area unless the consent authority has:

- (a) given notice of the proposed development to the Department of Defence, and

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Schedule 1 Amendments

- (b) considered any comment made by the Department of Defence within 28 days of its having been given notice of the proposed development.

(3) **Obstacle height limits**

Development consent must not be granted to erect a building if the proposed height of the building would exceed any obstacle height limit.

(4) **Development in areas subject to aircraft noise**

Development consent must not be granted to development within the aircraft noise planning area unless the consent authority:

- (a) has considered whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
- (b) has considered the acceptability of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021-2000, and
- (c) is satisfied that the development will meet the level of aircraft noise reduction specified by section 3.2 of AS 2021—2000.

(5) **Definitions**

In this clause:

aircraft noise planning area means land subject to aircraft noise related development controls, being:

- (a) all land shown on a relevant ANEF map as being subject to an ANEF level of 20 or greater, and
- (b) the remainder of any lot that is partly so affected.

AS 2021—2000 means Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

obstacle height limit means a height limit on development that the Department of Defence has notified to the consent authority as being necessary for the safe operation of RAAF Base Williamtown, Newcastle Airport or the Salt Ash Air Weapons Range.

public safety area means land that the Department of Defence has notified to the consent authority as being subject to public safety requirements relating to:

- (a) hazards arising from the storage or handling of military ordnance, or
- (b) aircraft accident risk near the extremities of runways,

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Schedule 1 Amendments

in relation to RAAF Base Williamtown, Newcastle Airport or the Salt Ash Air Weapons Range.

relevant ANEF map means:

- (a) the most recent edition of a map endorsed by the Department of Defence that shows Australian Noise Exposure Forecasts relating to RAAF Base Williamtown, Newcastle Airport or the Salt Ash Air Weapons Range, and
- (b) an earlier edition of such a map notified to the consent authority by the Department of Defence the forecasts shown thereon continue to be relevant to present or future circumstances.

[3] Clause 49A

In subclause (4) omit paragraph (e) and insert instead the following:

- (e) land shown on relevant ANEF maps referred to in clause 38A as being subject to an ANEF level of 25 or greater.

[4] Schedule 4

In Schedule 4 in the matter relating to new single storey dwellings and alterations/additions to an existing single storey dwelling, omit the complying development standard relating to aircraft noise and insert instead:

- To be complying development on land within the aircraft noise planning area referred to in clause 38A (not being land excluded by clause 49A(4)(e)), the development must be constructed so as to meet the level of aircraft noise reduction specified by section 3.2 of AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

EXPLANATORY NOTE

Draft Port Stephens Local Environmental Plan 2000 (Amendment No ...)

At its meeting on, Port Stephens Council decided to prepare a planning proposal to comprehensively revise the provisions of *Port Stephens Local Environmental Plan 2000* relating to development near defence and air transport facilities. This explanatory note gives a 'plain English' explanation of the planning proposal.

The planning proposal is being exhibited for public comment, and is being referred to relevant agencies. After considering the views of interested persons and agencies, the Council will decide whether or not to proceed with the planning proposal, or whether to make suitable alterations.

If the Council decides to proceed with the planning proposal (with or without alterations), it will be forwarded to the Minister for Planning with the recommendation that the Port Stephens Local Environmental Plan 2000 be amended accordingly.

The planning proposal is also supported by the following complementary documents:

- draft *Port Stephens Aircraft Noise Policy 2010*
- draft amendments to the *Port Stephens Development Control Plan 2007*.

CLAUSE 1:

Name of plan

This clause gives a name to the plan. The Plan will be called *Port Stephens Local Environmental Plan 2000 (Amendment No. ...)*.

CLAUSE 2:

Aims of plan

This clause states what the plan aims to achieve. The plan aims to comprehensively revise the provisions of Port Stephens Local Environmental Plan 2000 relating to development near defence and air transport facilities (for example, RAAF Base Williamtown, Salt Ash Air Weapons Range and Newcastle Airport).

The need to review the planning provisions has been prompted largely by the phased replacement of existing Hawk and Hornet military aircraft by the Joint Strike Fighter after

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

2018. Differences between these aircraft and changes to flight patterns will result in significant variations in the level and incidence of aircraft noise across the Port Stephens area.

The proposed revision to the existing planning controls includes the following.

- A new clause will be inserted [clause 38A] containing specific provisions relating to public safety areas, obstacle height limits and aircraft noise.
- Changes will be made to the existing clause 26A relating to land within Zone SP1 Defence and Airport Related Employment Development Zone. This change is necessary to maintain consistency with the proposed clause 38A.
- Changes will be made to the existing clause 49A and Schedule 4 relating to 'complying development' standards for housing development. This change is necessary to maintain consistency with the proposed clause 38A.

CLAUSE 3:

Land to which plan applies

This clause identifies the land to which the plan applies. The plan applies to all land within the Port Stephens local government area.

CLAUSE 4:

Amendment of Port Stephens Local Environmental Plan 2000

This clause specifies how the draft plan will amend the *Port Stephens Local Environmental Plan 2000*, which is the legal plan for controlling development throughout the Port Stephens area. The specific amendments are set out in Schedule 1 to the plan.

SCHEDULE 1:

Amendments

[1] Clause 26A

Development in the vicinity of RAAF Base Williamtown/Newcastle Airport

This is an existing clause that applies to land within Zone SP1 Defence and Airport Related Employment Development.

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

It is proposed to alter the title of this clause to more accurately reflect the application of the clause.

It is also proposed to remove from the clause requirements for development to comply with Australian Standard AS 2021-2000. All noise reduction requirements will instead be contained in the proposed clause 38A (see separate entry below).

When amended, clause 26A would read as follows (matter to be omitted is shown in red and ruled through, matter to be inserted is shown in blue).

**26A ~~Development in the vicinity of RAAF Base~~
~~Williamtown/Newcastle Airport~~ Development within Zone SP1
Defence and Airport Related Employment Development**

- (1) This clause applies to land within Zone SP1 Defence and Airport Related Employment Development.
- (2) Despite any other provisions of this plan, consent to any development on land to which this clause applies must not be granted unless the consent authority is satisfied that:
 - (a) ~~it complies with the relevant provisions of Australian Standard AS 2021-2000, Acoustics – Aircraft noise intrusion – Building siting and construction as applicable, and~~
 - (b) it will not compromise the continued operation of RAAF Base Williamtown or Newcastle Airport, and
 - (c) the location and type of development supports a focused defence and airport related employment area.

[2] Clause 38A

Development near defence and air transport facilities

This is a new clause that is proposed to be inserted in the Port Stephens LEP 2000. The clause brings together a range of considerations relevant to development in the vicinity of defence and air transport facilities, such as public safety areas, obstacle height limits and aircraft noise.

The clause is generally consistent with:

- section 117 Direction *Development Near Licensed Aerodromes*
- proposed clause 23A of State Environmental Planning Policy (Infrastructure) 2007 (See 'Review of the Infrastructure SEPP Discussion Paper, March 2010').

However, the proposed clause differs in the following respects.

- The proposed clause recognises that assessment of the level of aircraft noise exposure may need to consider preceding editions of noise exposure maps where such maps continue to be relevant.

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

- Provision is made for public safety areas, such as those relating to military ordnance. The proposed clause is explained as follows.

(1) Objectives

Subclause (1) sets out the objectives of the clause, which generally relate to:

- supporting the role of the RAAF Base, Newcastle Airport and Weapons Range as facilities of national, State and regional significance.
- ensuring the operation of those facilities is not compromised by inappropriate development
- preventing increases in the number of people or dwellings affected by aircraft noise
- ensuring that development is located having regard to its sensitivity to aircraft noise
- requiring development exposed to significant aircraft noise to meet an acceptable level of indoor noise reduction.

(2) Public safety areas

Subclause (2) sets out arrangements relating to 'public safety areas'. These are defined in subclause (5) generally as land that the Department of Defence has notified to the consent authority as being subject to public safety requirements relating to military ordnance, or to risk of aircraft accidents at runway ends.

Under the proposed clause, the consent authority [normally Port Stephens Council] must refer any development application for land within a public safety area to the Department of Defence, and must take into consideration any comments made within 28 days.

The proposed provision formalises existing arrangements. See Council policy 'Development within the Explosives Safety Zone' (available at www.portstephens.nsw.gov.au/council/1080/1159.html). It is proposed to include provisions within the *Port Stephens Development Control Plan 2007* to replace that policy.

A map showing the Explosives Safety Zone area is shown in **Appendix 1** to this document.

(3) Obstacle height limits

Subclause (3) sets out requirements relating to 'obstacle height limits'. These are defined in subclause (5) generally as height limits that the Department of Defence has notified to the consent authority as being necessary for the safe operation of RAAF Base Williamtown, Newcastle Airport or the Salt Ash Air Weapons Range.

An obstacle height limit takes the form of an imaginary three dimensional surface that defines the lower limit of operational airspace. For safety reasons, buildings and structures should not intrude above that limit.

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

Under the proposed clause, development consent cannot be given to a proposed building if its height would exceed any obstacle height limit.

There is currently a proposed obstacle height limit for RAAF Base Williamtown. If adopted by the Department of Defence, this would be formally declared as an 'obstacle clearance surface' under the *Defence (Areas Control) Regulation 1989*.

(4) Development in areas subject to aircraft noise

Subclause (4) sets out requirements for development within the 'aircraft noise planning area'. This area is defined in subclause (5) generally as all land shown on '**relevant ANEF maps**' as having an ANEF level of 20 or greater, as well as the remainder of any lot that is partly affected by that ANEF level. Thus, a lot cannot be partly within the aircraft noise planning area—it is either entirely inside or outside that area.

Australian Noise Exposure Forecast (ANEF) is a measure of predicted aircraft noise exposure that takes into account a wide variety of factors, such as aircraft mix, noise levels, frequency of aircraft movements, time of day and other factors. These forecasts are shown on ANEF maps.

A map showing the proposed aircraft noise planning area is shown in **Appendix 2** to this document.

The aircraft noise planning area defines the area that is subject to aircraft noise related development controls. It does not define the area that is subject to aircraft noise. Significant areas of land within the Port Stephens area is subject to some level of aircraft noise. However, the level of aircraft noise exposure within the aircraft noise planning area is considered sufficiently adverse to warrant controls under AUS 2021-2000 on development, such as by:

- preventing intensification of development that would significantly increase the number of people affected by aircraft noise
- excluding noise-sensitive activities in locations where the level of aircraft noise exposure would be unacceptable (even with the best noise reduction measures)
- requiring noise reduction measures (such as acoustic insulation and special windows) in locations where such measures can achieve acceptable outcomes.

Under the proposed clause, where a development application is received for land within the aircraft noise planning area, the consent authority [normally Port Stephens Council] must consider the following matters before it grants development consent.

- The consent authority must consider whether the proposal would increase the number of dwellings or people affected by aircraft noise. Because of the proposed objective in subclause (1) 'to prevent a significant cumulative increase in the number of people or dwellings affected by aircraft noise', there is a presumption against any substantial intensification of residential accommodation within the aircraft noise planning area.
- The consent authority must consider the acceptability of the development under the Building Site Acceptability Table in Australian Standard AS 2021-2000. This Table sets out whether different types of development are 'acceptable', 'conditionally

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

acceptable' or 'unacceptable' according to the level of aircraft noise exposure at the site. A copy of the Table is included in **Appendix 3** to this document.

- The consent authority must be satisfied that the level of indoor noise reduction achieved is acceptable, as specified by section 3.2 of Australian Standard AS 2021—2000, which is a nationally-recognised standard for buildings in locations affected by aircraft noise.

(5) Definitions

Subclause (5) sets out definitions for special terms used in the proposed clause.

'**aircraft noise planning area**' is a special term used in subclause (4). It serves to identify the area of land subject to aircraft noise related development controls. The term is also used in proposed changes to Schedule 4 (relating to complying development)—see below. The term refers to all land shown on '**relevant ANEF maps**' as having an ANEF level of 20 or greater, as well as the remainder of any lot that is partly affected by that ANEF level. Thus, a lot cannot be partly within the aircraft noise planning area—it is either entirely inside or outside that area.

'**AS 2021—2000**' is an abbreviated reference to Australian Standard *AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction*. This is a nationally-recognised standard for development affected by aircraft noise.

'**obstacle height limit**' is a special term used in subclause (3). It refers to height limit controls that the Department of Defence has notified to the consent authority relating to the safe operation of RAAF Base Williamtown, Newcastle Airport or the Salt Ash Air Weapons Range.

'**public safety area**' is a special term used in subclause (2). It refers to land that the Department of Defence has notified to the consent authority as being subject to public safety requirements relating to military ordnance, or to risk of aircraft accidents at runway ends.

'**relevant ANEF maps**' is a special term used in the definitions of '**aircraft noise planning area**'. It is also used in the proposed changes to clause 49A (relating to complying development)—see below. The term refers to the most recent edition of a map endorsed by the Department of Defence that shows Australian Noise Exposure Forecasts relating to RAAF Base Williamtown, Newcastle Airport or the Salt Ash Air Weapons Range. Additionally, it may also refer to an earlier edition of such a map if, advised by the

planning proposal

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Department of Defence, the forecasts shown on that map continue to be relevant to present or future circumstances.

It is an established convention that there will be only be one current ANEF map for a given airport at any one time. The most recently endorsed ANEF map ('ANEF 2025') shows forecasts that are based on aircraft types and flight patterns that are not expected to be introduced until at least 2018. In some locations, the ANEF 2025 map shows ANEF levels that are lower than those on the ANEF 2012 map. Consequently, the earlier map continues to be of material relevance in the assessment of aircraft noise impacts.

The significance of the definition is that it allows the 'aircraft noise planning area' to be defined in terms of the most recent ANEF map and earlier editions. However, any (ostensibly) non-current map must, in the opinion of the Department of Defence, remain relevant for planning purposes to existing or future circumstances.

[3] Clause 49A

Complying development

This is an existing clause that specifies particular development to be 'complying development' if it meets predetermined development standards.

Under the existing clause, development on land that is located within the 20 Australian Noise Exposure Forecast contour as identified on the 2012 Australian Noise Exposure Forecast for Salt Ash Air Weapons Range and for RAAF Base Williamstown, is specifically excluded from being 'complying development'.

It is proposed to amend this clause to bring it into conformity with the equivalent excluded land provision in clause 1.19(5) of *State Environmental Planning Policy Exempt and Complying Development Codes* 2008. Additionally, the proposed amendment seeks to achieve consistency with the terminology used in proposed clause 38A of the *Port Stephens LEP 2000*.

Under the proposed amendment, development on land shown on 'relevant ANEF maps' referred to in clause 38A as being subject to an ANEF level of 25 or greater will be excluded from being 'complying development'. Consequently, development on land with an ANEF between 20 and 25 will no longer be excluded.

[4] Schedule 4

Complying development

This is an existing schedule that specifies predetermined development standards for 'complying development'.

Under the existing schedule, new single storey dwellings and alterations/additions to an existing single storey dwelling must satisfy the following requirement in relation to aircraft noise:

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

- Must comply with AS 2021--2000, *Acoustics--Aircraft noise intrusion--Building siting and construction*.

It is proposed to amend this requirement to bring it into conformity with the equivalent complying development standard under 1.18 (2B) of *State Environmental Planning Policy Exempt and Complying Development Codes) 2008*. Additionally, the proposed amendment seeks to achieve consistency with the terminology used in proposed clause 38A of the Port Stephens LEP 2000.

Under the proposed amendment, new single storey dwellings and alterations/additions to an existing single storey dwelling must satisfy the following requirement in relation to aircraft noise:

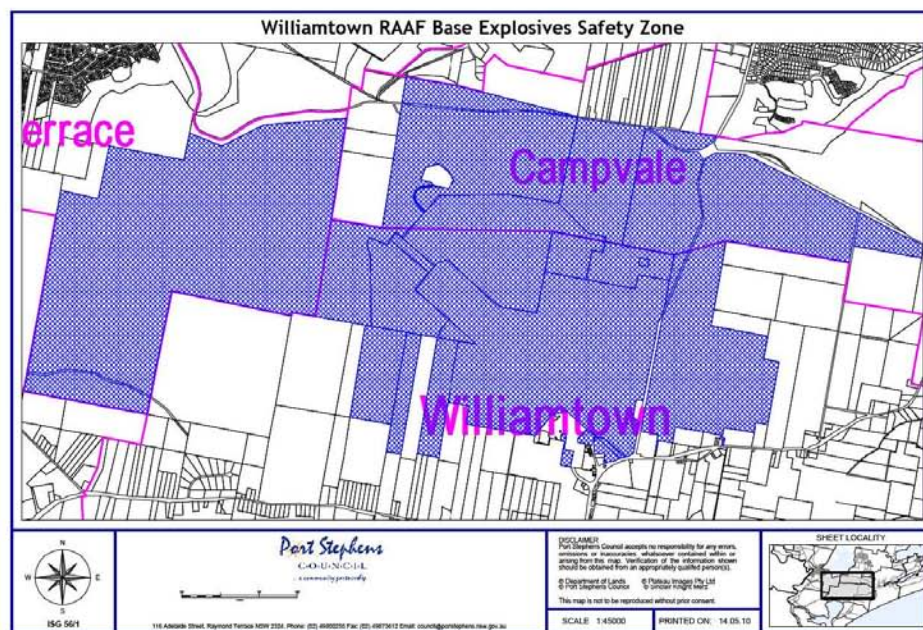
- To be complying development on land within the aircraft noise planning area referred to in clause 38A (not being land excluded by clause 49A(4)(e)), the development must be constructed so as to meet the level of aircraft noise reduction specified by section 3.2 of AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

Appendix 1: Explosive Safety Zone

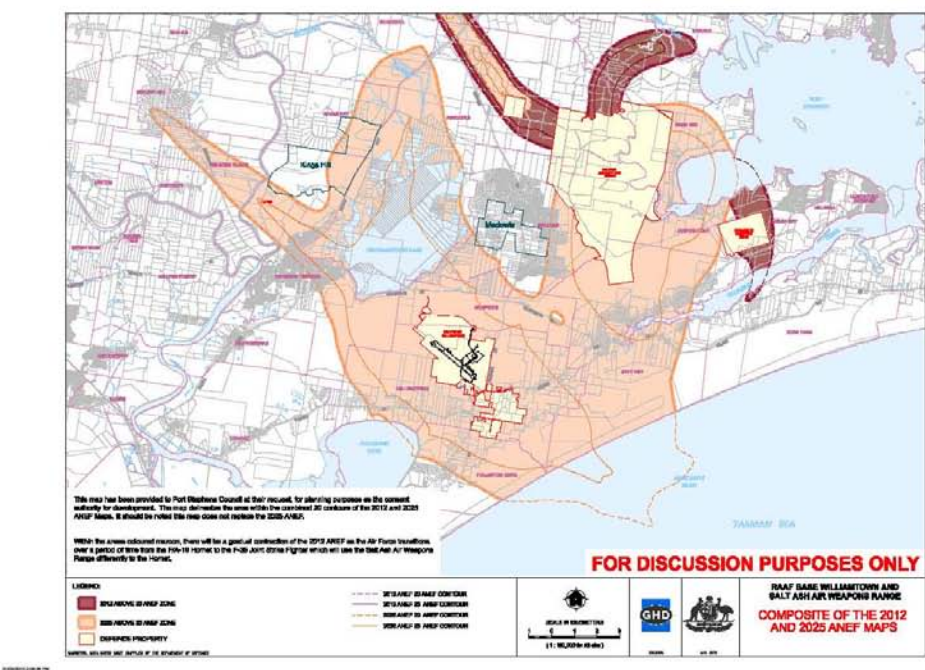


planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

Appendix 2: Aircraft Noise Planning Area



planning proposal

Port Stephens Local Environmental Plan 2000 (Amendment No ...)

Notes

Appendix 3: Building Site Acceptability Based on ANEF Zones
(Australian Standard 2021—2000, Acoustics—Aircraft noise intrusion—
Building siting and construction)

BUILDING TYPE [Note 5]	ACCEPTABLE [Note 6]	CONDITIONALLY ACCEPTABLE [Note 7]	UNACCEPTABLE [Note 8]
House, home unit, flat, caravan park	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

Notes: [These notes are **not** reproduced from Table 2.1 in Australian Standard AS 2021—2000].

1. This Table shows the acceptability of various activities in terms of their exposure to aircraft noise, expressed in Australian Noise Exposure Forecast (ANEF) levels.
2. ANEF levels are shown by contour lines on ANEF maps for RAAF Base Williamtown and the Salt Ash Air Weapons Range prepared by the Department of Defence. At the present time, the following ANEF maps are relevant:
 - the 2025 ANEF map - this reflects the introduction of Joint Strike Fighter aircraft after 2018
 - the 2012 ANEF map - this reflects the continued operation of Hawk and Hornet aircraft until at least 2018.
3. When determining the relevant ANEF level for any site, the ANEF map showing the highest ANEF level should be used. This will generally be the 2025 ANEF map. In locations in the vicinity of the Salt Ash Air Weapons Range, the 2012 ANEF map may show a higher ANEF level.

ATTACHMENT 3 - DEVELOPMENT CONTROL PLAN 2007

*Port Stephens Development Control Plan 2007***B15
Aircraft Noise****Figure B2.2 Acceptable and unacceptable activities within the Aircraft Noise Planning Area**

[Reproduced from Table 2.1 Building Site Acceptability Based on ANEF Zones, in Australian Standard *AS 2021—2000, Acoustics—Aircraft noise intrusion—Building siting and construction*.]

BUILDING TYPE [Note 5]	ACCEPTABLE [Note 6]	CONDITIONALLY ACCEPTABLE [Note 7]	UNACCEPTABLE [Note 8]
House, home unit, flat, caravan park	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

Notes: [These notes are not reproduced from Table 2.1 in Australian Standard AS 2021—2000].

1. This Table shows the acceptability of various activities in terms of their exposure to aircraft noise, expressed in Australian Noise Exposure Forecast (ANEF) levels.
2. ANEF levels are shown by contour lines on ANEF maps for RAAF Base Williamtown and the Salt Ash Air Weapons Range prepared by the Department of Defence. At the present time, the following ANEF maps are relevant:
 - the 2025 ANEF map - this reflects the introduction of Joint Strike Fighter aircraft after 2018
 - the 2012 ANEF map - this reflects the continued operation of Hawk and Hornet aircraft until at least 2018.
3. When determining the relevant ANEF level for any site, the ANEF map showing the highest ANEF level should be used. This will generally be the 2025 ANEF map. In locations in the vicinity of the Salt Ash Air Weapons Range, the 2012 ANEF map may show a higher ANEF level.
4. The building types shown in Column 1 have their ordinary meaning. They do not necessarily correspond to defined planning terms. Proposed development should be categorised according to the building type that most closely characterises or corresponds to the nature and scale of the development.
5. 'Acceptable' means that special measures are usually not required to reduce aircraft noise. Refer to section 2.3.1 of AS 2021—2000.
6. 'Conditionally acceptable' means that special measures are required to reduce aircraft noise. Refer to section 2.3.2 of AS 2021—2000.
7. 'Unacceptable' means that the development should not normally be considered. Refer to section 2.3.3 of AS 2021—2000.

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B2-4

Port Stephens Development Control Plan 2007

B15

Aircraft Noise

B15 Aircraft Noise

WHERE THIS PART APPLIES

This Part applies to land within the 'Aircraft Noise Planning Area'. This comprises all areas in which the level of aircraft noise exposure is considered sufficiently significant as to warrant aircraft noise related development controls.

The Aircraft Noise Planning Area includes:

- all land shown on 'relevant ANEF maps' as being subject to an ANEF level of 20 or greater, and
- the remainder of any lot that is partly so affected.

PRINCIPLES

- P1. Development should achieve an acceptable level of aircraft noise reduction and be sited in accordance with AS 2021-2000.
- P2. Notwithstanding P1 above, in some circumstances strict compliance with AS 2021-2000 is likely to be impracticable, such as development lots subject to 'unacceptable' noise exposure. In such cases a Practicable Noise Reduction Level may be considered as an alternative for 'infill' development defined in C6.

DEVELOPMENT CONTROLS

Site Suitability

- C1. Proposed development should be consistent with the Building Site Acceptability Criteria shown in Table 2.1 of AS 2021-2000 (refer to Figure B2.2).

Internal Noise Standards

- C2. Development must satisfy the level of indoor design sound levels for aircraft noise reduction specified by Table 3.3 of AS 2021-2000. Evidence of compliance must be demonstrated by an acoustic study prepared by a noise control expert. This includes applications for a single dwelling on a pre-existing allotment.
- C3. Regardless of Building Site Acceptability, additions to an existing building are acceptable and should be consistent with the internal noise standard already provided for that building.

Subdivision

- C4. Proposed subdivision within the aircraft noise planning area must demonstrate that the

subsequent the purposes for which it is intended is:

- (1) Acceptable or Conditionally acceptable under Table 2.1 Building Site Acceptability Based on ANEF Zones, in Australian Standard AS 2021-2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*. (refer to Figure B15.2); and
 - (2) Capable of satisfying the relevant indoor design sound levels in Table 3.3 of AS 2021-2000 with respect to the development for which the lot(s) is intended
- C5. Subdivision for 'acceptable' & 'conditionally acceptable' development must satisfy C4(2) by demonstrating by an acoustic study prepared by a noise control expert that, having regard for the highest average maximum noise level of the site determined in accordance with AS 2021-2000, that the aircraft noise reduction level (ANR) required is 'practicable and reasonable' to achieve the indoor design sound levels in Table 3.3 of AS 2021-2000 can be satisfied.
- Practicable Noise Reduction Level refers to a level of aircraft noise reduction that, in the opinion of the Council, would achieve the, indoor design sound level specified by Table 3.3 of AS 2021-2000.
- C6. Probable Maximum Practicable Noise Reduction Levels for residential development are:
- 35 dB (A) for sleeping areas
 - 30 dB (A) for other habitable spaces
 - or as otherwise determined by the Council on a case-by-case basis after examination of an acoustic study prepared by a noise control expert.
- C7. Subdivision for the purposes of residential development Council may require that an acoustic study by a noise control expert prepared for the purposes of C5 includes the following:
- the highest average maximum noise level of the proposed lots determined in accordance with AS 2021-2000; and

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B2-1

B15 Aircraft Noise

- the relevant aircraft noise reduction level (ANR) required for the intended purpose of each lot; and
- 'deemed to satisfy' noise reduction specifications for noise attenuation measures and methods to achieve the relevant ANR
- Development which demonstrates satisfactory compliance with the ANR building requirements may be considered by as satisfying the requirements of C1 & C2 above.

Infill Development

- C8. The following development may be considered as 'infill' development in circumstances where the site suitability requirements under C1 cannot be achieved:
- (1) a single dwelling on a pre-existing allotment with a dwelling entitlement between the 25-30 ANEF contours.
 - (2) replacement of a single dwelling on a pre-existing allotment regardless of ANEF contour.
 - (3) development within the Newcastle Airport precinct that is in Zone 5(a) Defence Purposes or Zone SP1 Defence and Airport Related Employment Zone.
- C9. Infill development should satisfy the indoor design sound levels for aircraft noise reduction specified by Table 3.3 of AS 2021-2000.

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... a community partnership

B2-2

Port Stephens Development Control Plan 2007 B15 Aircraft Noise

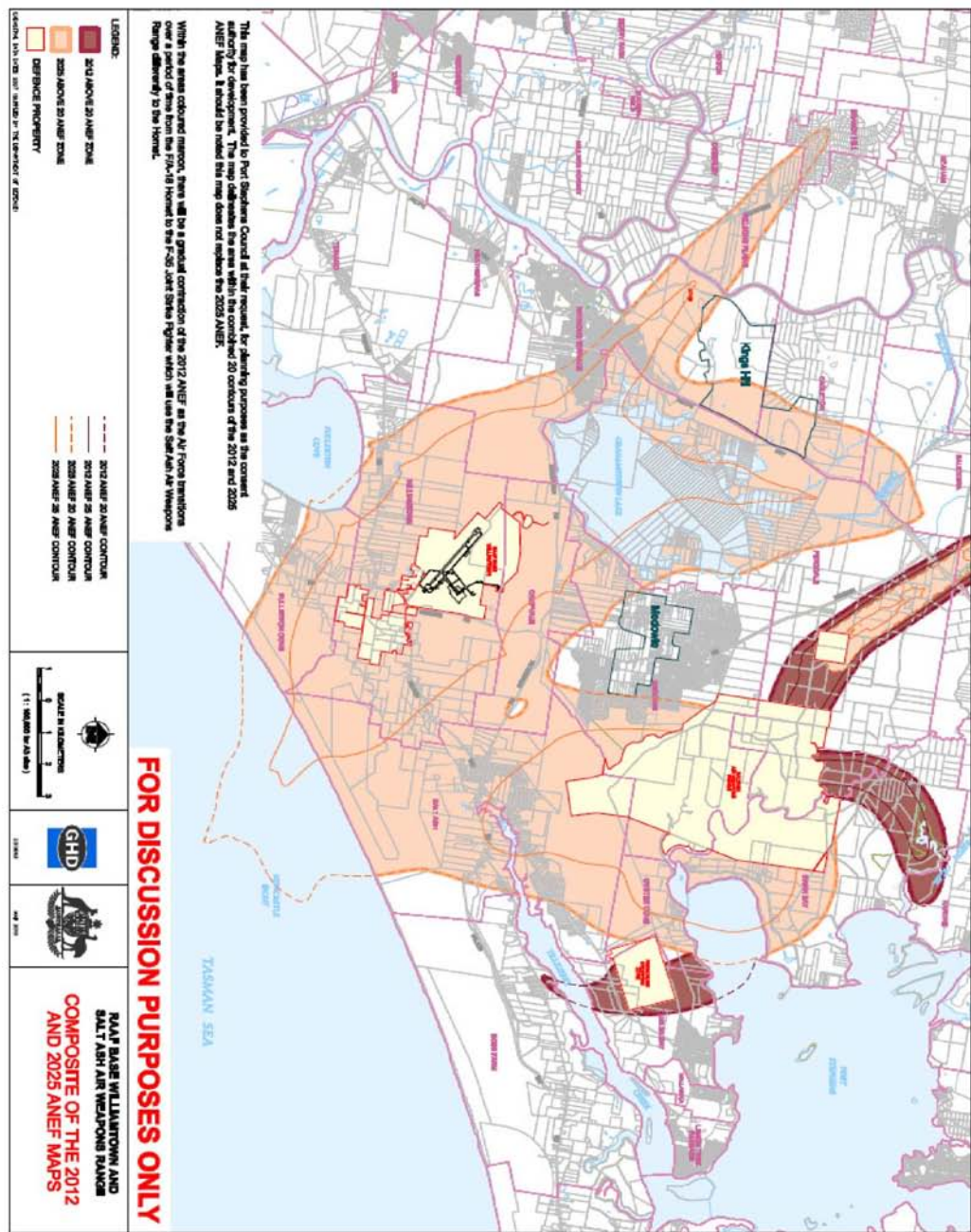
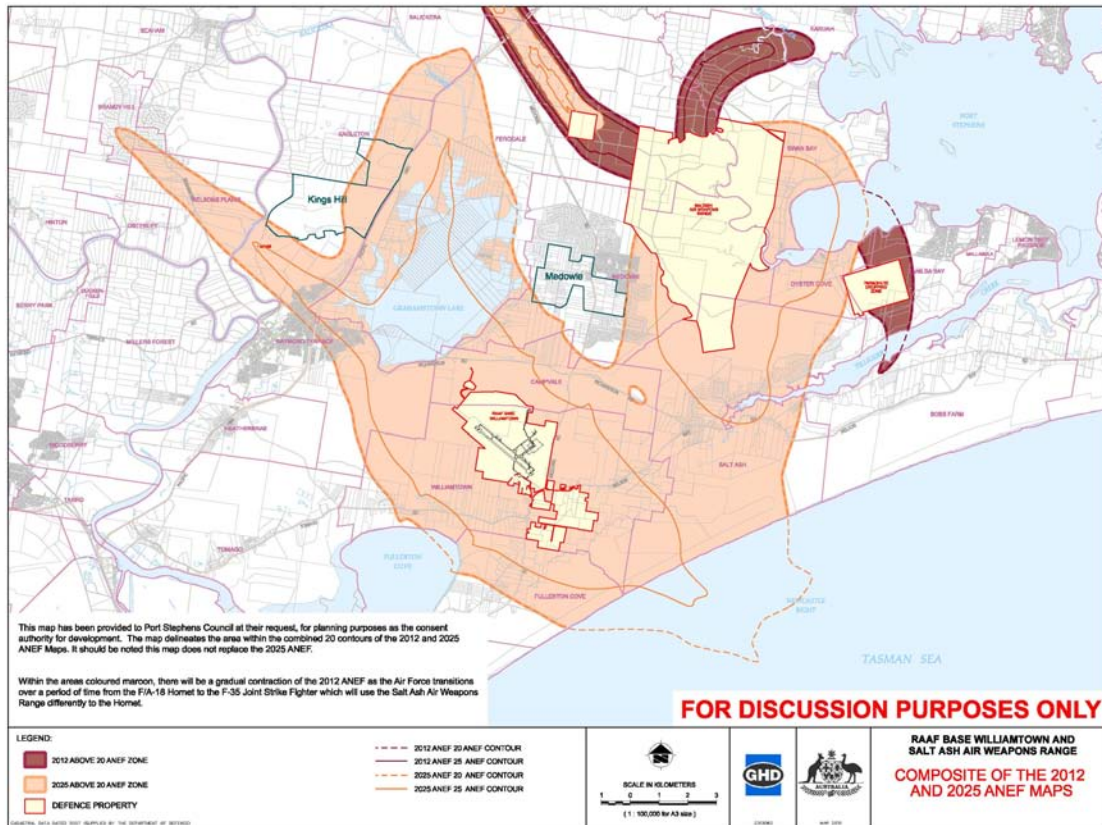


Figure B2.1 Aircraft Noise Planning Area.

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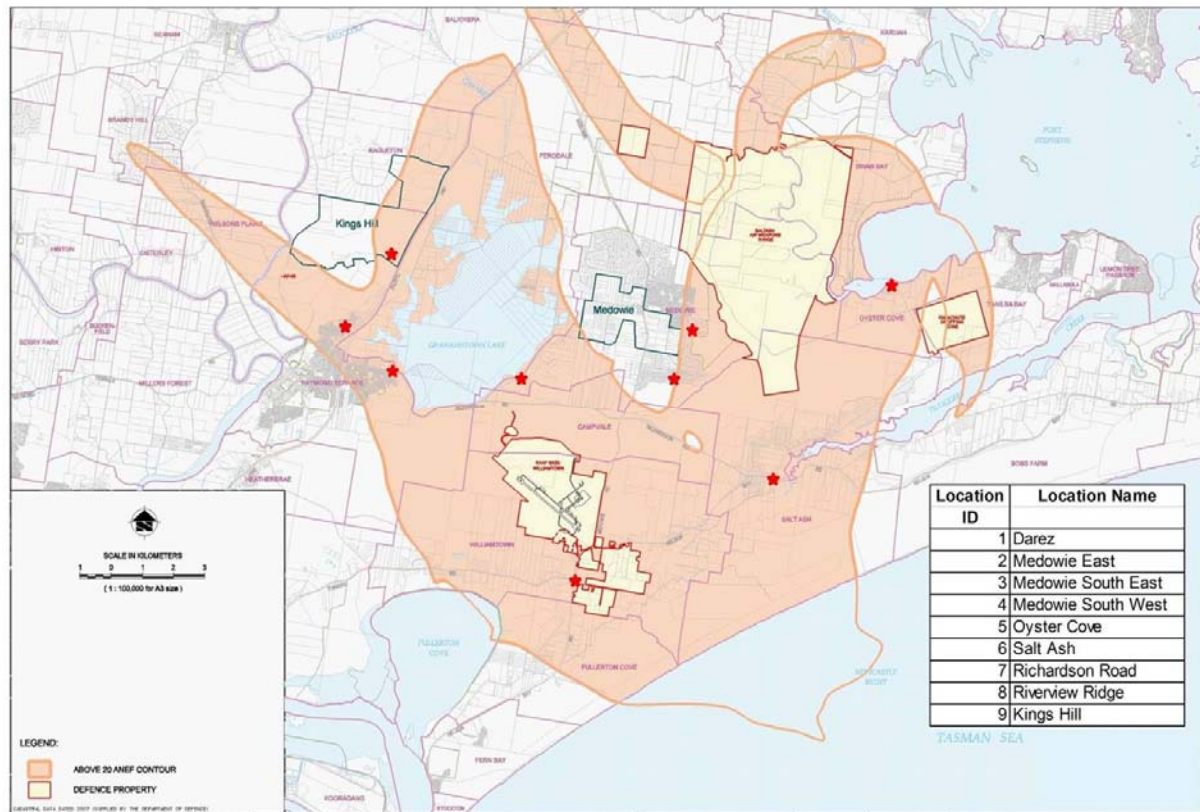
ATTACHMENT 4 AIRCRAFT NOISE PLANNING AREA MAP



ATTACHMENT 5

2025 ANEF

MAP





Australian Government

Department of Defence

Defence Support Group

2005/1112532/7
LPSI/OUT/2010/52

David Broyd
Group Manager, Sustainable Planning
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear David,

Re: Aircraft Noise Management

I refer to your letter of 2 March 2010 and to the workshops held on 12 April 2010 to work through a number of aircraft noise management issues associated with the proposed introduction into service of the Joint Strike Fighter (JSF) to RAAF Base Williamtown and Salt Ash Weapons Range (SAWR) and the promulgation of Australian Noise Exposure Forecast 2025 (ANEF 2025).

I also refer to Council's request on 1 March 2010 for more specific noise level information in relation to 9 development sites in your Council's Local Government Area.

Aircraft Noise Levels

At the workshops, Defence presented average maximum noise level information for each development site. Enclosed please find this information which identifies the arithmetic average of maximum noise levels for current and future military aircraft at each development site.

In considering the impacts of the F/A-18 Hornet, Hawk Lead-In Fighter and JSF military aircraft at each development site, Defence determined the calculated and forecasted noise level for each aircraft operation on each of the separate flight tracks (for example, flights down the Instrument Landing System, Initial and Pitch tracks, 'Touch and Go' circuits around the base and other standard arrival and departure tracks) that may impact each site, then arithmetically averaged the results for each operation/mode. In accordance with Australian Standard AS2021-2000 - 2000 - *Acoustics, Aircraft Noise Intrusion - Building Siting and Construction* (AS2021) the highest average maximum level for the various operation/mode becomes the external aircraft noise level at each site.

Defence understands the average maximum noise levels for the various operation/modes is the only concept that can be used to determine the aircraft noise levels and in turn, the appropriate noise control measures defined as the Aircraft Noise Reduction in AS2021. At the afternoon workshop, local acoustic consultants noted this is the information they require to determine the degree of aircraft noise reduction in order to comply with AS2021.

In the near future, Defence intends to provide Council with additional noise data for land along Rees James Road (development site 8) to assist Council and the NSW Department of Planning in the determination of this rezoning proposal.

Defending Australia and its National Interests

Aircraft Noise Reduction

Defence noted Council's desire to work towards a more standardised approach to noise attenuation, design and construction in accordance with AS2021. Accordingly, Defence engaged an acoustic consultant to identify the outcome of two conceptual noise control measures that could be used, in conjunction with the average maximum noise levels, to assess whether or not the indoor design sound levels given at Table 3.3 in AS2021-2000 can be achieved.

Enclosed please find information relating to aircraft noise reduction and indicative noise control measures that can be used to assess compliance or otherwise with the indoor design sound levels given at Table 3.3 in AS2021-2000. Also enclosed is a table identifying the external average maximum noise levels at each of the development sites and corresponding indoor design sound levels that are obtained firstly from typical residential construction and secondly by using either of the acoustic upgrade alternatives given. The spectral data for the JSF, which is required to be considered in instances where the average maximum noise levels exceed 85dBA has now been declassified and is also included. This information can be made available to the local acoustic consultants.

I trust this information will be of assistance to Council. Please do not hesitate to contact me if you wish to discuss the information further.

Yours sincerely



John Kerwan

Director Land Planning & Spatial Information
Department of Defence
BP3-1-A052
Brindabella Park
Canberra ACT 2600

30 April 2010

Cc: Michael Leavey, Regional Director, Hunter and Central Coast Region, NSW Department of Planning.

Indicative Aircraft Noise Levels

	2012 ANEF		
Development Hot-Spots	Hornet	Hawk	JSF
1. DAREZ (Industrial)	88	78	94
2. Medowie East	79	66	87
3. Medowie South East	76	61	83
4. Medowie South West	77	61	84
5. Oyster Cove	83	74	89
6. Salt Ash	89	77	91
7. Richardson Road	95	84	101
8. Riverview Ridge	92	76	96
9. Kings Hill (Riding School)	81	76	79
		2025 ANEF	

NOISE CONTROL CONCEPTS

AS2021 requires use of the external noise level (average maximum) as the basis of determining the building constructions to achieve compliance with recommended internal levels set out in Table 3.3.

For bedrooms of a residence the internal design level is not exceeding 50 dB(A).

If doors and windows are required to be closed to achieve the internal noise target then mechanical ventilation is required.

For consideration of Noise Control measures assume the following"

- A bedroom 3.5m x 3m x 2.5m
- The bedroom has two external walls. The other two walls adjoin other rooms in the residence (attenuation via other rooms of residence to the bedroom is 10 dB).
- 1 external wall has a 2m² window
- Aircraft above the building, a 3 dB attenuation due to directivity is allocated for the external window

The starting point refers to a **typical** brick veneer construction but with the assumption of thicker glass than normal:

- Pitched tile roof with sisalation + 14 kg/m³ batts + 10 mm plasterboard ceiling
- Brick veneer construction (internal plasterboard 10mm)
- 6.4 mm thick laminated glass
- 1 bed + 1 bookcase + 1 adult
- Carpet on floor

For noise control concepts there are two alternatives assessed. Acoustic upgrade 1 is upgrading the walls and ceiling with more plasterboard and double glazing, whilst alternative 2 is a much more significant construction.

Acoustic upgrade 1:

- Pitched roof ceramic tiles + 100 insulation + 2 x 13mm layers of plasterboard
- Brick veneer with 100mm insulation + 1 layer of 16 mm plasterboard
- Double glazed window being - 3mm glass + 125mm gap + 6.38mm glass

Acoustic upgrade 2:

- Pitched roof with ceramic tiles + easiboard + 100 R2.5 + 10mm plasterboard ceiling (Rw56)
- 230 extruded double brick 100mm cavity with 13 mm render inside (Rw 60)
- Double glazed window - 10.7mm glass + 200 air gap + 10mm glass (Rw55)

Where the ANR is greater than 30 (i.e. for a bedroom an external level greater than $50 + 30 = 80$ dB(A)) the Standard recommends use of spectral (frequency) data.

Different modes of aircraft flight produce different spectrums, i.e. overflights have less low frequency sound than take off or landing.

External noise spectra for Hornet from file from NoiseMap. JSF spectra from DoD recently publicly released.

NoiseMap data @ 1000ft

	dB(A)	31.5Hz	63	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Hornet F18A/C										
Landing	106	85	87	100	102	104	101	98	86	80
Take off	107	85	88	102	105	105	102	99	95	92
AB	114	100	101	114	113	112	108	106	104	102
JSF results										
JSF										
Landing	97	86	86	100	98	95	93	87	76	71
Take off MIL	115	90	94	110	111	110	108	107	109	104
75%	107	92	94	108	107	104	102	100	98	96
AB	120	98	107	116	114	112	113	116	111	108
cruise 35%	94	80	81	96	93	92	91	85	72	67

Noise spectra in all cases were normalised to INM derived external noise level for each residential location.

Normalised to 85 dB(A)

	dB(A)	31.5Hz	63	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Hornet F18A/C										
Landing	85	64	66	79	81	83	80	77	65	59
Take off	85	63	66	80	83	83	80	77	73	70
AB	85	71	72	85	84	83	79	77	75	73
JSF results										
JSF										
Landing	85	74	74	88	86	83	81	75	64	59
Take off MIL	85	60	64	80	81	80	78	77	79	74
75%	85	70	72	86	85	82	80	78	76	74
AB	85	63	72	81	79	77	78	81	76	73
cruise 35%	85	71	72	87	84	83	82	76	63	58

Location	Movement	Hornet				JSF			
		External Level	Building Construction			External Level	Building Construction		
			Typical	upgrade			Typical	upgrade	
				1	2			1	2
1	Landing	88	64	56	47	94	74	68	61
2	Strafing (take off)	79	54	47	38	87	72	65	58
3	Strafing (take off)	75	51	43	35	83	68	61	53
4	Take off	77	53	45	36	84	58	51	43
5	overflight	83	59	51	42	89	58	52	44
6	Strafing (landing)	89	55	57	50	91	71	65	57
7	Landing ILS	95	71	63	51	101	81	75	68
8	Landing ILS	92	68	61	54	96	76	70	62
9	Departure 30	81	57	49	42	79 (MIL 100%)	64	57	50

ATTACHMENT 6

Council is in the unfortunate position of having been successfully sued for the manner in which it exercised its functions as a consent authority under the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect to land affected by aircraft noise. It is useful to provide a summary of those proceedings, as it is likely that at least some of the councillors do not have detailed knowledge of the proceedings.

The Fisherman's Village proceedings

Sidis DCJ found that negligence on the following grounds:

- "(1) The defendant failed prior to the determination of the development application and building application to inform itself sufficiently of the extent of the risk of likely exposure of the land to aircraft noise in order to make any proper assessment of whether the development proposed was suitable for land within the 2002 ANEF 25-30 contours and ought to be approved;*
- (2) the same failure led the defendant to determine that the development consent and building approval should be issued in the absence of conditions directed at the attention [sic: attenuation] of the effects of aircraft noise and*
- (3) the result was that the determinations to grant the development consent and the building approval were ill informed and ill considered and the defendant acted in an entirely improper manner".*

Her Honour heard remaining aspects of the proceedings in June and November 2003. Council was ordered to pay substantial damages and costs.

Council appealed to the NSW Court of Appeal. The Court of Appeal heard those appeal proceedings on 16 June 2005 and delivered its judgment on 27 September 2005 (*Port Stephens Shire Council v Booth & Ors; Port Stephens Shire Council v Gibson & Anor* [2005] NSWCA 323). The Court of Appeal dismissed Council's appeal. The Court of Appeal judgment includes the following:

- The Court recognized that AS2120-2000, with its use of ANEF maps, was a "valuable tool for planning land use around airports" by "providing guidelines for determining whether the extent of aircraft noise intrusion made acceptable the activities to be accommodated on a site and the extent of noise reduction and type of building construction required to provide acceptable indoor noise levels for the activities".
- The Court upheld certain findings of the District Court concerning the extent to which Council, by its delegate (the Development Approvals Committee), considered the issue of aircraft noise whilst determining the Swan Bay development application. Those findings were made as a result of evidence given to the District Court by Mr Warnes, who was the only person on the

Development Approval's Committee to give evidence in the District Court. The Court of Appeal Judgment includes the following concerning the evidence given by Mr Warnes:

- *"In his affidavit Mr Warnes accepted that noise affectation was relevant to his assessment, but said that AS2021 was not a mandatory consideration and noise attenuation measures were not essential if the site was a tourist facility. He maintained that, because he knew of the site and its surrounds and that the Range was only used "intermittently", it was unnecessary for him to obtain advice to address the impact of existing and potential noise...Although he knew that the site was "largely within the 25 ANEF contour", he took into account that the site was not to be used for permanent occupation and that a condition was to be imposed restricting operation; that as a tourist facility the occupancy was unlikely to exceed 60 per cent; that as a tourist facility with a focus on outdoor activities noise attenuation measures "were unlikely to make a difference to the occupants of the cabins from time to time"; that the use of the Range at the time was and was forecast to be intermittent; that alternative flight paths were available; that he was not aware of complaints from Swan Bay residents in relation to the operations of the Range; and that Mr Moffat had not raised "any concern about the viability of the proposed development by reason of aircraft noise" (per Giles JA at [49]).*

"Mr Warnes' overall position was that, although he knew that the Fisherman's Village site was largely between the 25 and 30 contours and was regarded as unacceptable for residential development and acceptable only on appropriate conditions for hotels, motels and hostels, it was a matter for the Council's discretion whether conditions would be imposed, and " ... I did make a decision and I believe that I was acting competently when I made the decision in looking at all of the issues relating to the application and my knowledge of the ANEF as shown on the plans." (per Giles JA at [55]).

- *Council had misinformed itself as to the extent to which the Swan Bay site might be affected by aircraft noise. That arose because of an essential misunderstanding, which was "equating the noise exposure as Mr Warnes understood it in 1993 – the intermittent use not generating complaints – with the forecast noise exposure... Mr Warnes...did not appreciate that the conditions which prevailed in 1993 were not those which were forecast to apply in 2002. Hence there was the under-estimation... because the Panel failed to address the 2002 ANEF on its own merits...The Council knew that the site was largely between the 25 and 30 contours, and was only conditionally acceptable for the building type Mr Warnes considered appropriate...Any exercise of reasonable care required that AS2021 be followed through, with attention to construction for noise level reduction and the imposition of noise attenuation conditions" (per Giles JA at [105 -106]).*
- *The Court of Appeal considered that the failure by Council to apply AS2021-2000 was an essential element in the negligence of the Council: "Had the Council exercised reasonable care, Mr Moffatt would have been told of the ANEF zoning and required to submit a professionally backed follow-through of*

the steps in AS2021, or the development would have been approved only on conditions having the consequence that the steps in AS2021 were taken. Perhaps the conditions need not have spelled out the construction for noise attenuation, but they should have made the consent subject to LMI constructing the cabins to achieve the requisite noise level reductions and satisfying the Council on that matter" (per Giles JA at [110]).

Developers and landowners will be entitled to make objection to the development standard under State Environmental Planning Policy No 1—Development Standards on the ground that compliance with AS2120-2000 is unreasonable and/or unnecessary. Persons who make such an objection have the onus of establishing the standard is unreasonable and/or unnecessary, and if they are dissatisfied with any decision of Council then have the right to appeal to the Land and Environment Court. Council is, of course, not liable for decisions made by the Land and Environment Court.

ITEM NO. 2

FILE NO: PSC 2006-0191

DRAFT LOCAL ENVIRONMENTAL PLAN - KINGS HILL 2010

REPORT OF: TREVOR ALLEN - MANAGER, INTEGRATED PLANNING
GROUP: SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the draft Local Environmental Plan - Kings Hill 2010 (**Attachment 1**) for the purpose of forwarding to Minister for Planning for finalisation and gazettal, pursuant to the Environmental Planning and Assessment Act 1979;
 - 2) Note the preparation and submission of the Kings Hill Local Environmental Study 2007 with the draft Local Environmental Plan 2007 Kings Hill to the Department of Planning under Section 64 of the Environmental Planning and Assessment Act and that the Local Environmental Study was publicly exhibited with the draft Plan;
 - 3) Note that the zoning map for the recommended draft Plan may be amended by the Minister for Planning to reflect further advice requested by Council from the Department of Defence regarding aircraft noise impacts;
 - 4) Note that a submission has been made to the Department of Planning to convert the draft Plan to a "Planning Proposal" under changes to the Environmental Planning and Assessment Act to ensure smooth transition of the draft Plan to the new provisions of the Act;
 - 5) Note that Council will be requested to consider another draft Plan (Planning Proposal) which will address a range of detailed outstanding matters in relation to Kings Hill within the next 12 months;
 - 6) Note the advice from the Department of Environment, Climate Change and Water (DECCW) in relation to the conservation of lands of environmental significance and in relation to biodiversity offsets being determined at the development application stage;
 - 7) Request the Minister for Environment to finalise the Biodiversity Plan and associated implementation measures referred to in the draft LEP in co-operation with Council, as a matter of urgency.
 - 8) Request the Minister for Environment and the Chair of the Hunter Central Coast Rivers Catchment Management Authority to include offsets which may be required under the Native Vegetation Act for infrastructure which cross non urban zoned land in the Kings Hill biodiversity offsets package, to ensure a single offsets approval, and improve the efficiency of land use planning and development and government administration;
 - 9) Resolve to prepare a draft Development Control Plan and a draft Section 94 Contributions Plan for Kings Hill, pursuant to the Environmental Planning and Assessment Act.
-

PROPOSAL DETAILS**Site ownership:**

Lot 41	DP 1037411	407.6 ha
Lot 51	DP 839722	8.28 ha
Lot 4821	DP 852073	113.4 ha
Lot 4822	DP 852073	40.3 ha
Lot 481	DP 804971	28.39 ha
Lot 3	DP 1098770	16.9 ha
Lot 31	DP 554875	10.1 ha
Lot 32	DP 554875	117 ha
Pt Lot 2	DP 37430	18.4 ha
Lot 42	DP 618892	11.51 ha
Lot 41	DP 618892	2.0 ha
Lot 31	DP 255228	10.1 ha
Lot 32	DP 255228	10.1 ha
Lot 33	DP 255228	10.1 ha
Lot 42	DP 1037411	2.1 ha
Lot 5	DP 234521	9.9 ha
	Total	816.18 ha

Existing zoning: Rural 1(a) – Rural Agriculture
Proposed zoning: R1 General Residential
 B4 Mixed Use
 E2 Environmental Conservation
 E3 Environmental Management

BACKGROUND

The purpose of this report is to seek Council's endorsement to forward the draft Kings Hill Local Environmental Plan (LEP) to the Department of Planning for finalisation and gazettal.

Planning and infrastructure delivery for Kings Hill is one of the most important projects for Council in the short, medium and long term.

Kings Hill was identified in the Port Stephens Community Settlement and Infrastructure Strategy (CSIS, 2007) and the Lower Hunter Regional Strategy (LHRS, 2006), to provide a major contribution to Port Stephen's supply of urban land. Both strategies identify Kings Hill accommodating urban development "subject to detailed consideration of airport noise constraints". The development is projected over 25 years to provide some 4500 dwellings with a population of 11,700 residents, and complement and support the future growth of Raymond Terrace as a regional centre.

The planning of the new town is based around 6 mixed use villages with more intensive housing, surrounded by low intensity largely detached housing. As a result, King Hill aims to be more supportive of public transport, be more self sufficient and have a greater sense of community than conventional suburban development.

In mid 2002 Council resolved to prepare a draft LEP for Kings Hill. An Environmental Management Strategy (EMS) prepared by the proponent was submitted to Council in 2005. The EMS identifies the constraints and opportunities of the site and a structure plan identifying how the site can be developed in a way that is responsive to constraints and topography and facilitate public transport, walking and cycling.

A Local Environmental Study (LES) (based on Council's review of the EMS including a third party review commissioned by Council) and a draft LEP were completed in 2006. Following Department of Planning endorsement in February 2007, the draft LEP accompanied by the EMS and the LES was publicly exhibited in May and June 2007.

Outstanding issues

Since the exhibition, considerable work has been undertaken to resolve issues raised during the exhibition. Of these, the most significant include; transport infrastructure; biodiversity; and, military aircraft noise.

Transport Infrastructure

The proponent(s) and the RTA have yet to finally agree on the details and staging of an interchange to Kings Hill from the Pacific Highway. However, a solution has been negotiated to enable the RTA to agree to a "satisfactory agreements" clause in the LEP which will enable development to receive consent if the RTA is satisfied with the agreements reached at that time. This has lead to the RTA withdrawing their objection.

A number of other clauses in the LEP address; flood free access from the site; the closure of existing accesses on the Pacific Highway as development proceeds; and, internal connections within the site including from Newline Road to the Pacific Highway. Conditions of subdivision approval, Section 94 and a potential Voluntary Planning Agreement (VPA) will address upgrades to Council transport infrastructure. This includes cycleway and pedestrian links, including those to Raymond Terrace.

Biodiversity impacts

Following objections raised by DECCW, the CMA, Hunter Bird Observers and Dr Max Maddock, the previous ecological investigations were reviewed and supplementary ecological assessment was undertaken in 2009. This assessment identified a range of ecological issues, including those which may require a species impact statement at the development application stage, and potential offsets. It is likely that the initial offsets will be met on site; and that over the 25 year development of Kings Hill, additional off site offsets will be secured. A VPA(s) or similar agreement between the proponent(s) and DECCW would formalise the offset arrangements, and is likely to include a voluntary conservation agreement (VCA) secured against the title of the

conservation offset lands. DECCW has orally advised that these matters will be formally addressed at the development application stage. The draft LEP places an E2 Environmental Conservation zone over the bulk of the conservation lands and an E3 Environmental Management zone over 3 parcels of land on Winston Road. DECCW have verbally indicated their willingness to withdraw their objection to the draft LEP because they are of the view that the ecological issues can be resolved in the manner discussed above.

A clause is included in the draft LEP to require a Biodiversity Plan to be developed and associated measures to be agreed prior to subdivision consent. This clause aims to ensure that any biodiversity impacts of development are managed to achieve and “maintain or improve outcome”. These measures could include offsets outside of the entire Kings Hill site.

This approach seeks to ensure a holistic approach to biodiversity management across the entire Kings Hill site.

In addition to an offset agreement with DECCW for the biodiversity impacts of development on urban zoned land, negotiations will be necessary with the Hunter Central Coast Rivers Catchment Management Authority (CMA) for additional offsets for native vegetation removal within the environmental zoned land. This would be necessary in such cases such as when a road is required to cross a narrow environmentally zoned riparian corridor to link two residential areas. To achieve an equivalent environmental outcome and be administratively more efficient, a single agreement should be reached for offsets related to urban zoned land and for roads and utilities on environmentally zoned land. Consequently, this report recommends that representations be made to the Chair of the CMA and the Minister for the Environment to achieve a single agreement which includes vegetation removal for public roads and utilities.

A major issue is the long term ownership and management of the conservation lands. These lands are not of sufficient conservation significance to warrant becoming part of the national park estate. Whilst having conservation value and could be used as a place for low intensity informal recreation, the cost to Council of managing the lands exceeds the benefit. Consequently, it is not desirable for Council to own the lands without an adequate ongoing funding source. It may be that an additional “special rate” applying to Kings Hill could be an option. Other options are continuing private ownership or ownership by a community trust/association. For the latter to be successful, this would require an ongoing funding source in perpetuity for land management. The proponents are not pursuing community title as an option, and their proposal for community trust management (that may only provide funding surety for 10-15 years) with eventual transfer of the Reserve to National Parks and Wildlife Service or some other government agency. As a result, private ownership is the favoured option for the conservation lands, provided the lands are also subject to a voluntary conservation agreement.

The biodiversity impacts of the draft LEP are described further under “Environmental Implications” below.

Aircraft Noise Impacts

A North Raymond Terrace Working Party consisting of Department of Planning (DoP), Department of Defence (DoD) and Council officers was established to consider the noise impacts of the Joint Strike Fighter (JSF) on Kings Hill. Two expert reviews were undertaken by DoP including the Airbiz report which was reported to Council in June 2009. DoD promulgated new Australian Noise Exposure Forecast 2025 (ANEF) in October 2009. ANEF 2025 affects around one third of the eastern side of Kings Hill between the ANEF 20 and 25 contours. Housing and other noise sensitive land uses are classified as "conditionally acceptable" by Australian Standard 2021 between ANEF 20-25 provided measures are taken to reduce interior noise levels to those specified in the standard. The draft LEP contains a clause requiring development to comply with AS2021 unless Council deems otherwise in the public interest. Compliance with AS2021 will affect housing affordability because of the cost of the additional noise attenuation measures.

The south-western corner of Kings Hill appears to be also subject to high LA Max, and DoD are undertaking further detailed work to more accurately determine the noise environment in this location, which may lead to the Minister for Planning adjusting the zoning map as reflected in Recommendation No. 5.

Winston Road

The draft LEP includes three lots adjacent to the intersection of Winston and Six Mile Roads. The landowners propose "rural conservation" lots on this land. The exhibited draft LEP showed these lots are zone E2 environmental conservation, in common with the core conservation lands on Kings Hill. The 2009 ecological assessment identified that these lots are of some environmental significance, and that provided a maximum of 10 per cent of the land was cleared, some 6-10 large rural conservation lots could exist. Accordingly, the recommended draft LEP proposes an E3 Environmental Management zone and a minimum lot size of 5 ha, consistent with the ecologist's recommendations. The extent of clearing of native vegetation would be managed by a foreshadowed Development Control Plan and the provisions of the Native Vegetation Act.

Odour from Bedminster Waste Transfer Station

Advice has been received from DECCW (who licence the operation of the Bedminster station) stating no objection to another draft LEP to rezone land for additional urban development between the Kings Hill land that is the subject of this report and the waste transfer station. DECCW's advice recognises and is dependent upon a private agreement between the waste station owner and the rezoning proponent (EWT/Newline Resources who also own land affected by the Kings Hill draft LEP) that stipulates that EWT or any other future land owner has recourse to a contractual agreement if the waste transfer station owner breaches licence conditions concerning odour. A clause has been included in the draft LEP to safeguard the interests of future landowners from this potential affectation by requiring consideration by Council of any affectation at the development

application stage. Legal advice was obtained on the matter and the clause is proposed on the basis of Council's duty of care to future landowners / residents and to the SITA operation. The licence does not in itself cover Council's legal responsibilities.

The land affected by the LEP clause is mainly proposed open space and a smaller area of proposed residential land.

Additional lands

In their submissions to the exhibition of the draft LEP, Hunterland and EWT have requested the inclusion of additional lands to the south of exhibited draft LEP boundary (Newline Resources) and to the west of Newline Road (Newline Resources and Hunter Land) in the draft LEP. It is considered that the inclusion of these lands requires further planning assessment and would also contribute to the quantum of changes to the exhibited draft LEP that could trigger a re-exhibition of the draft LEP. These requests are outside the area subject to Council's 2002 resolution to prepare the draft LEP. They will be the subject of a future report/s to Council.

FINANCIAL/RESOURCE IMPLICATIONS

There are major costs to all stakeholders in developing Kings Hill and certainly potentially major implications for Council in delivering and maintaining infrastructure. The development of a new town will require a range of community, recreational, transport and environmental infrastructure. The majority of this infrastructure will be provided by developers, either directly, or indirectly via developer contributions. Most of this infrastructure will become Council owned requiring ongoing maintenance and eventual replacement costs and responsibilities. It is important that new revenue streams resulting from Kings Hill, such as rates, are sufficient to Council's additional ongoing costs. An additional "special rate" applying to Kings Hill may be an option if more conventional Council funding requires supplementation, although the implementation of this may be problematic.

The potential financial implications of the long term ownership and management of the conservation lands were discussed earlier in this Report. The draft LEP does not stipulate private, community or council ownership options of this land and will be further investigated and resolved during the implementation of the draft Plan.

The preferred approach is to retain the conservation lands under private ownership with Voluntary Planning and Voluntary Conservation Agreements.

Council has developed standards for community and recreation facilities, which are reflected in Council's Section 94 Plan. These standards are a balance between community need and Council's ability to financially maintain. Should the developers propose variations to the standards, it is important that the variations are tested against the standards to ensure that all community infrastructure needs are still able to be met, and that Council can afford the variation over the long term.

Local facilities and services, such as a community facility, will be provided at Kings Hill, and district level facilities and services, such as a swimming pool and a library, will be provided by upgrading existing facilities at Lakeside and Raymond Terrace respectively. The management of community facilities will need to be considered in terms of the appropriateness of Council managing a specific facility relative to leasing to a community organisation.

An infrastructure scoping paper has been produced as a preparatory step towards a comprehensive approach to infrastructure provision, and has been placed in the Councillors work room. A summary of the infrastructure scoping paper is at **Attachment 6**. In addition, Council officers have undertaken a corporate risk assessment of infrastructure required as a result of the development of Kings Hill and have identified actions to reduce high risks to more manageable levels.

Kings Hill will also require substantial planning resources for implementation and management of future development. The development of a “foreshadowed” LEP to deal with unresolved detailed implementation matters such as those discussed elsewhere in this report, a Section 94 Plan, negotiations for a Voluntary Planning Agreement, and a Development Control Plan are all matters which will consume substantial planning resources. Issues associated with the infrastructure needed by a new community will require considerable attention from Council officers. Means of providing additional resources are being negotiated with the landowners / proponents.

LEGAL, POLICY AND RISK IMPLICATIONS

The draft LEP is consistent with the Community Settlement and Infrastructure Strategy and the Lower Hunter Regional Strategy.

The draft LEP is being made under the provisions of the Environmental Planning and Assessment Act (EPA Act). In making the Plan, Council must consider any submissions made during the exhibition of the LEP. A summary of submissions is provided in **Attachment 2** (with full submissions provided in the Councillors' Room for viewing).

Consistency of the draft LEP with State Government Section 117 directions is outlined at **Attachments 3**.

The recommended draft LEP has a number of differences to the draft LEP exhibited in 2007 (**Attachment 4**). The main differences, (see **Attachment 5**), have arisen as a result of submissions, advice from Government agencies, changes in the Standard LEP instrument and additional planning investigations. The EPA Act and Regulations are not specific on the extent to which a draft LEP can change from the exhibited draft without triggering a requirement to re-exhibit the LEP.

The intent and much of the detail of the recommended draft LEP is consistent with the exhibited draft. Any changes have been kept to the minimum necessary to permit the land to be rezoned for urban and conservation purposes, while ensuring

that the resolution of any outstanding issues are not compromised. It is concluded that the draft LEP does not require re-exhibition.

It is proposed to submit a “foreshadowed LEP” to Council within the next 12 months to address the outstanding issues.

The draft LEP contains a number of “satisfactory arrangements” clauses. These clauses seek to ensure that the interests of Council and certain Government agencies (such as the RTA) are maintained concerning a number of matters which are unable to be finalised at this stage. The success of “satisfactory arrangements” clauses is very dependent on the ability of the relevant authority to ensure that the desired outcome is being achieved prior to confirming they are “satisfied”. As a result, there is a higher level of risk involved relative to resolving the outstanding matters prior to finalisation of the LEP. This risk needs to be balanced against the delay in finalising the draft LEP while matters are being resolved, with impacts on the supply of land for housing and the landowners’ ability to do more detailed planning (which in part will resolve some of the outstanding matters).

The section of the EPA Act dealing with the making of LEPs has recently been amended. Existing draft LEPs are required to be converted to “planning proposals” under the new legislation by 31 July 2010. A submission has been made to the DoP to convert the Kings Hill LEP into a planning proposal. It is understood that this will allow the draft LEP to continue towards finalisation and the existing status of the LEP (i.e. it is at the finalisation stage) will be retained.

Council is preparing an LGA wide standard LEP. The draft Kings Hill LEP, which is in standard LEP format, has been prepared to maximise its consistency with the draft LGA wide LEP.

Council sought legal advice in 2008 regarding the consideration and incorporation of aircraft noise provisions into the draft LEP for Kings Hill. The legal advice states that AS2021 contains well recognised standards to be applied to development affected by noise from aircraft, and that “there is no warrant for applying a standard other than AS 2021-2000 and for using the 20 ANEF as the criteria for application of the standard”. The clause in the draft LEP is consistent with this advice.

Odour

Legal advice has been provided concerning DECCW’s advice on odour concerning a draft LEP to rezone land for residential development around the Bedminster Waste Transfer Station by the former owners of the plant who also own some 17 hectares of land within the Kings Hill draft LEP (see Odour from Bedminster Waste Transfer Station under Background section of this report). The advice is that, notwithstanding the operational licensee conditions of the Bedminster plant, and the existence of a restrictive covenant burdening Lots 1 and 2, given the history of odour complaints from the plant, Council should be cautious, and have a responsibility to prepare a draft LEP that provides an appropriate regulation of development on the subject land.

A 2007 review of Odour and Noise Impacts of the Bedminster plant by (Air Noise Environment Pty Ltd) concluded that "a 400 metre buffer is not considered appropriate. A larger buffer seems warranted based on the available data and observations." On this basis a 1000 metre buffer from the Bedminster plant was recommended to Council in December 2008. Council resolved that a buffer (if required) would be determined through the rezoning process for that draft LEP. Based on DECCW's advice, the recommended draft LEP that is the subject of this report, contains a clause requiring Council as a consent authority to take into account various matters on land potentially affected by odour (as per such a map in the draft LEP) when determining development applications for odour sensitive land uses on this land.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Kings Hill will increase the supply of land for housing near Raymond Terrace. It will provide greater housing choice. The size (4500 dwellings) and topography of Kings Hill will also provide housing choice within the development area. Kings Hill is being planned to provide a range of housing densities, with the most intense development being located around the town and neighbourhood centres. The draft LEP contains both minimum and maximum lot sizes for detached housing to encourage residential densities that reflect the proximity to the town or neighbourhood centre, and to facilitate a more efficient use of land.

Retail Centres Structure

The town centre and neighbourhood centres are planned as mixed use centres-with both residential and economic activities. It is hoped this will encourage a greater range of activity and community life than is found in conventional suburban development.

Local services and retail will be provided at Kings Hill. However, higher order services and retail needs will be located at Raymond Terrace. This will support the regional centre role of Raymond Terrace.

The exhibited draft LEP specified a maximum of 2200 square metres of retail floor space in the town centre and a number of smaller local centres of between 200-650 square metres. These maximums were based on retail analysis by Hirst Consulting in 2004, who stated that a larger town centre of 5,500 square metres may have a negative impact on Raymond Terrace. Council is undertaking a more comprehensive study of all retail and commercial floor space in the LGA. This study will provide a more current and comprehensive analysis than Hirst, and the result will be available in the next few months. Consequently the recommended draft LEP is taking a prudent approach of retaining maximum retail floor space as the exhibited LEP, with the option of amending the maximum figure should the new LGA study recommend a higher figure.

Increased patronage of the Raymond Terrace regional centre from Kings Hill will support more businesses and services and create employment.

Public Transport

It will be important for all Kings Hill residents to be able to access Raymond Terrace. The early provision of public transport services and a cycleway link to Raymond Terrace is of critical importance to mitigate a high dependence on motor car usage and to ensure that people can get to the services they need. Whilst the provision of public transport infrastructure and services is the responsibility of the State Government, Council can directly influence the feasibility and successful operation of public transport by determining the location of urban development and the subsequent street layout. The Kings Hill structure plan provides mixed use centres connected by a street network that supports a direct bus route, walking and cycling.

Aircraft Noise

A requirement for urban developments to meet AS 2021 (aircraft noise) will increase construction costs and will mainly occur where this development is within the 20-25 ANEF contours. Locating schools and other noise sensitive uses within the ANEF 20-25 contours may lead to a reduction in the quality of the learning environment and the amenity of outdoor spaces. Alternatively these land uses may be located outside of the 20-25 ANEF contour to avoid these impacts.

Economic Benefit

The development of Kings Hill will provide a stimulus to the local construction industry over the 25 years of development.

Council will receive additional revenue through land rates and user fees and charges. It will need to spend additional funds on providing services to Kings Hill residents and businesses, as well as on maintaining new assets at Kings Hill.

Kings Hill, and the growth of Medowie, will need nearby employment to reduce commute times and transport costs. The implementation of the Port Stephens Economic Development Strategy is very important, and in particular that increased employment occurs at Raymond Terrace, Heatherbrae, Tomago and around the airport/airbase.

The town centre and neighbourhood centres will provide some employment for residents. Kings Hill is being planned to support a high level of small and home based businesses, however this will only partly address the need for additional employment.

Environmental Management

Kings Hill contains areas of environmental significance. These have been identified in ecological assessments, and are mentioned in a number of public submissions. Generally, the areas of environmental significance are located on the higher lands, along riparian corridors, and include SEPP 14 wetlands. The eastern section of Kings Hill drains into the Irrawang wetlands, a SEPP14 wetland.

Whilst Kings Hill is not within the “green corridor” shown in the Lower Hunter Regional Strategy, it is identified in the Lower Hunter Conservation Plan as including an indicative wildlife corridor. DECCW mapping shows the indicative wildlife corridor passing from Tomago through the eastern and northern urban areas of Raymond Terrace, across the Irawang wetlands, through Kings Hill, and heading north to the Wallaroo National Park and beyond. This corridor is impeded by the urban areas of Raymond Terrace, and wildlife would also need to need to cross the dual carriageway of the Pacific Highway, just to the south of Kings Hill. The development of Kings Hill will impede this corridor further, despite the provision of wildlife corridors in the draft LEP, from the core of the conservation area on Kings Hill to the Irawang wetlands. The development of Kings Hill will also remove some of the habitat for a number of threatened species, particularly in the south eastern and south western corners.

For these reasons, the most recent ecological report identifies that a species impact statement would be necessary for development proposals which affect the habitat of the Koala, Grey Crowned Babbler and Phascogale. These matters are the subject of discussions between the proponents and DECCW in relation to an offset package (see “biodiversity impacts”). DECCW advises that additional ecological investigations and offsets will be required at the development application stage.

All SEPP14 wetlands, much of the higher lands, and the riparian corridors, are included in an environmental zone in the draft LEP. The DCP for Kings Hill will contain controls to ensure that the quantity and quality of urban runoff does not have a significant impact on the riparian corridors and wetlands.

CONSULTATION

Consultation with the following public authorities has been undertaken under with Section 62 of the EPA Act:

- Hunter Water Corporation
- Roads and Traffic Authority
- Department of Primary Industries – Agriculture
- Department of Mineral Resources
- Department of Defence
- NSW Fisheries
- Department of Environment, Climate Change and Water
- Department of Natural Resources
- Department of Planning
- Coastal Council
- NSW Fire Brigades
- Rural Fire Service
- Newcastle Airport Limited
- Department of Housing
- Department of Education and Training

The draft LEP was exhibited in accordance with Section 66 from 29th March to 10th May 2007 and re exhibited from 11th May to 12th June 2007 due to a notification

problem with the initial exhibition. Details of the exhibition were published on Council's website and in the Port Stephens Examiner newspaper in accordance with the Regulations. Two information sessions were held during the exhibition period on 19th April 2007 and 28th April 2007 at Council's administration building. Some 15 persons and 8 persons attended the information sessions respectively.

The draft LEP, explanatory information, the Local Environmental Study and the Environmental Management Strategy were available at the exhibition. The documents were available for viewing at Council's Administration Building, Tomaree and Raymond Terrace Libraries.

The exhibition in 2007 resulted in 23 submissions. A summary of these submissions and those received in April/ May 2010 are in **Attachment 2**. A copy of these submissions is provided in the Councillors workroom.

Two meetings have been held with all landowners since the public exhibition – most recently on 19th April 2010. The major issues raised by landowners in their recent submissions (provided in full in the Councillors workroom) include:

- The importance of finalising the environmental zones, rather than treating them as a “deferred matter” in the LEP.
- Support for an E2 zone over the most of the conservation area, with an E3 zone over the three lots fronting Winston Road.
- The importance of co-ordinating infrastructure across landowners and precincts, and Council's key role in this process.
- Resolution of the Pacific Highway access, and its relationship to the timing of development on the western side of Kings Hill.
- Flood free access being required to the 5% AEP level only, and the importance of a temporary east west route to achieve this in the interim until a permanent road links the Pacific Highway to Newline Road.
- The quantum of retail floor space.
- The importance of the early preparation of a DCP, infrastructure plans and a Section 94 Plan.
- There is no need for an “odour buffer area”.
- Flexibility in the route of east west and inner Precinct road links until detailed investigations have been done.
- Permissibility of dual occupancy development

OPTIONS

Council has the following options to the recommendation:

- 1) Defer finalisation of the draft LEP until outstanding matters have been resolved -the consequent changes to the draft LEP would probably trigger a re-exhibition and would be reported to Council in approximately 6-12 months.
- 2) Resolve to re-exhibit the draft LEP - re-exhibition would involve another report to Council in approximately 2-3 months, and the outstanding matters are likely to still remain unresolved at that time, resulting in no real gain other than additional public exposure and opportunity to comment on the recommended draft LEP at this stage.

ATTACHMENTS

- 1) Draft Port Stephens Local Environmental Plan 2010 – Kings Hill **(under separate cover)**
- 2) Summary of submissions received during the exhibition period, and landowners' submissions since 19 April 2010
- 3) Response to Section 117 Directions and State Environmental Planning Policies
- 4) Draft Local Environmental Plan – Kings Hill 2007 publicly exhibited
- 5) Table identifying main changes to the draft LEP 2010 to that publicly exhibited during 2007
- 6) Summary of the Infrastructure Scoping Paper

COUNCILLORS' ROOM

- 1) Kings Hill Local Environmental Study 2007
- 2) Kings Hill Infrastructure Scoping Paper 2010
- 3) Submissions received during public exhibition of Port Stephens Draft Local Environmental Plan – Kings Hill 2007.
- 4) Submissions received from landowners since the landowners meeting of 19 April 2010

TABLED DOCUMENTS

Nil.

**ATTACHMENT 1
DRAFT PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2010 – KINGS HILL
PROVIDED UNDER SEPARATE COVER**

ATTACHMENT 2

SUMMARY OF SUBMISSIONS RECEIVED DURING THE EXHIBITION PERIOD,
AND LANDOWNERS' SUBMISSIONS SINCE 19 APRIL 2010

	Date of Submission	Approve/ Object	Issues Raised
1	19/04/2007		Requests upgrade of adjoining boundary fencing.
2		Object	- Residents will be affected by aircraft exhaust fallout - Trees will be removed with consequent greenhouse impacts
3	10/05/2007		Requests consistency of treatment of aircraft noise issues for Kings Hill and authors land
4	04/06/2007	Object	Requires: grade separated interchanges to Pacific Highway; Section 117 direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast be adhered to; development is oriented to excessive increase local traffic on the Pacific Highway; Pacific Highway traffic noise is mitigated in the new development; all existing at grade connections and Six Mile Road be closed at their intersection with the Pacific Highway
5	08/06/2007	Support	The proposed Windeyer Village (W side of Kings Hill) is complementary to the rest of the development and should proceed early; seeks inclusion of land to the W of Newline Road in the proposal.
6	12/06/2007	Object	Concerned that the residential nature and scale of the proposal will compromised the development and operation of RAAF base Williamtown; because its proximity to the flight paths of RAAF Base Williamtown is significantly affected by noise impacts of military aircraft activities.
7	13/06/2007	Object	The 'improve or maintain' principle has not been demonstrated in relation to native fauna and flora- even though the Native Vegetation Act does not apply to urban land the principles of that Act should be applied.

COUNCIL COMMITTEE – 25 MAY 2010

8	12/06/2007	Support	Lives in the area and is not disturbed by aircraft noise.
9	25/05/2007	Object in relation to Winston Road properties	• Lack of consultation with land owners in the LEP process • Propose an E3 zone apply to Winston Road, not E2 • Suggest E2 land zone is inappropriate for Winston Road. • Land is suitable for "environmental large lot residential" • Winston Road land is much less constrained than some other parts of the site, where constraints include: slope, visual importance, koala habitat, Grey Crowned Babbler Habitat, Phascogale habitat, aircraft and highway noise, flooding, drainage, archaeological significance, proximity to odour hazards, sensitive catchments and a SEPP 14 wetland. • The Environmental Conservation Zone is not justified by the environmental information, and furthermore, it is not likely to achieve habitat management. The very restrictive uses allowed in the E2 zone are not likely to achieve any development. • The whole of the Winston Road land is not required for a wildlife corridor • A range of other matters advocating limited development of the Winston Road land were raised.
10	25/05/2007	Object	As above
11	25/05/2007	Object	As above
12	28/05/2007	Approve	Zoning of land nominated as B4 should make provision for privately owned community use, such as a church, Christian school and community services.
13	06/06/2007	Suggest conditions	• RAAF base Williamstown, Newcastle Airport and DAREZ are important employers and of benefit to the Region • Give consideration to noise issues, a requirement for noise assessments and attenuation in buildings is strongly supported. Suggest a third party to certify noise impact assessments prior to development consent. • Need to ensure operation of the Pacific Highway without impediments from intersections

COUNCIL COMMITTEE – 25 MAY 2010

14	03/07/2007	Object	• Significant negative impact on biodiversity. • Significant negative impact on the high conservation value of Irrawang Wetland. • Destruction of a significant area of woodland, a habitat that has already been decimated by cumulative degradation from inappropriate over development state-wide.
15	29/05/2007	Object	• Biodiversity and cultural heritage constraints. • Proposal does not achieve a improve or maintain outcome • Inadequate offsets are proposed • The proposal is unlikely to ensure the long-term viability of populations of threatened species and other protected wildlife • Aboriginal cultural heritage issues are inadequately addressed • Noise and odour from the Bedminster plant should be considered • Council should demonstrate that water cycle management is appropriate
16	07/05/2007		• Mineral title affects the land (petroleum exploration lease). • Resources are currently being extracted from Seaham Hill and potential mineral resources are also identified at Hamburger Hill further to the north, north east of this site. Council should ensure when determining the development of this land that consideration is given to potential impacts on future residents from heavy truck movements.
17	7/05/2007		• Issue of potential contamination of the proposed Open Space on Lot 51 DP 839722. • It is essential that the Council's waste management area is remediated to a suitable statement rehabilitated and leachate monitoring is undertaken.
18	24/05/2007		• Open Space and Access Road concerns. Any large scale open space area should be provided with passive surveillance. • Lot 104 DP 1016640. Newline Resources supports the potential inclusion of part of that land (W of Newline Road) for the creation of public access to the River. • Needs to ensure that lots potentially created by the LEP amendment are adequately serviced by roads. The existing boundary is the most logical location for such a main road due to difficult terrain within the Kings Hill site.

COUNCIL COMMITTEE – 25 MAY 2010

19	25/05/2007		• Support for the inclusion of Lot 3 DP 1098770 and Lot 11 DP 37430 as part of a minor LEP boundary change. • Positioning of the main access road to the site from Newline Road on the common boundary is the best solution. • The suggested staging is probably developer driven rather than Councils preference. • Newline Resources rezoning request would play a substantial part in the production of "less isolated" residential land • Development of residential land in this additional area (south east corner of Kings Hill) would allow for the establishment of McPherson Village to be commenced earlier. • Additional areas to the northwest of Lot 3 DP 1098770 and Lot 11 DP 37430 are crucial to the main road access to Raymond Terrace and supervision of the playing fields.
20	25/05/2007		• Covenants require PSWMG to ensure that impacts from all offensive detectable odours emanating from the operations of the processing facility, waste stockpiles or landfill are such that they are fully contained within its own boundaries. • PSWMG has undertaken a major overhaul of its operations including rebuilding of the biofilters. Odour experts indicate that the compliance requirements are achievable and practicable. • Current documentation put forward by Kings Hill has not recognised the extent of improvements • It is essential for Council to acknowledge that the proposed buffer zones indicated in Section 2.7 and Figure 14 are incorrect, based on out of date investigations and we request that these be withdrawn. • The Odour Unit reports show a significant improvement on the current out dated LEP documentation.

COUNCIL COMMITTEE – 25 MAY 2010

21	25/05/2007		• Covenants require PSWMG to ensure that all impacts generated by noise emanating from the Bedminster Facility are fully contained within its own boundaries. • Changes to the noise mounds around the current exhaust fans are in place, with the enhancement of the 4m high earth mound to the north of the Bedminster facility buildings. • Compliance with the appropriate noise guidelines are addressed within the contractual conditions and DECC licence. • Authoritative noise experts indicate that noise compliance is achievable and practicable. • Current documentation put forward by Kings Hill has not recognised the extent of works by PSWMG to ensure that noise cannot affect adjoining land. • It is suggested that the incorporation of the attached Reverb Acoustics report into the current LEP documentation will enable Council and community to be fully informed.
22	10/10/2007	Object	• Referred to the incremental environmental degradation of the Lower Hunter. • Irrawang wetland is one of the most important in the Lower Hunter. • Concerned with impacts of urban development on the Irrawang wetland. • Concerned with the fragmentation of woodland habitat. • Concerned with peripheral impacts of urban development on environmental areas – changes in ground water, impacts of domestic animals, etc.
23	7 May 2007		• Information provided with the rezoning package is based on the 2001 Planning for Bushfire Protection Guidelines, which have been superseded by the 2006 Guidelines

**ATTACHMENT 3
RESPONSE TO SECTION 117
DIRECTIONS & STATE ENVIRONMENTAL PLANNING POLICIES**

SEPP (Affordable Rental Housing) 2009

The proposal provides for additional land to which the SEPP applies, and accordingly has the potential to increase the supply of affordable housing.

SEPP (Exempt and Complying Development Codes) 2008

The proposal provides for additional land to which the Exempt and Complying Development Code may be applied.

SEPP (Rural Lands) 2008

The then Department of Agriculture confirmed in 2003 that the land has limited agriculture value, and has raised no objection to the proposal.

SEPP (Housing for Seniors and People with a Disability) 2004

The proposal will provide for additional lands upon which housing for seniors and people with a disability may be developed.

SEPP 71 (Coastal Protection)

The land is not within the coastal zone.

SEPP 65- Design Quality of Residential Development

The proposal and foreshadowed DCP are consistent with the objectives of SEPP 65.

SEPP 55 Remediation of Land

A geotechnical study by Douglas Partners in 2005 found that the land is generally unlikely to contain gross contamination, with the exception of the former Council landfill in the southwest of the site. It is proposed to provide a buffer between the former landfill and development, and to undertake any remediation necessary to allow the former landfill site to be used for open space, and to manage any other impacts to acceptable levels.

Douglas Partners conclude that any other potential localised contamination sources can be readily investigated and remediated at each stage of the development.

SEPP 44 Koala Habitat Protection

An ecological assessment by Ecobiological (2009) concluded that while the master plan design, removes some areas of preferred and supplementary habitat for the Koala, it does leave habitat that can be used by this species for dispersal corridors and feeding areas. Notwithstanding the low population density of this species the combined impacts of a reduction in Koala habitat and a restriction of movement may mean a significant impact upon the ability of this species to use the subject area. Impacts upon the dispersal of the Koala though the subject area can be minimised by southerly and westerly corridors. This

matter is currently the subject of discussions with DECCW in relation to biodiversity offsets and other measures.

SEPP 14 Coastal Wetlands

The proposal places SEPP 14 wetlands within the Site in an appropriate zone in order to protect their environmental values. A DCP will ensure that the impact of urban runoff will not significantly affect the environmental values of the SEPP 14 wetlands on site and those nearby.

SEPP 9 Group Homes

The proposal provides for additional land on which group homes may be developed.

SEPP 1 Development Standards

The proposal adopts Standard instrument clause 1.9, such that SEPP 1 will not apply to the land. The proposal adopts clause 4.6 of the Standard Instrument- Exceptions to Development Standards.

RELEVANT SECTION 117 DIRECTIONS

1.1 Business and Industrial Zones

Objectives

The objectives of this direction are to:

- encourage employment growth in suitable locations,
- protect employment land in business and industrial zones, and
- support the viability of identified strategic centres.

The proposal does not reduce business or industrial zones. It provides for a modest increase in business zoned land (B4 Mixed Use) in order to provide local and neighbourhood services and employment. The residential population of Kings Hill will provide patronage to the nearby regional centre of Raymond Terrace.

Direction 1.2 Rural Zones

The objective of this direction is essentially to protect the agricultural production value of rural land.

The then Department of Agriculture confirmed in 2003 that the land has limited agriculture value, and has raised no objection to the proposal.

1.3 Mining, Petroleum Production and Extractive Industries

Objective

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

The Department of Mineral Resources in 2003 raised no objection to the proposal.

1.4 Oyster Aquaculture

Not relevant

Direction 1.5 Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.

The then Department of Agriculture confirmed in 2003 that the land has limited agriculture value, and has raised no objection to the proposal.

2.1 Environment Protection Zones

Objective

The objective of this direction is to protect and conserve environmentally sensitive areas.

A number of ecological investigations have been undertaken. The proposal seeks to rezone land of conservation significance within the site to Zone E2 Environmental Conservation. Discussions are underway with DECCW in relation to biodiversity offsets.

The proposal is not located within the green corridor identified in the Lower Hunter Regional Strategy.

2.2 Coastal Protection

Objective

The objective of this direction is to implement the principles in the NSW Coastal Policy.

The land is not within the coastal zone

2.3 Heritage Conservation

Objective

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The proposal contains the Standard Instrument clause 5.10 Heritage Conservation. Studies of the land indicate that there are places of aboriginal heritage significance. It is proposed to locate these within the E2 Environmental Conservation zone, and to introduce management arrangements acceptable to the local aboriginal community.

The land does not contain items of European heritage significance.

2.4 Recreation Vehicle Areas

Objective

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

It is not proposed to enable a recreational vehicle area to be developed on land to be zoned E2 Environmental Conservation

Direction 3.1 Residential Zones

Objective

The objectives of this Direction are:

- To encourage a variety and choice of housing types to provide for existing and future housing needs

- To make an efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services
- To minimise the impact of residential development on the environment and resource lands.

The proposal provides for additional land for housing, and permits a variety of dwelling types. The proposal contains provisions to ensure adequate infrastructure can be made available prior to development being approved.

3.2 Caravan Parks and Manufactured Home Estates

Objectives

The objectives of this direction are:

- to provide for a variety of housing types, and
- to provide opportunities for caravan parks and manufactured home estates.

The proposal does not affect existing provisions that permit the development of a caravan park or affect the existing zoning of a caravan park. There are no existing caravan parks on the land, and it is not currently a permissible land use.

It is not proposed to establish a manufactured home estate on the land.

3.3 Home Occupations

Objective

The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

The proposal provides for home occupations in all zones where a dwelling is permissible.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure that development:

- Improves access to housing, jobs and services by walking, cycling and public transport;
- Increases the choice of available transport and reducing dependence on cars;
- Reduces travel demand including the number of trips generated by development and the distances travelled, especially by car;
- Supports the efficient and viable operation of public transport services; and
- Provides for the efficient movement of freight.

The proposal has been developed in the context of a settlement pattern for the land focussed on a local and several neighbourhood mixed use centres, and the intensity of development will progressively intensify closer to these centres. Studies undertaken as part of the Environmental Management Strategy and Local Environmental Study have identified ways of ensuring the resultant development can be effectively served by public transport, and that an effective cycleway and pedestrian footpath network can be established. This will be formalised in the foreshadowed DCP.

3.5 Development Near Licensed Aerodromes

Objectives

The objectives of this direction are:

to ensure the effective and safe operation of aerodromes, and

to ensure 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 or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The proposal will not create an obstruction to flying aircraft.

Part of the land is within a noise contour of greater than ANEF 20 and is affected by aircraft noise. A clause has been included in the proposed LEP to ensure all aircraft noise affected development is compliant with AS2021.

Direction 4.1 Acid Sulphate Soils

Objective

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

Douglas Partners have identified that part of the site is likely to contain acid sulphate soils, but not such as to prevent urban development. A model local provision will be included in the proposed LEP to ensure that adverse impacts do not result from development because of acid sulphate soils

Direction 4.2 Mine Subsidence and Unstable Land

Objective

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

The land is unaffected by mine subsidence.

Douglas Partners have investigated land stability issues and concluded that slope stability issues do not preclude development. However, mitigation measures would be necessary prior to development on steeper slopes, due to exposure of boulders during earthworks, and in relation to rock faces on a quarry on Lot 4821.

Direction 4.3 Flood Prone Land

The objectives of this Direction are:

- To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005
- To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The proposal is proposed to contain provisions to ensure development will not adversely affect flood behaviour, create significant environmental impacts as a result of flood, and that safety of occupants is maintained. The proposal will also contain a clause to ensure that all parts of the site have relatively flood free access to the Pacific Highway.

Direction 4.4 Planning for Bushfire Protection

The objectives of this Direction are to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.

A bushfire assessment has been carried out and the proposed development will be undertaken consistent with the publication Planning for Bushfire Protection. The foreshadowed DCP will contain appropriate provisions. The Rural Fire Services was consulted during the exhibition process.

The proposal will contain the Standard Instrument clause to ensure that bushfire hazard reduction can be carried out.

Direction 5. Implementation of Regional Strategies

The proposal implements the Lower Hunter Regional Strategy. The land is identified in the LHRs as a potential urban area.

5.2 Sydney Drinking Water Catchments

Not applicable

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Not applicable

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Objectives

The objectives for managing commercial and retail development along the Pacific Highway are:

- to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;
- to prevent inappropriate development fronting the highway
- to protect public expenditure invested in the Pacific Highway,
- to protect and improve highway safety and highway efficiency,
- to provide for the food, vehicle service and rest needs of travellers on the highway, and
- to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

Where this Direction applies:

This Direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive.

The proposal seeks to rezone land to B4 Mixed Use for commercial and retail development adjacent to the Pacific Highway. The purpose of this zoning is to provide for a local centre to service the day to day needs of the residents of Kings Hill. It is located at the main entry to Kings Hill in order to provide convenience for most residents. The proposed centre will be accessed from the Highway by a grade separated interchange (to the RTA's requirements) and will be buffered from the highway, in part by a landscaped mound. It is not proposed to address the highway.

The proposal limits the maximum amount of retail floorspace in the B4 zone in order to protect the regional role of nearby Raymond Terrace.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

No applicable

5.6 Second Sydney Airport: Badgerys Creek

Not applicable

6.1 Approval and Referral Requirements

Objective

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The proposal is consistent with this direction.

6.2 Reserving Land for Public Purposes

Objectives

- The objectives of this direction are:
- to facilitate the provision of public services and facilities by reserving land for public purposes, and
- to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The proposal does not create, alter or reduce zonings or reservations of land for public purposes. No requests have been received from the Minister or public authority to include provisions to reserve land, rezone land or remove a reservation for public purposes.

However the proposal does include Standard Instrument compulsory clause 5.1 in relation to relevant acquisition authorities.

6.3 Site Specific Provisions

Objective

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The proposal is consistent with this direction.

**ATTACHMENT 4
DRAFT LOCAL ENVIRONMENTAL PLAN – KINGS HILL 2007 PUBLICLY EXHIBITED**

PROVIDED UNDER SEPARATE COVER



Australian Government

Department of Defence

Defence Support Group

2005/1112532/6
LPSI/OUT/2009/230

David Broyd
Group Manager, Sustainable Planning
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Mr Broyd

Re: 2025 Australian Noise Exposure Forecast (ANEF) Map for RAAF Base Williamtown

I refer to the recently promulgated 2025 ANEF map for RAAF Base Williamtown. A hard copy is attached for your information.

The 2025 ANEF map supersedes the previous 2012 ANEF map, and defines acceptable areas for the construction of different types of buildings around RAAF Base Williamtown, with the aim of achieving land uses that are compatible with the forecast flying activities for the next 15 years.

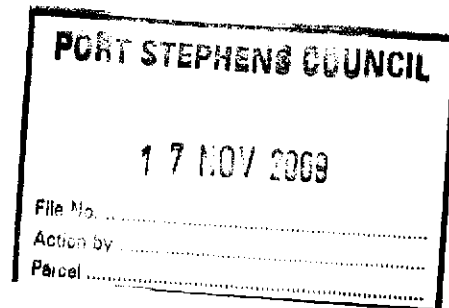
The 2025 ANEF map shows the same noise contours as the 'Australian Noise Exposure Concept (ANEC) 2' map, which incorporated the planned flying activities for the Joint Strike Fighter (JSF), and which had been the subject of discussions through the Kings Hill Working Group earlier this year. This map also contains the same noise contours, and associated Summary Report, which were the focus of the NSW Department of Planning's Independent Review of ANEC 2, completed in June 2009.

As you are aware, the Public Environment Report (PER) for the proposed flying activities of the JSF at RAAF Base Williamtown commenced on 6 October 2009, and will consider noise effects upon the local community in relation to the new 2025 ANEF map.

In addition, the Noise and Flight Path Monitoring System (NFPMS) already in place around RAAF Base Williamtown will continue to provide noise and flight path data after the arrival of the JSF. Defence will continue to provide Council with copies of the reports on the data obtained from the NFPMS.

Although the 2025 ANEF map supersedes the previous 2012 ANEF map, there will be an intervening period where there will be a gradual progression towards the contours shown in the 2025 map. In the interim, the noise levels experienced will be between that forecast for the superseded 2012 ANEF, and the new 2025 ANEF map. Use of the NFPMS will help monitor and manage this interim period, as well as providing up to date information to stakeholders. It is the 2025 ANEF map that should be used in this intervening period when

SCANNING	
Document Title	2025 ANEF
MAP for	RAAF BASE - WILLIAMTOWN
Record No	PSC 2006-0038
Action	R & R
Responsible Officer	David Broyd
Return Document	no yes
Mail	no
Parcel No	



applying the relevant aspects of Australian Standard AS 2021:2000 *Acoustics-Aircraft Noise Intrusion-Building Siting and Construction*.

Defence would be happy to meet with you and further discuss the new 2025 ANEF map and its implications for the Council's long-term planning and development. Should you require additional information or wish to discuss the matter further, please contact Jim Ponton on (02) 6266 8186, or by email at jim.ponton@defence.gov.au.

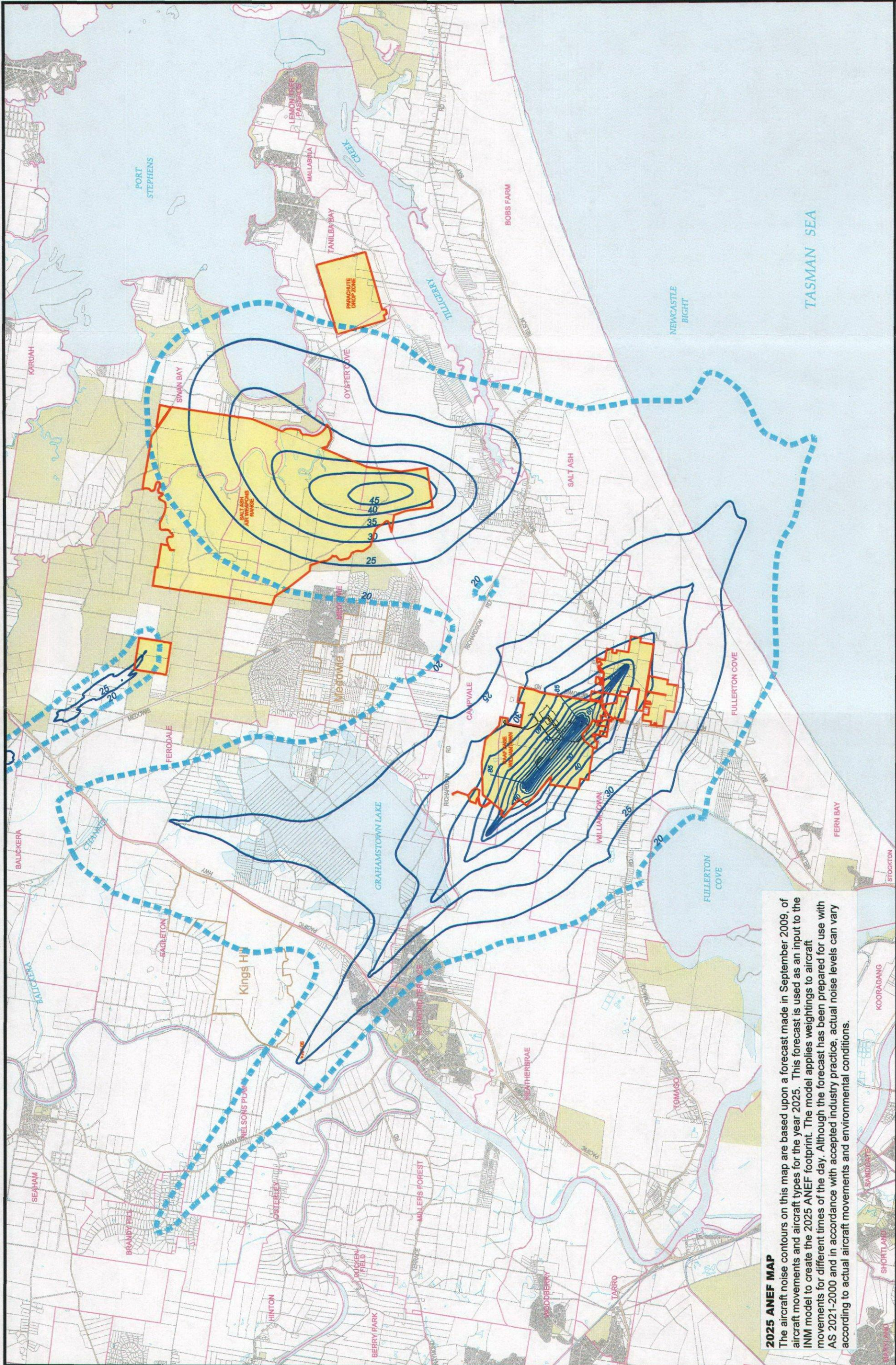
Yours sincerely



Matt Dapson
A/g Director Land Planning & Spatial Information
Department of Defence
BP3-1-A052
Brindabella Park
Canberra ACT 2600

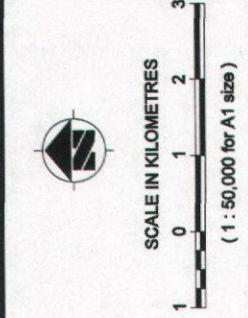
12 November 2009

Cc: RD DSO NNSW



2025 ANEF MAP
The aircraft noise contours on this map are based upon a forecast made in September 2009, of aircraft movements and aircraft types for the year 2025. This forecast is used as an input to the INM model to create the 2025 ANEF footprint. The model applies weightings to aircraft movements for different times of the day. Although the forecast has been prepared for use with AS 2021-2000 and in accordance with accepted industry practice, actual noise levels can vary according to actual aircraft movements and environmental conditions.

RAAF BASE WILLIAMTOWN &
SALT ASH AIR WEAPONS RANGE
2025 ANEF
2025 ANEF CONTOURS



LEGEND:

- 2025 ANEF CONTOURS
- DEFENCE PROPERTY

ENDORSEMENT
I am satisfied that correct data was used in the production of the Summary Report and the ANEF map, and endorse the ANEF map.
For Endorsement:
(Signature) (Title) (Date)