

70 Latitude Drive Anna Bay planning proposal

Proposed amendment to Port Stephens Local Environmental Plan (LEP) 2013

Amend the LEP to permit 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay, and to facilitate future subdivision of Lot 25 DP 852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.

VERSION CONTROL

Version	Date	Author	Details
1	Oct 2018	ML	1. Planning proposal (PP) as submitted with Council
2	June 2019	ML	1. Response to Council's Request for Information, including: <ul style="list-style-type: none"> Detailed information regarding mechanisms to achieve intended outcomes. Justification of strategic merit and address any inconsistencies with Hunter Regional Plan Address principles that guide medium density development in the Port Stephens Planning Strategy. Address the SEPP (Rural Lands) 2008. Address Ministerial Direction 1.5 Rural Lands. Address Ministerial Direction 3.1 Residential Zones. Address Ministerial Direction 3.2 Caravan Parks and Manufactured Home Estates. Address Ministerial Direction 3.4 Integrating Land Use and Transport.
3	Oct 2019	RK	1. Incorporated PP into Council Template. 2. Included Request for Information into PP. 3. Included strategic and site-specific merit of the PP. 4. Included Part 5 and Part 6. 5. General review and inclusion of additional information (SEPPs, Ministerial Directions, Strategic Plans).
4	March 2020	RK ML	1. Updates in response to DPIE request for information (December 2019): <ul style="list-style-type: none"> Updated Part 1 – Objectives or intended outcomes. Updated Q2 outlining the best means of achieving the intended outcomes. Included reference to most current supporting studies available (throughout). Included reference to preliminary studies relating to flooding and bushfire (Ministerial Directions 4.3 and 4.4). Included information about availability of sewer services for future development (Section B – Site Specific Merit of the proposal (3), and Appendix seven) Removed SEPP36. Updated various 9.1 Ministerial Directions (1.2; 1.5; 3.1; 3.4; 4.1; 4.3; 5.10 and 6.3) Updated Part 6 - Project timeline. 2. Additional amendments: <ul style="list-style-type: none"> Included draft Port Stephens Local Strategic Planning Statement and draft Port Stephens Local Housing Strategy (Q4).

ML	Marion Lourens – ADW Johnson PTY LTD
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FILE NUMBERS

Council: Port Stephens Council

Department: Strategic Planning

SUMMARY

Subject land: The site comprises of the following lots:
Lot 2 DP 398888 at 70 Latitude Drive, Anna Bay
Lot 4 DP 398888 at 70A Latitude Drive, Anna Bay
Lot 2 DP 1204319 at 70B Latitude Drive, Anna Bay
Lot 1 DP 1225542 at 70C Latitude Drive, Anna Bay
Lot 25 DP 852410 at 4473 Nelson Bay Road, Anna Bay

Proponent: Ingenia Communities Pty Ltd
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Proposed changes: Amend the Port Stephens Local Environmental Plan 2013 to permit 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay, and to facilitate future subdivision of Lot 25 DP 852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.

The amendments will also enable the future subdivision of Lot 25 DP 852410 to permit a lot of approximately 8,000m² to be created fronting Nelson Bay Road (Refer **Figure 5**).

Area of land: The site has an area of approximately 43ha.

Lot yield: Lot 25 DP 852410 is proposed to create 1 additional lot with capacity for approximately 170 sites on which manufactured homes could be installed.

BACKGROUND

The planning proposal seeks to Amend the Port Stephens Local Environmental Plan (LEP) 2013 to permit a 'caravan park' on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410 at 70, 70A, 70B, 70C Latitude Drive and 4473 Nelson Bay Road, Anna Bay, and to facilitate future subdivision of Lot 25 DP 852410 at 4473 Nelson Bay Road, Anna Bay into 2 lots.

The planning proposal will regularise the approved existing use on the part of the site where an approved caravan park is located. The approved caravan park has 270 sites on which manufactured homes are currently located, or being installed, and it is presently operating as a seniors living lifestyle resort. The current zoning of the site no longer permits this use and the development operates relying on existing use rights.

The planning proposal seeks to facilitate the extension of this use to part of an adjoining parcel, Lot 25 DP852410. Subject to development consent and further approvals, an additional 170 manufactured homes could potentially be accommodated on Lot 25 DP852410.

The planning proposal seeks to facilitate the future subdivision of Lot 25 DP852410, enabling part of the lot fronting Nelson Bay Road that is not proposed to be used for the caravan park, to be excised.

Any expansion of the existing caravan park and future subdivision would be subject to future applications and assessment.

As identified in this planning proposal, the following additional investigations will be provided following a Gateway determination:

- An investigation of the site by an appropriately qualified person in accordance with the Guidelines for Koala Habitat Assessment presented in Appendix 6 of the CKPoM.
- Further assessment of contamination across the site.
- A detailed flora & fauna assessment.
- An assessment of the potential credit liability generated by the future development and an offset strategy for achieving these credit requirements, in accordance with the requirements under the NSW Biodiversity Offsets Scheme.
- Assessment of acid sulfate soils across Lot 25 DP852410.
- A Bushfire threat assessment, specifically addressing Lot 25 DP852410.
- A specialist assessment of flood impact, specifically addressing Lot 25 DP852410.

SITE

SIZE AND CONFIGURATION

The site comprises the following lots:

Lot	Address	Lot Size
Lot 2 DP 398888	70 Latitude Drive, Anna Bay	approx. 10.3ha
Lot 4 DP 398888	70A Latitude Drive, Anna Bay	approx. 18.8ha
Lot 2 DP 1204319	70B Latitude Drive, Anna Bay	approx. 0.5ha
Lot 1 DP 1225542	70C Latitude Drive, Anna Bay	approx. 0.7ha
Lot 25 DP 852410	4473 Nelson Bay Road, Anna Bay	approx. 13.2ha
	Total site area	Approx. 43ha

Figure 1– Site Locality Map (next page) identifies the subject land (Refer Attachment one).

FIGURE 1 – Site Locality Map (land the subject of the planning proposal is shown in Black outline)



LOCATION

The site is located on the southern side of Nelson Bay Road in Anna Bay and sits approximately 2.5km west of One Mile and 6.5 km south-west of Nelson Bay. Anna Bay town centre is located approximately 3.2km south of the subject site.

The site is accessed off Latitude Drive which extends along the northern boundary of Lot 25 DP 852410 and through Lot 1 DP 1225542. Latitude Drive intersects with Nelson Bay Road to the west of the subject site.



Figure 2. Site locality

Source: Nearmap (<https://www.nearmap.com.au/>) – accessed 22/06/2018

ADJOINING LAND USES

The existing uses of land in the vicinity of the site include a limited number of single dwellings, dual occupancies, rural land, a trotting track, a golf course with a driving range, and vegetated sites.

Land to the north of the subject site consists of vacant vegetated land zoned E2 Environmental Conservation pursuant to the LEP. All other land to the south, east and west is zoned RU2 Rural Landscape pursuant to the LEP.

Directly adjoining the site to the east and south is land used for rural residential purposes, consisting of dwellings, dual occupancies and associated outbuildings on large lots. To the west of the subject site (at the rear of the rural residential properties) is land which contains cleared and vegetated areas and areas used for rural industry.

HISTORY OF LAND USE

The site was mined for mineral sands in the early 1970s. Sand mining activities generally involved vegetation stripping, the mining of sand by dredging in a moving pond, and processing of the dredged slurry. These activities have resulted in the land being heavily disturbed.

On 13 July 2010, Council approved a development application (DA16-2009-257-1) for a caravan park on the land now known as 70, 70A, 70B and 70C Latitude Drive, Anna Bay. At that time the land was zoned 1(a) Rural Agriculture zone and caravan parks were permissible with consent (under the Port Stephens Local Environmental Plan 2000).

The Local Government Act 1993 and Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 permits the installation of moveable dwellings in approved caravan parks, including manufactured homes, without further Council approval. The consent has been modified over time and the site currently has 270 caravan sites on which manufactured homes are being installed.

The LEP zoned the land RU2 Rural Landscape zone, which does not permit caravan parks. The development on the site relies on the existing consent to operate and is commonly known as Latitude One Lifestyle Village.

Development consent (DA 16/2017/282) has been granted on 07/07/2018 for earthworks within Lot 25 DP 852410. The development involved sand extraction in the north-western corner of the lot to be used for works associated with the construction of the approved caravan park on Lots 2 and 4 DP 398888, Lot 2 DP 1204319, and Lot 1 DP 1225542. The approved earthworks on Lot 25 remain ongoing.

CURRENT USE AND EXISTING IMPROVEMENTS

Approved development on Lots 2 and 4 DP 398888; Lot 2 DP 1204319 and Lot 1 DP 1225542 consists of a caravan park with 270 sites, on which manufactured homes have been installed, with occupation of several long-term sites having commenced. Some parts of these lots are not affected by works associated with the approved caravan park and comprise vegetated land.

This development was approved under a historic zoning and currently operates relying on that approval and existing use rights.

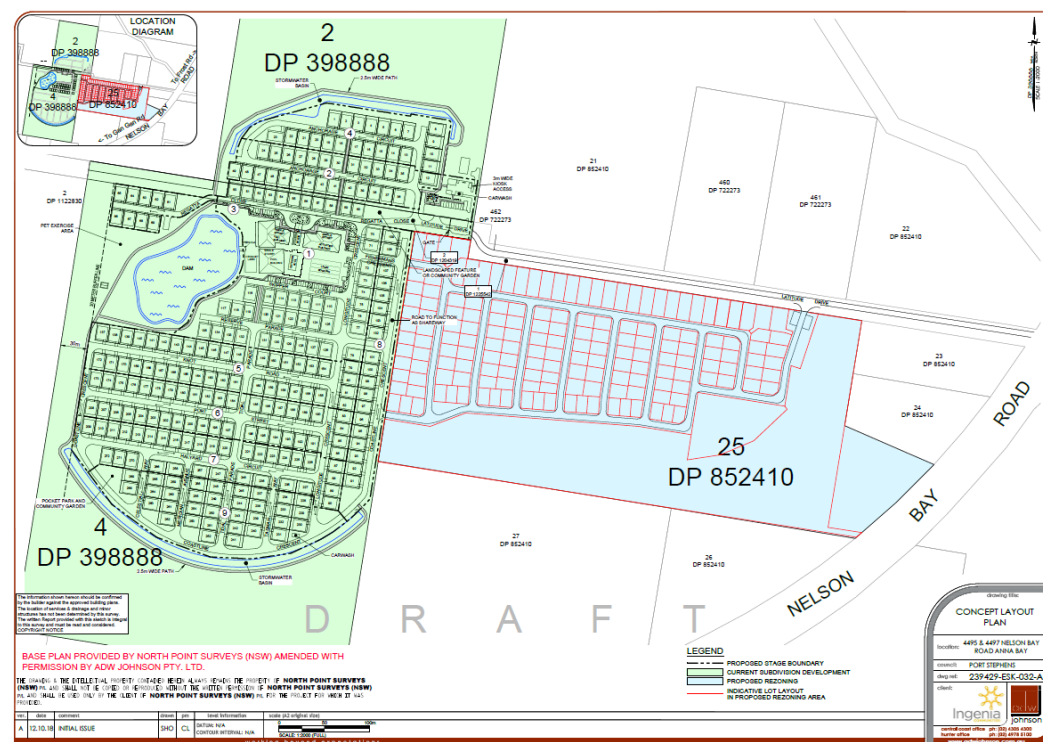
Lot 25 DP 852410 is not included in the land subject to the caravan park approval. A single storey dwelling house is located toward the eastern boundary of the lot, adjacent to the site's Nelson Bay Road frontage. The rest of this lot is predominately vacant, comprising areas of grassland and scattered vegetation.

PART 1 – Objectives or intended outcomes

The planning proposal seeks to achieve the following outcomes:

- To regularise the existing approved use caravan park use of Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 as a caravan park.
- Enable the extension of the existing caravan park use to part of the adjoining land at Lot 25 DP852410 at 4473 Nelson Bay Road in order to increase housing diversity and provide for population growth within the Port Stephens LGA.
- To facilitate the future subdivision of Lot 25 DP 852410 into two (2) lots so as to create a lot of approximately 8,000m², with an existing dwelling, fronting Nelson Bay Road (Refer **Figure 5**).
- To provide suitable planning controls that facilitate the proposed development.

The proponent submitted the concept plans for the proposed future development on Lot 25 DP852410 (in light blue), which shows the relation with the existing development on the adjacent lots (in light green). Both plans are also included in **Attachment one**.



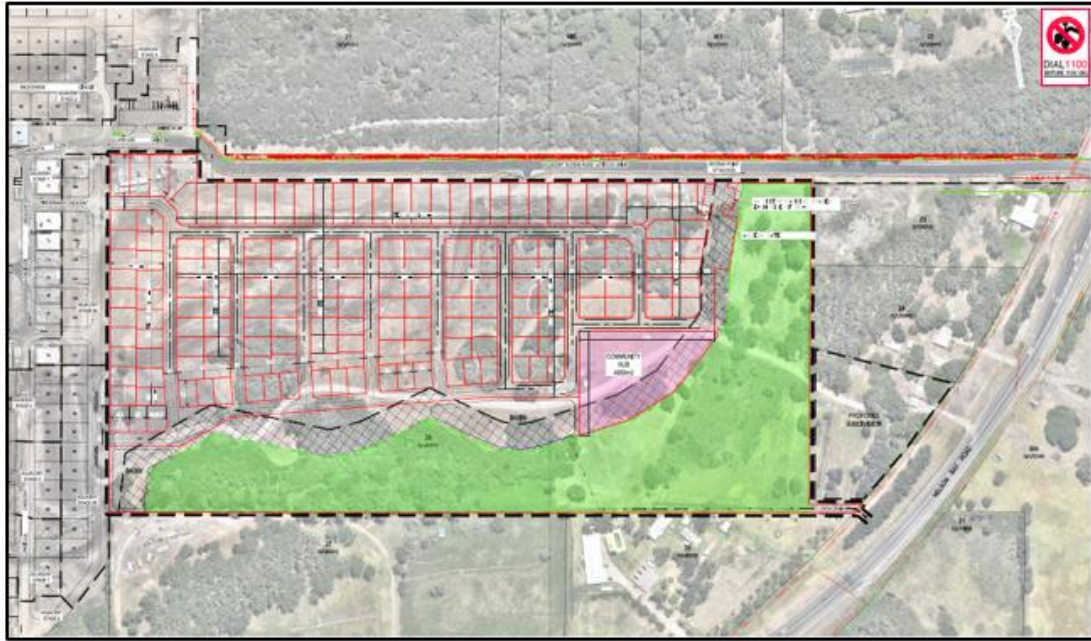


Figure 4. Concept Plan – Lot 25



Figure 5. Proposed future 1-into-2 lot subdivision of Lot 25 (indicative area in pink; subject to further investigation).

PART 2 – Explanation of provisions

The outcomes of this planning proposal will be achieved by amending Schedule 1 Additional permitted uses of the *Port Stephens Local Environmental Plan 2013* (LEP) by inserting the following additional clause (subject to drafting by NSW Parliamentary Counsel):

Schedule 1 – Additional permitted uses

10 Use of certain land at Anna Bay

- (1) This clause applies to the following land –
 - (a) 70 Latitude Drive, Anna Bay, being Lot 2, DP 398888
 - (b) 70A Latitude Drive, Anna Bay, being Lot 4, DP 39888
 - (c) 70B Latitude Drive, Anna Bay, being Lot 2, DP 1204319
 - (d) 70C Latitude Drive, Anna Bay, being Lot 1, DP 1225542
 - (e) 4473 Nelson Bay Road, Anna Bay, being Lot 25, DP 852410
- (2) The following development is permitted with development consent—
 - (a) a caravan park on Lots 2 and 4, DP 398888, Lot 2, DP 1204319 and Lot 1, DP 1225542,
 - (b) subdivision of Lot 25, DP 852410, if that subdivision creates:
 - i. one lot with an area of at least 8,000m² fronting Nelson Bay Road (containing the existing dwelling house), and
 - ii. one lot of approximately 12.4 hectares,
 - (c) a caravan park on the new lot mentioned in subclause (2)(b)(ii).

The LEP contains the following definition for this use:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

PART 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

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

The Hunter Regional Plan (HRP) is applicable to the area, but the subject site is not located in an identified or emerging growth area identified in the HRP. The land is not located in a centre and some external services such as shops for day-to-day needs are a short drive away in nearby Anna Bay, Salamander Bay, and Nelson Bay.

However, the planning proposal is generally consistent with the visions and goals of the HRP. The proposal will make efficient use of the land, as it provides housing choice (including for seniors) with easy access to a range of community facilities and services within a lifestyle village setting.

The planning proposal will enable a range of outcomes of the Hunter Regional Plan 2036 which sets out principles for settlements.

It is well recognised that caravan parks can be an important provider of affordable tourist and/or residential accommodation. The HRP sets regionally focused goals including the establishment of thriving communities and greater housing choice. It identifies that by 2036, 95% of people will live within 30 minutes of a strategic centre that has shops, dining, entertainment and services. Nelson Bay's identified on the Hunter 2036 Map as a Strategic Centre and is located approximately 8 minutes' drive from the subject land.

The planning proposal is consistent with the HRP and will contribute to the following strategic Directions and Actions.

HRP - Direction 6: Grow the Economy of Mid Coast and Port Stephens

Actions	
6.3 Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies.	The proposed increase in residential population in close proximity to Nelson Bay, Anna Bay and other surrounding tourist destinations will provide ongoing patronage to local retail and activity facilities during and outside the peak holiday period, reducing the seasonal effects of tourism on the local economy.
6.5 Plan for and provide infrastructure and facilities that support the ageing population.	The planning proposal would facilitate the expansion of an approved caravan park facility for long term residential occupation that offers affordable accommodation

	<p>options supported by high quality community facilities.</p> <p>Further, the expansion would maximise use of existing community facilities within the existing development and provide the ability to expand on the level of service to be offered at the lifestyle village. For example, additional recreation facilities such as tennis courts, an additional outdoor pool, an additional community garden and a secondary club house could form part of the expanded development footprint, with details to be finalised at the development application stage.</p>
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HRP - Direction 21: Create a Compact Settlement

Actions	
<p>Whilst the site is not identified as an emerging growth area, the planning proposal will allow for the further delivery of land for housing quickly and cost-effectively whilst making use of established infrastructure that supports the existing (non-touristic) caravan park development on the site.</p> <p>Consistency with the identified actions is addressed below.</p>	
21.1 Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages.	The site is setback from Nelson Bay Road and would be appropriately screened to respect the landscape area of the surrounding locality.
21.2 Focus development to create compact settlements in locations with established services and infrastructure, including the Maitland Corridor growth area; Newcastle–Lake Macquarie Western Corridor growth area; the emerging growth area around Cooranbong, Morisset and Wyee; and in existing towns and villages and sites identified in an endorsed regional or local strategy.	<p>Whilst not located in an identified or emerging growth area, or on land endorsed in a regional or local strategy, the planning proposal would provide for the efficient use of land and make use of existing servicing and infrastructure investments associated within the existing approved land use.</p> <p>The exiting development is of a medium density nature with a wide range of community facilities and services. Therefore, and as outlined elsewhere in this report, the planning proposal seeks the extension of an existing compact development onto an adjacent lot. It aims to utilise, and</p>

	expand on, already established services and infrastructure.
21.3 Identify opportunities for urban redevelopment or renewal in urban locations with access to public transport and services in the Greater Newcastle metropolitan area and where there may no longer be a need for employment land.	<p>Whilst the site is situated outside the Anna Bay town centre, part of the subject land has development consent for a caravan park, on which up to for 270 moveable dwellings could be installed. An onsite community bus currently provides connectivity for residents to public transport connections. Should an expansion of this use be approved, it is foreseeable that new residents would also utilise this service.</p> <p>The site is not strategically identified as employment land within the Hunter Regional Plan, the Greater Newcastle Metropolitan Plan or any local planning strategies.</p> <p>The expansion of development across the planning proposal area provides opportunity to make efficient use of existing investments in infrastructure provision and community facilities.</p>
21.4 Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.	<p>Port Stephens Council is currently finalising a local housing strategy. Of particular relevance is Priority 3.3. of the draft strategy which provides locational criteria to guide assessment of site suitability for lifestyle villages and communities (including caravan parks with long term moveable dwelling sites). The planning proposal is considered to be consistent with the criteria.</p> <p>More information about how the planning proposal aligns with the objectives and direction of the draft Port Stephens Local Housing Strategy is included in Part 3 under Q4.</p> <p>The current strategy that applies to the planning proposal is the Port Stephens Planning Strategy 2011. An assessment against the</p>

	<p>settlement planning principles in that strategy are included below.</p> <p>The proposed development area has been subject to significant modification through historic land uses and is not subject to hazard risk; nor considered environmentally sensitive land; or located within a designated drinking water catchment.</p>
21.5 Promote small-scale renewal in existing urban areas, in consultation with the community and industry to ensure that this occurs in the right locations.	<p>Whilst the site is situated outside the Anna Bay town centre, part of the subject land has development consent for a caravan park on which there are 270 sites for moveable dwellings. Approx. 100 are fully constructed and additional stages are under construction.</p> <p>The expansion of the development footprint will make efficient use of existing community facilities and infrastructure. Consequently, the expansion of residential development in this location is considered suitable.</p>
21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations.	<p>The proposed expansion of the approved caravan park for non-tourist purposes will provide an affordable housing choice for the Anna Bay locality, supported by high quality community facilities.</p>
21.7 Promote new housing opportunities in urban areas to maximise the use of existing infrastructure.	<p>The expansion of the development footprint will make efficient use of existing community facilities and infrastructure. Consequently, the expansion of residential development in this location is considered suitable.</p>

Accessibility to Retail Precincts

With respect to accessibility to retail precincts, the site is located within a short distance from the existing retail precincts at Anna Bay, Salamander Bay and Nelson Bay. The Anna Bay retail precinct is located less than a 4-minute drive from the subject land with a range of service offerings that include:

- Supermarket;
- Local Shops including a post office and service station;
- Restaurants and cafes and tavern;

- Medical centre; and
- Public school and child care facility.

In addition to the above, the Tomaree Community Hospital, Dental facilities, Tomaree High School and St Philip's Christian College are in Nelson Bay, approximately an 8-minute drive from the subject land. The location of the nearby centres is shown in the **Figure 6** below.

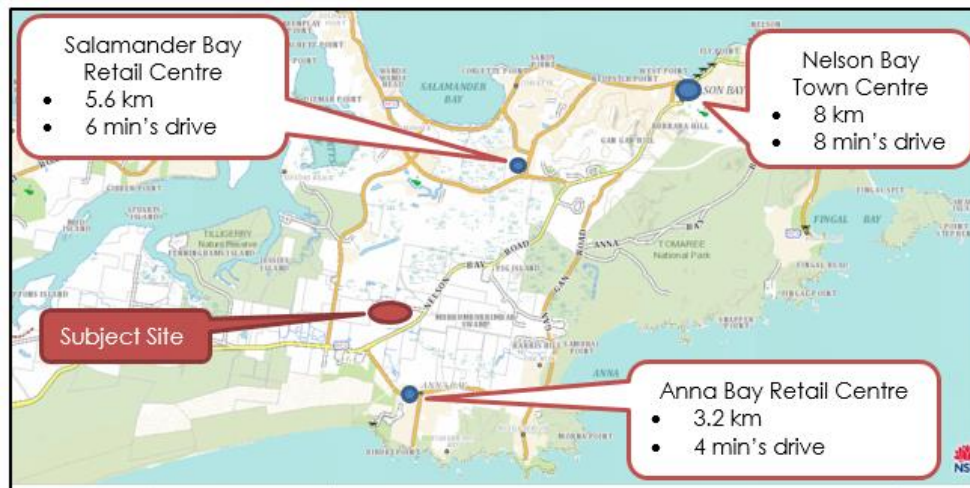


Figure 6. Proximity to nearby centres

Community Bus Services

The approved caravan park development (DA 16-2009-257) is conditioned to provide a community bus to transport residents and offers regular trips to surrounding retail centres (including public transport connections) as well as providing tailored day trips for recreational activities and entertainment. This service can be expanded to service the expanded development footprint, subject to development consent.

Access to Employment Centres

Employment centres are located within commuting distance from the site. This includes the major tourist destination of Port Stephens, comprising Nelson Bay and its surrounds. Additional employment nodes include Raymond Terrace (25 minutes); Williamtown (20 minutes); Tomago (30 minutes); and Beresfield (40 minutes). Both Williamtown and Tomago are identified as catalyst areas in the Greater Newcastle Metropolitan Plan within excess of 3000 and 200 new jobs respectively expected to be created over 20 years.

Public Transport

Whilst a designated public bus route does not travel directly past the site, it does service the nearby Anna Bay community. The on-site community bus can transport residents to nearby bus stops and to the Salamander Bay retail precinct which also has good public transport connections.

To support the planning proposal, a series of technical studies have been completed to guide the development of a concept plan for the site. Key site constraints have been identified and considered as part of this proposal.

The planning proposal is generally consistent with the Hunter Regional Plan 2036, Port Stephens Planning Strategy 2011-2036, Anna Bay Strategy and Town Plan, Port Stephens Community Strategic Plan 2013-2023 and Port Stephens Ageing Strategy 2016-2019. These are discussed elsewhere in this planning proposal.

Additional information about the planning proposal's consistency with other relevant plans and strategies is provided under Q3 and Q4.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The purpose of the planning proposal is to regularise the existing approved use on Lots 2 & 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 and to facilitate the future extension of that use to part of the adjoining Lot 25 DP 852410.

The planning proposal also seeks to enable the future subdivision of Lot 25 DP 852410 which currently contains a dwelling fronting Nelson Bay Road. These outcomes are the basis for drafting the legal instrument (the LEP).

Best means: amending Schedule 1 of the LEP

The planning proposal seeks to amend *Schedule 1 Additional permitted uses* as the mechanism to enable ongoing permissibility of the approved caravan park and to facilitate the extension of the existing caravan park use to part of Lot 25 DP 852410.

This is the recommended option because it limits the permitted additional use to a 'caravan park' (only) and future subdivision of the land whilst retaining the existing RU2 Rural Landscape Zone and current minimum lot size restrictions.

This option eliminates the scope for further uses or subdivisions that could undermine the planning for existing centres. It will only permit a single additional type of land use to complement the existing uses on the subject land, immediately adjacent and in the area generally. It will also only permit a single subdivision in line with the submitted concept plan and no further subdivision of the land. This option will support, and is consistent with, the existing and future desired character of the area.

An amendment to Schedule 1 of the LEP is considered the most effective means of achieving the intended outcome, as it:

- provides certainty regarding ongoing land use permissibly and security of tenure for the existing approved caravan park;
- creates opportunity for an extension of that use to the adjoining lot;
- prohibits unsuitable land uses and subdivision that could otherwise be made permissible through a direct rezoning of the land and changes to the minimum lot sizes, and

- creates consistency across all the land subject to this planning proposal, regarding land use permissibility.

Alternative options considered

Alternative options considered to achieve the intended outcomes of the planning proposal were:

Option A - Continuation of existing use rights for approved caravan park development.

A reliance on existing use rights for the approved caravan park allows the approved land use to continue to be carried out on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542 and Lot 25 DP 852410. However, the continuation of existing use rights does not achieve the proposed outcome to extend the caravan park use to the adjoining land of Lot 25 DP 852410 or permit the subdivision of the lot so as to excise the adjoining dwelling from future development of the site as a caravan park.

This is not a recommended option.

Option B - Rezoning the land to RE2 Private Recreation.

Rezoning all of the subject land to RE2 Public Recreation would make the establishment of a caravan park on the site permissible with consent.

However, it would also permit with consent the full range of potential land uses that can be permitted within the RE2 Private Recreation zone. This would include 'neighbourhood shops', 'kiosks' and 'serviced apartments' (under 'tourist and visitor accommodation').

Such uses may increase the risk of undermining other locations zoned, or planned for future RE2 Private Recreation land uses, but also the nearby town centres of Anna Bay and Nelson Bay which are also local and regionally significant tourist destinations.

In addition, retaining the current RU2 zoning will keep the options open for rural land use should, for any reason, the proposed caravan park use not proceed.

This is not a recommended option.

Option C - Rezoning the land to RE1 Public Recreation.

Rezoning all of the subject land to RE1 Public Recreation would make the establishment of a caravan park on the site permissible with consent.

However, it may be difficult to demonstrate consistency with the stated objectives of the zone, noting that the premises of the proposed future development is in private ownership and would not be made available to the wider public.

In addition, it would also permit, with consent, the full range of potential land uses that can be permitted within the RE2 Private Recreation zone. This may include 'neighbourhood shops', 'kiosks' and 'serviced apartments' (under 'tourist and visitor accommodation').

Such uses may increase the risk of undermining other locations zoned, or planned for, future RE1 Public Recreation land uses, but also the nearby town centres of Anna Bay and Nelson Bay which are also local and regionally significant tourist destinations.

This is not a recommended option.

Option D - Other zonings.

Caravan parks are a prohibited land use in all other zonings in the LEP and consequently, no other zoning is considered suitable to achieve the objectives of the planning proposal.

This is not a recommended option.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?

Hunter Regional Plan 2036 (HRP)

The Hunter Regional Plan 2036 has a vision for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart. To achieve this vision, the NSW Government has acknowledged the growing importance of Greater Newcastle (comprising the local government areas of Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens) and set the following regionally focused goals:

- The leading regional economy in Australia;
- A biodiversity-rich natural environment;
- Thriving communities; and
- Greater housing choice and jobs.

The HRP is applicable to the area, but the subject site is not located in an identified or emerging growth area stated in the HRP. The land is not located in a centre and some external services such as shops for day-to-day needs are a short drive away in nearby Anna Bay, Salamander Bay, and Nelson Bay.

The planning proposal is consistent with the vision and goals of the HRP as it will facilitate additional housing choice within a new, well designed community that is accessible to a range of facilities and services. The provision of additional housing will provide broader economic benefits via increased demand for goods and services as well as providing housing for a growing workforce.

The HRP projects that approximately 11,050 additional dwellings will be needed in the Port Stephens LGA by 2036. The proposed development will make a contribution towards meeting this projected demand.

The HRP also identifies a projected increase in the percentage of people aged over 65 years from 19% to 25% by the year 2036. The proposal will assist in meeting this demand through facilitating the provision of additional housing suitable for an ageing population.

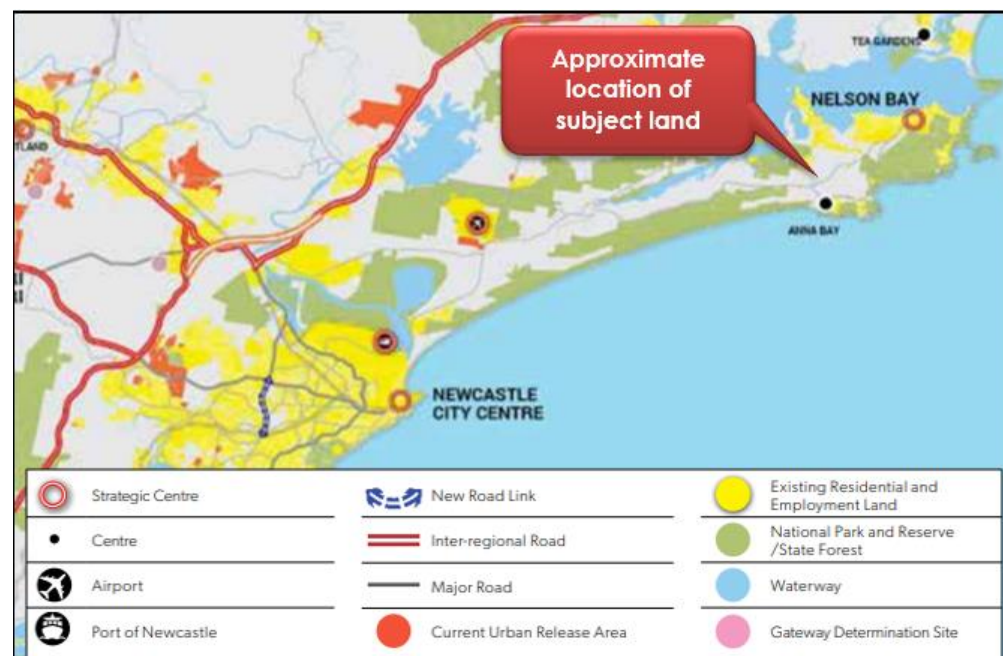


Figure 7. From Hunter Regional Plan–Greater Newcastle Settlement Plan

Source: <http://planning.nsw.gov.au>

The planning proposal is consistent with the HRP as it will support a number of strategic actions in the HRP, including the following which have been addressed under Q1:

- 21.4 Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.
- 21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and Greenfield locations.

- 22.1 Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.
- 22.2 Encourage housing diversity, including studios and one and two-bedroom dwellings, to match forecast changes in household sizes.

It is considered that the planning proposal is consistent with the Hunter Regional Plan.

Greater Newcastle Metropolitan Plan 2036 (GNMP)

The subject land is considered suitable for the proposed future use given that part of the land is already utilised for the intended use. The residual land (Lot 25 DP 852410) that will accommodate an extension of the caravan park (subject to development consent) is relatively unconstrained and, based on preliminary investigations, it is considered that constraints relating to ecology, acid sulphate soils, and flood prone land can be resolved should the planning proposal receive a Gateway determination to proceed.

This site can be distinguished from typical residential developments as it can provide a wide range of community facilities and services for future residents due to an existing development on a neighbouring lot. These include a community bus service, a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas.

The site also offers opportunity to contribute to the targets and directions set by the Greater Newcastle Metropolitan Plan 2036 (GNMP) for new residential development in Port Stephens. The GNMP projects 11,050 new dwellings for Port Stephens by 2036. To support a changing population and dwelling needs, the GNMP sets a 60% target for new dwellings in the existing urban areas (infill) by 2036. The Plan also highlights the need for more variety of housing types and densities, and the provision of access to transport and community services and facilities for local communities.

Preliminary work undertaken by Council staff to inform the Local Housing Strategy currently under preparation (required by the GNMP) indicates that there will be a shortage of infill developments and Council may not be able to reach the target of 60% of new dwellings being developed in infill locations. The planning proposal could assist in providing medium density infill in a location already serviced by community facilities and infrastructure.

The planning proposal will also respond to the need for increased variety of housing types and densities as identified by the GNMP. More specifically, the subject site provides opportunity for a particular type of medium density infill development which includes access to (bus) transport, and a wide range of community services and facilities. The planning proposal will also facilitate dwelling types that are suitable for seniors and will contribute to the housing choices available in the area.

The subject site is considered suitable for the outcomes the planning proposal will facilitate based on the land being relatively unconstrained, the availability and quality of community facilities and services, and the provision of an existing community bus service which connects the site with nearby town centres.

Strategic and site-specific merit of the planning proposal

As noted in this report, the subject site is not identified in State and local planning strategies for urban development. DPIE provides general guidance for assessing planning proposals that may not be consistent with State or local strategic plans and policies (See the DPIE Guide). The assessment requires consideration of both the strategic merit and site-specific merits of a proposal:

(a) Strategic merit of the Proposal

The DPIE Guide specifies that a planning proposal with strategic merit must not seek to amend planning controls that are less than 5 years old. The planning proposal seeks to amend LEP controls that are more than 5 years old (The LEP was gazetted in 2013).

The DPIE Guide specifies that a planning proposal is considered to have strategic merit if it gives effect to relevant State strategies and local strategies that have been endorsed by DPIE, or responds to a change in circumstances that have not been considered by existing strategic plans.

As outlined above, the planning proposal is not consistent with State or local planning strategies, however it is considered to demonstrate strategic merit as it responds to a change in circumstances that has not been recognised by existing strategic plans.

The existing approved development is currently underway and includes a substantial investment in new infrastructure such as roads, services, and community infrastructure. The planning proposal would facilitate efficient use of this investment, including the community facilities and services located within the existing approved development site.

While the planning proposal does not demonstrate consistency with the medium density housing principles in the PSPS, the existing approved development includes a wide range of community facilities and services for residents which typical medium residential developments do not provide. Therefore, the principles of the PSPS can be considered more relevant to medium residential development housing types that are not operating under land lease arrangements with substantial on-site facilities and services for residents.

These facilities and services and the nature of the manufactured homes that have been installed under the existing approval can also be distinguished from the caravan parks with moveable dwellings that were more predominant at the time the PSPS 2011 was prepared. The HRP similarly does not identify or address the range of modern housing typologies under land lease

arrangements that have become more prevalent in coastal areas such as Port Stephens.

Given these changes since the preparation of the PSPS in 2011, and the changes in the housing market that have not been addressed in the HRP, the planning proposal is considered to have strategic merit as it will respond appropriately by ensuring the orderly and economic use and development of land, consistent with the objects of the EP&A Act.

(b) site-specific merit of the Proposal

The DPIE Guide requires a planning proposal to be assessed having regard to site-specific criteria as follows.

1. The natural environment

The land is relatively clear from environmental constraints. Parts of Lot 25 DP 852410 are significantly degraded from previous use (sand mining) and current earthworks. The environmental values that remain on site can be protected and kept outside the proposed development footprint and these matters can be addressed at the development application stage. The planning proposal provides a balance between housing and conservation outcomes and is unlikely to result in significant adverse impacts on the natural environment.

2. The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

The existing uses of land in the vicinity of the site include a limited number of single dwellings, dual occupancies, rural land, a trotting track, a golf course with a driving range, and vegetated sites.

Land to the north of the subject site consists of vacant vegetated land zoned E2 Environmental Conservation pursuant to the LEP. All other land to the south, east and west is zoned RU2 Rural Landscape pursuant to the LEP.

Directly adjoining the site to the east and south is land used for rural residential purposes, consisting of dwellings, dual occupancies and associated outbuildings on large lots. To the west of the subject site (at the rear of the rural residential properties) is land which contains cleared and vegetated areas and areas used for rural industry.

There are no unacted-on consents for approved uses in the vicinity of the site and the likely future uses of the land in the vicinity are expected to remain as per the current uses given there are no current planning proposals for that land. The surrounding land is also not identified in a State or local strategy for future land use changes.

Proposed vegetation management areas on the southern and eastern boundaries of Lot 25 DP 852410 will also create a buffer between any future development on that lot and land in the vicinity of the proposal.

The planning proposal is not expected to have a negative effect on land in the vicinity of the proposal.

3. *The services and infrastructure that are or will be available to meet demands from the proposal.*

Existing public utility services, (road) infrastructure, and community facilities and services associated within the existing approved use can be extended to service a proposed extension of the use onto Lot 25 DP 852410 (subject to development consent).

Community facilities and services

The site can provide a wide range of existing community facilities for future residents which are not available in typical medium residential developments. A community bus service offers regular trips to surrounding retail centres, connects with existing public bus services, and is likely to be able to service an expanded development footprint.

In addition, and unlike typical residential developments, the existing caravan park provides high quality community facilities and services for residents. These include a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas. The planning proposal provides the opportunity for the sustainable use and sharing of these facilities and potentially new facilities within the proposed future development.

Demand for community facilities and services from the proposal can therefore be met efficiently and to a high standard.

Infrastructure and utilities

Hunter Water have provided preliminary servicing advice (19 February 2020) for the proposed development (Refer **Attachment seven**).

This advice is as follows:

- **Water Supply:** Hunter Water identifies that the proposed development lot does not have an existing water main frontage. The developer will be required to deliver a water main extension from the intersection of Nelson Bay Rd and Gan Gan Rd.
- **Wastewater Transportation:** the capacity at Anna Bay 9 wastewater pump station is currently being upgraded by the developer of the approved caravan park on Lots 2 & 4 DP 398888, Lot 2 DP 1204319, Lot 1 DP 1225542. It is acknowledged that the proposed expansion of the caravan

park onto Lot 25 DP 852410 was not included when determining pump sizing and configuration.

A servicing strategy is required to determine the scope of upgrades at this discharge location, or alternate discharge locations, and the effect of any upgrades on the downstream network. The upgrades would likely be an increase to pump capacity, civil/well capacity, emergency storage and the downstream impacts.

Demand for services and infrastructure from the proposal can likely be met.

Given the ability of the planning proposal to demonstrate both strategic merit and site specific merit, it is considered appropriate for the planning proposal to proceed for a Gateway Determination.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?

The draft Port Stephens Local Strategic Planning Statement (LSPS) and the draft Port Stephens Local Housing Strategy (LHS) were considered by Council on 11 February 2020 and endorsed for public exhibition.

These and other local strategies, such as the Port Stephens Community Strategic Plan, are considered in the context of this planning proposal.

Draft Port Stephens Local Strategic Planning Statement (LSPS)

The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic, and environmental planning priorities for the future.

The planning proposal is consistent with the following planning priorities from the LSPS:

Priority 4 *Ensure suitable land supply (for housing)*
This priority identifies the need to prepare and implement a local housing strategy to ensure suitable land supply and other planning priorities for housing identified in the LSPS.

Priority 5 *Increase diversity of housing choice*
This priority identifies that, based on what people value, planning is required for a range of housing types and sizes to suit different lifestyles.

Housing choices in the Port Stephens LGA cover a wide range of options, including homes in retirement villages and lifestyle communities. Some models of home ownership can offer independent living in close knit communities for seniors.

The planning proposal is consistent with the LSPS as it will respond to the need for suitable land supply for housing and increase housing choice that suits the needs and lifestyle of current and future residents.

Draft Port Stephens Local Housing Strategy (LHS)

The draft LHS is the overarching strategy to guide land use planning decisions for new housing in Port Stephens. It comprises four outcomes and 12 priorities. The outcomes will meet the directions set for Hunter councils in State planning strategies and the priorities identify the broad issues or policy areas that Port Stephens Council will need to focus on.

The planning proposal is consistent with the following planning priorities from the draft LHS:

- Priority 1.1 *Ensure adequate supply of new housing*
The planning proposal creates opportunity to contribute to additional housing.
- Priority 3.2 *Encourage a range of housing types and sizes*
The planning proposal creates opportunity for future development of a housing type and setting which is attractive to households seeking to downsize.
- Priority 3.3 *Enable better planning for diverse lifestyles.*
The planning proposal meets the site suitability criteria for future lifestyle village development.
- Priority 4.2 *Communities are connected.*
The planning proposal provides future opportunity for facilities and services within walking distance of housing.
- Priority 4.3 *Grow connections between people.*
The planning proposal creates opportunity for future development where people can connect, participate and socialise.

Of particular relevance is Priority 3.3. It identifies lifestyle villages, where residents share communal recreation and other facilities, as a popular type of housing development to occur in Port Stephens. These villages can offer residents convenient, attractive and potentially more affordable housing options.

The LHS states that locational criteria can guide assessments of site suitability, for example villages and communities located close to centres can satisfy walkability standards for liveable communities:

- 5 minute walk (400m) of a town or neighbourhood centre zoned B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core or B4 Mixed Use; or
- 5 minute walk (400m) of bus stops with frequent services to local centres; or
- 10 minute walk (800m) of local centres.

If this criteria cannot be met, lifestyle villages and communities may be located where the village or community will have:

- reticulated water and sewer;
- indoor and outdoor recreation facilities adequate for the number of proposed residents such as bowling greens, tennis courts, golf course, swimming pool, or off leash dog park;
- community facilities that promote gathering and social connections such as a restaurant, community hall, or community garden; and
- access to bus services providing frequent trips to local centres and shops.

The planning proposal gives effect to the draft LHS as it meets the locational criteria of the LHS and provides additional housing supply in a suitable location with access to various town centres and adequate on site facilities.

Port Stephens Community Strategic Plan 2013-2023 (PSCSP)

The Port Stephens Community Strategic Plan (PSCSP) was adopted by Council in May 2013. The PSCSP identifies the community's vision for '*a great lifestyle in a treasured environment*'. It outlines the long-term goals agreed with the community of the Port Stephens LGA.

The planning proposal is consistent with the objectives of the PSCSP, as set out in the table below:

Table 1 Consistency with Port Stephens' Community Strategic Plan 2013-2023

Strategic directions and objectives	Commentary:
OUR CITIZENS	
Community Safety Port Stephens is a community where people feel safe	The proposed development would provide for the expansion of an approved residential community which places the safety of residents as a high priority. Opportunity for casual surveillance through the development is encouraged to contribute toward a feeling of safety for residents.

Strategic directions and objectives	Commentary:
Ageing Population Improve facilities and services for an ageing population	The proposed development will facilitate the improvement and extension of the existing development which provides housing and associated recreational and community facilities for residents, including those over 65 years of age.
People with disabilities Improve the built environment, advocate and provide services for people with disabilities	Any future development of the site would be required to give due consideration to accessibility for people with a disability.
OUR LIFESTYLE	
Recreation and Leisure Provide passive and active recreation and leisure services and facilities	The existing development provides recreational and leisure facilities to meet the requirements of residents within the subject site. Such facilities would be able to be expanded, subject to development consent.
OUR ENVIRONMENT	
Environmental Sustainability Manage the natural environment for existing and future generations	It likely that future proposed development can be undertaken without resulting in unreasonable adverse environmental impacts.
Waste Management Port Stephens has a highly valued, affordable and convenient waste and recycling system	Waste management will be considered as part of any development application on the subject site.
Sustainable Development Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	The existing development provides for the needs of residents within the Port Stephens area by providing housing in combination with recreational and community facilities in a manner which is consistent with the environmental values and constraints present on the site.
OUR ECONOMY	
Economic Development Port Stephens has a sustainable and diversified economy	The proposed development will result in economic benefits through the provision of housing with new residents supporting the ongoing growth of the local economy.
Transport Port Stephens has an integrated, connected transport network.	The proposed development will connect to the existing Port Stephens transport network.
OUR COUNCIL	

Strategic directions and objectives	Commentary:
Infrastructure Port Stephens' infrastructure and utilities meet the needs of all sections of the community	The proposal will make use of existing infrastructure, providing opportunity for more affordable housing.
Engagement The Port Stephens community is informed and involved in decisions that affect them	The subject planning proposal will be subject to standard community notification and consultation processes.

Port Stephens Planning Strategy 2011-2036

The Port Stephens Planning Strategy 2011 (PSPS) provides a comprehensive planning strategy for the Port Stephens LGA and was developed to inform the adoption of the LEP. The Strategy identifies that medium density housing areas should be located where residents have good access to services and not in isolated locations to avoid the creation of social disadvantage.

The subject land is centrally located within a short drive from the town centres of Anna Bay (3.2km), Nelson Bay (8km), and the retail centre of Salamander Bay (5.6km). The caravan park is required to provide a community bus service for residents under the existing development consent. This service offers regular trips to surrounding retail centres, connects with existing public bus services, and is likely to be able to service an expanded development footprint.

In addition, and unlike typical residential developments, the existing caravan park provides high quality community facilities for residents. As mentioned earlier, these include a club house, outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, and walking areas. The planning proposal provides the opportunity for the sharing of these facilities and potentially new facilities within the proposed future development. Because of the variety of the facilities and the quality of the facilities, the distance of the site from town centres is unlikely to result in an outcome where residents are at social disadvantage or feel isolated.

The PSPS acknowledges that medium density housing should, where practicable, be located according to principles in the PSPS which guide the application of new residential zones. These principles include locating medium density housing within a five minute walk of a centre or a five minute walk of a bus stop with frequent services to major centre or within a ten minute walk of Raymond Terrace or another town centre. As mentioned in the above, the existing caravan park provides residents with a community bus service and in combination with existing public bus services, is likely to provide a reasonable level of service.

The planning proposal is inconsistent with some of the principles and directions in the PSPS relating to medium density housing, however given the availability of a wide range of community services and facilities in existing

development in combination with the existing community bus service linking residents to surrounding town centres, the proposal is considered to respond adequately to the PSPS directions.

Anna Bay Strategy and Town Plan

The Anna Bay Strategy and Town Plan guides the management of future population growth and the building of neighbourhoods in Anna Bay. It establishes a context and policy direction for future rezoning requests and development controls in the Anna Bay area. It also integrates the location, timing and funding for community facilities and infrastructure.

The strategy sets out a town plan, which is a strategic response to the constraints and opportunities in Anna Bay and the policy and legal framework. The vision set out in the strategy for Anna Bay is a small and vibrant town offering a mix of dwelling types and business opportunities and a quality natural environment. It will have a pleasant main street with a mix of retail and office space for local and visitor patronage and shop top housing or tourist accommodation.

The subject site is not located within the Anna Bay Town Centre and therefore many of the key strategic directions outlined in the strategy are not directly relevant to the site or proposed development. Notwithstanding, the proposed development will contribute to the vision established for Anna Bay by providing additional residents within the proximity of the Anna Bay Town Centre, to provide patronage to the expanding commercial uses within the town centre.

Port Stephens Ageing Strategy 2016-2019

The Port Stephens Ageing Strategy outlines actions that achieve positive and practical outcomes for the ageing population in Port Stephens and informs actions in Council's Delivery Program. Council's policy direction for ageing communities is consistent with all levels of government, and that are discussed in planning and legislative documents that form the framework for responses to ageing populations. The strategy provides direction for a whole of Council approach to deliver key priorities that support positive ageing outcomes for the Port Stephens community.

The objectives of the strategy are:

- Recognise that ageing populations are a valued demographic of the LGA and maximise the strengths and opportunities they can bring to our community;
- Prioritise actions for Council to meet the needs of the ageing population in a way that demonstrates consistency with the Port Stephens Community Strategic Plan, and Council's Delivery Program and Operational Plan;
- Promote integration between Council's Ageing Strategy deliverables and State and Federal outcomes to effectively address the needs of ageing populations in the Port Stephens LGA; and

- Guide a proactive Council-wide approach to improve the liveability for the Port Stephens ageing population.

The strategy sets out five (5) themes to address the issues that that impact on aging populations, specific to the Port Stephens LGA. The table below summaries the five (5) key themes and provides comments on how the relevant themes are addressed by the proposed development:

Table 3 Consistency with the key themes of the Port Stephens Ageing Strategy 2016-2019

Key priorities	Commentary:
<p>Housing, neighbourhood and land use planning</p> <p>Ageing populations will have a major impact on future urban design and housing demand due to a shift in preferred housing choice, such as type, design and location. As people age tenure security and housing that is adaptable, smaller, safer, and more secure and that is close to services, transport and family will become increasingly important.</p>	<p>As mentioned elsewhere, the approved development provides a range of community and recreational facilities that would not otherwise be available in standard residential properties, encouraging a sense of community and security to resident. The development enables residents to socialise and participate in community live. An on-site bus services provides opportunities for social/recreational trips to off-site locations.</p>
<p>Transport and Accessibility</p> <p>Improvements to connectivity between homes, and quality services and facilities can provide a broader and cost effective benefit to other cross-sections of the community.</p> <p>The goal of this action is to create a connected network of public transport, pedestrian and cycle ways that provide access to desirable locations and increase social connectivity and opportunities.</p>	<p>Many of the recreational and social needs of residents are catered for on-site and eliminate the need to travel for this purpose. Notwithstanding, Anna Bay town centre is a short drive from the site and provides additional recreational, commercial and community services which can be accessed by using the on-site community bus.</p>
<p>Health and community services</p> <p>The goal of this action is to establish effective partnerships with health care providers, mobile health services and, community and recreational activities; and where a need exists, identify and advocate for new ones.</p>	<p>As previously discussed, the approved development on the site involves facilities and services for residents to engage in community and recreational activities on site to cater for the needs of current and future residents, including the proposed extension on the neighbouring lot.</p>
<p>Inclusion and participation</p> <p>The goals of this action are to support continued and increased opportunities for engaging ageing</p>	<p>As previously discussed, facilities, services, and infrastructure to meet the needs of (older) residents are provided on-site and can be</p>

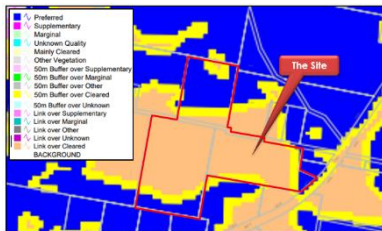
Key priorities	Commentary:
populations in desired social activities, including participation in decision-making processes within existing Council plans and services and support continued and increased opportunities for engaging ageing populations in desired social activities, including facilities and infrastructure that meets the needs of older people.	extended to the neighbouring lot. Facilities and services not provided on site can be accessed through the on-site community bus service.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

In considering the proposed use of the site following rezoning, a review of relevant State Environmental Planning Policies (SEPP's) has been undertaken.

Table 4 – Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP No 21 – Caravan Parks	<p>SEPP 21 applies to caravan parks or camping grounds, this includes moveable dwellings (such as manufactured homes) where they are located in a caravan park.</p> <p>SEPP 21 provides matters for consideration when development consent is granted for a caravan park, including a caravan park that includes manufactured homes. These matters include site suitability, location and character, and whether necessary community facilities and services are available.</p>	<p>This planning proposal seeks to amend the LEP to regularise the existing approved use and allow for the use to be extended to adjoining land. The approved use consists of a caravan park on which moveable dwellings are installed or being installed.</p> <p>The proposal is considered to be consistent with the objectives of SEPP 21 and any future development applications on the subject site will need to consider the requirements of SEPP 21.</p> <p>The planning proposal is considered to be consistent with the aims and objectives of the SEPP relating to the</p>

SEPP	Relevance	Consistency and Implications
		provision of community facilities, the protection of the environment in the vicinity of the land, and the orderly and economic development of the land used for long term residents.
SEPP No 36 – Manufactured Home Estates	SEPP 36 does not apply to Port Stephens as it is excluded by clause 7 of Schedule 2 to the SEPP.	N/A
SEPP 44 – Koala Habitat Protection	<p>This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</p> <p>The site contains established vegetation and, based on Council's mapping system, is mapped as containing Koala habitat.</p>  <p>Figure 9. Extract from the Port Stephens Koala Habitat Planning Map</p>	<p>The subject site contains preferred koala habitat and its associated buffer.</p> <p>The Port Stephens Council Comprehensive Koala Plan of Management (CKPOM) was developed throughout the 1990's, endorsed by Council in 2001, and approved by the Department of Planning in 2002. This plan of management meets the requirements of clause 9. Any future development on the site will be required to give consideration to the CKPOM.</p> <p>Appendix 2 of the CKPOM sets out performance criteria for rezoning requests. The planning proposal is considered generally consistent with the requirements of the CKPOM and unlikely to result in significant adverse impacts on koala populations.</p>


SEPP	Relevance	Consistency and Implications
		An investigation of the site by an appropriately qualified person in accordance with the Guidelines for Koala Habitat Assessment presented in Appendix 6 of the CKPoM will be provided at the post-Gateway stage.
	CKPOM performance criteria.	
	a) not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers	The proposed development may slightly encroach into areas of the subject site which are mapped as preferred koala habitat and its associated buffer. The extent of encroachment is minor and any impacts on koalas are unlikely to be significant.
	b) allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas	The proposed development will have no impact on areas of supplementary koala habitat.
	c) minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site	Further assessment of the levels of tree removal required for the proposed development will be further assessed at the post-Gateway stage.
	d) not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to	Links across the subject site are limited to those across cleared land. The preservation of vegetated areas of the subject site identified in the VMP at the south and east of Lot 25 DP 852410 and retained by the proposed development may allow

SEPP	Relevance	Consistency and Implications
	safe/unrestricted koala movement.	for the restoration of habitat between habitat areas to the north and south of the site.
SEPP 55 – Remediation of Land	<p>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p> <p>There is the potential for the site to contain contaminated land.</p>	<p>Clause 6 of SEPP 55 requires that consideration be given to whether the land is contaminated as part of a rezoning proposal.</p> <p>Previous assessment of contamination across the site indicates that there is potential for contamination within the subject site due to historic sand mining activities across the site.</p> <p>A contamination assessment was undertaken for the site (Refer Attachment three).</p> <p>Further assessment of contamination across the site will be undertaken at the post-Gateway stage.</p>
SEPP – (Rural Lands) 2008	<p>Contains rural planning principles and rural subdivision principles, which must be taken into consideration before developing rural land. Provides for rural land to be subdivided below the minimum lot size for subdivision for the purpose of primary production.</p> <p>The Proposal relates to land zoned RU2 Rural Landscape.</p>	The Rural Lands SEPP identifies several applicable rural planning principles. Consideration is demonstrated below.
	Rural Planning Principles	
	a) the promotion and protection of opportunities for current and potential productive and sustainable	Development has already been approved across Lots 2 and 4 DP 398888, Lot 2 DP

SEPP	Relevance	Consistency and Implications
	economic activities in rural areas.	1204319 and Lot 1 DP 1225542 for a caravan park, with construction currently underway. As discussed elsewhere in this proposal, there is limited agricultural potential on Lot 25 DP 852410. Therefore there would be limited opportunities for rural activities.
	b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.	Development has been approved across Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 for a caravan park. As discussed elsewhere in this proposal, there is limited agricultural potential on Lot 25 DP 852410.
	c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.	The site is not presently utilised for rural purposes therefore the proposed development is not likely to affect any social or economic benefits of rural land use.
	d) in planning for rural lands, to balance the social, economic and environmental interests of the community.	The site is not presently utilised for rural purposes and permitting land uses other than rural activities is not likely to result in or negatively impact any social, economic or environmental interests of the community.
	e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance	As discussed elsewhere in this proposal, a due diligence flora and fauna assessment and a Vegetation Management Plan (VMP) were prepared for Lot 25 DP

SEPP	Relevance	Consistency and Implications
	of water resources and avoiding constrained land.	852410 (Refer Attachments four and five). Further detailed flora and fauna assessment can be provided at the post-Gateway stage.
	f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.	The subject site has limited potential for rural housing.
	g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.	The planning proposal is not for the provision of rural housing.
	h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	The planning proposal contributes to implementation of visions, objectives and actions of various regional and local strategies as outlined elsewhere in this planning proposal.
	Rural Subdivision Principles	
	a) the minimisation of rural land fragmentation.	The site is not presently utilised nor considered suitable for future rural purposes as outlined elsewhere in this report.
	b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.	The proposed LEP amendments will manage risk of land use conflicts by providing for development on disturbed rural zoned land directly adjacent to an approved caravan park development.
	c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural	Zoned rural land in the surrounding locality comprises a variety of lot sizes with limited agricultural productivity

SEPP	Relevance	Consistency and Implications
	residential land when considering lot sizes for rural lands.	along the Nelson Bay Road frontage.
	d) the consideration of the natural and physical constraints and opportunities of land.	<p>The concept plan provided by the proponent and the proposed future subdivision consider the environmental and physical constraints of the site and provide for the separation of the proposed development from existing dwellings.</p> <p>It will also provide for the retention (and rehabilitation) of a vegetation corridor through Lot 25.</p>
	e) ensuring that planning for dwelling opportunities takes account of those constraints.	<p>An existing dwelling is located on Lot 25, toward the Nelson Bay Road frontage. This dwelling is proposed to be retained within a proposed new lot and separated through a future subdivision from the future proposed development by a vegetation corridor which is to be retained and rehabilitated.</p> <p>The concept plan takes into consideration the environmental constraints of the land and makes use of existing infrastructure and community facilities.</p>
SEPP (Coastal Management) 2018	Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the <i>Coastal Management Act 2016</i> .	The site contains areas mapped under State Environmental Planning Policy (Coastal Management) 2018 as being within a coastal

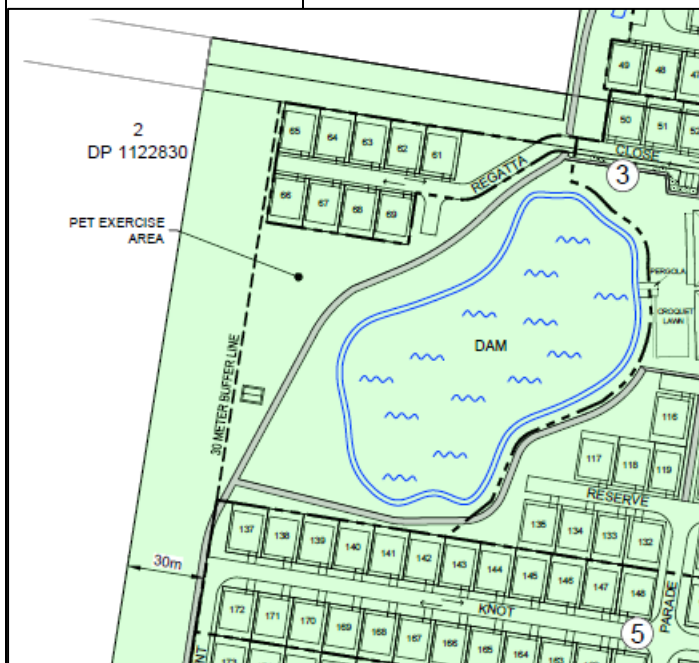
SEPP	Relevance	Consistency and Implications
	<p>The Proposal relates to land identified within the Coastal Zone Combined Footprint.</p>  <p>Figure 17. Extract from Coastal Management SEPP mapping Source: Coastal Management SEPP mapping – updated 20/02/19</p>	<p>use area and coastal environment area. An area of land identified as a coastal wetland with an associated buffer is located to the north-east, but is well separated from the subject site.</p> <p>It would be feasible to redevelop the site to minimise any impacts on the matters listed in Clause 13 or 14 of this SEPP.</p> <p>The proposal is considered to be consistent with the objectives of SEPP 21 and if relevant, any future development applications on the subject site will need to consider the requirements of SEPP 21.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

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

Table 5 – Relevant Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<p>This planning proposal report gives due consideration to the objectives of this direction.</p> <p>Lots 2 and 4 DP 398888; Lot 2 DP1204319; Lot 1 DP1225542 have no agricultural production value as the land is currently being developed as a caravan park. A buffer (30 metre wildlife corridor) has been applied to the western site boundary and separates the development the agricultural land practices on adjacent land.</p> <p>Lot 2 and 4 both have vegetation buffers of 50 meters between the caravan park development and existing vegetation within their northern and southern lot areas respectively.</p> <p>Adjacent land immediately north and south of lots 2 and 4 is vegetated and is not utilised as productive agricultural land.</p> <p>Lot 25 DP 852410 is considered to have little to no value as productive rural land. The site has historically been subject to sand mining activities and more recently, bulk earthworks activities that have impacted on a large portion of the site.</p>



		<p>Adjacent lots comprise vegetated land and land used for rural residential purposes (dwellings, dual occupancies, and associated outbuildings on smaller lots) that are not considered to be suitable for commercial or intensive agricultural production.</p> <p>Based on the above, it is considered that the planning proposal will not compromise the agricultural production value of rural land and is consistent with this direction.</p>
1.5 Rural Lands	<p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</p> <p>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</p> <p>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</p> <p>(e) encourage sustainable land use practices and ensure the ongoing</p>	<p>This direction applies as the planning proposal will affect land within an existing or proposed rural or environment protection zone, and proposes to change the existing minimum lot size on land within a rural or environment protection zone</p> <p>The planning proposal report gives due consideration to the objectives of this direction.</p> <p>The site does not present agricultural production values in its current form and is considered to have little to no value as productive rural land. The Rural Planning and Subdivision Principles listed in SEPP (Rural Lands) 2008 are addressed in section Q5 of this planning proposal.</p>

	<p>viability of agriculture on rural land</p> <p>(f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy</p>	
	Clause (4) A planning proposal to which clauses 3(a) or 3(b) apply must:	
	<p>4(a) Be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement.</p>	<p>The planning proposal is not the result of a strategic study or report. However, the planning proposal will enable a range of outcomes of the Hunter Regional Plan 2036 which sets out principles for settlements and the Port Stephens Planning Strategy as outlined in Part 3 of this report.</p> <p>Part 3 of this report further outlines the strategic merits of this planning proposal in accordance with the DPIE Guide.</p>
	<p>4(b) Consider the significance of agriculture and primary production to the State and rural communities.</p>	<p>The site is presently not utilised nor considered suitable for rural purposes.</p> <p>Lots 2 and 4 DP 398888; Lot 2 DP1204319; Lot 1 DP1225542 have no agricultural production value as the land is currently being developed as a caravan park. A buffer (30 meter wildlife corridor) has been applied to the western site boundary and separates the development the agricultural land practices on adjacent land.</p> <p>Lot 2 and 4 both have vegetation buffers of 50 metres between the caravan park development and the existing vegetation within their northern and southern lot areas respectively.</p>

		<p>Adjacent land immediately north and south of lots 2 and 4 is vegetated and is not utilised as productive agricultural land.</p> <p>Lot 25 DP 852410 is considered to have little to no value as productive rural land. The site has historically been subject to sand mining activities and more recently, bulk earthworks activities that have impacted on a large portion of the site.</p> <p>Adjacent lots comprise vegetated land and land used for rural residential purposes (dwellings, dual occupancies, and associated outbuildings on smaller lots) that are not considered to be suitable for commercial or intensive agricultural production.</p> <p>Further detail is provided in this planning proposal under section Q5 SEPP (Rural Lands) 2008.</p>
	<p>4(c) Identify and protect environmental values, including, but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources.</p>	<p>The site contains preferred koala habitat and its associated buffer (refer SEPP 44 Koala Habitat Protection in this proposal).</p> <p>The planning proposal will not impact on vegetated areas within the area currently under construction. A due diligence flora and fauna assessment and a Vegetation Management Plan (VMP) were prepared for Lot 25 DP 852410 (Refer Attachments four and five).</p> <p>Council environmental planners have considered all ecological aspects of the planning proposal and do not identify matters that can be considered an</p>

		impediment for progression to Gateway.
	4(d) Consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability, and ground and soil conditions.	There are no natural or physical constraints of the land that would prevent the planning proposal.
	4(e) Promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.	The site is presently not utilised nor considered suitable for rural purposes. Further detail is provided in this planning proposal under section Q5 SEPP (Rural Lands) 2008.
	4(f) Support farmers in exercising their right to farm.	The site is presently not utilised nor considered suitable for rural purposes. Further detail is provided in this planning proposal under section Q5 SEPP (Rural Lands) 2008.
	4(g) Prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses.	The site is presently not utilised nor considered suitable for rural purposes. The site is considered to have limited agricultural production value taking into consideration historic land practices (sand mining and bulk earthworks) and its relationship to adjacent land holdings.
	4(h) Consider State significant agricultural land identified in <i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i> for the purpose of ensuring the ongoing viability of this land.	The site is presently not utilised nor considered suitable for rural purposes. The site is considered to have limited agricultural production value taking into consideration historic land practices (sand mining and bulk earthworks).
	4(i) consider the social, economic and environmental interests of the community.	The proposal provides opportunity to increase housing diversity within the Port Stephens LGA and to provide greater housing choice
	Clause (5) a planning proposal to which	

	clause 3(b) applies must demonstrate that it:	
	5(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses	<p>The site is presently not utilised nor considered suitable for rural purposes.</p> <p>The planning proposal is not considered to facilitate further fragmentation of rural land. Whilst the proposal seeks to permit the subdivision of a section of land fronting Nelson Bay Road, such a subdivision will be generally consistent with adjacent lots regarding size, topography and natural features.</p> <p>Further detail is provided in this planning proposal under section Q5 SEPP (Rural Lands) 2008.</p>
	5(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains	The site is presently not utilised nor considered suitable for rural purposes. Further detail is provided in this planning proposal under section Q5 SEPP (Rural Lands) 2008.
	<p>5(c) where it is for rural residential purposes:</p> <ol style="list-style-type: none"> 1. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres 2. is necessary taking account of existing and future demand and supply of rural residential land. 	N/A
2. ENVIRONMENT AND HERITAGE		
2.2 Coastal Management	The objective of this direction is to protect and	The land is not located within mapped coastal vulnerability areas, coastal wetlands, or

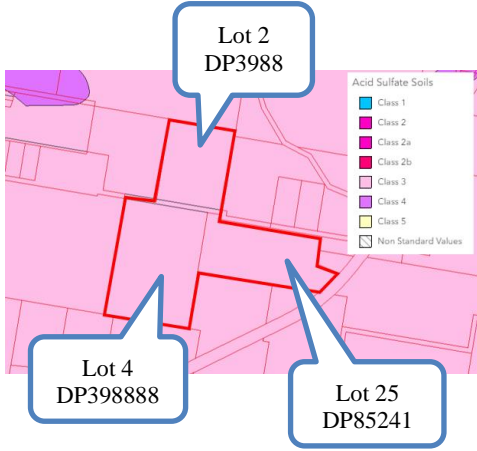
	manage coastal areas of NSW.	<p>littoral rainforests identified by SEPP (Coastal Management) 2018, nor is it affected by a current or future hazard mapped in the LEP or Development Control Plan (DCP).</p> <p>There are no amendments arising from this planning proposal relating to mapping associated with SEPP (Coastal Management) 2018.</p> <p>Appropriate consideration has been given to the provisions of the <i>Coastal Management Act, 2016</i> and associated guidelines and documents.</p> <p>The planning proposal is considered to be consistent with this direction.</p>
2.3 Heritage Conservation	Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The subject site is not identified on LEP mapping as containing any items of archaeological or general heritage significance, nor is it located within a heritage conservation area.</p> <p>The results of an Aboriginal Heritage Information Management System (AHIMS) search for the subject site indicate that there are no Aboriginal sites or Aboriginal places recorded or declared in or near the subject site. (Refer Attachment six).</p> <p>Any development on the site is unlikely to result in adverse impacts in relation to the heritage significance of the site.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and	The planning proposal will increase housing choice and variety in the Anna Bay locality and the Port Stephens LGA by providing opportunity for

	<p>services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p>	<p>housing supported by quality community facilities.</p> <p>Further, the proposal makes efficient use of existing and future infrastructure to service the proposed development.</p> <p>The compact form of development proposed will reduce the consumption of land for housing and associated urban development on the urban fringe, and will be of good design.</p> <p>Overall, the future establishment of a caravan park on the site is considered to be of minor strategic significance and is supportable noting the specific merits of the site, as discussed in accordance with the DPIE Guide, under Part 3 - Strategic and site-specific merit, of this planning proposal.</p> <p>The planning proposal is consistent with this direction.</p>
<p>3.2 Caravan Parks and Manufactured Home Estates.</p>	<p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types, and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p> <p>What a relevant planning authority must do if this direction applies:</p> <p>(4) In identifying suitable zones, locations and provisions for caravan parks in a planning</p>	

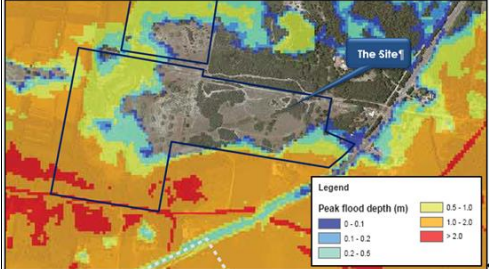
	<p>proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p>	
3.4 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>The planning proposal seeks to support the existing and future development of a medium density nature with a wide range of community facilities and services provided on site.</p> <p>The multitude of community facilities includes a club house (including hall, sports lounge, cinema, craft room, library, salon, indoor pool, spa, sauna, gym and café/hall), outdoor swimming pool, lawn bowls facility, croquet area, pocket parks, off leash dog exercise area, and walking areas. These are all within walking distance of the current and any future development. A network of pedestrian paths within the current and future proposed development will encourage pedestrian movements and reduce reliance on cars.</p>

		<p>Therefore, it is expected that the planning proposal will reduce travel demand including the number of trips generated by development and the distances travelled, especially by car.</p> <p>The existing development is also serviced by a community bus. This service can be expanded to service the additional development upon lot 25 that would be facilitated by the planning proposal. The privately run service provides connectivity to town centres and public transport connections, thus reducing dependence on cars.</p> <p>The site is accessed from Latitude Drive which extends along the northern boundary of Lot 25 DP 852410 and through Lot 1 DP 1225542. Latitude Drive intersects with Nelson Bay Road to the west of the subject site.</p> <p>The intersection of Latitude Drive and Nelson Bay Road was upgraded to cater for the traffic demand resulting from the approved development on the site.</p> <p>Consideration has been given to the following documents:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (2001), and • The Right Place for Business and Services – Planning Policy (2001). <p>Whilst there is some inconsistency with this Direction, there are also characteristics of</p>
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		<p>the planning proposal that make it justifiable:</p> <ul style="list-style-type: none"> • Although, the subject land is not located in a centre or in walking distance from a major public transport mode like a railway station or high frequency bus route, it is only 3.2km from the Anna Bay Town Centre. • A wide range of community facilities and services, normally found in centres, are provided within the existing and proposed future development. • These facilities and services are accessible through a network of existing and proposed pedestrian paths which reduces reliance on the car. • The provision of a community bus to access surrounding centres and transport nodes encourages a shift in travel away from the private car. <p>It is considered that any variation from this direction is minor and can be supported.</p>
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	<p>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.</p>	<p>A Preliminary Site Investigation (PSI) for contamination at Lots 2 and 4 DP398888 has been undertaken as part of the approval for the existing development currently under construction on the site.</p> <p>The PSI was conducted in conjunction with an Acid Sulfate Soils (ASS) investigation which confirmed the absence in ASS</p>

		<p>across the bulk of the site, apart from in-situ natural clay materials and dredged sandy clay materials from the dam. An acid sulfate soil management plan (ASSMP) was included in the report to outline procedures for the management of the identified ASS.</p> <p>Based on the findings of the assessment, consultants concluded that the site would be suitable for the proposed development subject to appropriate management of ASS and remediation and validation of localised imported fill materials where required. Development has now occurred over Lots 2 and 4 DP398888 with ASS appropriately managed.</p>  <p>Acid sulfate soils maps from the NSW Planning Portal identify that the subject site contains Class 3 acid sulfate soils.</p> <p>Assessment of acid sulfate soils across Lot 25 DP852410 will be required and can be carried out post-Gateway stage.</p> <p>Based on investigations previously carried out over part of the site, it is expected that any acid sulfate soils that may</p>
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		<p>be encountered within Lot 25 DP 852410 can be readily remediated through standard procedures.</p> <p>The planning proposal is considered to be consistent with this direction.</p>
4.3 Flood Prone Land	<p>Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).</p>	<p>Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 are currently being developed as a long-term caravan park, approved under DA 16/2009/275. These allotments are identified in the LEP as being located within a flood planning area and filling has occurred as part of approved construction works to provide appropriate flood free levels.</p> <p>The Anna Bay and Tilligerry Creek Flood Study (2017) applies to the subject site. The study was undertaken by Port Stephens Council to investigate the existing and future flood risks for the Anna Bay and Tilligerry Creek floodplain areas. The study guides land use planning and future development on the floodplain in the Anna Bay and Tilligerry Creek floodplain. The figure below from this study, provides the projected future flood levels across the subject site at the year 2100.</p>

		<p>This figure indicates that projected flooding across Lot 25 DP 852410 at the year 2100 is limited to areas in the south eastern portion of the lot.</p>  <p>As the proposed development footprint within Lot 25 sits above the projected peak flood depth, it is anticipated future development is considered likely to be compliant with the NSW Floodplain Development Manual 2005.</p> <p>The planning proposal is considered to be consistent with this direction.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p>	<p>The planning proposal relates to bushfire prone land.</p> <p>Detailed assessments have been carried out over the existing development footprint of the approved caravan park, but not over Lot 25 DP852410.</p> <p>A Bushfire Threat Assessment for the proposed development will be carried out should the planning proposal receive a Gateway determination. The assessment will (where appropriate):</p> <ul style="list-style-type: none"> • have regard to Planning for Bushfire Protection 2018, • introduce controls that avoid placing inappropriate developments in hazardous

		<p>areas, and</p> <ul style="list-style-type: none"> • ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zones (APZ). <p>The primary protection of any future development from bushfire would be via the establishment of APZs, consistent with the “Planning for Bushfire Protection 2018” guidelines.</p> <p>The concept plan for the proposed development, provided by the proponent, includes asset protection zones adjacent to areas of high bushfire risk.</p> <p>A perimeter road and alternate emergency access is provided in the concept plan to ensure consistency with planning for bushfire protection measures.</p> <p>It is considered that no assessment is required pre-Gateway and appropriate consultation will be undertaken should a Gateway determination be issued.</p> <p>The planning proposal is considered to be consistent with this direction.</p>
5. REGIONAL PLANNING		
5.10 Implementation of Regional Plans	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.</p>	<p>The Hunter Regional Plan 2036 (HRP) applies to the planning proposal and is addressed in detail in this elsewhere in this proposal (Refer Part 3 - Section B - Q3).</p> <p>Whilst the subject site is not located in an identified or emerging growth area identified in the Hunter Regional Plan 2036 (HRP), the proposed</p>

		<p>development is consistent with the vision and goals outlined in the HRP as it will provide additional housing choice within an existing, well designed community that is accessible to a range of facilities and services. The construction phase will contribute towards economic growth and in the longer term, the provision of additional housing will provide broader economic benefits via increased demand for goods and services and patronage of local business as well as providing housing for a growing workforce.</p> <p>The HRP projects that approximately 11,050 additional dwellings will be needed in the Port Stephens LGA by 2036. The proposed development will make a significant contribution towards meeting this projected demand.</p> <p>The HRP also identifies a projected increase in the percentage of people aged over 65 years from 19% to 25% by the year 2036. Housing supply in the region will need to adapt to cater for this increase. The proposal will assist with meeting this demand through the provision of additional housing.</p> <p>The planning proposal is considered to be consistent with this direction as it achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.</p>
6. LOCAL PLAN MAKING		

6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p>The proposed amendments to the LEP do not include provisions that require concurrence, consultation or referral.</p> <p>The planning proposal is considered to be consistent with this direction.</p>
6.3 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies requirements for planning proposals seeking to incorporate provisions into an environmental planning instrument to amend another environmental planning instrument.</p>	<p>The proposed amendments to the LEP do not require the amendment of another environmental planning instrument.</p> <p>The planning proposal is consistent with this direction.</p>

Section C – Environmental, social and economic impact

Q7. 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?

Areas of Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 have been partially cleared of vegetation for the approved development, with remnant vegetation located toward the north of Lot 2 DP 398888 and south of Lot 4 DP 398888. The planning proposal will not impact on vegetated areas within these lots.

Lot 25 retains some vegetated areas toward its southern boundary

A due diligence flora and fauna assessment undertaken across Lot 25 DP 852410 (Refer **Attachment four**) indicates that the majority of the site occurs as regrowth shrubland dominated by species such as *Leptospermum laevigatum* (Coastal Tea-tree), *Acacia longifolia* (Sydney Golden Wattle) and *Dodonaea triquetra* (Common Hop Bush).

Such species are colonisers and typical of regrowth vegetation, however larger specimens of slower-growing species such as *Banksia serrata* (Old Man Banksia) suggests that at least some areas of regrowth have been

established for at least several decades (Google Earth imagery shows the majority of the site including these areas as vegetated in 2002).

The flora and fauna assessment suggests that some of these patches may have constituted the Coastal Sand Apple – Blackbutt Forest mapped by LHCCREMS in 2000. Although predominantly native, areas were infiltrated with dense infestations of *Lantana camara* (Lantana) and other exotics.

Smaller patches along the southern and eastern periphery included semi – mature and mature individuals of *Eucalyptus robusta* (Swamp Mahogany), *Melaleuca quinquenervia* (Broad-leafed Paperbark) and *Casuarina glauca* (Swamp Oak). Such areas were identified as disturbed variants of Swamp Mahogany – Paperbark Forest. This community corresponds with the “Swamp Sclerophyll Forest on Coastal Floodplains” EEC.

A low-lying patch of vegetation in the south-east of the site is obviously subjected to periodic inundation, with the groundcover dominated by sedges such as *Gahnia* sp. (Saw-sedge). An emergent canopy of Eucalypts includes Swamp Mahogany, and the area is similarly considered to constitute a disturbed variant of the Swamp Sclerophyll Forest EEC.

The remainder of the site exists as cleared grasslands with some isolated trees (both native and exotic) prevailing. Species including *Pteridium esculentum* (Bracken), *Senecio madagascariensis* (Fireweed), *Andropogon virginicus* (Whiskey Grass) and *Briza major* (Quaking Grass) were prevalent, with isolated trees including Broad-leafed Paperbark and *Pinus radiata* (Monterey Pine).

A vegetation map for lot 25 is provided as **Figure 8**.



Figure 8. Vegetation Map

Source: Due Diligence Advice – Anderson Environment and Planning
(27/10/2016)

A Vegetation Management Plan (VMP) was prepared for Lot 25 DP 852410 to fulfil conditions of consent for earthworks approved under DA 16/2017/282. The VMP is enclosed as **Attachment five**. The Vegetation Management Plan proposes vegetation management areas totalling approximately 3.6ha, adjacent to the southern and eastern boundaries of Lot 25 DP 852410, as shown in **Figure 9**.

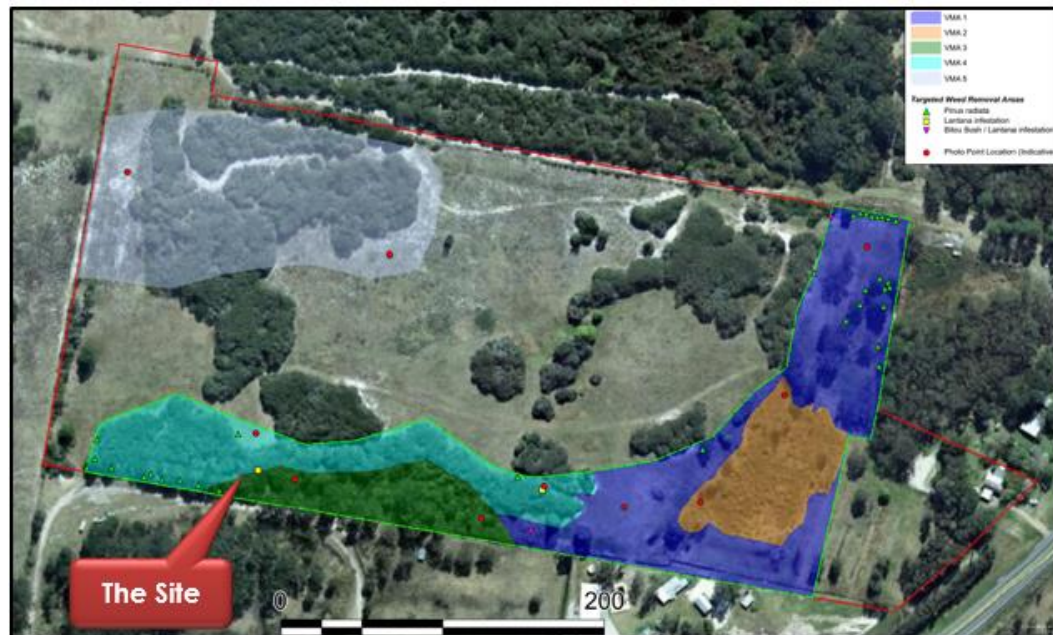


Figure 9. Vegetation Management Areas – Lot 25 DP 852410
Source: Vegetation Management Plan AEP Ref 1496 – July 2017

Portions of the site, in the north, south and east are identified on the Port Stephens Koala Habitat Planning Map as containing preferred koala habitat, with an associated 50m buffer (Refer **Figure 10**).

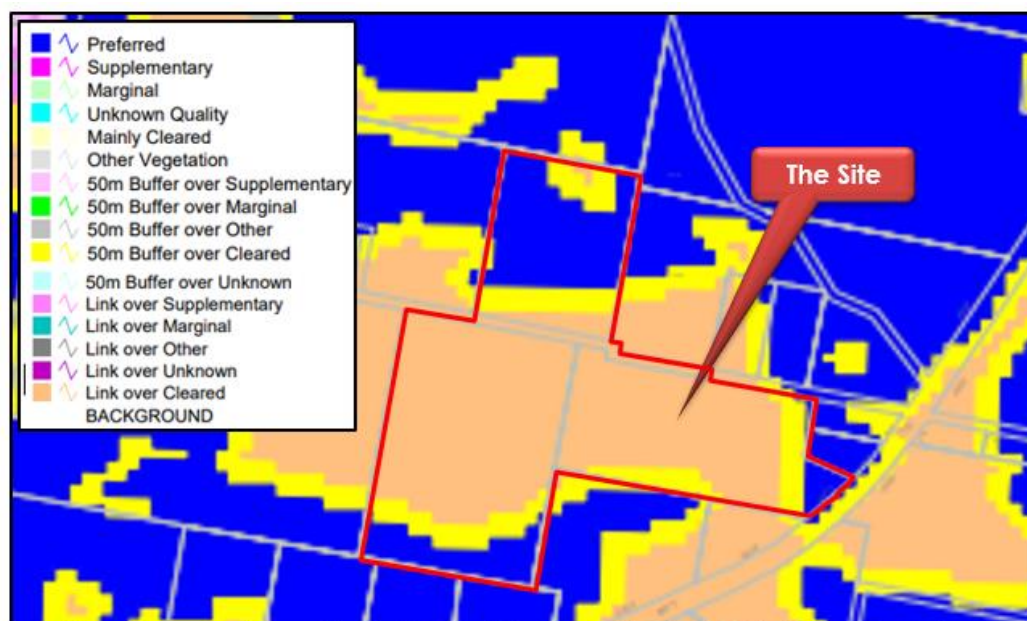


Figure 10. Extract from the Port Stephens Koala Habitat Planning Map
Source: Port Stephens Koala Habitat Planning Map (February 2007)

The subject site is mapped on the NSW Biodiversity Value Map as partly containing biodiversity values (refer **Figure 11**).

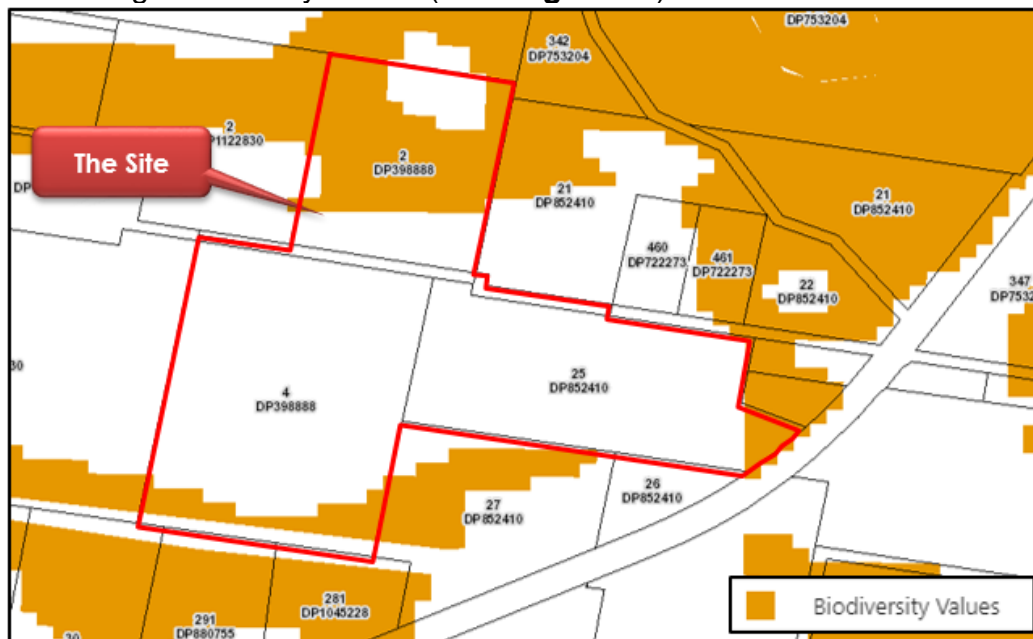


Figure 11. Extract from NSW Biodiversity Value Map

Source: <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap> – accessed 21/06/2018

The subject site is also shown on the NSW Native Vegetation Regulatory Map as containing sensitive regulated land (Refer **Figure 12**).



Figure 12. Extract from the NSW Native Vegetation Regulatory Map

Source: <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=NVRMap> – (accessed 21/06/2018)

It is recommended that an assessment of the potential credit liability generated by the future development is investigated and an offset strategy for achieving these credit requirements be provided. This strategy can be undertaken post-Gateway and must be prepared in accordance with the requirements under the NSW Biodiversity Offsets Scheme.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Technical studies have been undertaken (or will be undertaken at the post-Gateway stage) to assess the likely environmental effects resulting from the planning proposal and how these effects are proposed to be managed. The following matters are considered.

Contamination

Contamination investigations previously undertaken across the site indicate that the site was mined for mineral sands in the early 1970's. Due to former sand mining activities on the site, there is potential for contamination to occur across the site.

Contamination across Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542 has been assessed as part of the approval (DA 16/2009/257; as amended) and is considered to have been appropriately dealt with via conditions of consent for the relevant approvals.

An assessment of contamination across Lot 25 DP 852410 will be undertaken and provided to accompany the planning proposal at the post-Gateway stage. It is expected that contamination across Lot 25 DP 852410 can be appropriately dealt with in a similar manner to which it was controlled over Lots 2 and 4 DP 398888, Lot 2 DP 1204319 and Lot 1 DP 1225542.

Hydrology and Water Management

There are a number of gullies or creek lines that run through the site that will be considered as prescribed watercourses. Development within 40 metres of a prescribed watercourse requires approval from the NSW Office of Water. Any future development on the site will therefore be integrated development and will require referral to the NSW Office of Water.

Any new works associated with the proposed development on Lot 25 DP 852410 are likely to be clear of the watercourses mapped on the site.

Bushfire Risk

The subject site is identified as containing bushfire vegetation Category 1 and its associated buffer (Refer **Figure 11**). The proposed development would therefore be integrated development and require referral to the Rural Fire Service for consideration.

Detailed assessments have been carried out over the existing caravan park development footprint, but not over Lot 25 DP852410. A Bushfire Threat Assessment for the proposed development will be carried out at the post-Gateway stage. The primary protection of the proposed development from bushfire would be via the establishment of Asset Protection Zones (APZ's) consistent with the "Planning for Bushfire Protection" guidelines.

The concept plan, provided by the proponent, for the proposed development within Lot 25 DP852410, enclosed as **Attachment two**, includes asset protection zones adjacent to areas of high bushfire risk, illustrating that the proposed development can accommodate the bushfire hazard present on the site.

The concept design incorporates the principle of providing a perimeter road where possible, as this provides the best access for fire fighting vehicles.

Flooding

The site is mapped in the LEP as being located within a flood planning level. It is noted that flooding has been considered and addressed within Lots 2 and 4, Lot 2 DP 1204319 and Lot 1 DP 1225542 as part of approved development on the site (DA 16/2009/257). It is considered that flooding within Lot 25 DP 852410 can be addressed in a similar manner.

A specialist assessment of flood impact can be provided at the post-Gateway stage if required.

Indigenous Cultural Heritage

An Aboriginal Heritage Information Management System (AHIMS) search of the subject site and surrounds was undertaken. The results of the AHIMS search indicate that there are no Aboriginal sites or Aboriginal places recorded or declared in or near the subject site. A copy of the results of the AHIMS search are included (Refer **Attachment six**).

It is noted that the subject site has a history of sand mining and has been extensively disturbed by previously activities. As such, it is considered that there is a very low likelihood of items of Aboriginal cultural heritage being present on the site.

If necessary, an Aboriginal Cultural Heritage Assessment can be carried out over the site and provided at the post-Gateway stage.

Traffic and Transport

Access to the site is off the recently constructed Latitude Drive which extends along the northern boundary of Lot 25 DP 852410 and through Lot 1 DP 1225542, meeting Nelson Bay Road to the west of the subject site. Nelson

Bay Road is the main arterial link connecting Newcastle to Williamstown and the Tomaree Peninsula.

The intersection of Latitude Drive and Nelson Bay Road was recently upgraded to cater for the traffic demand resulting from the approved caravan park within the site.

The existing road network which surrounds the site is considered appropriate to accommodate any future development on Lot 25 DP 852410.

Services

Public utility services including telecommunications, gas, electricity and water will be available to serve future development on the site. Refer to Part 3 – Section B – Q3 for information received from Hunter Water.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Anticipated social and economic effects are addressed below.

Social Effects

A range of social benefits associated with the development of the site are anticipated, including:

- Additional housing choices in the Anna Bay and the Port Stephens LGA which caters for future population growth and responds to an ageing population in Port Stephens.
- Efficient use of community facilities and services provided at an existing approved development.
- Provide a critical mass which will enhance the viability of new services, facilities, and public transport in the Anna Bay area.

Economic Effects

A range of economic benefits associated with the development of the site are anticipated, including:

- Stimulation of local economic activity through increased local spending.
- Employment through construction and future maintenance of the development, and direct employment of employees servicing the development.
- Contribution toward investment in social infrastructure in the surrounding locality via additional funding through the Section 94 Contribution Plan.
- Provision of additional dwellings with easy access to major employment precincts such as Newcastle Airport and Tomago.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is accessed off Latitude Drive which extends along the northern boundary of Lot 25 DP 852410 and through Lot 1 DP 1225542. Latitude Drive intersects with Nelson Bay Road to the west of the subject site.

Nelson Bay Road is a State road and is the main arterial link connecting Newcastle to Williamstown and the Tomaree Peninsula. It carries both local and tourist traffic visiting the Nelson Bay area and is the only route servicing the Tomaree Peninsula and the various townships between Newcastle and Nelson Bay.

The intersection of Latitude Drive and Nelson Bay Road was recently upgraded to cater for the traffic demand resulting from the approved development within the site.

The proposed extension of this development is proposed be serviced by this infrastructure, subject to development consent.

Public utility services including telecommunications, gas, electricity and water will be available to serve any development on the site. Preliminary servicing advice for the proposed development was received from Hunter Water (Refer **Appendix 7**). Consultation with the service providers will occur post-Gateway, as the planning proposal progresses.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

This matter will be considered further after this planning proposal progresses through Gateway.

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

- NSW Roads and Maritime Services;
- Department of Primary Industries;
- NSW Rural Fire Services;
- Worimi Local Aboriginal Land Council.

PART 4 – Mapping

No changes to existing mapping are proposed.

Maps to support the planning proposal will be prepared after the Gateway Determination. The existing zoning of the site is RU2 Rural Landscape.

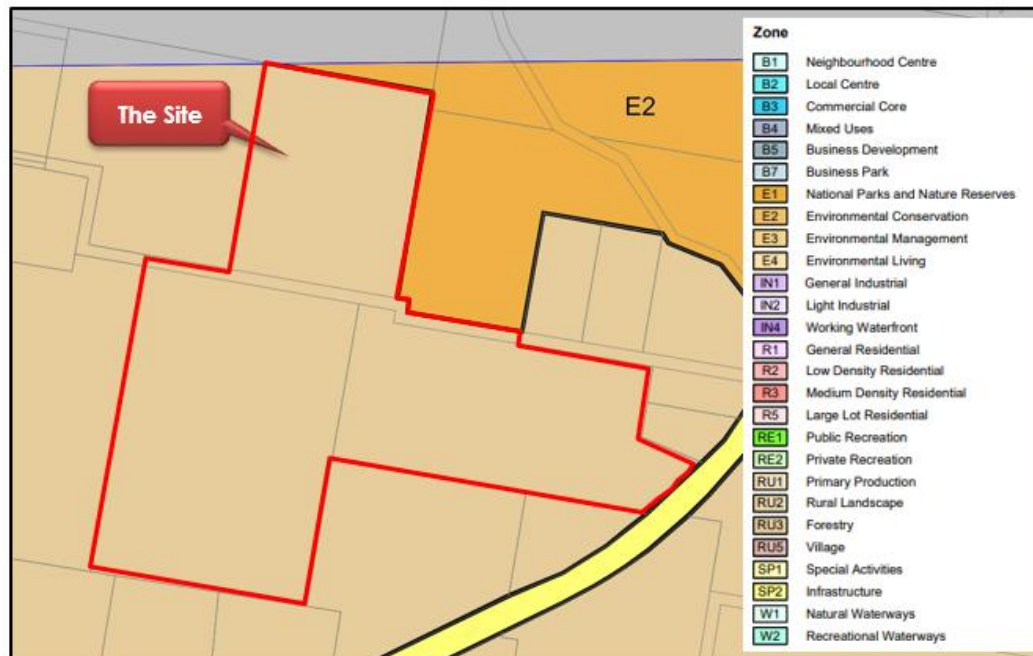


Figure 13. Existing zoning of the site

A minimum lot size of 20ha currently applies to the subject site.

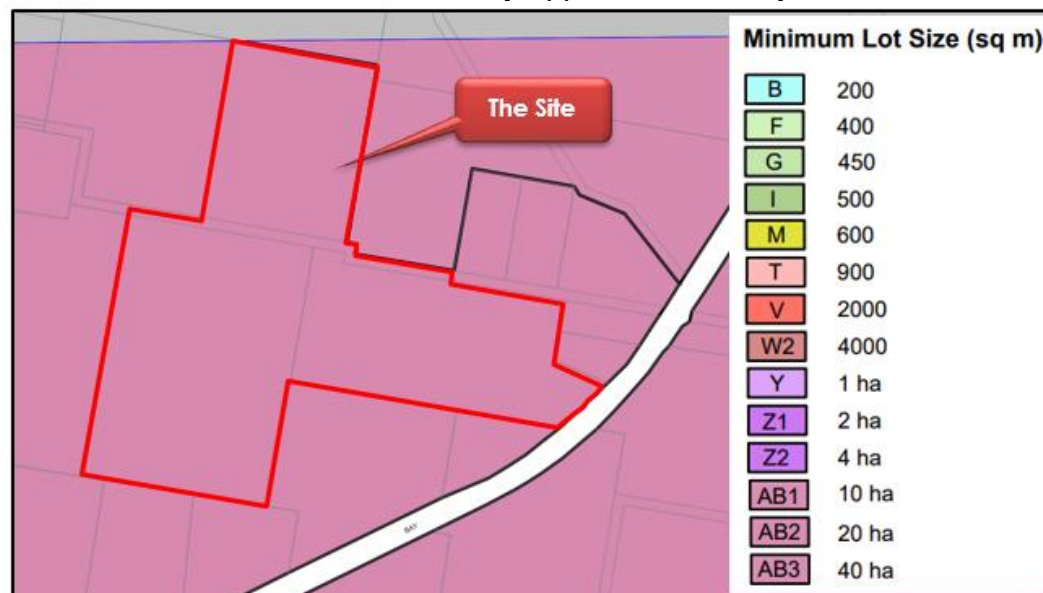


Figure 14. Existing lot size controls for the subject site

PART 5 – Community consultation

Community consultation will be undertaken in accordance with a future Gateway Determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace;
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace;
- Tomaree Library, Town Centre Circuit, Salamander Bay;
- Medowie Community Centre, Corner of Medowie and Ferodale Streets, Medowie.

The planning proposal will also be available on Council's website.

PART 6 – Project timeline

The additional technical information, studies and investigations identified in the planning proposal will be completed as required, within the expected timeframes listed below, should the planning proposal receive a Gateway determination:

For the subject site:

Any technical information, studies, or investigations as determined by a future Gateway determination.

For lot for Lot 25 DP852410:

- An investigation of the site by an appropriately qualified person in accordance with the Guidelines for Koala Habitat Assessment presented in Appendix 6 of the CKPoM;
- Further assessment of contamination across the site;
- A detailed flora & fauna assessment;
- An assessment of the potential credit liability generated by the future development and an offset strategy for achieving these credit requirements, in accordance with the requirements under the NSW Biodiversity Offsets Scheme;
- Assessment of acid sulfate soils;
- A bushfire threat assessment;
- A specialist assessment of flood impact;

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

The following timetable is proposed:

	May 2020	June 2020	July 2020	Aug 2020	Sept 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Mar 2021	Apr 2021
Gateway Determination												
Agency Consultation												
Technical information												
Public Exhibition												
Consider submissions												
Council Report												
Parliamentary Counsel												

Attachments

Attachment one	–	Locality Plan
Attachment two	–	Concept Plan
Attachment three	–	Preliminary site investigation and acid sulfate assessment
Attachment four	–	Ecological due diligence
Attachment five	–	Vegetation management plan
Attachment six	–	Aboriginal Heritage Information Management System (AHIMS)
Attachment seven	–	Hunter Water – Preliminary servicing advice for proposed development



Attachment Three – Preliminary site investigation and acid sulfate assessment

Attachment Six – Aboriginal Heritage Information Management System (AHIMS)

Attachment Seven –Preliminary servicing advice for proposed development (Hunter Water)
