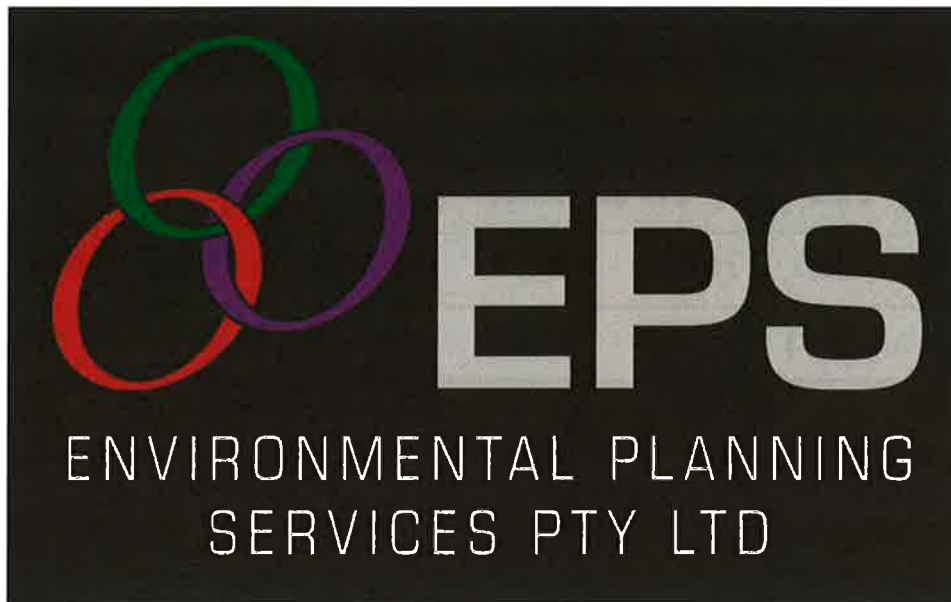




PLANNING PROPOSAL FOR ANNA BAY NORTH REZONING NSW

Anna Bay North

Environmental Planning Services Pty Ltd
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PLANNING PROPOSAL

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PRELIMINARY

The primary objectives of contemporary urban design principles are to create frameworks for the community that are sustainable, safe, stimulating and efficient. Broader and more integrated land use planning is required to achieve this objective, where design issues are addressed at the neighbourhood structure planning level. Neighbourhoods should ideally be guided and structured with consideration of street networks and allotment layout, as well as consideration of crucial issues including service and infrastructure delivery, environmental sustainability, housing demand and economic development that is efficient and sustainable.

Environmental Planning Services Pty Ltd (EPS) acts on behalf of a number of adjoining landowners in Anna Bay North in preparing this planning proposal for the rezoning of area. The purpose of the Planning Proposal is to demonstrate the strategic merits of the proposal to commence the rezoning process and outline further assessments/studies required prior to amendment of *the Port Stephens Local Environmental Plan 2000*.

1.1 Context

The planning proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning (DoP) guidelines including 'A guide to preparing planning proposals' (DoP, 2009) and 'A guide to preparing local environmental plans' (DoP, 2009).

This proposal is generally consistent with the *Anna Bay Strategy and Town Plan 2008* (Anna Bay Strategy) which aims to strategically guide the management of future population growth and the building of neighbourhoods in Anna Bay through established contexts and planning policies specific to Anna Bay.

1.2 Subject Land

This planning proposal applies to a number of land parcels located in northern Anna Bay (*the subject site*). The subject site is illustrated in the Locality Sketch (Figure 1), Aerial Photograph (Figure 2), Potential Development Footprint (Figure 3) and Current Zoning Plan (Figure 4).

Rezoning is not proposed for the entire site and any land assessed as unsuitable for rezoning is proposed to remain rural. As outlined throughout this Planning Proposal, further site assessments are required to assess the opportunities and constraints for the area. Some guidance on the area being investigated for rezoning is provided within the Anna Bay Strategy and Town Plan. In accordance with the preliminary works and guidance from this strategy, an investigation site has been proposed based on the extent of the ridgeline to the north of Anna Bay, which runs east-west through the subject site. The investigation area is illustrated in Figure 2. This



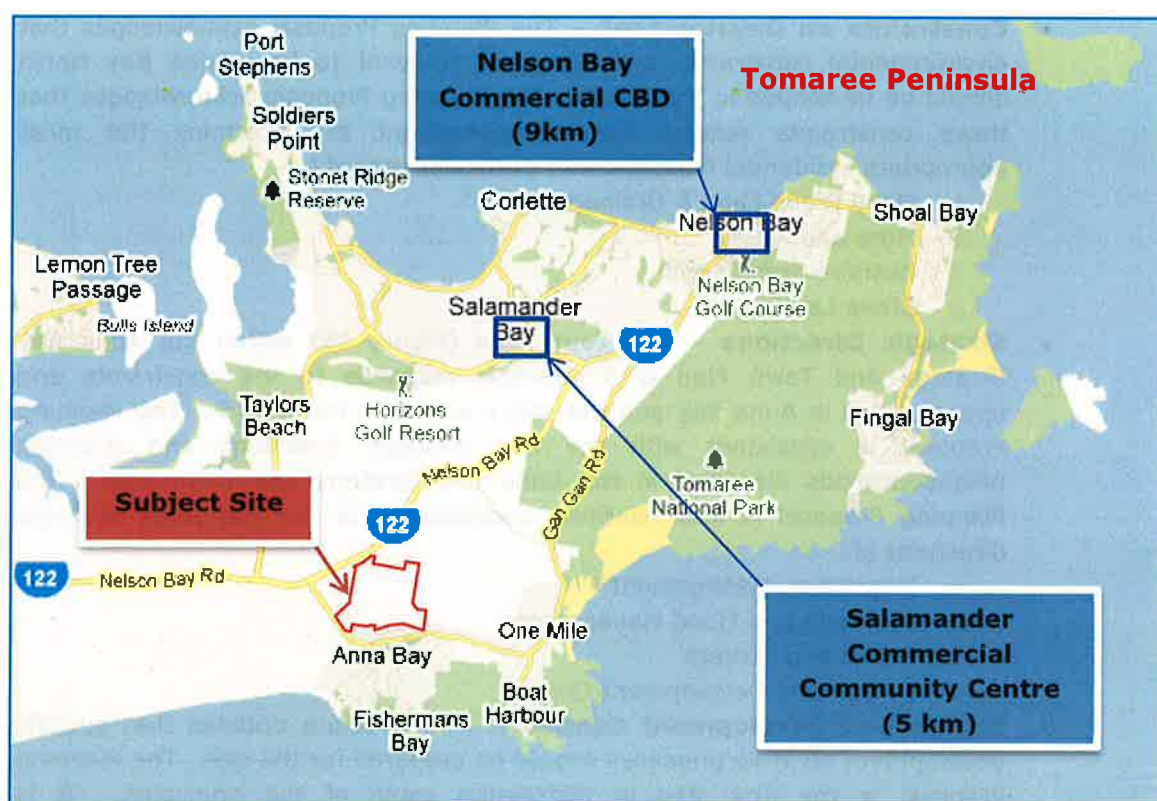
Planning Proposal relates to the land identified for investigation. Following a positive Gateway determination, site assessments will be undertaken to provide guidance for the most appropriate strategic land use of the site in accordance with the matters listed in this Planning Proposal.

A Site Analysis Plan and a list of relevant Lot & Deposited Plans for this proposal are contained in Appendix 1.

1.3 Current Zoning and Land Use

The subject land is currently zoned Zone No 1 (a) (Rural Agriculture "A" Zone) pursuant to the *Port Stephens Local Environmental Plan 2000* and covers an area of approximately 143 hectares. The investigation area proposed for rezoning an approximate area of 41.2 hectares, with an estimated potential of 33 hectares for future residential land use, although this area has yet to be confirmed and will be assessed through the site specific studies. The selected site is proposed to be rezoned to Residential in accordance with the revised *Port Stephens LEP*.

Figure 1: Locality Sketch





1.4 Project Investigation Area Justification & Anna Bay Strategy and Town Plan

The Anna Bay Strategy and Town Plan is the main strategic planning document that identifies the area north of Anna Bay as suitable for further investigation for residential land use. This Planning Proposal is considered consistent with the Anna Bay Strategy and Town Plan with regards to the following specific matters:

- **Planning and Policy Context** – The Planning Proposal is consistent with the matters identified in the following documents:
 - Lower Hunter Regional Strategy
 - SEPP 71 Coastal Protection and NSW Coastal Design Guidelines
 - Port Stephens Community Settlement and Infrastructure Policy 2007
 - The previous Anna Bay strategic planning documents that preceded the Anna Bay Strategy and Town Plan
- **Previous Consultation & Feedback** – The community workshops in 2002 & 2003 and the Draft Anna Bay North Structure Plan 2005 submissions all support the need for residential development that addresses a number of infrastructures, social and economic criteria relevant to the future growth of the area.
- **Constraints on Development** – The Planning Proposal acknowledges that environmental constraints are extremely relevant to how Anna Bay North should be developed in the future. The Planning Proposal acknowledges that these constraints require further assessment to determine the most appropriate residential footprint with particular regard to:
 - Flood Prone Land & Drainage
 - Flora and Fauna
 - Bushfire Prone Land
 - Steep Lands
- **Strategic Directions** – The Town Plan (Figure 15) within the Anna Bay Strategy and Town Plan is a strategic response to the constraints and opportunities in Anna Bay and the policy and legal framework. The Planning Proposal is consistent with the key strategic directions and strategic neighbourhoods identified in the Anna Bay Strategy and Town Plan. The Planning Proposal is also relatively consistent with the additional strategic directions of:
 - Vegetation Management
 - Drainage and Flood Management
 - Roads and Streets
 - Design and Development Control
- **Design and Development Control** – This direction outlines that specific development controls principles should be prepared for the site. The Planning Proposal is the first step in addressing some of the principles. It is recommended that a Development Control Plan (DCP) that outlines a master plan for development of the Anna Bay North area be prepared.



- The DCP should provide further guidance on street layouts, open space, drainage management and other constraints following further site specific assessments that are proposed as part of this Planning Proposal. The overall intention of the DCP is to provide guidance for the orderly development of the area given the multiple ownership of the landholdings within the proposed rezoning area.
- **Implementation** – the Planning Proposal is consistent with the rezoning request structure and staging requested by Council.

As outlined in the Anna Bay Strategy and Town Plan, the future development of the Anna Bay North area needs to consider the environmental constraints of the site. Therefore, the Planning Proposal supports the development footprint identified in the Town Plan but recommends that a further detailed assessment of the wider area be examined. Accordingly, site specific assessments are required to accurately assess future rezoning areas and identify environmental matters of consideration for preservation or amelioration.

Following a detailed site survey of the area undertaken on behalf of the landowners, it is considered that the topography and contours used for the development of the Anna Bay Strategy and Town Plan are not entirely consistent with the actual contours of the site. Given the higher level strategic assessment used for the Anna Bay Strategy and Town Plan, a greater detailed assessment is required to confirm suitable future land use area. This assessment should be consistent with the general principles, constraints and opportunities provided in the Strategy, but should be broad enough to examine all areas of potential opportunity.

To ensure an appropriate assessment of the site is provided, an area of investigation has been selected, extending north from the existing town centre to the sand ridge identified in the Strategy as an important visual backdrop to Anna Bay. Investigation of this land area will provide specific detail on flooding, drainage and other environmental matters to accurately determine an appropriate future residential land use footprint and also provide guidance on how drainage and other matters should be managed for the area. The proposed investigation area incorporates both areas suitable for future development and areas important for retention for ecological and visual reasons.

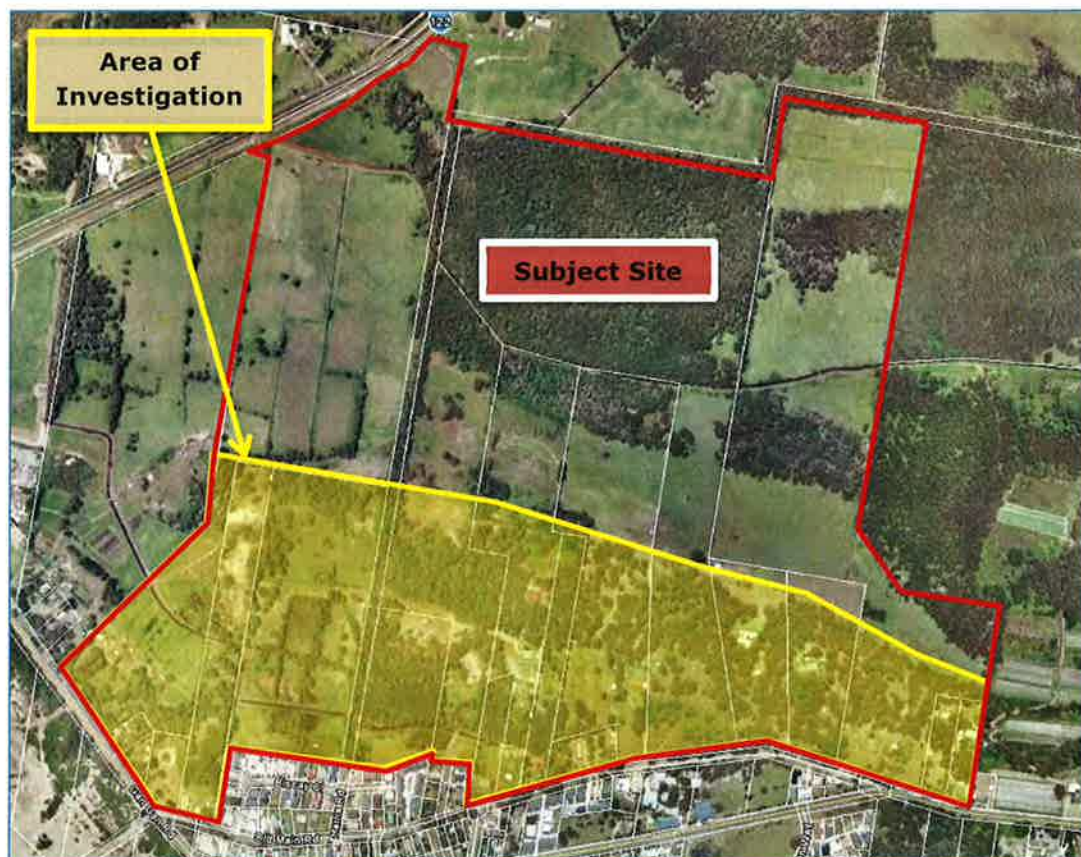
Preliminary investigations, including a detailed survey of the area have revealed discrepancies between the flood prone lands identified in the Anna Bay Flood Mapping contained in the Anna Bay Strategy and Town Plan and the actual levels on the ground. A preliminary development footprint (as illustrated in Figure 3) has been estimated to assist with assessing the planning proposal based on the preliminary investigations, however it is anticipated that as part of the detailed site assessments, these areas may change.



By incorporating the wider area than identified in the Anna Bay Strategy and Town Plan into the investigation area allows for a holistic assessment and use of an adaptive management approach, where site constraints are identified and then avoided, mitigated or ameliorated. The detailed assessment for the site will also build upon the strategic directions and matters identified in the Anna Bay Strategy and Town Plan.

Following the detailed site assessments, the Planning Proposal will then be able to provide more guidance on the proposed land use and specify relevant areas for standard residential lots, villas and townhouses, environmental living and open space or conservation.

Figure 2: Aerial Photograph and Area of Investigation







1.5 Planning Proposal Structure

The planning proposal has been prepared in four parts in accordance with the Department of Planning guideline – '*A guide to preparing planning proposals*' (DoP, 2009) and in conjunction with '*A guide to preparing local environmental plans*' (DoP 2009) and Circular PS 09-015 'Commencement of Certain Provisions of the EP&A Amendment Act 2008 and EP&A Amendment (Plan Making) Regulation 2009". The four parts include:

- Part 1:
A Statement of the Objectives or Intended Outcomes of the proposed LEP;
- Part 2:
An Explanation of the Provisions that are to be included in the proposed LEP;
- Part 3:
The Justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4:
Details of the Community Consultation that is to be undertaken for the planning proposal.



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to enable residential development, associated open space and residual rural areas over land immediately north of Anna Bay's Town Centre (referred to as Anna Bay North).



PART 2 – EXPLANATION OF PROVISIONS

The proposal seeks to amend the *Port Stephens Local Environmental Plan 2000 (Port Stephens LEP 2000)*. Anna Bay North is currently zoned *Rural 1(a) land*. This proposal intends to facilitate the rezoning of Anna Bay North pursuant to the *Port Stephens LEP 2000* to include the following zones:

- 2 (a) Residential Zone;
- 6 (a) General Recreation "A" Zone; and
- 1 (a) Rural for residual land.

The future zone boundaries are intended to be guided by the outcomes of site specific studies as outlined in this Planning Proposal. The collation of the assessments will provide the site opportunities and constraints and assist in determining the exact zone boundaries.

The future residential areas will be determined in response to the sites topography, habitat values, aesthetic values and constraints of flooding, drainage and slope stability. These factors need to be assessed to determine the most appropriate land use areas for the subject land. The intention of this planning proposal is to provide the relevant information to achieve a positive Gateway determination and then continue to evolve to incorporate the relevant assessments. The final Planning Proposal intends to outline the most appropriate areas for residential land use for the site, based on the opportunities and constraints to ensure that appropriate scale, massing and character of future residential development and landscaping serves to enhance the character of the local neighbourhood and provide a sense of place in accordance with urban design best practice.



PART 3 – JUSTIFICATION

3.1 Section A – Need for the Planning Proposal

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

The planning proposal is the result of several recent strategic studies including the *Draft Anna Bay Local Area Plan* (Port Stephens Council (PSC) 2004), *Draft Anna Bay Urban Management Plan and Guidelines* (Deicke Richards 2002), *Draft Anna Bay North Structure Plan* (Parsons Brinckerhoff (PB) 2005), *Drainage Investigation Report Anna Bay North Structure Plan* (PB 2005), *Flora and Fauna Assessment for Proposed Rezoning of North Anna Bay* (PB, 2004), *Anna Bay Traffic Study* (Traffic Engineering Services 2007), *Anna Bay Catchment Drainage/Flood Study Masterplan* (Sinclair Knight Merz 1995), *Anna Bay Town Plan: Ecological Advice* (Environmental Service, Port Stephens Council 2007) which were analysed and amalgamated to establish the *Anna Bay Strategy and Town Plan* (PSC 2008).

A number of these strategic studies specifically relate to Anna Bay North (the subject site of this planning proposal) including the *Draft Anna Bay North Structure Plan 2005*, *Drainage Investigation Report Anna Bay North Structure Plan* and the *Flora and Fauna Assessment for Proposed Rezoning of North Anna Bay* which identifies the subject area for this planning proposal.

The *Draft Anna Bay North Structure Plan 2005* identifies the issues and possible constraints of the area and potential management requirements if the site is developed. It also highlights key factors and features that should be integrated into development design of Anna Bay North. Additionally the report includes the findings and current issues identified by community feedback in relation to Anna Bay North.

The *Drainage Investigation Report Anna Bay North Structure Plan* was undertaken as part of the Anna Bay North Structure Plan to investigate the drainage infrastructure that would be required to mitigate any negative impacts from future developments. The report recommends that the drainage for Anna Bay North is to be reassessed for any proposed development, and should focus on drainage improvement options and recommends provisions to be included in the developmental design.

Another specialist study that was incorporated in the Anna Bay Strategy and Town Plan (Anna Bay Strategy) that specifically relates to the subject site is the *Flora and Fauna Assessment for Proposed Rezoning of North Anna Bay* (PB, 2004). The above studies will be taken into account for the final rezoning development design of Anna Bay North.

The Anna Bay Strategy and Town Plan draws upon all of these studies to form an idealistic future population growth plan, desired community future outcomes and improved town planning design that enhances the growth opportunities, ecological,



aesthetic, and social and economic features specific for the Anna Bay Township. It also establishes a context and policy direction for future rezoning requests and development controls specific to the Anna Bay area. It achieves this by identifying and integrating details of location, timing and funding for community facilities and infrastructure within the area. A copy of the Anna Bay Strategy and Town Plan is contained in Appendix 2.

The Anna Bay Strategy and Town Plan identifies two areas for rezoning potential, Anna Bay North, as is the subject of this Planning Proposal and Anna Bay East. In relation to the rezoning of Anna Bay North it is requested that;

- Separate rezoning applications are received for Anna Bay North and Anna Bay East;
- Rezoning and development should be gradual and begin adjacent to the existing town centre with orderly development continuing from the existing urban area to outer green field sites;
- Rezoning of land identified for industrial development can occur at any time subject to the availability of services;
- The rezoning request is strategic. That is, it includes a significant area of land for development, as opposed to individual holdings;
- The rezoning request must address the planning policy framework of Council and the NSW State Government;
- The rezoning request must include site analysis and site planning that addresses the Sustainability Principles and Criteria of the *Port Stephens Community Settlement and Infrastructure Strategy* and the provisions of *Anna Bay Strategy and Town Plan*;
- Ensures rezoning facilitates cooperative expansion of development land and infrastructure; and
- The rezoning request is accompanied by a drainage study that identifies any necessary solutions or works required, and how those works or solutions will be implemented.

The proposed Anna Bay North area has been clearly identified in a number of strategic studies as outlined above. These studies highlight the potential for Anna Bay North as an area suitable for residential development. Based upon the future growth projections and need for variable housing, there is demand for contemporary strategic residential development in Anna Bay North.



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

The objective of the planning proposal is to rezone a number of Rural 1(a) allotments to Residential 2(a) and associated open space and residual rural areas. Anna Bay North has been identified as one of two potential areas for rezoning. The Anna Bay Strategy and Town Plan states that landowners are strongly encouraged to coordinate with each other to reduce the number of 'spot' rezoning's for the area and that ideally, one rezoning request should be submitted for land within Anna Bay North. This planning proposal is consistent with the Anna Bay Strategy and Town Plan direction.

The submission of a single Anna Bay North rezoning request also has administrative and cost benefits for the authorities and landowners. The significant area of land to be considered to be rezoned represents a strategic rezoning request and therefore represents the best method of achieving the objective of the land rezoning and the intended outcomes and benefits for Anna Bay as outlined in the Anna Bay Strategy and Town Plan.

3. Is there a net community benefit? (Net Community Benefit Test adapted from draft Centres Policy)

The following questions represent the Net Community Benefit Test:

1. Will the LEP be compatible with the agreed State and Regional strategic direction for development in the area (e.g. Land release, strategic corridors, development within 800 metres of a transit node)?

Lower Hunter Regional Strategy

The NSW Government adopted the Lower Hunter Regional Strategy (LHRS) on the 12th of October 2006. The LHRS provides the broad strategic planning context for the Hunter Region for the next 25 years.

The Regional Strategy is based upon a population growth scenario which forecasts a regional population of 675,000 persons by 2031. This equates to an additional 160,000 persons over the period 2006–31. This growth scenario responds to current levels of growth and recognises that this growth will continue as the Region broadens its economic role in the context of the NSW and national economy.

Greenfield housing or 'new release' areas represent 75 per cent of all new housing, with the remaining 25 per cent of housing located in existing zoned urban areas.

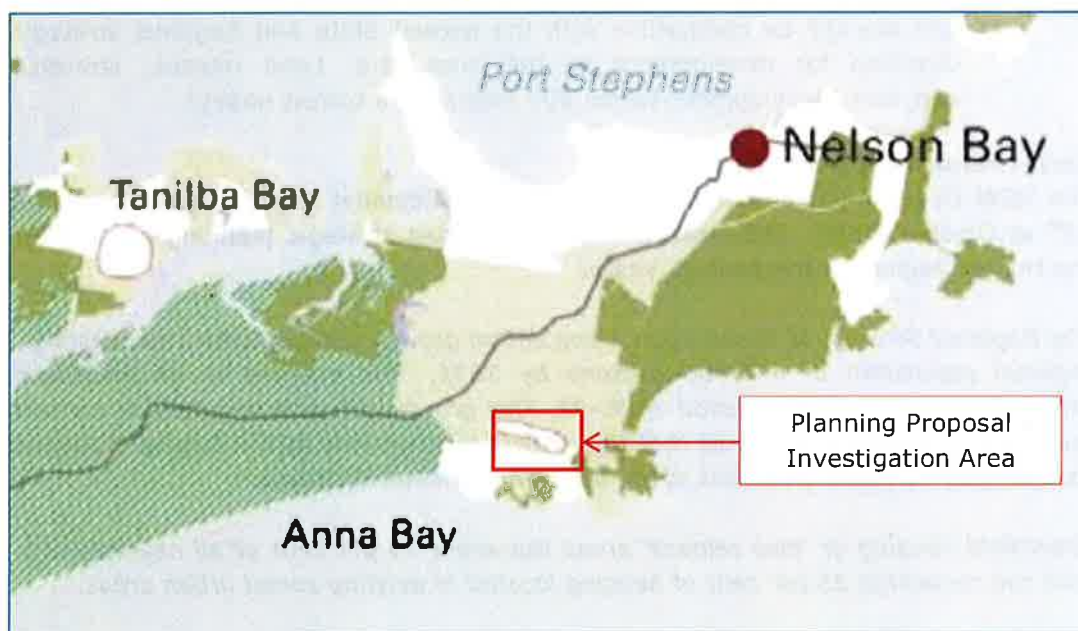
The relevant key housing challenges for the region outlined in the Regional Strategy relevant to this Planning Proposal are:



- To provide sufficient land and development opportunities to provide housing for the future growth of the population;
- To achieve higher residential densities in-and-around major centres to maximise proximity to employment and services and the use of existing infrastructure, while maintaining amenity;
- To provide housing choice and affordability in the right locations reflecting changes in population and associated reduction in household occupancy rates;
- To ensure quality urban design and amenity that is sensitive to and complements the character and lifestyle of the Region's towns and new urban areas; and
- To refocus the housing industry in the Region to increase the amount of total housing provided in the existing urban areas so that a more sustainable balance between the need for new greenfield land releases and the ability of existing urban areas to meet housing demands is created.

The Port Stephens Local Government Area is included in the *Lower Hunter Regional Strategy* which provides strategic planning directions for new neighbourhood planning principles. The subject site is identified in the *Lower Hunter Regional Strategy* plan as a proposed urban area, as illustrated in Figure 5. The *Lower Hunter Regional Strategy* states that for proposed urban areas, the boundaries are to be defined through local urban planning.

Figure 5: Lower Hunter Regional Strategy Plan Extract



The Strategy provides that 60 per cent of new dwellings will be provided in new release areas and 40 per cent will be provided in existing urban areas — that is, a 60:40 split in the provision of new dwellings. One of the key outcomes is to enable



the release of up to 69 000 new green-field lots in a coordinated way, with improved neighbourhood design and more efficient use of infrastructure. The rezoning is the prelude to the subdivision of suitable land for greenfield allotment. The rezoning is guided by the Anna Bay Strategy and Town Plan which assists in coordinated release of suitable land.

The Regional Strategy states that sites less than 50 hectares may be developed if consistent with the principles of the Strategy and if they are identified within an endorsed local strategy. The Anna Bay Strategy and Town Plan represent the relevant local strategy.

The Regional Strategy's Neighbourhood Planning Principles to be incorporated into new release areas are:

- *A range of land uses to provide the right mix of houses, jobs, open space, recreational space and green space.*
- *Easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops.*
- *Jobs available locally and regionally, reducing the demand for transport services.*
- *Streets and suburbs planned so that residents can walk to shops for their daily needs.*
- *A wide range of housing choices to provide for different needs and different incomes. Traditional houses on individual blocks will be available along with smaller, lower maintenance homes, units and terraces for older people and young singles or couples.*
- *Conservation lands in-and around the development sites, to help protect biodiversity and provide open space for recreation.*
- *Public transport networks that link frequent buses into the rail system.*

The rezoning is considered to be consistent with the Neighbourhood Planning Principles given the sites location adjacent to Anna Bay town centre, Gan Gan Road and Nelson Bay Road.

The Regional Strategy also provides guidance on residential densities. New urban release areas will be planned to achieve an average yield of 12 dwellings per hectare. However, it is recognised that higher densities can be achieved in some areas with careful planning and urban design.



Integrated Land Use and Transport

Integrating Land Use and Transport explains the State policy which has been developed to reduce car travel and provide more equitable access to jobs and services.

Implementing the policy will:

- Help achieve the aims of the government's air quality management plan, Action for Air;
- Enhance the viability of investment in new public transport under the NSW transport plan, Action for Transport 2010; and
- Help achieve a range of social, environmental and economic goals including equity, neighbourhood amenity and lower road congestion support the NSW Government's commitment to the National Greenhouse Strategy.

The aim of integrating land use and transport is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

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

New residential areas provide an opportunity to 'get it right from the start'. To promote more viable public transport and reduce car dependence, it is important that the location, density, design and development (including staging) of new residential areas maximise access to public transport.

The Planning Proposal complies with objectives of the *Integrating Land Use and Transport* in the following ways:

- The subject site is located adjacent to Anna Bay Town Centre and Gan Gan Road, which represents the local public transport route.
- Being located adjacent to Anna Bay Town Centre provides an opportunity for future residents to walk to local shops to meet their daily and weekly shopping requirements. Walking and public transport opportunities open up the prospect to reduce reliance on cars and moderate demand for car travel.
- The site is within 800m of the Anna Bay Town Centre.



Coastal Design Guidelines for NSW

The 'Coastal Design Guidelines for NSW' (Coastal Council of NSW 2003) establishes principles to ensure that future developments and redevelopments are sensitive to the unique natural and urban settings of coastal places in NSW. The Guidelines have the following objectives:

- *To protect and enhance the cultural, ecological and visual characteristics of a locality.*
- *To limit coastal sprawl by establishing separation and greenbelts between settlements.*
- *To integrate new development with surrounding land uses.*
- *To integrate land use with transport.*
- *To protect local character.*
- *To encourage new coastal settlements to be appropriately located.*
- *To create neighbourhoods centred around services and facilities.*

The Guidelines establish 6 design principles for coastal settlements:

- Defining the footprint and boundary of the settlement - describes how to establish the outer limits of a settlement to protect the important visual and natural setting;
- Connecting open spaces illustrates how open space creates recreation, conservation, public access, cultural and heritage opportunities in and around the settlement;
- Protecting the natural edges of the settlement - shows how the coastal edge is protected and understood as a public place, with public access and ecological values including mitigating the impacts of natural hazards;
- Protecting the natural edges of the settlement - shows how the coastal edge is protected and understood as a public place, with public access and ecological values including mitigating the impacts of natural hazards;
- Reinforcing the street pattern highlights how streets enliven centres, connect important places within and around the settlement, allow for improved choice when moving from place to place, and provide commercial and social benefits;
- Appropriate buildings in a coastal context - shows how specific development relates to the site's natural features and to its location within the settlement;

The Planning Proposal will incorporate these principles into the assessment of the subject site to provide guidance for the most appropriate strategic land use of the site. Further detailed studies are required to gain an understanding of the site constraints and opportunities. Following the completion of these studies, the Planning Proposal will be able to progress with an assessment of the most appropriate land uses across the subject site.



2. Is the LEP located in a global/regional city, strategic centres or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

The LEP site is nominated within the *Lower Hunter Regional Strategy* as a proposed urban area, as illustrated in Figure 5.

3. Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

The site has been identified in the strategic studies outlined in this planning proposal and the recommendations of the studies are consistent with the expectations of the landowners which are predominantly "for" the proposal. The potential of the Anna Bay North being developed has been publicly identified through the strategic studies and rezoning the site. The area of investigation is greater than the land use footprint identified in the Anna Bay Strategy and Town Plan, although this is based on undertaking a holistic assessment based on site specific assessment that provide significantly greater detail than was available for the development of the Anna Bay Strategy and Town Plan. Therefore, the investigation area is considered justified, although this may also create a precedent or change the expectations of other landowners. However, it is considered best practice to undertake strategic planning based on the merits of a site rather than simply a recommendation of a strategic study and any potential precedent is considered to be in accordance with contemporary planning practice.

4. Have the cumulative effects of other spot rezoning proposals in the locality been considered?

Yes, the strategic studies have identified the need for additional residential style land in the Anna Bay Area which was considered in a community workshop held for the *Draft Urban Management Plan and Design Guidelines* in February 2002. The spot rezoning of land within the Anna Bay area has been limited and discouraged on an individual site basis. A spot rezoning is currently being finalised to the east of the site in the area identified in the Anna Bay Strategy and Town Plan as the Anna Bay East Neighbourhood. The spot rezoning is consistent with the Anna Bay Strategy and Town Plan.

5. What is the outcome of these considerations?

The cumulative effect of the spot rezoning and this Planning Proposal is considered to be positive as it results in the implementation of the Anna Bay Strategy and Town Plan. The two rezoning's will also contribute to the local infrastructure of the area through the development of appropriate services and stormwater drainage infrastructure.



The drainage and infrastructure delivery is considered one of several matters that have restricted rezoning of the area, as an integrated approach is required to resolve these matters. With the strategic rezoning of the subject site, combined with the spot rezoning to the east, many of the areas constraints will be addressed and resolved. The cumulative effect of the rezoning's is to provide the potential catalyst for the rezoning/development of other lands in the Anna Bay East location and the Anna Bay Strategy and Town Plan.

6. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

The LEP will allow the development of the land for residential purposes which will generate temporary employment in the locality during future subdivision and construction of new residential dwellings.

The proposal will also result in an increase in the population of Anna Bay's primary trade area and has the potential to provide a range of high quality housing to attract new residents. This will provide support for permanent local employment as the proposal, when developed, should result in the following:

- Increased local commercial activity within Anna Bay and subsequently investment into the town centre;
- Improvement of the quality and range of services through increased demand;
- Reduce escape spending to other areas; and
- Increase convenience and accessibility for local residents.

The proposal will not result in the loss of employment lands. The proposal should support the proposed new small scale light industrial area proposed in the Anna bay Strategy and Town Plan.

7. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The LEP will have a positive impact on the supply of rural residential demand as identified in the regional and local strategic studies outlined in this planning proposal.

The community identified the opportunity for an increase in the "amount of residential land" in Anna Bay (p8 PSC Anna Bay Strategy 2008). The LEP amendment will facilitate the cooperative expansion of residential development land and infrastructure to create a competitive market in the growing Anna Bay area which positively impacts on housing supply and affordability.

8. Is the existing public infrastructure (roads, rails, utilities) capable of servicing the proposed site?



The existing road infrastructure may require some additional upgrades and the proposal will result in the construction of new residential street networks to adequately service the residential area.

Anna Bay and Port Stephens have no rail service. The only public transport system is Port Stephens Coaches bus service that services the Anna Bay area and connects to the wider region, including Newcastle and Newcastle Airport. The bus service route is along Gan Gan Road, the main street of Anna Bay. The land subject of the Planning Proposal is located within 400m of Gan Gan Road.

Hunter Water Corporation (HWC) has indicated in the Anna Bay Strategy and Town Plan that the current water supply system for Anna Bay is insufficient to cater for the entire development capacity that is anticipated in the Strategy. However preliminary investigations with HWC have indicated that the water systems in place have been significantly improved since the adoption of the Anna Bay Strategy and Town Plan in 2008. Since 2008 the following services have been implemented that impact on Anna Bay:

- A lead-in water main connecting Anna Bay to Boat Harbour
- A new water tank located within Anna Bay to serve as security of supply

In addition, HWC are currently designing a Trunk Main that will connect Grahamstown Dam to Lemon Tree Passage and Anna Bay. This is identified as the Tomaree to Tilligerry Trunk Main. The implementation of this trunk main is expected to take place in 2013 – 2014. This improved infrastructure will have a significant impact on the suitability of the water services in catering for the proposal. Following a positive gateway determination, ongoing consultation with HWC will be required, as well as an in-sewer investigation to be carried out.

9. Is there good pedestrian and cycling access?

The site is located within a 500m - 800m radius from the centre of Anna Bay. Sections of Gan Gan Road have an existing cycleway that connects the town centre to Boat Harbour. The current road network that the proposal will link into is sealed and provides good opportunities for cycling and pedestrian access. The subject sites future internal road network and design should also encourage opportunities for pedestrian and cycle access.

10. Is public transport currently available or is there infrastructure capacity to support future public transport?

Currently the Port Stephens Coaches Bus service operates in the main street of Anna Bay (Gan Gan Road). The service operates a number of times daily between the main commercial areas of Port Stephens and Newcastle. The bus service may consider expanding its bus route as the proposed development of Anna Bay north gradually expands.



The additional residents associated with the development of the subject site would contribute to supporting future public transport bus service options.

11. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

The proposal is located adjacent to Anna Bay Town Centre, which as stated previously, provides an opportunity for future residents to walk to local shops to meet their daily and weekly shopping requirements. This in turn should increase local commercial activity within Anna Bay and subsequently investment into the town centre resulting in improvement of the quality and range of services through increased demand. Increased services should also reduce escape spending to other areas and reduce reliance on cars for daily needs, thereby minimising adverse impacts associated with greenhouse gas emissions, operating costs and road safety.

12. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

There are no known significant Government investments in infrastructure or services in the area whose patronage will be negatively affected by the proposal. The proposal will generate residential development which could in turn support the future Defence housing requirements associated with RAAF Base Williamstown.

13. Will the proposal impact on the land that the government has identified a need to protect (eg. Land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

Anna Bay North is not located in an environmentally sensitive area identified as in the need of protection or protected by through a National Park, State Forest or Nature Reserve. The site is subject to a number of potential environmental constraints. As part of the *Anna Bay Strategy* Port Stephens Council engaged the external specialist sub-consultants to undertake a flora and fauna assessment and preliminary drainage investigation to consider and evaluate the impact of future residential development on Anna Bay North.

As summarised in the *Anna Bay Strategy and Town Plan* environmental constraints present at the subject site include;

- Flood prone land and drainage problems;
- Flora and fauna;
- Koala Habitat present;
- Bushfire prone lands; and



- Steep landform areas.

Environmental Constraints maps are included in pages 13-27 of the Anna Bay Strategy and Town Plan.

Flood Prone Land and Drainage

Large areas of Anna Bay have been mapped as flood prone lands (as shown in Figure 6 of the Anna Bay Strategy and Town Plan 2008). A significant proportion of land within Anna Bay North between the town centre and the natural ridge line to the north is low-lying and subjected to inundation under the 100-year average recurrence interval storm event. As a consequence Anna Bay North and the Town Centre are constrained by flood prone areas.

The studies undertaken for the Anna Bay Strategy and Town Plan recommends that any proposed rezoning and filling of the floodplain in Anna Bay North should be further assessed by the developer to improve the drainage network and its performance before any new development in Anna Bay North. Flood modelling showed that a limited amount of development would not worsen the current flood levels of the area. The previous studies are considered relevant but have limitations as they investigated different development scenarios. The Anna Bay Strategy and Town Plan states that new development areas will be required to complete a drainage study during the rezoning. The study will need to address flooding, drainage and water quality issues and provide investigation, funding and construction arrangements of the necessary drainage infrastructure.

Accordingly, following a positive Gateway determination, a drainage study is proposed to be undertaken in accordance with the strategic directions listed in the Anna Bay Strategy and Town Plan. The study will assist in identifying whether filling in some areas identified as flood prone land will have a significant impact and will provide further detail on how the development footprint for the area should be developed. The previous flood studies for the area have suggested that some filling of flood prone land will not have a significant impact, although these assessments require further justification.

Flora and Fauna

Anna Bay North consists of cleared and vegetated rural land. The vegetation communities have been mapped at a broad scale for the Anna Bay Strategy and Town Plan using the Lower Hunter and Central Coast Regional Environmental Management Strategy (LHCCREMS). The vegetation mapping consists of two major vegetation communities, being Coastal Sand Apple Blackbutt Forest and Swamp Mahogany Paperbark Forest.

The Coastal Sand Apple Blackbutt Forest is determined to be the dominate vegetation type present within the subject site. This community is identified as Supplementary Koala Habitat. It is likely that Koalas will use Supplementary Koala



Habitat (*Coastal Sandy Apple Blackbutt Forest*) identified immediately north of the study area as a habitat linkage to Preferred Koala Habitat to the north, as will other fauna.

The Swamp Mahogany Paperbark Forest is identified as the least dominant forest vegetation community located within the site. This community is currently classified as a State Significant *Endangered Ecological Community (EEC)* under the *Threatened Species Conservation Act 1995* (TSC Act) and contains Swamp Mahogany (*Eucalyptus robusta*) which are preferred Koala feed trees and habitat.

A Flora and Fauna Assessment was prepared for Anna Bay North in 2004 by Parsons Brinckerhoff (PB). This assessment provides a sound basis for the further investigations as the assessment is now seven years old. Accordingly, following a positive Gateway determination, a flora and fauna study is proposed to be undertaken in accordance with the strategic directions listed in the Anna Bay Strategy and Town Plan and to consider the information provided in the Flora and Fauna Assessment (PB, 2004). The flora and fauna study will assess the areas of the site suitable for residential development and the areas suitable for fauna movement corridors and conservation and provide guidance for the most appropriate strategic land use of the site.

Koala Habitat

The Port Stephens Comprehensive Koala Plan of Management identifies *Swamp Mahogany Paperbark Forest* as Preferred Koala Habitat and *Coastal Sandy Apple Blackbutt Forest* as Supplementary Koala Habitat for the Tomaree Peninsula. PB as part of their site investigation re-mapped Anna Bay North's koala habitat boundaries by ground truth mapping of vegetation boundaries and vegetation community types. As outlined above, further ecological site investigations will be undertaken to provide a current assessment of koala habitat and to provide guidance for the most appropriate strategic land use of the site. This assessment will provide detail on any potential impacts if some koala habitat areas are developed provide further detail on how the development footprint for the area should be developed, taking into account koala habitat.

Bushfire Prone Lands

Anna Bay North is classified as bushfire prone land under Port Stephens Council's *Bushfire Hazard Map* and categorised as 'Vegetation Buffer Zone' and 'Vegetation Category 1'. Pursuant to the *Rural Fires Act 1997* future development will require bushfire safety authority issued by the Commissioner as the land could lawfully be used for residential or rural residential purposes. Future development will also need to comply with the *Planning for Bushfire Protection Guidelines*.

Further site assessments of the subject site will be undertaken to consider the level of bushfire threat and consider necessary bushfire protection measures that will be



incorporated in the rezoning and development of the site in accordance with the *Planning for Bushfire Protection Guidelines 2006*.

Steep Land

Anna Bay North includes an east-west linear vegetated ridge with a relief of 15-20m with moderate to steep slopes. The ridge is a variant of the Shoal Bay Aeolian Soil Landscape which consists of well-drained non-cohesive soils of low fertility and steep slopes with a potential for foundation hazards due to slumping of cut and batters. Slopes interpreted from aerial photographs and ground truthing surveys, to be greater than 25% in slope are generally classified as unsuitable for development. The ridge line also forms part of the visual backdrop for Anna Bay and careful assessment of how development, if any, would ensure that the visual backdrop is maintained.

Following a positive Gateway determination, a landform assessment and visual impact assessment will be undertaken to provide a detailed appraisal of the existing topography and visual importance and to provide guidance for the most appropriate strategic land use of the site.

14. Will the LEP be compatible/complimentary with the surrounding land uses?
What is the impact on amenity in the location and wider community?

The amendment to the LEP will be compatible with the surrounding land uses which are currently occupied by residential and rural residential development style living. The LEP amendment will provide an opportunity to incorporate a diverse mix of residential living styles, open space and residue rural areas that will be in sympathetic with the local area in terms of scale and character. Additionally, as no development is proposed along the top of the vegetated ridge line, the visual character of the area will be preserved.

The LEP will provide low to medium residential density opportunities that can cater for a wide variety of housing types suitable for a diverse range of residents. The potential benefits to the community include support for the growth of the town centre which in turn should result in increased convenience and accessibility to services for local residents, reduce escape expenditure to surrounding areas, and reduce travel to retail and commercial services in other towns.

15. Will the public domain improve?

Yes, as outlined above, the development of the site would facilitate opportunities for cooperative development of residential land which will support town centre growth. Growth of Anna Bay's town centre should result in improvements to the public domain including improved infrastructures such as drainage, built form and commercial opportunities. Some areas of the site may be proposed open space.



16. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

The proposal will facilitate increased demand for services which would facilitate the opportunity for increasing retail and commercial development in the Tomaree Peninsula.

17. If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposal is not a centre, but will support the existing township of Anna Bay.

18. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

As outlined in the Anna Bay Strategy and Town Plan (2008, p8) the community have identified that opportunities they would like to see for Anna Bay include;

Draft Anna Bay Local Area Plan 2004 Community Workshop

- Protection of natural areas and important attractions and promotion of ecotourism facilities.
- Encouragement of tourism based development with potential for integrated tourism and housing.
- Need to improve existing facilities, provide more sporting, recreational and educational facilities.
- Need to improve vehicular and pedestrian links within and around Anna Bay including more car parking and better infrastructure.
- Need to promote a sense of community, pedestrian permeability and cohesion within Anna Bay.
- Protection of the current lifestyle and the beach/village/rural character of Anna Bay.
- Promotion and provision of greater housing choice and affordability.
- Need to increase the economic activity and viability within the town.

Draft Urban Management Plan and Design Guidelines 2002 Anna Bay Community Workshop

- Upgrade town centre.
- Increase height limit of commercial land to 12m.
- Proposal to open Old Main Road.
- Provide large 1/2 acre blocks north of ridge.
- Increase amount of residential land.

The proposed rezoning and development of Anna Bay North will address a number of these community desired attributes within the town plan. The proposal will



implement the opportunity for protection of elevated natural areas, home based businesses and variable housing choices, improve existing facilities and infrastructure, supply additional pedestrian and cyclist friendly streets while retaining the village/rural character and visual amenity of the area and providing additional residential housing. The proposal will also strategically support greater economic activity and viability in the town, and town centre upgrades through the implementation of a significant residential housing development that is generally consistent with the Anna Bay Strategy and Town Plan.

The Anna Bay Strategy and Town Plan is the result of several strategic studies and assessments dating back to 1995, however there is a lack of up to date detailed site assessments for Anna Bay North. The Anna Bay Strategy and Town Plan indicates that further detailed drainage assessment is required as part of the planning proposal for Anna Bay North. This assessment will guide the development footprint, which in turn requires up to date assessments of other constraints to ensure a holistic assessment approach is undertaken and appropriate consideration can be given to all constraints and opportunities with all of the relevant information required.

Not proceeding with this Planning Proposal would be detrimental for the future development of Anna Bay as the time period between commencing rezoning and actual on the ground construction can be considerable. To delay this further, combined with the significant period of strategic planning in preparation for future development of the area, is considered unreasonable when the Planning Proposal is consistent with the strategic intent of the Anna Bay Strategy and Town Plan.

3.1.1 Summary

As demonstrated in the responses to the questions listed above, the preparation of the draft Local Environmental Plan will facilitate a significant positive community benefit for Anna Bay.



3.2 Section B – Relationship to Strategic Planning Framework

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

The planning proposal is consistent with the objectives and actions contained within the Lower Hunter Regional Strategy.

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

The planning proposal is the result of the findings and recommendations of the Anna Bay Strategy and Town Plan and is considered consistent with the Port Stephens Community Settlement and Infrastructure Strategy.

Port Stephens Community Settlement and Infrastructure Strategy

The Port Stephens Community Settlement and Infrastructure Strategy (PSCSIS) adopted in April 2007 builds upon the directions of the Port Stephens Urban Settlement Strategy 2002 and are more detailed in its requirements for future urban development.

The purpose of the Strategy is:

- To establish compatibility and local implementation of the Lower Hunter Regional Strategy;
- To have a range of strategic directions and sustainability principles and criteria on future urban settlement that balances and integrates current and future economic, environmental and social issues, trends and characteristics of the Port Stephens Local Government Area;
- To provide a basis for enhancing local development sequencing that represents the most cost effective and balanced funding of infrastructure between the public and private sectors.
- To provide a basis for ongoing upgrading on infrastructure planning and for regular monitoring and review of strategic directions for managing urban growth and building communities in Port Stephens.

The PSCSIS states:

Tomaree Peninsula – the fastest growing Planning District (25.7% since 1996). Greenfield land opportunities are rapidly decreasing and land prices are increasing. Anna Bay is to be the only major greenfield area and is likely to attract local first homebuyers.

The strategic direction for Port Stephens is prioritised for areas with regard to planning, design and implementation, in the PSCSIS, as outlined in Table 3-1. Anna Bay is ranked 4th although the timing has already been exceeded.



Table 1: Strategic Planning Priorities outlined in the PSCSIS

PRIORITY	LOCATION	DEVELOPMENT TYPE	TIMING	DURATION	YIELD (APPROX LOTS)	AVERAGE PERSONS PER DWELLING	AVERAGE DENSITY (DWELLINGS PER HA NET)	POPULATION INCREASE
1	Kingshill*	New town	2008	20 to 25 years	4500	2.7	15+	12,150
2	Medowie	New town	2009	20–25 years	4500	2.7	15+	12,150
3	Williamstown	Airport related employment	2010	10- 15 years	TBD	N/A	N/A	N/A
4	Anna Bay	New neighbourhood and edge of town residential	2010	15 years	600	2.7	12 -15	1620
5	Karuah	New neighbourhood and edge of town residential	2008	15 years	445	2.7	12	1202
6	Tanilba Bay	Neighbourhood and mixed use development	2012	15 years	500	2.7	15	1620
TOTAL			N/A	2031	9045	N/A	N/A	24,692

Table 3-1 also illustrates projected dwelling densities of 12-15 dwellings per hectare (net) and an anticipated yield of 600 allotments.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPP) are applicable to the planning proposal:

SEPP (Rural Lands) 2008

Rural Planning Principles

- The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- 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,*
- 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,*
- In planning for rural lands, to balance the social, economic and environmental interests of the community,*
- The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*



- f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- g) The consideration of impacts on services and infrastructure and appropriate location when providing for 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 land in question is located adjacent to the centre of Anna Bay. The land has been intermittently utilised for agricultural purposes. The planning proposal is specifically consistent with principles (f) & (h) of the SEPP through providing opportunity for the provision of residential housing to contribute to the social and economic welfare of Anna Bay and is consistent with the local and regional strategic strategies.

SEPP No 71 — Coastal Protection (SEPP 71)

The aims and objectives of this Policy are based around the protection of the NSW coastline. The Policy aims are:

- a) To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- b) To protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- e) To ensure that the visual amenity of the coast is protected, and*
- f) To protect and preserve beach environments and beach amenity, and*
- g) To protect and preserve native coastal vegetation, and*
- h) To protect and preserve the marine environment of New South Wales, and*
- i) To protect and preserve rock platforms, and*
- j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and*
- k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- l) To encourage a strategic approach to coastal management.*



The preparation of a draft LEP must demonstrate how the proposal is consistent or has considered the matters listed in clause 8 as matters of consideration. The matters for consideration are the following:

- a) *the aims of this Policy set out in clause 2,*
- b) *existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*
- c) *opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
- d) *the suitability of development given its type, location and design and its relationship with the surrounding area,*
- e) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
- f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*
- g) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
- h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*
- i) *existing wildlife corridors and the impact of development on these corridors,*
- j) *the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*
- k) *measures to reduce the potential for conflict between land-based and water-based coastal activities,*
- l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*
- m) *likely impacts of development on the water quality of coastal waterbodies,*
- n) *the conservation and preservation of items of heritage, archaeological or historic significance,*
- o) *only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*
- p) *only in cases in which a development application in relation to proposed development is determined:*



- i. *the cumulative impacts of the proposed development on the environment, and*
- ii. *measures to ensure that water and energy usage by the proposed development is efficient.*

The Anna Bay Strategy and Town Plan acknowledges SEPP 71 as part of the planning and policy context considered for the development of the Strategy. The Anna Bay Strategy and Town Plan outlines that under the *NSW Coastal Design Guidelines* Anna Bay is considered a 'coastal town'. The following principles outlined in the Anna Bay Strategy are applicable to the future growth of Anna Bay's township;

- *Creating functional urban areas in close proximity to areas of natural beauty;*
- *The consolidation of future growth where infrastructure, quality buildings and pedestrian friendly streets may be at present under-utilized;*
- *Using the town as a model for new neighbourhoods and infill developments;*
- *Upgrading public transport, cycle and pedestrian systems; and*
- *Regeneration of degraded natural assets.*

The subject investigation area is technically just outside the SEPP 71 boundary, which lies south of Gan Gan Road. However, the rezoning of the site is generally still consistent with the aims and matters for consideration listed in SEPP 71. The site is not directly adjacent to the coastal foreshore and will not result in any detrimental impacts as outlined in the matters for consideration. The main matters for consideration relevant for the Planning Proposal include scenic qualities, measures to conserve animals and plants, existing wildlife corridors, impacts on water quality of coastal water bodies and measures to encourage compact towns. These matters are also identified in the Anna Bay Strategy and Town Plan and further site investigations will be undertaken following a positive Gateway determination to provide guidance for the most appropriate strategic land use of the site taking into account the aims and matters listed under SEPP 71.

SEPP 44 - Koala Habitat Protection (SEPP 44)

SEPP 44 aims to ensure the preparation of a Koala Management Plans prior to development. Port Stephens Council has under SEPP 44 prepared a *Port Stephens Comprehensive Koala Plan of Management* that "*encourages the proper conservation and management of areas of natural vegetation that provide habitat for koalas and to ensure permanent free-living populations over their present range and to reverse the current trend of population decline.*"

Some areas of the investigation area contain koala habitat. The planning proposal will undertake further site investigations to assess any potential impacts for koalas on identified koala habitat. The assessment will consider the interconnectivity of adjacent koala habitats and wildlife corridors.



SEPP No.55 – Remediation of Land (SEPP 55)

The land has a history of agriculture. No known land contamination of the subject area is known at this time. The planning proposal is not located in an investigation area pursuant to the provisions of the *Contaminated Land Management Act 1997*.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP Mining)

A review of the MinView resource database (Department of Industry and Investment) confirmed that there are no known mineral resources on the land that would be sterilised by the proposal. The planning proposal is considered to be consistent with the provisions of the SEPP.

SEPP 14 – Coastal Wetlands (SEPP 14)

The planning proposal is not located within the boundaries of SEPP 14 wetland areas.

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

The following s117 Directions are applicable to the planning proposal:

1.2 Rural Zones

As listed in the direction, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
 - i. gives consideration to the objectives of this direction,
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - iii. is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) is of minor significance.

The planning proposal is justified by the Anna Bay Strategy and Town Plan and Lower Hunter Regional Strategy. The area of land under investigation for rezoning for residential purposes, not including the residual rural land is only approximately 41.2 hectares. Additionally, the rezoning of this amount of land in accordance with the above strategies is considered to result in only a small loss of rural land and is



considered of minor significance. Accordingly, the Planning Proposal is inconsistent with the terms of the direction, although it is considered justified in accordance with the matters listed above to provide a suitable response for assessment by the Director-General.

1.3 Mining, Petroleum Production and Extractive Industries

The land is not located in an identified mineral resource area. The planning proposal is considered to be consistent with this direction as the proposal will not impact upon the future extraction of State or regional resources.

The site is located within Petroleum Exploration Licence (PEL) 458, although the size and location of the site should not impact on the exploration rights of the PEL. Further correspondence with the Department of Planning and Infrastructure and the NSW Department of Trade and Investment, Regional Infrastructure and Services (Minerals) would be required with future development of the planning proposal following a positive gateway determination.

1.5 Rural Lands

The purpose of this direction is to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
 - i. gives consideration to the objectives of this direction,
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and
 - iii. is approved by the Director-General of the Department of Planning and is in force, or
- (b) is of minor significance.

As outlined above, the planning proposal is justified by the Anna Bay Strategy and Town Plan and Lower Hunter Regional Strategy. The area of land under investigation for rezoning for residential purposes, not including the residual rural land is approximately 41.2 hectares. Additionally, the rezoning of this amount of land in accordance with the above strategies is considered to result in only a small loss of rural land and is considered of minor significance. Accordingly, the Planning Proposal is inconsistent with the terms of the direction, although it is considered justified in accordance with the matters listed above to provide a suitable response for assessment by the Director-General.



2.2 Coastal Protection

This planning proposal is consistent with the Anna Bay Strategy and Town Plan which is the result of several environmental and strategic studies. The Planning Proposal should not significantly impact on coastal protection matters listed in SEPP 71, NSW Coastal Policy and Coastal Design Guidelines for NSW.

3.1 Residential Zones

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

A planning proposal must, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- (b) not contain provisions which will reduce the permissible residential density of land.

This Planning Proposal is considered consistent with this direction. A Utilities Servicing Assessment will be undertaken to investigate reticulated water and sewage and other utility system capacities and their ability to service the proposal.

3.4 Integrating Land Use and Transport

The objectives of this direction are:

- (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:
 - (a) improving access to housing, jobs and services by walking, cycling and public transport, and
 - (b) increasing the choice of available transport and reducing dependence on cars, and



- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
- (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

As outlined in the Net Community Benefit test, the Planning Proposal complies with objectives of the *Integrating Land Use and Transport* in the following ways:

- The subject site is located adjacent to Anna Bay Town Centre and Gan Gan Road, which represents the local public transport route.
- Being located adjacent to Anna Bay Town Centre provides an opportunity for future residents to walk to local shops to meet their daily and weekly shopping requirements. Walking and public transport opportunities open up the prospect to reduce reliance on cars and moderate demand for car travel.
- The site is within 800m of the Anna Bay Town Centre.

4.1 Acid Sulphate Soils

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. A large portion of land around Anna Bay is affected by potential Acid Sulphate Soils (ASS). Port Stephens Council has prepared an LGA wide ASS's Map that indicates areas categorised by the potential ASS's may occur in the area. These maps are based on topographic and inundation maps. The ASS map indicates that the majority of the proposed subject site may potentially contain ASS and may be impacted if any works are undertaken 1-2m below the natural ground level.

An ASS assessment will be undertaken following a positive Gateway determination to assess the potential for ASS on the site. The assessment will consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning and assess the appropriateness of the change of land use should the presence of Acid Sulphate Soils be confirmed.



4.3 Flood Prone Land

The objectives of this direction are:

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

As outlined in the Anna Bay Strategy and Town Plan, results from the specialist studies prepared previously for the area, including the *Drainage Investigation Report Anna Bay North Structure Plan* (PB 2005) and the *Anna Bay Catchment Drainage/Flood Study Masterplan* (Sinclair Knight Merz 1995) showed that flood modelling for a limited amount of development within Anna Bay north would not greatly impact on the existing flood levels of the area. The proposed rezoning is considered consistent with the previous flood assessments and future residential development is not considered likely to have a significant impact upon the flooding of the area, however further investigation into this issue will be undertaken for this proposal to define any potential impacts and to provide guidance for the most appropriate strategic land use of the site, in accordance with the objectives of this direction.

4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

Anna Bay North is classified as bushfire prone land. A Bushfire Threat Assessment will be prepared to consider the level of bushfire threat and consider necessary bushfire protection measures that will be incorporated in the rezoning and development of the site in accordance with the *Planning for Bushfire Protection Guidelines 2006*. This direction also requires that a draft LEP comply with the provisions as appropriate:

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,



5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies, including the Lower Hunter Regional Strategy. The Planning Proposal is consistent with this direction.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

A planning proposal must not contain or refer to drawings that show details of the development proposal.

Accordingly, the planning proposal is consistent with the objective of this direction as it does not contain any unnecessarily restrictive site specific planning controls and does not contain or refer to drawings that show details of the development proposal.



3.3 Section C – Environmental, Social and Economic Impact

8. 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?

As indicated in the Anna Bay Strategy and Town Plan a number of environmental studies and assessments have been undertaken to evaluate the impact of future residential development on threatened flora and fauna, wildlife corridors and connectivity as well as Koala Habitat present in the area.

It was determined that in regards to the site that there were no observed:

- Critical habitat;
- or threatened flora species

The following have been identified;

- One State Significant EEC the *Swamp Mahogany and Paperbark Forest* Community under the *TSC Act*;
- Two State Significant habitats the *Swamp Mahogany & Paperbark Forest* and the *Coastal Sandy Apple Blackbutt Forest* Communities as they are considered as preferred habitat to the Koala a threatened species;
- Potential habitat for threatened species *Tetratheca juncea*, *Diuris arenaria* and *Diuris praecox*;
- Comprises part of a wildlife corridor connecting vegetated areas to northern vegetation sites.

A site specific ecological assessment will be undertaken for this proposal following a positive gateway determination, incorporating the findings of the previous site investigations and will be undertaken to assess the potential for any adverse impacts on these matters and additionally will provide guidance for the most appropriate strategic land use of the site. This assessment will incorporate field inspections to confirm/identify any critical habitat or threatened species, populations or ecological communities, or their habitats on the site.

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

The identification of the subject site for the proposed rezoning and development followed an evaluation of available data and investigated information of Anna Bay's environmental constraints, review of the townships growing population and housing demand, and the outcomes of community feedback for the area.

This assessment addresses the suitability of the site from a strategic level, although current additional site specific assessments are still required. The additional



environmental matters that require consideration and how they are proposed to be managed are outlined below:

Visual Amenity

The Anna Bay Strategy identifies the importance of Anna Bay as a coastal village that values the natural assets of the area. The Anna Bay Strategy and Town Plans strategic directions aim to maintain the treed ridge north of the town above the 10m AHD, although this can be reviewed if it can be demonstrated that the removal of the vegetation and subsequent development is not visible from a public street park or other public vantage point. This matter will be investigated following a positive Gateway determination to assess the view-shed potential.

Visual character of the proposed future residential development will be sympathetic in scale and character and will strive to reflect the coastal village environment in its strategic design. The new development will be ameliorated through a number of measures such as;

- The implementation of integrated natural drainage with public open space and reserves at the western proportion of the subject area. This will include retaining vegetation to provide visual amenity and a measure of scale to the future built form. This will assist in ameliorating the visual impacts of the future development on existing residents and the town centre;
- No ridgelines will be developed to enhance the feel of natural assets;
- Potential for natural assets along ridgelines to be enhanced and regenerated improving the scenic backdrop to future development and contributing to the village character of the area;
- Strategic design of the proposal to ensure it is sympathetic in scale and contemporary design, adopts relevant best practice planning guidelines and aims to integrate reserves and public open space to soften the visual impacts on the surrounds.

Water Management – Stormwater, Hydrology & Flooding

The site topography is slightly undulating with some lower lying areas located at the western end of the proposal and an elevated ridgeline running east-west through the site. The majority of the land, particularly in the northern part of the site, is currently identified as flood prone land and is impacted by poor drainage. Land to the north of the ridgeline is flood prone and this ridgeline represents a logical boundary for future residential land use.

The undulating topography represents good opportunities to provide appropriate stormwater catchment areas and controls to service any potential future development.

Following a positive gateway determination, a detailed water management assessment will be undertaken to examine stormwater design options, hydrology and



flooding. This assessment will assist in identifying areas within the site suitable for residential development and any potential constraints.

Geotechnical Matters, Geology and Soils

The site geology and soil is identified as a variant of the Shoal Bay Aeolian landscape which consists of non-cohesive sand soils that are well drained, low in fertility and can have steep slopes.

Following a positive gateway determination, a geotechnical assessment will be undertaken to further examine the site geology and ASS potential. This assessment will assist in identifying areas within the site suitable for residential development and any potential constraints.

Cultural Heritage

The subject site has been partially cleared and disturbed over many years. Upon review of the Port Stephens LEP, the NSW Heritage Online Database, and the State Aboriginal Heritage Information Management System (AHIMS), the site is not known to contain any significant European or Aboriginal cultural heritage that would restrict a gateway determination for the proposal.

Following a positive gateway determination, a cultural heritage assessment will be undertaken to further assess if any European and Aboriginal cultural heritage values would restrict the development of the site. This assessment will be undertaken in accordance with the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

Traffic and Connectivity

The site can be accessed by Old Main Road and Gan Gan Road. A traffic impact assessment will be undertaken following a favourable gateway determination to assess the traffic movements associated with future development. The traffic assessment will examine the existing traffic network and movements plus the impacts of increasing traffic flows along Old Main Rd and Gan Gan Rd. The traffic assessment will determine potential intersection treatment and identify the need for any upgrade requirements of intersections and roadways.

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

The strategic studies outlined throughout this planning proposal adequately justify the socio-economic benefits of the proposed rezoning. Anna Bay Township is a steadily growing district that has an identified need to increase the opportunities for residential development for a wider variety of housing types that are suited to a variety of resident types including families, retiree's, first home buyers and single person households. The demographics of the area, outlined in the Anna Bay Strategy and Town Plan shows a reduction in household size, which supports the additional



supply of townhouses and flats/units/apartments, as well as the continued supply of detached houses.

The employment figures for Anna Bay listed in the Anna Bay Strategy and Town Plan show that most people are employed in retail, accommodation, cafes and restaurants, followed by construction and manufacturing. The results demonstrate that only nine people are employed in the agriculture, forestry and fishing sector. This is consistent with the historical shift away from employment in this sector over time and indicates that Anna Bay is no longer predominately an agriculture area.

The planning proposal will facilitate suitably zoned land for low to medium density residential housing purposes which will meet an identified demand as demonstrated in the relevant strategic planning strategies. The rezoning of the land will assist in improving employment opportunities for developers, builders and related industries over the construction period of the site and future dwellings. This will result in significant economic benefits for the Anna Bay and Tomaree Peninsula.

In addition to the socio-economic benefits outlined in the strategies, the proposal provides significant additional social and economic opportunities through the provisions of site benefits as outlined in the Net Community Benefits Test.

11. Summary of Environmental Assessments to be undertaken following a positive Gateway Determination

The following assessments will be undertaken following a positive gateway determination:

- Flora and Fauna Assessment (including Koala SEPP 44 and PSC CKPoM)
- Utilities Servicing Assessment
- Water Management Assessment (including Flood, Stormwater and Drainage)
- Visual Amenity Assessment
- Geotechnical and Landform Assessment (including Acid Sulphate Soils)
- Bushfire Threat Assessment
- Cultural Heritage Assessment



3.4 Section D – State and Commonwealth Interests

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

With regard to this planning proposal, Hunter Water Corporation (HWC) is the authority for water and sewer services, while Council is the authority for most other infrastructure including roads, drainage, waste management, recycling services and the like. Services such as health, which includes a community hospital, nursing home and doctor's surgery as well as education, public transport and emergency services, are more than adequate to support the additional population that will be generated by the development of the land.

It should be noted that the land is located adjacent to the Anna Bay town centre which provides services such as a doctor's surgery, chemist, petrol station, and small shopping centre etc. Additional services are located within close distance at Salamander Bay and Nelson Bay town centres.

Following a positive gateway determination infrastructure delivery of water and sewer will be assessed to determine whether or not the proposal will require the upgrade of these services for development.

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

The relevant State Agencies were consulted through the preparation of the various strategic studies for Anna Bay. The Anna Bay Strategy was undertaken and adopted by Port Stephens Council in 2008.

It is considered that sufficient strategic justification from the previously assessments and local and regional strategies are adequate for the gateway determination of this planning proposal. These justifications clearly articulate the demand for variable residential development in Anna Bay to cater for the steadily growing township and identify a number of areas suitable for investigation for rezoning.

Upon receipt of a positive gateway determination, further consultation with the Department of Planning and Infrastructure plus other relevant authorities will be undertaken in a timely manner in accordance with that determination.



PART 4 – COMMUNITY CONSULTATION

The community consultation process has commenced through community workshops and the exhibition undertaken for the documents associated with the Anna Bay Strategy and Town Plan. Community workshops undertaken for the *Draft Urban Management Plan and Design Guidelines 2002*, *Draft Anna Bay Local Area Plan 2004*, *Draft Anna Bay North Structure Plan 2005* have allowed initial community consultations and feedback that was utilized in the establishment of the Anna Bay Strategy and Town Plan, and contributes to the strategic planning influence that guides this proposal.

The *Draft Urban Management Plan and Design Guidelines 2002* community consultation process included a meeting in 2002 that aimed to clarify and confirm resident likes and dislikes and to identify specific opportunities for the changing nature of the town. The *Draft Anna Bay Local Area Plan 2004* similarly held a community workshop in 2003 to identify what the community considered as issues and opportunities for Anna Bay. The *Draft Anna Bay North Structure Plan 2005* received submissions while on exhibition from the community that identified some of the issues the residents had with the structure plan which included issues such as insufficient parking and traffic in tourist and commercial areas, flooding and drainage, concerns of land designated conservation and koala habitat etc. All of the feedback received from community consultation was incorporated into the Anna Bay Strategy and Town Plan.

The planning proposal will require additional community consultation following a favourable gateway determination.

In accordance with the guidelines published by the Department of Planning, the consultation will be tailored to specific proposals and in this circumstance it is considered the proposal meets the requirements of a low impact planning proposal.

A low impact planning proposal means, in the opinion of the person making the gateway determination; the proposal is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic framework; presents no current issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land. Accordingly, the planning proposal exhibition period is proposed as 28 days. Notification will include giving notice:

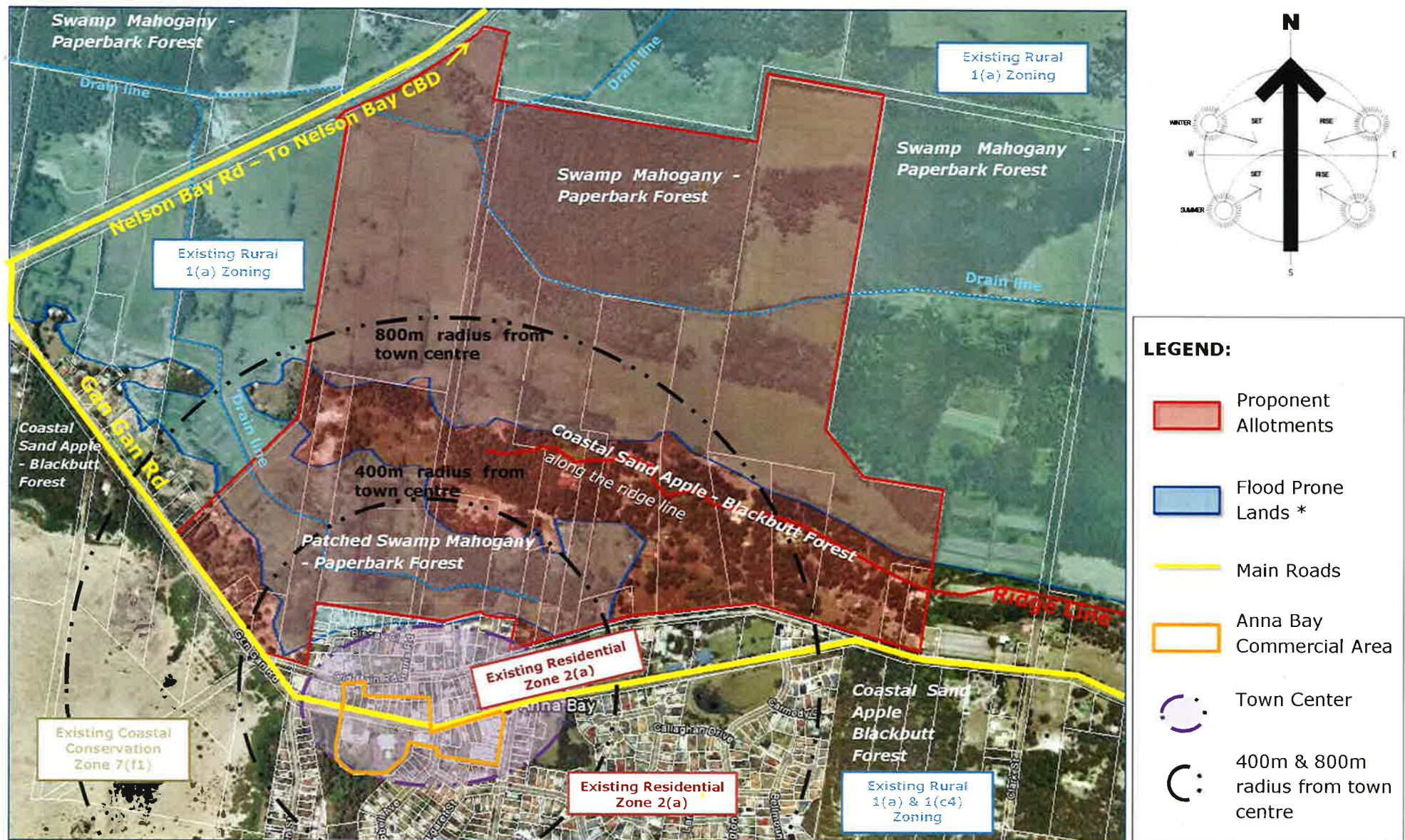
- In the local newspaper;
- In the local library to which the planning proposal applies;
- Council Administration Building
- On the Council website; and
- By notification of adjoining land owners.

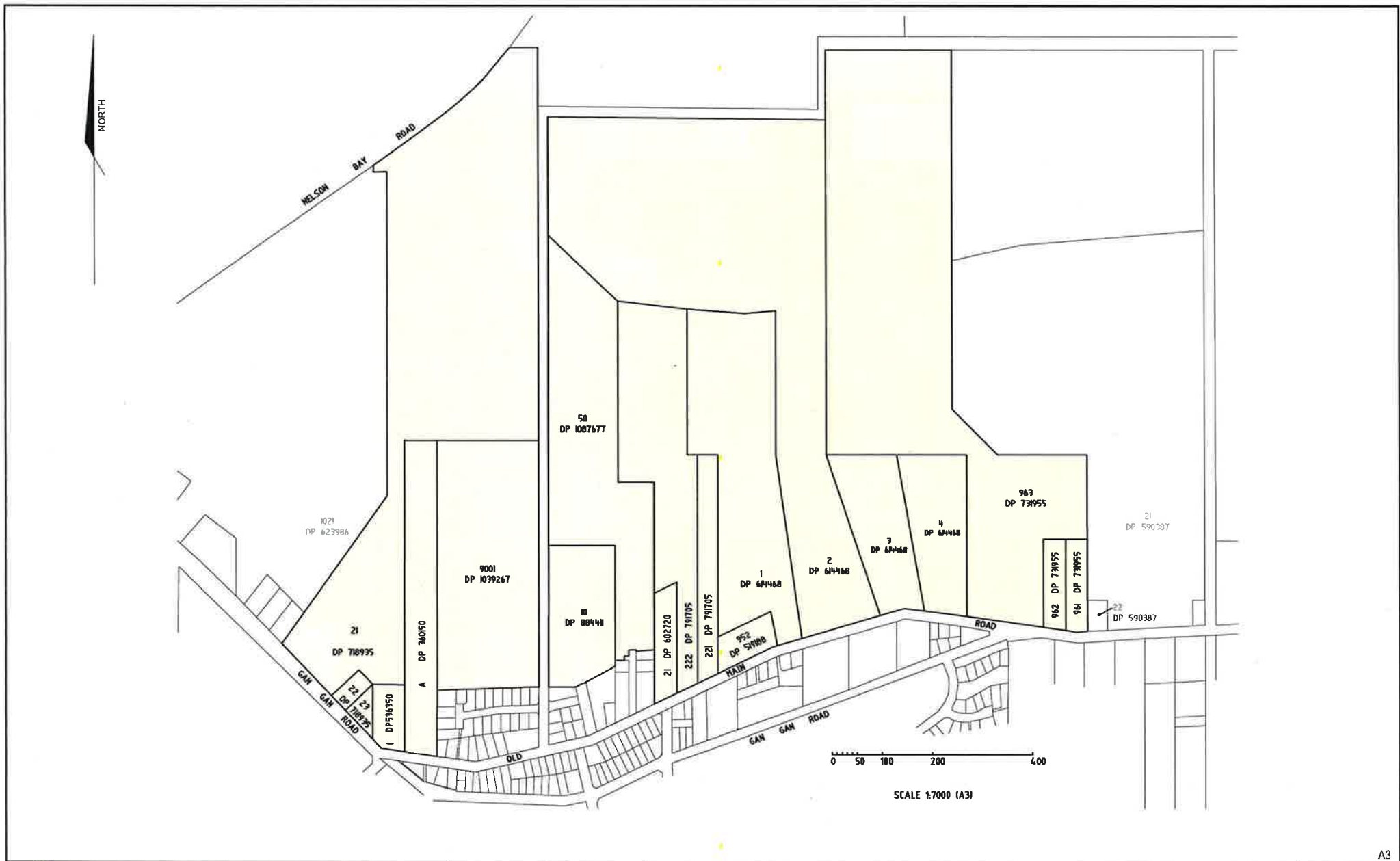
APPENDICIES



Appendix 1 – Site Analysis Plan and Lot & Deposited Plans

Site Analysis Plan





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 NORTH POINT SURVEYS (NSW) PTY LTD ATF NORTH POINT SURVEYS TRUST ABN 52 041 968 075 SURVEYING AND LAND DEVELOPMENT CONSULTANTS 5 Koala Place One Mile Beach, NSW 2316 Phone: 02 4984 2606 Fax: 49 82 2802 PO Box 378 Nelson Bay, NSW 2315 Email: admin@northpointsurveys.com.au	SCALE 1:7000	DATUM AHD	DRAWING TITLE ANNA BAY NORTH - SUBJECT LAND	29449B 1 OF 1
	REVISION DATE 15/12/2011	CONTOURS -	DEVELOPMENT	
	PLOT DATE 15/12/2011	DRAWN/CHKD BY IMc / AD	OLD MAIN ROAD AND GAN GAN ROAD ANNA BAY	
	FILENAME X:\Data\29000-29999\29449\DRAWINGS\29449B.dwg	CLIENT VARIOUS		

APPENDICIES



Appendix 2 – Anna Bay Strategy & Town Plan

