



PLANNING PROPOSAL

Fort Wallace

Version 3.0 - Final

March 2018

For enquiries please call 4974 2881.

For more information visit:
www.newcastle.nsw.gov.au



CONTENTS

Introduction	1
Summary of proposal	1
Background	1
Site	2
Part 1 - Objectives or intended outcomes	5
Part 2 - Explanation of provisions	5
Section A - Need for the planning proposal	6
Section B - Relationship to strategic planning framework	7
Section C - Environmental, social and economic impact	13
Section D - State and Commonwealth interests	26
Part 4 - Mapping	31
Part 5 - Community consultation	41
Part 6 - Project timeline	42

Appendices

Appendix A - Council Report & resolution and DPE Gateway Determination
Appendix B - Ecological Assessment (Updated)
Appendix C - Bushfire Assessment (Updated)
Appendix D - Urban Design and Landscape Report (Updated)
Appendix E - Stormwater Report
Appendix F - Site Audit Statement and Report
Appendix G - Coastal Engineering Report (Updated)
Appendix H - Executive Summary - Aboriginal Cultural Heritage & Archaeological Assessment Report
Appendix I - Heritage Impact Statement
Appendix J - Transport Study
Appendix K - Social Impact Assessment
Appendix L - Servicing Report
Appendix M - State Agencies Submissions
Appendix N - Consultation Report

Planning Proposal - Fort Wallace

Introduction

This planning proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (NSW). It explains the intended effect of a proposed local environmental plan (LEP) and sets out justification for plan making.

'A guide to preparing planning proposals' has been used to guide and inform the planning proposal. This planning proposal is for everyone. It will be used to decide whether the proposal should proceed or not.

Summary of proposal

Proposal	To rezone the Fort Wallace site from SP2 Infrastructure (Defence) to R2 Low Density Residential, RE2 Private Recreation and E2 Environmental Conservation and amend controls relating to building height, lot size and heritage.
Property Details	338 Fullerton Street, Stockton (Lot 100 and 101 DP 1152115)
Applicant Details	Defence Housing Australia

Background

Council received a request to amend Newcastle Local Environmental Plan (LEP) 2012 to enable the Fort Wallace site to be used for mixed purposes, including residential and recreational. The site was previously owned by the Department of Defence and was recently transferred to Defence Housing Australia (DHA) to provide housing for Defence members and family. The proposal will allow for approximately 100 dwellings. It is envisaged that half of the dwellings are to house Defence members and family with the remainder in private ownership. The site was considered a good option to house defence members due to proximity to Williamtown RAAF base, the Stockton commercial centre and Newcastle city centre.

The site is currently vacant and contains a number of disused defence buildings and infrastructure. Significant items include gun emplacements, observation tower, radio station, casualty station, search lights, drill hall, administration building and plotting room. These items are listed on the Commonwealth Heritage List as they reflect a component of Australia's history. The concept plan prepared for the site, proposes that the bulk of these military items form a Heritage Precinct. Options exist to adapt some of the scattered buildings for alternative uses.

The planning proposal has been informed by various strategic and technical assessments, including preparation of an Urban Design and Landscape Report. Investigations to understand the site's sensitivities and opportunities are documented in the Report. The concept plan was a result of the process. It shows the sites potential to provide housing on part of the site; the location of which has guided proposed zone boundaries and related controls. The draft DCP was prepared to implement the vision for the site and ultimately support the proposal.

The planning proposal and draft DCP was reported to the Council on 28 November 2017. Council endorsed progression of the Planning Proposal and DCP as per the required legislative process. The Department of Planning and Environment issued a Gateway Determination on 24 April 2018. A copy of the Council report and resolution, and DPE Gateway Determination can be found at Appendix A.

Site

The proposal concerns land at 338 Fullerton Street, Stockton and is legally referred to as Lots 100 and 101 DP 1152115.

The Fort Wallace site is approximately 32 hectares in size. The Stockton Centre, a residential care facility, is located north of the site and a decommissioned wastewater treatment works adjoins the site to the south. The site runs along Fullerton Street. To the east is Stockton Beach. The Hunter River contains nationally recognised (Ramsar) wetlands. They are located west of Fullerton Street. See **Figure 1** Local context of the site.

The site is formally accessed by a single entry off Fullerton Street. There is also an emergency access track available off Fullerton Street. It is a 16-minute car trip (approximately 15km) to the RAAF base at Williamtown, 30-minute car trip or short ferry ride to the Newcastle city centre and four-minute car trip to the Stockton local centre.

There is a shared path between the Fort Wallace site and Stockton ferry terminal. The path is located on the opposite side of Fullerton Street near the estuary.

Key features of the site include:

- significant military heritage
- importance to Worimi People and local community
- undulating topography with a mix of disturbed native vegetation and introduced species
- a modified landform due to previous defence related uses.

The site is currently zoned SP2 Infrastructure for Defence purposes in the Newcastle LEP 2012. It is vacant, non-operational and inaccessible to the public. Defence ceased activity on the site in 2003. The most recent use of the site was accommodation for the Australian Navy (see **Figure 2** Air photo of the site).

Figure 1 - Local context of the site

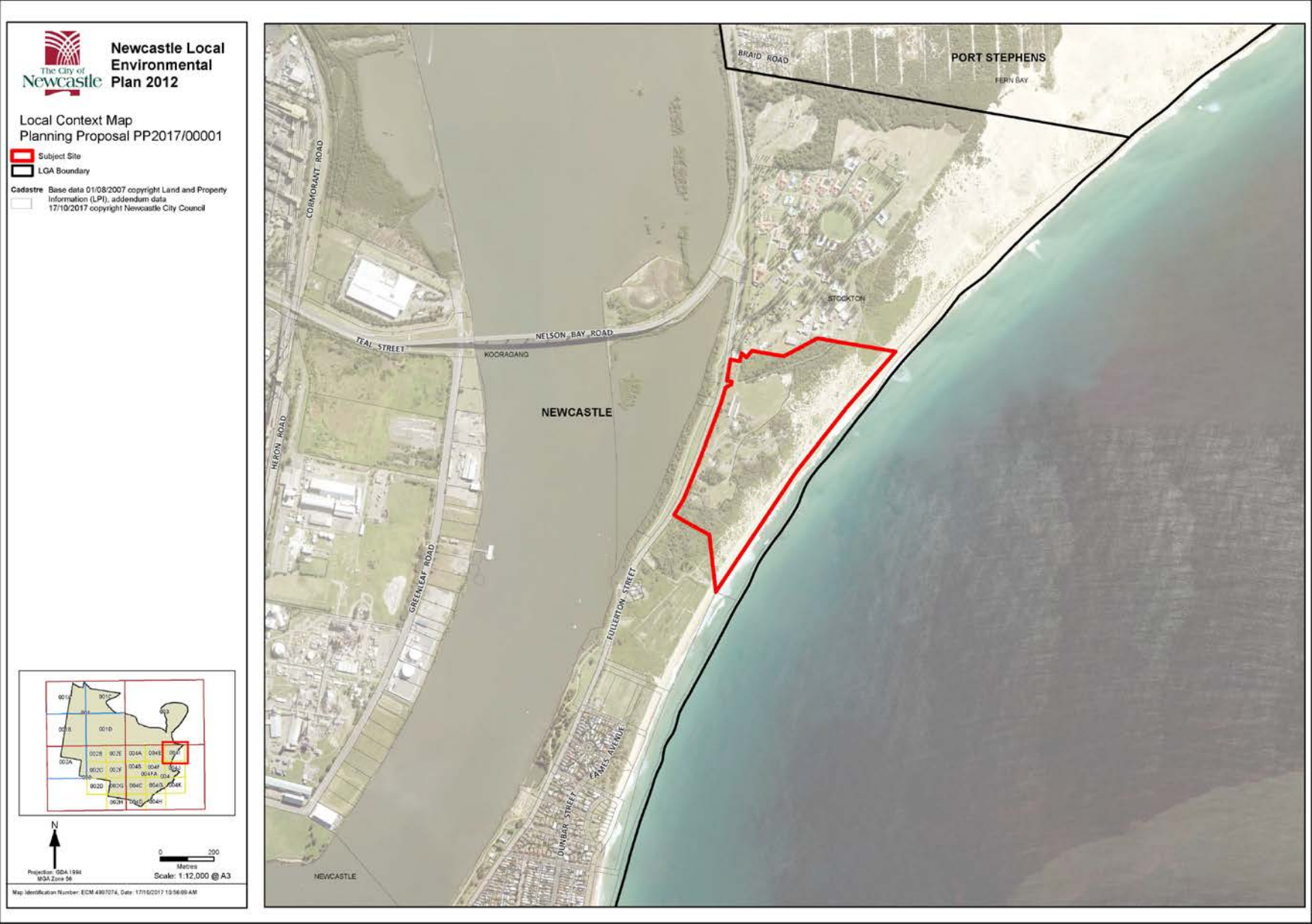


Figure 2 - Air photo of the site



Part 1 - Objectives or intended outcomes

To amend the Newcastle LEP to allow a diversity of housing on part of the site that is cleared or disturbed due to previous defence related (or former) uses. Approximately 100 dwellings are proposed. See **Figure 3** for concept plan. The amendment will enable the remainder of the site to be used for either recreational or educational purposes, as well as protection and enhancement of the natural environment and heritage contained on the site.

Part 2 - Explanation of provisions

The proposed outcome will be achieved by making the following amendments to the Newcastle LEP 2012:

- Rezoning the site from SP2 Infrastructure (Defence) to part R2 Low Density Residential, part RE2 Private Recreation and part E2 Environmental Conservation.
- Introducing a varied approach to heights and lot sizes* across the site, to reflect the typologies proposed in the concept plan. Heights vary from 8.5m (approximately two storeys) for single dwellings, cluster housing and town house style development and 11m and 14m for apartments depending on the slope. A maximum height limit of 8.5m is proposed for the remainder of the site.
- Including the site as a local item and archaeological site within Schedule 5 Environmental Heritage.

Refer to **Part 4 - Mapping** for proposed maps.

Figure 3 - Draft Concept Plan - Fort Wallace



** Further explanation on lot sizes: Smaller lots (such as 200sqm) to accommodate cluster housing are considered appropriate in order to create housing choice. The recommended option is to create 200sqm lots by applying clause 4.1A Exceptions to minimum lot size where the minimum lot size controls are greater. This approach is considered a means to achieve diversity. A development application would be lodged for the development and subdivision of land to create multiple lots. The other option is by applying clause 4.6 Exceptions to development standards. It is considered that sufficient justification has been provided as part of this planning proposal for smaller lot housing.*

Part 3 - Justification

Section A - Need for the planning proposal

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

The planning proposal is not a result of a strategic study or report. It is considered consistent with many aspects of the Local Planning Strategy (LPS). In 2011, census data, used to inform the LPS indicated that existing housing stock in Stockton were dominated by single dwellings (with 3+ bedrooms) and that lone person households accounted for 34% of all households. Lone person households are expected to be the fastest growing household type into 2031 and therefore highlights a mix match in housing stock to household size. Recent census data reflects the same scenario. An objective of the planning proposal is to deliver a mix of housing types (such as single dwellings, clusters, townhouses and apartments) including variety of sizes and number of bedrooms.

The planning proposal is also consistent with the following neighbourhood vision and objectives for Stockton:

Vision

The existing beach and harbour side character and historic identity of Stockton will be protected and enhanced.

Objectives

- Encourage development that is sympathetic to the existing character of Stockton.
- Future development considers coastal erosion processes.

The bulk and scale proposed for the overall development is considered appropriate. The site analysis process and further testing of designs/proposed controls demonstrate that the development can respond positively to the sloping topography and Stockton coastline.

The site is likely to be affected by coastal erosion by 2100. No development is proposed seaward of the 'unlikely' 2100 hazard, which is consistent with the recommendations of the OEH certified/Council adopted *Newcastle Coastal Zone Management Plan, 2018*. This portion of the coast is proposed to be included within the E2 Environmental Conservation Zone.

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

Yes, amending the Newcastle LEP 2012 is considered the best means of;

- achieving residential development and creating recreational opportunities for defence members while allowing
- further enhancement and protection of the natural environment and unique heritage at the Fort Wallace site.

Section B - Relationship to strategic planning framework

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

Hunter Regional Plan 2036

The Hunter Regional Plan 2036 (HRP) is the NSW government's plan to guide land use planning and infrastructure priorities and decisions over the next 20 years. The plan includes an overarching vision for the Hunter Region and is supported by a series of goals, directions and actions. It also contains local government narratives.

The planning proposal is considered consistent with the HRP, particularly in relation to the following components:

Vision

“The leading regional economy in Australia with a vibrant new metropolitan city at its heart”.

Housing is required for defence members and family. The defence sector is a major employment generator for the region. The HRP recognises this. The site at Fort Wallace can accommodate additional and more diverse housing options to support defence employees, their families and others. Fort Wallace is well located; it is in proximity to the RAAF base at Williamstown, the Stockton commercial strip along Mitchell Street and Newcastle city centre.

Redevelopment of the site will allow further recreational options to support the Fort Wallace community while enhancing and better protecting the sites natural environment. The opportunity also exists to use existing infrastructure such as heritage buildings, roads and services in its redevelopment.

Relevant Directions

Direction 7: Develop advanced manufacturing, defence and aerospace hubs. This Direction highlights Defence as an important sector contributing to the economy of the hunter region. The defence sector directly relates to housing, logistics, technology, education and manufacturing industries. The Australian Government is seeking to grow the defence and aerospace industries in and around the RAAF base at Williamstown and has committed to upgrading national air defence infrastructure in the precinct.

Direction 9: Grow tourism in the region. The site holds future (potential) opportunities for visitors to learn about the sites unique and multi layered heritage or simply admire the scenic coastal views. The proposed controls aim to protect important views to heritage assets and coastline.

Direction 14: Protect and connect natural areas. The residential component is proposed on cleared or highly disturbed parts of the site, eg former accommodation for the Australian Army. The site was cleared prior to the construction of the fort for the development of a rocket brigades storage shed. The shed contained heavy rocket propulsion gear and cables used to carry life lines to ships in distress. The Ecological Assessment (Appendix B) undertaken to guide the concept plan highlights that although the site is of a high to moderate disturbed nature, it continues to provide habitat for certain fauna species, particularly bats, flying foxes and birds. The sandy dunes are also important places for migratory birds. The proposed zoning is considered the best mechanism to ensure ongoing protection. These more sensitive areas are proposed to be located within the E2 Environmental Conservation Zone. Future opportunities exist to provide better connections throughout the site.

Direction 16: Increase resilience to hazards and climate change. The HRP discusses the vulnerabilities faced by coastal communities, particularly due to coastal erosion and bushfire impacts. No development is proposed within the area likely to be impacted by coastal erosion. This is in accordance with the Newcastle Coastal Zone Management Plan 2018. The Bushfire Assessment (Appendix C) prepared to inform the concept plan and support the planning proposal indicates that bush fire risks need careful management but would not prevent a proposal to accommodate residential development on the site.

Direction 17: Create healthy built environments through good design. The Urban Design and Landscape Report (Appendix D) details the process undertaken to achieve a well-designed / good quality development. Relevant detail has been incorporated in the draft site-specific Development Control Plan (DCP).

Direction 18: Enhance access to recreational facilities and connect open space. As discussed, opportunities exist to deliver this direction. They are identified in the concept plan (and Urban Design & Landscape Report). Options to create parkland and adaptive reuse of buildings are future considerations.

Direction 19: Identify and protect the region's heritage. The HRP states that cultural heritage is important to communities as it provides tangible connections to the past. Heritage items can also attract tourism, which can contribute to local economies. There is potential to adapt certain heritage buildings /structures to support alternative uses and better capture or celebrate the sites unique indigenous heritage.

Direction 22: Promote housing diversity. Housing diversity is a key objective of the proposal.

Direction 24: Protect the economic functions of employment land. The planning proposal supports employees located at the Williamstown RAAF base.

Greater Newcastle Metropolitan Plan 2036

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

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

4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Community Strategic Plan - Newcastle 2030

The Newcastle Community Strategic Plan (CSP) reflects the community's vision for the city and is Council's guide for action. The planning proposal will assist with delivering the following long-term community aspirations:

Open and Collaborative Leadership

The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership'. Compliance with the LEP amendment process will assist in achieving the strategic objective which considers decision-making based on collaborative, transparent and accountable leadership and provides opportunities for genuine and representative community engagement in local decision making.

Integrated and Accessible Transport

Transport networks and services have been considered in the redevelopment of the site.

Protected Environment

The planning proposal aims to maintain, enhance and better connect natural features on the site. Environment and climate change risks and impacts are understood and managed.

Vibrant, Safe and Active Public Places

As the site redevelops there is potential for a vibrant and activated place, where culture, heritage and place is valued, shared and celebrated. Passive surveillance has been assessed and guided the concept plan / proposal.

Inclusive community

The planning proposal aims for a mixed community (50% defence members and family and 50% privately owned is envisaged). There are opportunities to create a caring and inclusive community on the Fort Wallace site. The Social Impact Assessment contains relevant recommendations.

Liveable Built Environment

An objective of the planning proposal is to maintain culture and strengthen knowledge containing history at the Fort Wallace site while providing a diversity of housing.

Smart and Innovative

The planning proposal acknowledges educational and cultural opportunities associated with the sites rich history.

Local Planning Strategy


The Local Planning Strategy was adopted by Council in 2015. It was guided by the CSP.

The strategy land use strategy guides future growth and development in Newcastle to 2030. The planning proposal is consistent with the strategic directions contained within the LPS, particularly as it seeks to create housing choice and protect the natural environment and heritage contained on the site.

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

An assessment of the planning proposal against relevant SEPPs is provided in **Table 1 - Relevant State Environmental Planning Policies**.

Table 1 - Relevant State Environmental Planning Policies


Relevant SEPPs	Consistency and Implications
SEPP 44 (Koala Habitat Protection)	The planning proposal can satisfy the requirements of the SEPP. The Ecological Assessment at Appendix B concluded that the site does not contain koala habitat. No evidence of koala habitat was found.
SEPP 55 (Remediation of Land)	The planning proposal can satisfy the requirements of the SEPP. A Site Audit Statement (and Report) has been prepared and provided at Appendix F. The site has been remediated to meet standards to allow a rezoning of land for housing on part of the site and recreational activities on the other. Further detail is provided in the attached Statement. Council is satisfied that the planning proposal is consistent with the requirements of the SEPP.
SEPP 64 (Advertising and Signage)	The planning proposal can satisfy the requirements of the SEPP.
SEPP 65 (Design Quality of Residential Flat Development)	The planning proposal can satisfy the requirements of the SEPP. The Urban Design and Landscape Report (Appendix D) was used to guide the draft site specific DCP. The designs and controls were informed by SEPP 65 design quality principles and <i>Apartment Design Guide</i> . Council's design review panel, (UDCG) reviewed the controls, provided advice and informed the draft DCP and planning proposal. Overall, the panel showed support for the proposal.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal can meet BASIX requirements and satisfy requirements of the SEPP.
SEPP (Coastal Management) 2018 	<p>The planning proposal can satisfy the requirements of the SEPP. Fort Wallace is located within the coastal zone which means careful planning and management is required in redevelopment of the site. A Coastal Engineering Report was prepared to guide the concept plan and inform the planning proposal. It was updated to satisfy OEH's recommendations. It can be found at Appendix G.</p> <p>The proposed development is not within or proposing to impact coastal wetlands, environmental values or natural processes. The proposed development is landward of the Council adopted 'unlikely 2100 hazard line'.</p> <p>Due to the highly disturbed nature of the natural landscape (including significant weed invasion) an opportunity exists to improve the quality of native vegetation and minimise impacts of coastal erosion on the site.</p>


6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

An assessment of the planning proposal against the relevant Ministerial Directions is provided in the **Table 2**.

Table 2 - relevant Section 9.1 Directions

Relevant Directions	Consistency and implications
1. Employment and Resources	
1.4 Oyster Aquaculture	<p>The NSW Oyster Industry Sustainable Aquaculture Strategy, 2006 identifies the proposed discharge area as a 'Priority Oyster Aquaculture Area' in the Hunter River. A Stormwater Assessment (Appendix E) was undertaken and further updated to consider potential impacts and concluded that the proposal (as outlined within the concept plan) will not directly impact the oyster aquaculture area.</p> <p>The assessment also stated that the existing developed site does not utilise appropriate treatment systems and therefore it is anticipated that suitable provision of treatment will enhance the stormwater quality discharged from the site irrespective of the redevelopment of the site.</p> <p>Since preparation of the draft planning proposal, The Department of Primary Industries (Hunter River Priority Oyster Aquaculture Area - NSW DPI) have been consulted and have informed that oysters are no longer cultivated adjacent to the Fort Wallace site. Therefore, NSW DPI has no objection to the planning proposal to amend the LEP.</p>
2. Environment and Heritage	
2.1 Environment Protection Zones	<p>The planning proposal is consistent with the aims of this Direction. Development is proposed on cleared or highly disturbed parts of the site. The E2 Environmental Conservation Zone is proposed to protect, manage and restore areas of higher ecological and / or cultural significance.</p>
2.2 Coastal Management	<p>The planning proposal is consistent with the aims of this Direction. The site is within the coastal zone. Detail on relevant coastal information is provided in the Coastal Engineering Assessment at Appendix G.</p> <p>One formalised access point to the beach has been included in the concept plan for walking purposes only. Detail on design and management options can be further explored in the preparation of a DA.</p>

Relevant Directions	Consistency and implications
2.3 Heritage Conservation	<p>The planning proposal is consistent with the aims of this Direction. The Heritage Precinct (which consists of significant defence related buildings and structures such as the observation tower and gun emplacements) are proposed to be placed within the E2 Environmental Conservation Zone. The planning proposal also recommends that the site be included as a local listing in Schedule 5 Environmental Heritage of the Newcastle LEP 2012.</p> <p>A suite of controls relating to heritage, ie an appropriate buffer and views to significant items are also included in the draft DCP to facilitate the vision for the site.</p> <p>The Heritage Impact Statement and Aboriginal Cultural Heritage and Archaeological Assessment Report (and review of these) have informed the concept plan / draft site specific DCP and planning proposal. See Appendices H and I.</p>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The planning proposal is consistent with the aims of this Direction. The intention of the concept plan and planning proposal is to create diverse housing forms and adaptive reuse of significant buildings and existing infrastructure such as roads, where possible. The site is not far from the Stockton commercial strip and Newcastle city centre. Smaller building footprints are proposed on land previously cleared for development or disturbed by prior land uses or activities.</p>
3.4 Integrating Land Use and Transport	<p>The planning proposal is consistent with the aims of this Direction. The proposal is to facilitate the delivery of housing for defence members and family. The site is considered a good distance for employees located at the Williamstown RAAF base. The planning proposal is informed by a Transport Study as provided at Appendix J. The study concludes that the site is well serviced by public transport and local roads have capacity to accommodate additional vehicles on the site, resulting from the creation of an additional 100 dwellings on the site.</p>
4. Hazard and Risk	
4.1 Acid Sulfate Soils 	<p>The planning proposal is consistent with the aims of this Direction. The site is affected by class 4 and 5 Acid Sulfate Soils. Future development must comply with Clause 6.1 Acid Sulfate Soils of the Newcastle LEP 2012.</p>

Relevant Directions	Consistency and implications
4.4 Planning for Bushfire Protection 	<p>The planning proposal is consistent with this Direction. The proposal has been assessed for its compliance with bushfire protection legislation and detailed in the Bushfire Assessment, provided at Appendix C. The assessment confirmed that the proposed development can achieve a BAL 29 providing recommended APZ are managed. Water and access provisions are deemed suitable for the proposed development.</p> <p>NSW Rural Fire Services support the assessment.</p>
5. Housing, Infrastructure and Urban Development	
5.10 Implementation of Regional Plans	<p>The planning proposal is consistent with the Hunter Regional Plan and Greater Newcastle Metropolitan Plan. See Section 3.</p>

Section C - Environmental, social and economic impact

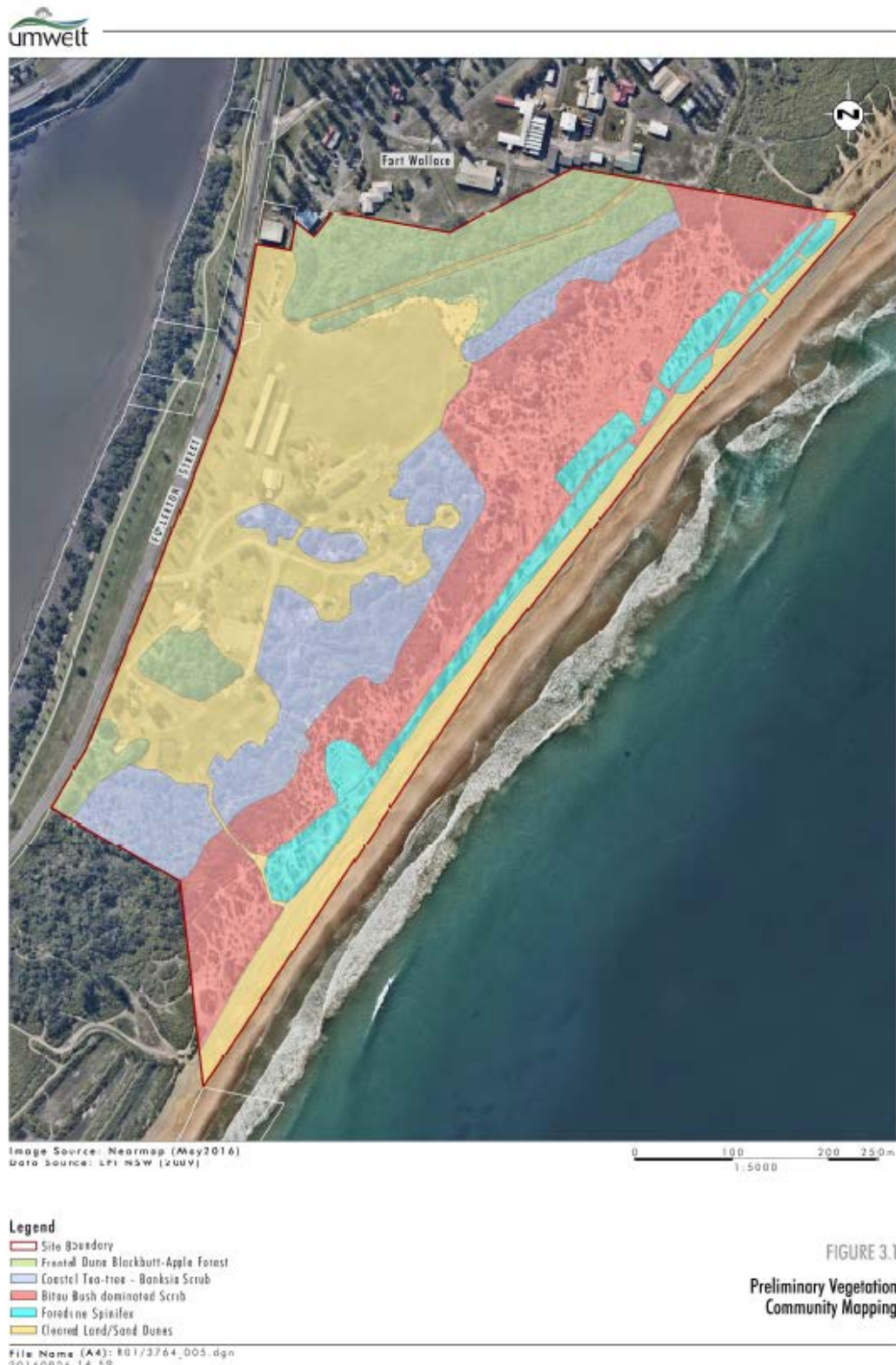
- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Flora and fauna

The vision for the site is to retain and protect important vegetation that provides habitat for fauna species. An Ecological Assessment has been undertaken to consider likely impacts and inform the planning proposal. The assessment (Appendix B) included a desktop analysis, review of previous surveys and records, site surveys and recordings (and more) to identify flora and fauna communities present or likely to be present onsite.

The assessment found that the Fort Wallace site contains three native vegetation communities and one exotic vegetation community being Frontal Dune Blackbutt-Apple Forest, Coastal Tea-tree - Banksia Scrub, Bitou bush-dominated Scrub and Foredune Spinifex. See Figure 4.

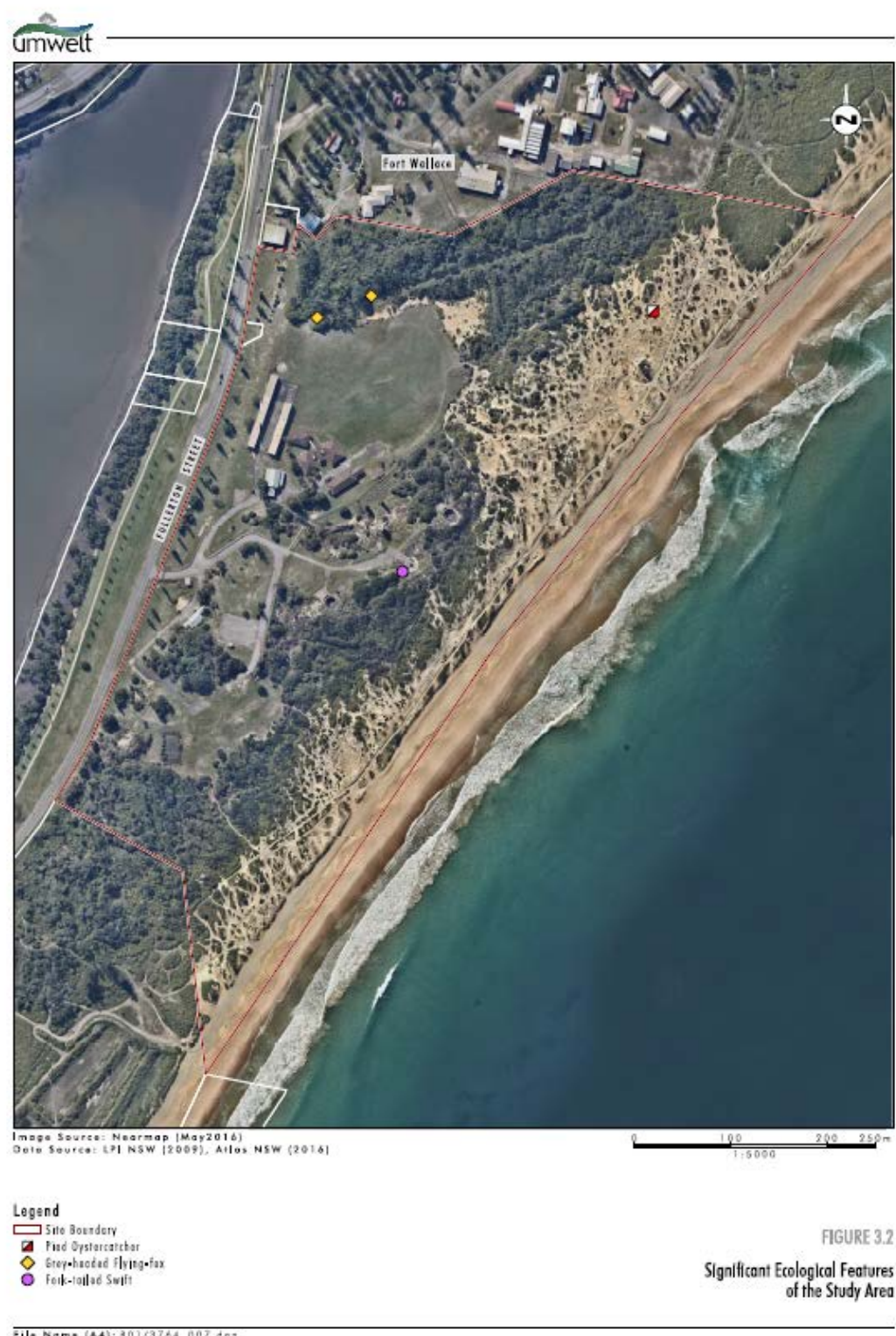
Figure 4 - Vegetation Community Mapping - Fort Wallace



A wide range of flora and fauna species have been recorded within and surrounding the Study Area. Generally, the habitats on the site are moderately to highly disturbed, as a result of previous activities undertaken on the site and weeds.

Three threatened species listed under the Threatened Species Conservation Act and/or EPBC Act have been recorded on the site being pied oystercatcher (*Haematopus longirostris*), greyheaded flying-fox (*Pteropus poliocephalus*) and east coast freetail-bat (*Mormopterus norfolkensis*). See Figure 5 for mapped threatened species.

Figure 5 - Significant Ecological Features - Fort Wallace



It is considered unlikely that redevelopment of the site for residential uses (up to 100 dwellings) would result in a significant impact on threatened species occurring or potentially occur on the site.

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

The planning proposal is not likely to result in development that will create significant adverse effects on the natural environment. A range of strategic and technical assessments have been undertaken (as discussed) to either mitigate or ensure any potential impacts associated with the planning proposal are understood and properly managed.

Traffic and Transport Considerations

Local traffic and transport / Public transport

A Transport Study (Appendix J) was prepared to assess the high-level potential of the transport network to accommodate the proposed residential development. In order to understand potential impacts approximately 100 dwellings was assumed.

Forecast traffic flows would be in the order of 156 trips AM and 172 trips PM for the Fort Wallace site. The existing flow levels on Fullerton Street coupled with the initial predictions of site traffic flows suggest the site will need an intersection configuration with an Auxiliary Left (AUL) turn lane, and a Channelised Right short turn slot to cater for predicted site movements onto and from Fullerton Street.

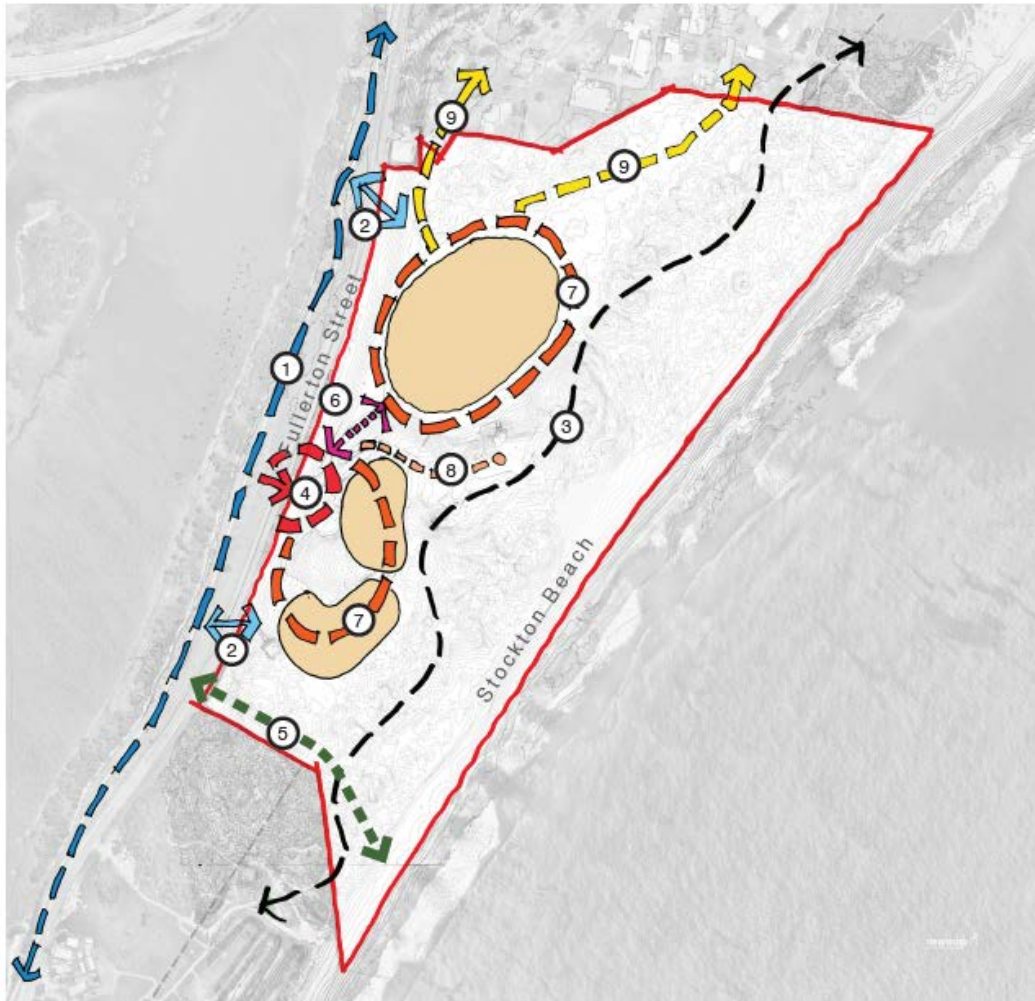
The Study concludes that the external road network is capable of absorbing levels of additional trips, while remaining at a good operational level of service.

Cycle and pedestrian movement

In terms of cycling and pedestrian access, a path links the site to the shopping strip and ferry terminal in Stockton.

Figure 6 identifies indicative, potential connections to neighbouring sites, which are expected to support future development.

Figure 6 - Potential indicative future connections - Fort Wallace



Key

- ① Existing shared path to Stockton.
- ② Potential connections to shared path network.
- ③ Potential north-south pedestrian dune connection
- ④ Existing vehicle access - opportunity to improve sense of arrival and address.
- ⑤ Public access to Stockton Beach
- ⑥ Potential to regrade access road to achieve accessible grade.
- ⑦ Potential to re-organise the internal road network into 2 loops.
- ⑧ Vehicular access to heritage assets/park.
- ⑨ Potential future links north into Stockton Centre site.

Refer to the Better Transport Futures report.

Environmental Considerations

Bushfire hazard

A Bushfire Assessment (Appendix C) has been prepared to understand bushfire risk with respect to the redevelopment of the site to allow for approximately 100 dwellings. It included a review of the concept plan in order to recommend appropriate bushfire risk mitigation measures. The Assessment found that the predominant bushfire hazard is located in the north, east and south boundaries of the subject site. It concluded that the concept plan and associated design principles can comply with all performance criteria's outlined for the proposed development and minimum construction requirements at detailed design stages. The proposed design also provides suitable access and water provisions for emergency management. See Figure 7 for mapped Asset Protection Zones.

The Assessment was forwarded to the Rural Fire Services (RFS) as per the conditions of the Gateway Determination. The RFS supported an updated report, which increased the APZ by two metres along the eastern portion of the site.

Figure 7 - Asset Protection Zones - Fort Wallace



Acid Sulfate Soil

The site is affected by Acid Sulfate Soils. Future development must comply with Clause 6.1 Acid Sulfate Soils of the Newcastle LEP 2012.

Water quality / Stormwater management

The Stormwater Management Plan (Appendix E) addresses stormwater quantity and quality. It addressed the impacts assumed with redevelopment of the site on the existing drainage regime, determined the stormwater discharge constraints and identified proposed stormwater device measures to adequately treat the stormwater prior to discharging to receiving waters.

Based on review of the existing site topography, stormwater discharging from the site will be conveyed to Fullerton Street and discharge across Fullerton Street and Council reserve to the Hunter River South Arm.

A MUSIC model was used to simulate pollutant source elements for the concept plan to confirm that stormwater could be adequately treated within the limits of the development. The Plan states there is adequate capacity within the site to achieve the required performance objectives for stormwater management.

Flooding

The site is not affected by flooding.

Land/site contamination (SEPP55)

A Site Audit Statement (and report) is attached. See Appendix F. There is sufficient information to conclude that contamination has been adequately investigated, remediated and validated to support the planning proposal based on the site auditors review and conclusions.

It is noted that an array of contaminants have been found on the site including buried asbestos, ordinance (eg. hand grenade, mortar shell, small arms projectiles), polycyclic aromatic hydrocarbons (PAHs) and lead. The auditor notes the possibility of unexpected finds and existing sources of contamination such as PAH contaminated pavements and asbestos infrastructure which will have to be appropriately considered and managed during future development and there will need to be an appropriate long-term management plan.

The conclusion is that the site has been adequately remediated and validated however, residual contamination issues will require further consideration and management as part of the redevelopment process.

Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)

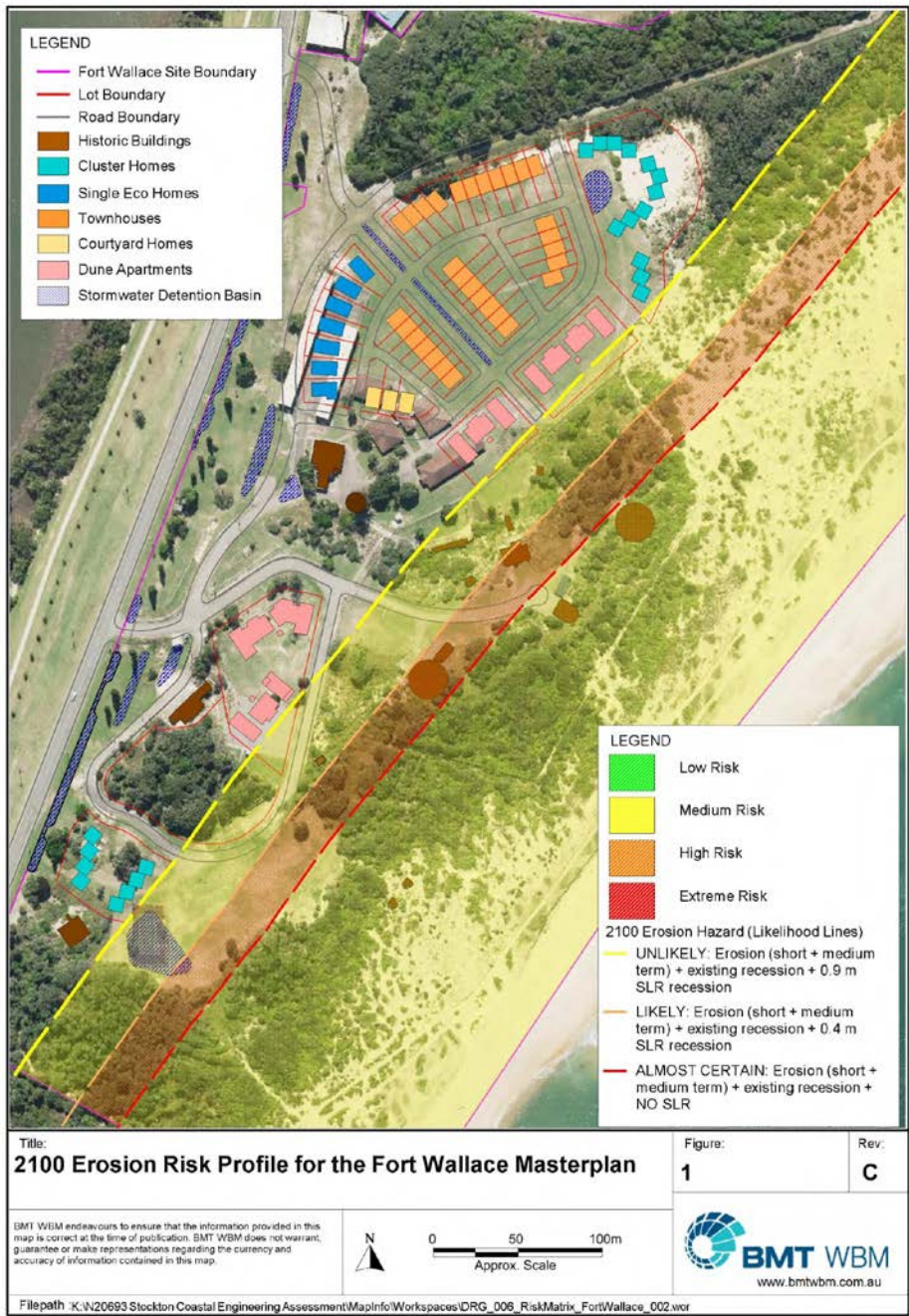
Coastal erosion

Changes to the coastal system to the east of the Fort Wallace site have been investigated to assess the potential impacts of short and long-term erosion, sea level rise, and ongoing recession. The Coastal Engineering Assessment (Appendix G) demonstrates three scenarios for erosion by 2100 and the impact of each scenario on the Fort Wallace site, considering specifically the concept plan as an example of a potential residential development of the site.

The three scenarios are as follows: an ‘almost certain’ erosion scenario including short and medium term erosion, ongoing recession (due to the Newcastle Harbour breakwaters), but excluding the impacts of sea level rise; a ‘likely’ erosion scenario including short and medium term erosion, ongoing recession, and future recession due to sea level rise of 0.4 m by 2100 (equivalent to the current rate of sea level rise); and an ‘unlikely’ erosion scenario including short and medium term erosion, ongoing recession, and future recession due to sea level rise of 0.9 m by 2100 (equivalent to highest emission scenario along which we are tracking). The ‘unlikely’ scenario is the typical conservative estimate used for planning purposes in NSW. See hazard scenarios mapped in **Figure 8**.

In accordance with the Newcastle Coastal Zone Management Plan 2018, the residential development is proposed to be located landward of the 2100 ‘unlikely’ hazard line. The Assessment supported the proposed rezoning on terms of coastal management.

Figure 8 - Coastal erosion - Fort Wallace



Urban Design Considerations

The Urban Design and Landscape Report (Appendix D) has informed the planning proposal and supporting draft site specific DCP section.

The vision is to create a new place to live without compromising the site's unique heritage and coastal character. The following planning and design principles underpin future development:

1. Touch lightly on the land.
2. Embrace the coastal ecology.
3. Celebrate history and cultural heritage.
4. Utilise interesting architectural forms.

The concept plan has been developed to incorporate best practice planning and design principles, which are reflected in the site specific DCP.

The Urban Design Consultative Group (UDCG) reviewed all relevant documentation and:

- Support a mixture of development densities and typologies for the site but suggested that apartments are restricted to a maximum of three habitable floors.
- Development is massed in a stepped formation rather than long uniform roof forms.
- Varied heights, not exceeding 14m.
- Further consideration in respect to possible building design, given high bushfire requirements. This may limit material selection and impact landscape outcomes given need for APZs.
- Consultation with local Worimi Aboriginal representatives is recommended in respect to procedure for archaeological finds and use of interpretative information in relation to indigenous heritage that could be displayed for visitors.
- The group also raised concerns around lack of areas for recreational activities such as "kicking a ball" or other play and inclusion of a small convenience shop as part of the proposal.

Response

Council engaged heritage consultants to review all heritage documentation and process to date. As part of the review, a workshop with Registered Aboriginal Parties (RAPs) took place. RAPs advised that interpretation strategies be developed in consultation with RAPs and that signage obtain general information regarding the nature of the study area with the possibility of interpretation signage in both English and native Worimi language.

In terms of recreational activities, the proposal will allow for these. A shop is not proposed however zoning does not prohibit it. The preferred location for a retail offering is under investigation in the development of a land use strategy for the area.

As a result, the following changes were reflected in an updated concept plan and proposal documentation:

- Reducing one of the apartment blocks to 11m near a highly sensitive part of the site and removal of four dwellings in proximity to an area of higher sensitivity.
- The creation of a heritage buffer zone.
- Mapping views to important heritage items.

Social and Cultural Considerations

Heritage impacts - Military related

A Heritage Impact Statement (Appendix I) was prepared to assess the likely heritage impacts of the planning proposal on the site's European heritage. A survey of heritage items and their condition has been undertaken and each item has been mapped and categorised. Previous studies and relevant documents such as the CMP and Heritage Management Strategy for the site have been considered.

Fort Wallace contains European heritage significance due to its former defence history. The structures remain on the site. Fort Wallace was the third fort constructed in Newcastle. It was built in 1912 and contains a rare example of three consecutive defence phases on the one site.

The Heritage Division at OEH have reviewed the planning proposal and raise no objections in terms of built heritage.

Aboriginal cultural heritage and archaeology

An Aboriginal Cultural Heritage & Archaeological Assessment has been prepared in consultation with the Registered Aboriginal Parties (RAPs) to inform the proposal. A summary of the Assessment can be found at Appendix H. The process was reviewed by an independent heritage consultant. The RAPs were also involved in Council's and OEH's review, and minor amendments were made where necessary to the concept plan to better protect and manage areas of higher sensitivity. A number of recommendations have also been included in updated documentation.

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

The planning proposal is intended to facilitate redevelopment of the site to primarily allow for residential and recreational purposes.

The planning proposal can deliver social benefits to the Fort Wallace community. The proposal is based on principles for sustainable development to ensure that built form delivers high levels of amenity for future residents. Redevelopment of the site would result in approximately 100 dwellings of different sizes and typologies, catering for a diverse range of households.

Approximately 50% are proposed for defence members and families and will be managed by DHA. DHA provides subsidised housing for defence members and their families, generally focusing on defence personnel with dependants (with single defence personnel often renting privately, which also receive some subsidy). This model ensures that appropriate and affordable housing is supplied in proximity to the work place. The model also seeks to integrate private and defence housing in a socially and financially sustainable development.

Residential development of the site may also increase demand for local retail and commercial uses which in turn may better support the feasibility of a wider range of local businesses.

Social and cultural impacts

A Social Impact Assessment (SIA) has been prepared to support the planning proposal. See (Appendix K). It has been prepared in accordance with the City of Newcastle's *Social Impact Assessment Policy, 1999* and discusses social considerations for the future Fort Wallace community, and broader. Local social and community infrastructure (depicting the current situation) is mapped in Figures 9 and 10.

The Urban Design and Landscape Report considered options for adaptive reuse of appropriate heritage buildings and better use of open spaces. There are potential options in the future to accommodate a café, kiosk, community facility, viewing platform and park on the site. It is anticipated that the park will emphasise principles of nature play through selection of play facilities and materials. An active sports lawn and playground are proposed to be integrated within redevelopment of the site. The proposed zoning allows for a variety of supporting uses. There is an opportunity to appreciate and better understand the site's unique military and cultural heritage.

The SIA has not identified any social considerations that would preclude a residential development to accommodate approximately 270 residents and provide for renewal of the currently underutilised site. Social support (facilities, services and programs) would be required to support inclusive, growing and diverse community. See table below, for a summary of social impacts. It is anticipated that any identified potential impacts can be addressed, and further considered in the preparation of a draft strategy for the area.

Social impact options for consideration - Fort Wallace

Area of Change	Proposed mitigation or enhancement measure
Social infrastructure	<ul style="list-style-type: none"> Short term increases to Stockton Library hours and increased frequency of Port Stephens mobile library service New multipurpose facility to meet diverse community needs (community/youth/cultural/ seniors, library) Port Stephens Council to facilitate private sector delivery of preschool and OOSH services in the local area, and explore options for sports courts and fields in Fern Bay Regional Councils liaise with Department of Education to determine appropriate school catchments for Fort Wallace
Access and mobility	<p>Future site planning include pedestrian access to the Stockton Centre bus stop and pedestrian crossing</p> <ul style="list-style-type: none"> Regional Councils consider pedestrian and cycle crossing options for Fullerton Road and/or shared pathway east of Fullerton Road Any site developer ensure adequate mobile phone reception throughout the site
Community cohesion and connectedness	<p>Regional Councils consider a multipurpose community centre</p> <p>A community development and welcome program be pursued by any site developer</p> <ul style="list-style-type: none"> DHA explore options for heritage reuse buildings to operate as Mens Sheds
Health and wellbeing	<p>Active travel promotion be a component of a Community Development and Welcome program for any new development at Fort Wallace</p>
Area of Change	Proposed mitigation or enhancement measure
Crime and safety	<p>Undertake a CPTED assessment for any future master plan</p> <p>Implement Community Development and Welcome Plan to address existing crime issues and increase passive surveillance</p>

Figure 9 - Social Infrastructure - Fort Wallace

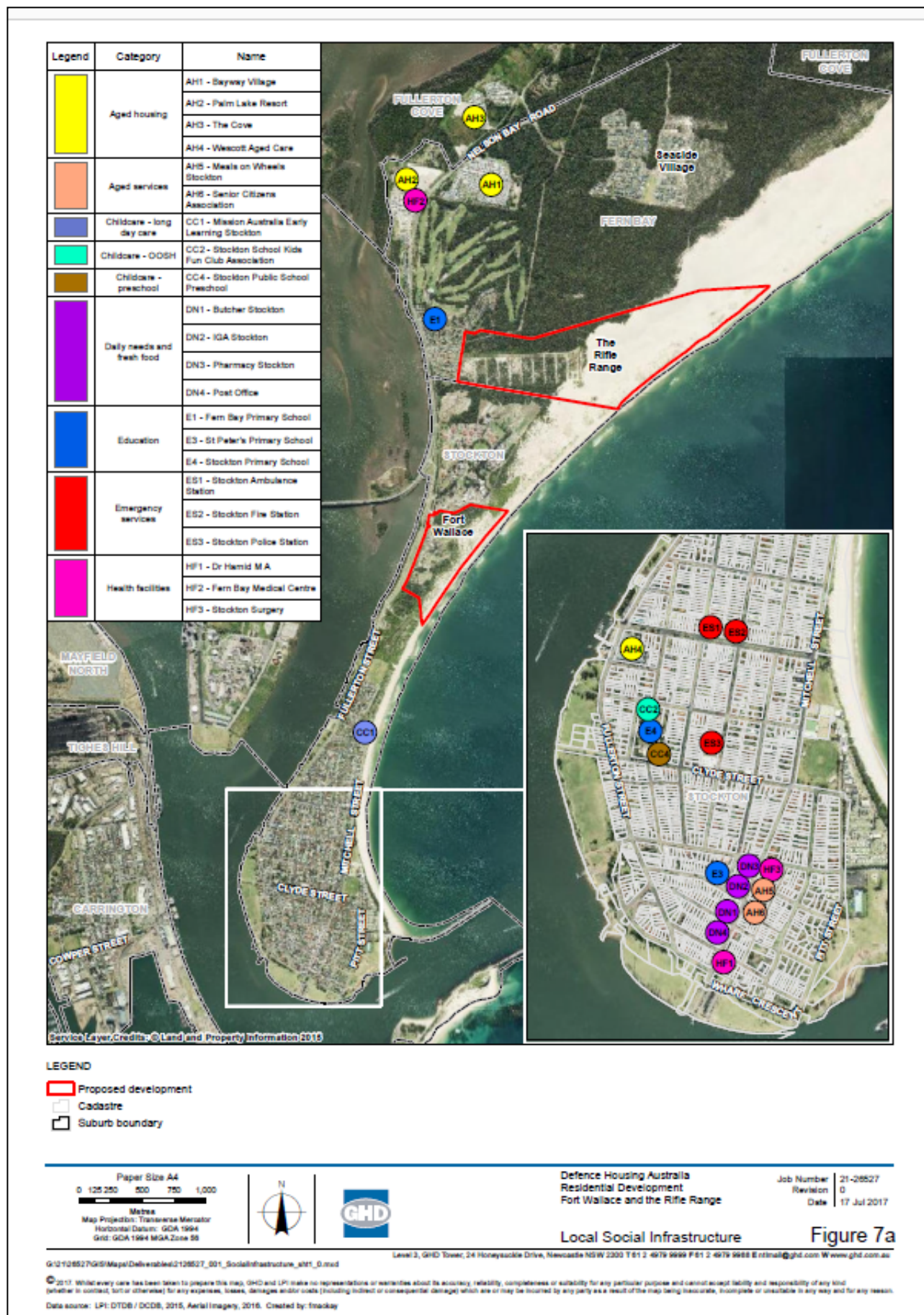
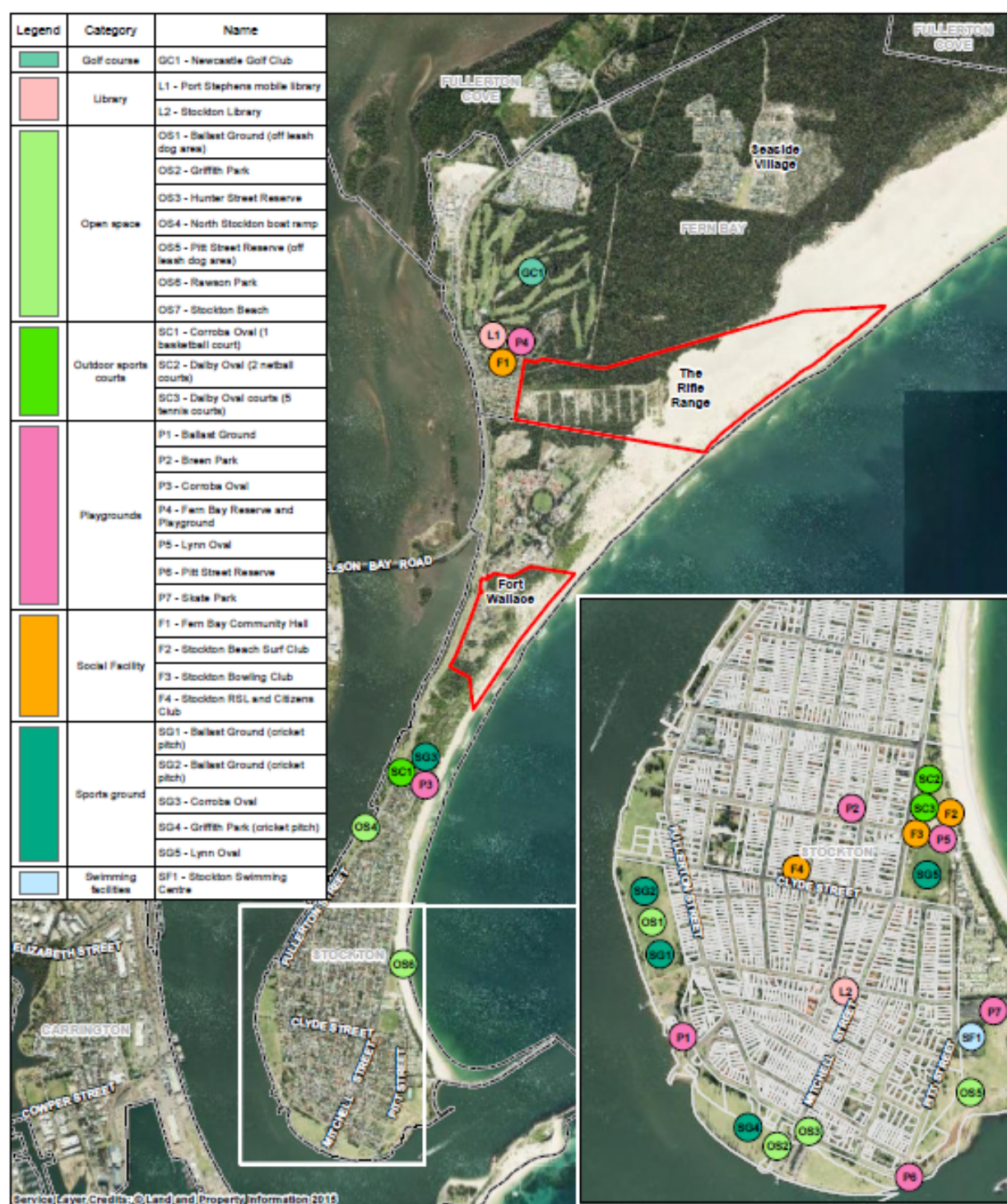


Figure 10 - Social Infrastructure - Fort Wallace



LEGEND

- Proposed development
- Cadastre
- Suburb boundary

Paper Size A4
0 125 250 500 750 1,000
Metres
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 58



Defence Housing Australia
Residential Development
Fort Wallace and the Rifle Range

Job Number 21-28527
Revision 0
Date 17 Jul 2017

Local Social Infrastructure

Figure 7b

Level 3, GHD Tower, 24 Honeyuckle Drive, Newcastle NSW 2300 T 61 2 4979 9999 F 61 2 4979 9999 E ctrial@ghd.com W www.ghd.com.au

Section D - State and Commonwealth interests

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

An assessment of the capacity of key services has been undertaken to inform the proposal. An assessment of services considers portable water supply, sewer, electricity, telecommunications and gas. The report has been provided in Appendix L. It concludes that residential development on a portion of the site would be adequately serviced by surrounding infrastructure and that there are no constraints to the proposal due to the provision of services. Further assessment and potential upgrades to the Stockton 4 Waste Water Pump Station are likely to be required at the subdivision and development stages.

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

The following Public Authorities have been consulted in accordance with the Gateway determination:

Department of Primary Industries (Hunter River Priority Oyster Aquaculture Area) (DPI)

NSW DPI stated that due to recurrent pollution events in this area, oysters are no longer cultivated adjacent to the proposed development site. The future of Priority Oyster Aquaculture Areas in this area will be considered by government and industry in a review. NSW DPI has no objection to the proposed amendment to the Newcastle LEP 20127.

Office of Environment and Heritage (OEH) - coastal management and heritage matters

The Heritage Division - The Heritage Division reviewed the Heritage Impact Statement and indicated support for the Planning Proposal. Retaining an appropriate buffer and important views to heritage items is supported, as shown the draft DCP.

Regional Operations Division -

Aboriginal cultural heritage

The area of higher cultural sensitivity is not registered on the Aboriginal Heritage Information Management System.

Response: The applicant has been advised that a submission to OEH is required.

Coastal Management

1. OEH recommends that the Coastal Hazard Assessment for the site consider effects of beach rotation and wind driven sand loss. The assessment is to consider potential impacts of any management options likely to increase risk of coastal hazards on adjacent land at Stockton, to satisfy Clause 15 of the SEPP (Coastal Management) 2018.

Responses:

Clause 15 of the Coastal Management SEPP states that “development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.”

As identified in the Coastal Engineering Assessment (WBM BMT 2019), the development is proposed landward of the 2100 ‘unlikely’ erosion hazard line outlined in the Newcastle Coastal Hazards Study (BMT WBM, 2014), which was prepared as a technical document for the City of Newcastle's Coastal Zone Management Plan 2018. The development is considered to not likely

cause increased risk of coastal hazards on that land or other land within the next 80 years. The siting of the development allows embayment wide processes and mitigation responses to be unimpeded by the proposed development over the longer term.

Beach Rotation

The effects of beach rotation have been considered in the Coastal Engineering Assessment prepared by BMT WBM (and updated in 2019). See Attachment G for the report. The Coastal Engineering Assessment utilised modelling provided by the Stockton Beach Coastal Process Study (DHI 2006). In this study, beach rotation was an element of the calculation. These calculations have informed the likely scenarios contained within the Assessment. Refer to Sections 3.2.1 and 3.2.2.1 of the Assessment for more detail.

Aeolian Sand Losses

An assessment of potential aeolian sand losses and dune migration risks was undertaken. Findings contained within the Assessment conclude that the dunes fronting the Fort Wallace site (landward of the area subject to waves and high-water levels) have been very stable over time, and therefore, no significant aeolian losses or dune migration risks are present on the site. Sand drift mitigation measures to reduce the potential for nuisance sand drift to occur on the development in the future have been outlined in the Assessment. Mitigation measures include rehabilitation and ongoing maintenance of the dunes. Refer to Section 3.5 of the Assessment for more detail (BMT WBM 2019).

Holistic Assessment of Stockton Embayment

The Assessment considers the broader Stockton Embayment. The coastal processes and setting discussion (Chapter 2 of the report) describes the area and the regional coastal processes that are subsequently having an impact on the Fort Wallace site. The coastal hazards calculated and assessed for Fort Wallace were derived from embayment wide LGA scale assessments (Section 3.2). The risk assessment is then conducted using this information as a base, and therefore not in isolation of embayment wide processes. Furthermore, the assessment for the site addresses variables in Section 3.2.4.

Furthermore, The City of Newcastle are developing a Coastal Management Program under the *Coastal Management Act 2016*. The approach to risk mitigation recommended for this site provides an outcome that does not limit the actions that may be chosen to mitigate coastal risks in the wider Stockton embayment.

2. OEH recommends that the planning proposal addresses risks from coastal hazards beyond 2100 to satisfy mandatory requirements of the Coastal Management Manual 2018.

Response: The Coastal Management Manual 2018 states that “if a Coastal Zone Management Plan was certified under the *Coastal Protection Act 1979*, the savings and transitional arrangements in Schedule 3 of the *Coastal Management Act 2016* will continue to have effect until 31 December 2021, unless replaced by a Coastal Management Program prepared and adopted under the *Coastal Management Act 2016*.”

Council does not yet have a Coastal Management Program, as this requirement was only introduced by the Coastal Management Manual in April 2018. The Coastal Engineering Assessment (BMT WBM 2019) prepared to guide the planning proposal was developed in accordance with the requirements of the Newcastle Coastal Zone Management Plan 2018. The Management Plan states that all “new subdivisions or greenfield development are to be located landward of coastal hazards 2100 unlikely line”. The Management Plan was certified by the Minister for the Environment in August 2018. Hence the proposed design life (to 2100) is considered acceptable.

However, in response to OEH’s submission, the Assessment was further updated (see Section 3.2.4) to further consider alternative hazard outcomes to the proposed development, variables

in the hazard assessment, and risks beyond 2100 and / or that eventuate earlier than calculated erosion recession extents for 2100. It should be noted that the site is not a greenfield development and contains buildings formerly used for residential accommodation to the Army.

3. OEH recommends that the planning proposal consider mitigating measures or engineering design standards for structures that may fall within a future zone of reduced load bearing capacity.

Response:

The Assessment outlines an approach for mitigation measures to address the reduced foundation capacity (dune instability) hazard to proposed residential developments on the site.

The Assessment recommends that future development consider the expected lifespan of the structure and require foundation piles to mitigate the foundation capacity risk as appropriate. For example, structures with an expected lifespan of 40-50 years sited landward of the 'unlikely' erosion hazard would not be expected to be subject to reduced foundation capacity risks over this lifespan, and so, foundation piles would not be required.

4. OEH recommends that the planning proposal investigate and address potential impacts on adjacent coastal wetlands to satisfy the mandatory requirements of Clause 11 of the State Environment Planning Policy (Coastal Management) 2018. The site is located within a mapped Proximity Area for Coastal Wetlands.

Response: Further information has been provided by the applicant's consultants, ADW Johnson and BMT WBM, in response to OEH's submission. A response has been included at Appendix M (and part of Appendix G – the Coastal Engineering Assessment). The Fort Wallace site falls within the Proximity Area for Coastal Wetlands. The mapped area applies to a narrow section of the site, which is primarily proposed for environmental purposes (E2 Environmental Conservation).

The narrow fringing wetland to which the mapping relates is separated from the site by Fullerton Street. The site falls towards Fullerton Street, and storm water drainage currently discharges from the street to a Council reserve before entering the Hunter River. Therefore, Council must be satisfied prior to issue of development consent that the development will not have significantly impacts on the adjacent coastal wetlands.

The Stormwater Management Plan (November 2018) addresses stormwater quantity and quality from the site and impacts on surrounding areas. The report outlined that there is sufficient available land within the site to meet Council's water quality targets as described in Section 7.06 of Newcastle Development Control Plan 2012. As part of the assessment, no modelling of the pre-developed scenario was undertaken to check the effect on water quality. Modelling has since been undertaken (see Appendix M for detail) and the results show that a net positive beneficial effect on the water quality discharging from the site can be achieved and therefore the quality of the stormwater from the site can be managed to not significantly impact the adjacent coastal wetland. It is concluded that the future DA and assessments will address and detail the specific collection, control and conveyance of stormwater to demonstrate this, and will also address as necessary the siting and management of any discharge works (ADW Johnson 2018).

The Coastal Engineering Assessment has also considered this recommendation and concluded that the proposed development shall not significantly impact upon the adjacent wetland, noting the proposed single homes and roads are located on an already developed area.

Biodiversity

OEH recommends that further survey, using call recognition and call playback, is undertaken for the Mahony's Toadlet, *Uperoleia mahonyi*, when there has been more substantial rain.

Note: A review of the Ecological Assessment was undertaken by OEH. This was not required as part of the Gateway Determination but a service offered by the agency and undertaken as per section 3.25 of the EP&A Act 1979. The Mahony's Toadlet is an endangered frog which was listed after the original Ecological Assessment had been prepared. The Assessment was updated as per OEH's advice.

Response: The Ecological Assessment was updated in response to OEH's recommendation to assess whether there was potential for the Mahony's toadlet to occur on this site. The updated report states that, "in relation to Mahony's toadlet (*Uperoleia mahonyi*), the habitat associated with the species is described as coastal swamps on white sand, with potential habitat occurring as ditches, dams and swales (both natural and man-made) (Clulow et al. 2016). These types of habitats were not present within the Study Area, however survey effort during call playback and spotlight surveys focussed on lower lying areas with a sandy substrate that could experience ephemeral inundation with rainfall. The weather conditions during the survey were suitable for detecting Mahony's toadlet as the Study Area recorded approximately 3 mm of rain during the three days preceding the survey. Mahony's toadlet was not recorded during targeted nocturnal call playback or spotlighting surveys conducted at the Study Area (Umwelt 2018).

Mahony's toadlet has a highly restricted distribution, occurring in a relatively small area of eastern coastal NSW throughout Port Stephens, Myall Lakes and the northern Central Coast sand beds. This restricted distribution is largely due to the species' specialist habitat requirements in the form of water bodies in heath or wallum habitats that occur on a substrate of leached (often white) sand. The closest recorded populations of Mahony's toadlet to the Study Area are at Tomago and Williamtown; approximately 14 km north-east of the Study Area. It is considered that no suitable habitat occurs within the Study Area for the species and it is unlikely to occur" (Umwelt 2018).

Further investigation has since been undertaken. On 19 December 2018, two experienced ecologists conducted nocturnal call playback and spotlighting surveys for Mahony's toadlet within potential habitat at the Fort Wallace site. The site received approximately 16mm of rain (BOM 2018) during the five days preceding the survey and a large storm front moved past over the site approximately two hours prior to the survey, producing approximately 17mm of additional rainfall (BOM 2018). This amount of rainfall is expected to be enough to stimulate frog activity, which was the case in a nearby area where four ornate burrowing frogs (*Platyplectum ornatum*) were observed and one green tree frog (*Litoria caerulea*) was heard calling approximately 1 hour before surveys were undertaken at the Fort Wallace site. Despite the large amount of rainfall before the survey, the lower lying areas of the study area with a sandy substrate did not experience any form of inundation as a result of the rainfall. Mahony's toadlet is associated with coastal swamps on white sand, with potential habitat occurring as ditches, dams and swales (both natural and man-made) (Clulow et al. 2016). These types of habitats are not present within the study area, even after heavy rainfall. Mahony's toadlet or any other amphibian species were not recorded during these surveys.

Based on the results of the call playback and spotlighting survey and the condition of the habitats within the study area, it is unlikely that the Fort Wallace site provides any suitable habitat for the Mahony's toadlet and it is unlikely that this species occurs within the study area. (Umwelt 2018).

The following matters were previously raised by OEH and have been addressed:

1. OEH recommended that the area proposed for an Environmental Management zone (E3 zone) is changed to an Environmental Conservation zone (E2 zone).

Response: This change has been reflected in an updated planning proposal.

2. OEH recommended that Council assess the need to provide offsets at the development application stage.

Response: The applicant has been advised and necessary offsets are to be considered in preparation of the DA.

3. OEH recommended that access to the beach is restricted and that Council consider whether pet ownership should be controlled within the development to reduce the risk of predation to shorebirds at Fort Wallace and the nearby Stockton Sand spit.

Response: The Ecological Assessment Report (page 30) outlines that dog and cat ownership policies are proposed to be included as a measure to minimise potential impacts on flora and fauna. The draft DCP includes a principle in support of this approach.

The concept plan, contained within the draft DCP indicates one point of access to the beach. A walking trail is proposed; it will satisfy the Coastal Management SEPP and relevant direction (2.2). Limiting and formalising once access point for walking purposes is proposed to manage any potential negative impacts. Further detail will be explored closer to consideration of the DA.

Aboriginal cultural heritage

1. There is an area of higher cultural sensitivity. It is to be appropriately identified, described and assessed in accordance with OEH requirements.

Response: The ACH&AA Report has been updated. OEH have indicated that the matter above has been addressed. The planning proposal has been updated accordingly.

2. The proposed zoning of the culturally significant area/s should be placed in an E2 zone.

Response: The planning proposal has been updated and areas of higher sensitivity are proposed to be included in an E2 zone.

3. The proximity of the proposed Low Density Residential Zone (R2) to the area of higher cultural sensitivity may require review once the area of higher sensitivity is identified, described and assessed in accordance with OEH requirements.

Response: The concept plan and planning proposal has been reviewed upon receipt of an updated Report. OEH have indicated that the matter above has been addressed.

4. Council should assess whether the provisions of the *Heritage Act 1977* are relevant to Aboriginal Cultural Heritage.

Response: The entire site is proposed to be included as a local archaeological site. The name and inventory will refer to the sites unique Aboriginal culture and heritage. Special built items and landscape features are also proposed to be items of local heritage significance. It is recommended that an updated CMP be prepared that captures both military heritage and Aboriginal Cultural heritage and archaeology, and that part of the site be considered for a state heritage nomination or perhaps an Aboriginal place of significance.

5. OEH recommends further consideration of an appropriate buffer around the area of higher cultural sensitivity. Again, this depends on review of the updated report, to appropriately identified, described and assessed in accordance with OEH requirements.

Response: The ACH&AA Report has been updated. OEH have indicated that the matter above has been addressed.

6. OEH have advised that separate AHIPs for each stage of development are required.

Response: The applicant has been advised of this. OEH have indicated that the matter above has been addressed.

Note. Please be aware that due to the sensitivity around information relating to site specific Aboriginal cultural heritage and archaeology, only a summary of the Report and a condensed submission from OEH is provided for public viewing.

Worimi LALC

Worimi LALC informed the Aboriginal Cultural Heritage & Archaeological Assessment and were involved in a review of the proposal. Please see submission attached.

NSW Rural Fire Service

A review of APZ's was undertaken, and an updated Bushfire Assessment is supported by FRS which reflects a 15m (not 13m) APZ for vegetation classification of Tall Heath with a downslope of 0-5 degrees. The planning proposal reflects this change.

Conclusion

All submissions can be found at Appendix M. Upon a review of submissions received, The City of Newcastle's Urban Planning Team are satisfied that the proposal can progress.

Part 4 - Mapping

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Minimum Lot Size Map
- Heritage Map

The Matrix below indicates (with an "X"), which map sheets (of Newcastle LEP 2012) are to be amended as a result of this planning proposal:

	LZN	HOB	LSZ	HER
004I	X	X	X	X

Map Codes:

LZN	=	Land Zoning Map
HOB	=	Height of Buildings Map
LSZ	=	Lot Size Map
HER	=	Heritage Map

The following maps illustrate the proposed amendments to the Newcastle LEP 2012 maps:

- Figure 11: Existing Land Zoning Map
- Figure 12: Proposed Land Zoning Map
- Figure 13: Existing Max Height of Buildings Map
- Figure 14: Proposed Max Height of Buildings Map
- Figure 15: Existing Min Lot Size Map
- Figure 16: Proposed Min Lot Size Map
- Figure 17: Existing Heritage Map
- Figure 18: Proposed Heritage Map

Figure 11 - Existing Land Zoning Map



Figure 12 - Proposed Land Zoning Map



Figure 13 - Existing Max Height of Buildings Map



Figure 14 - Proposed Max Height of Buildings Map



Figure 15 - Existing Min Lot Size Map

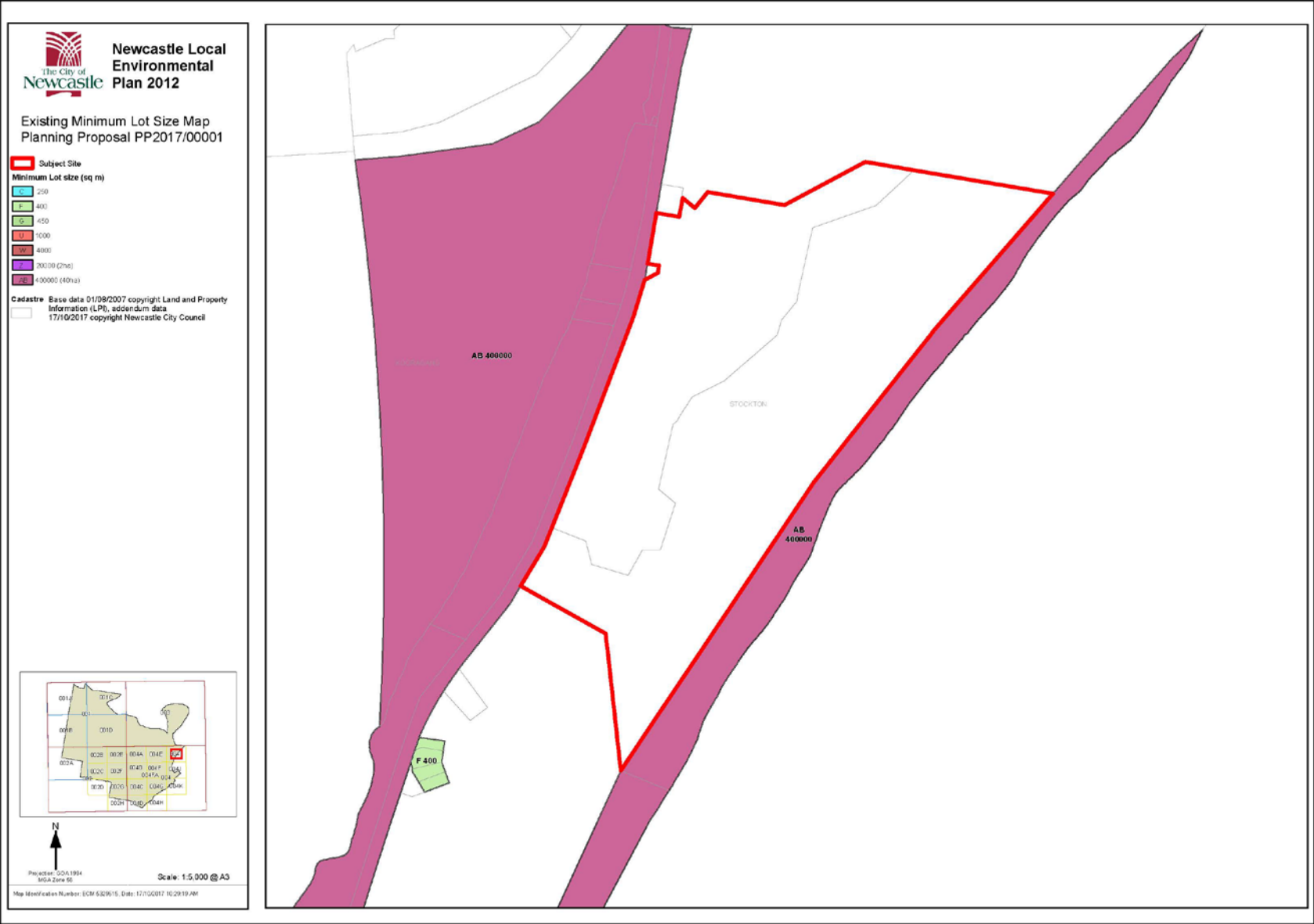


Figure 16 - Proposed Min Lot Size Map



Figure 17 - Existing Heritage Map

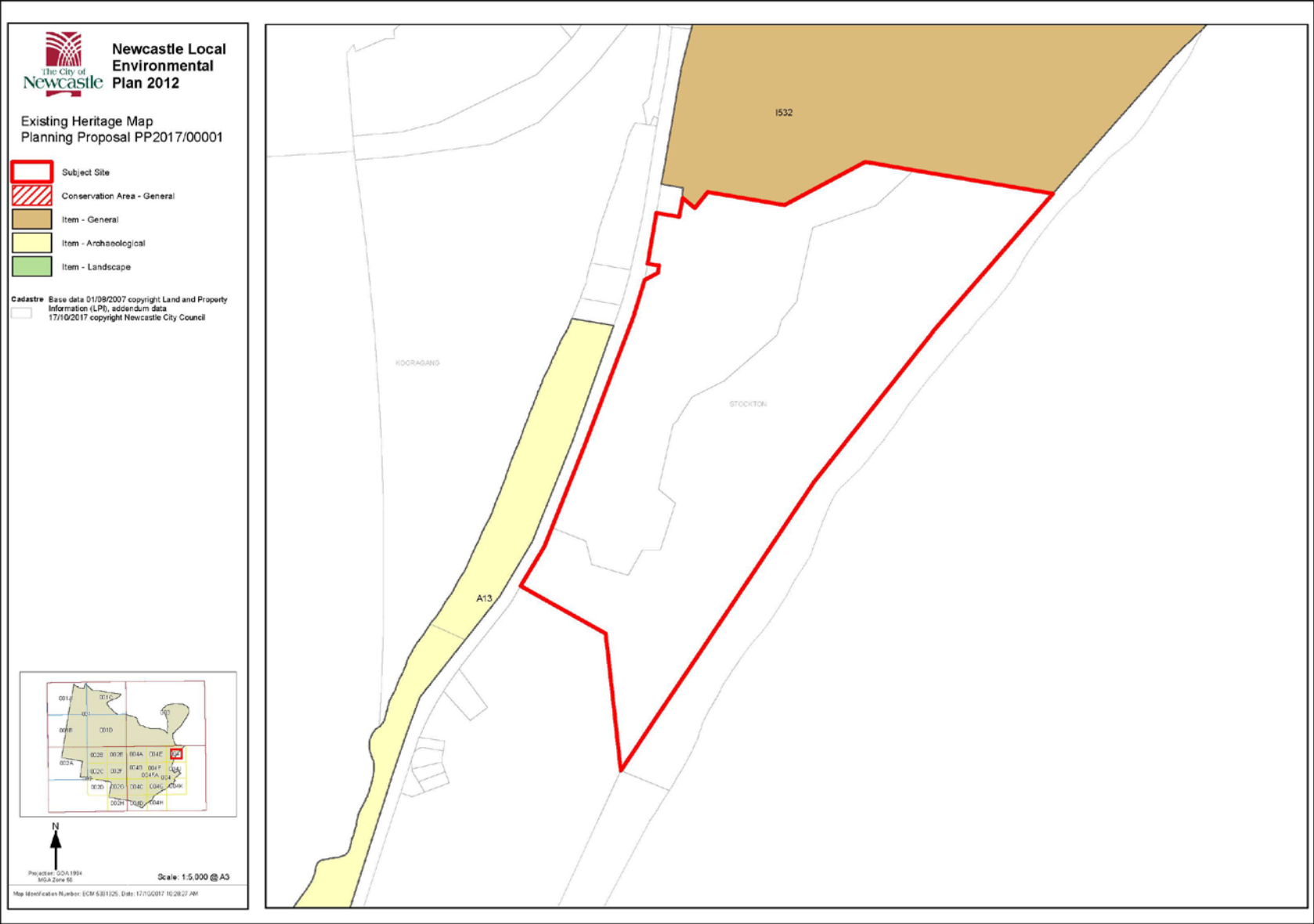
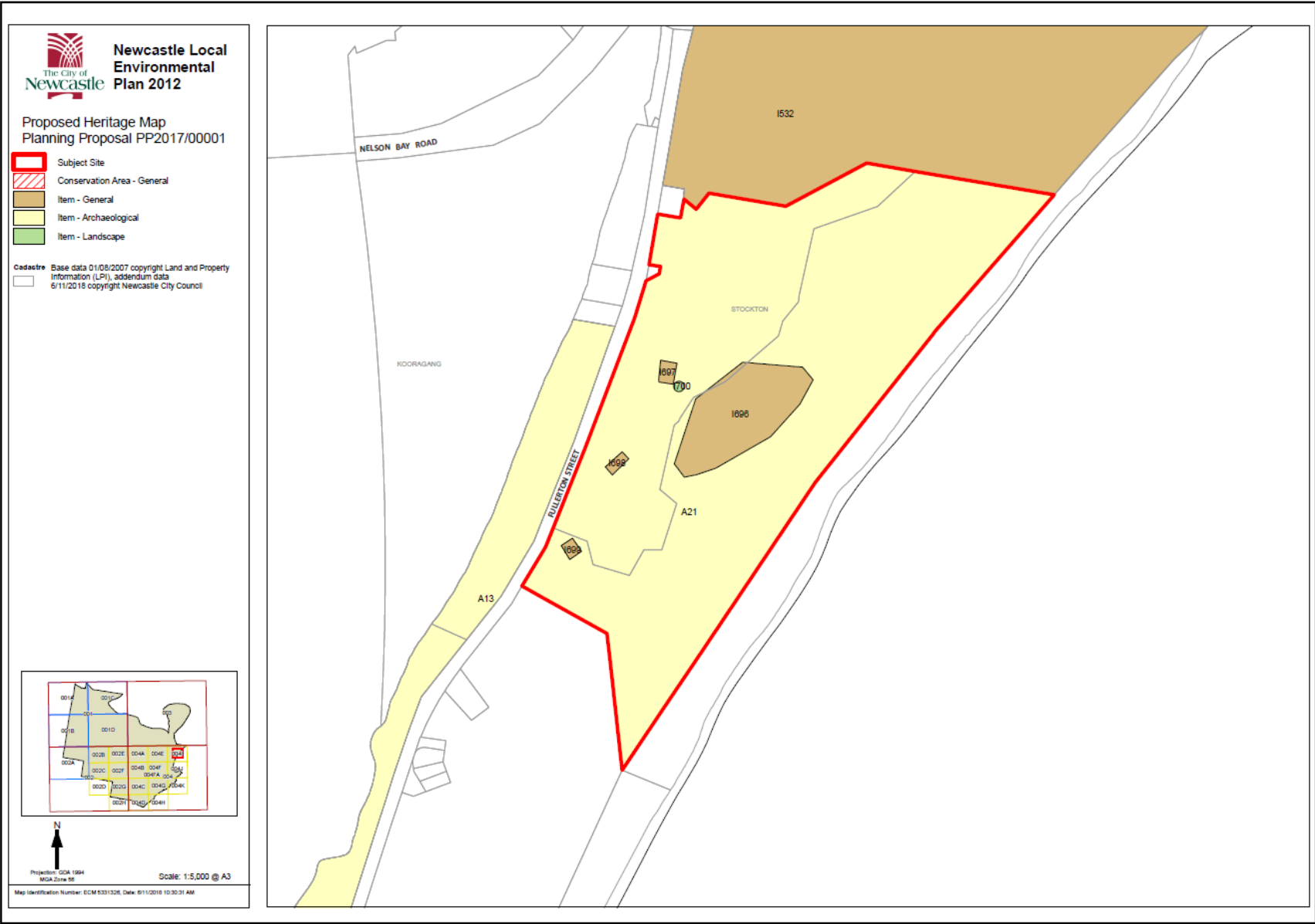


Figure 18 - Proposed Heritage Map



Proposed changes to Schedule 5 Environmental heritage:

Part 1 Heritage Items:

Stockton, Fort Wallace, Heritage Precinct including observation tower, gun emplacements, casualty station, engine and radio room, 338 Fullerton Street, Part Lot 101 DP 1152115, Local **I696**

Stockton, Fort Wallace, Drill Hall, 338 Fullerton Street, Part Lot 100 DP 1152115, Local **I697**

Stockton, Fort Wallace, Administration Building, 338 Fullerton Street, Part Lot 100 DP 1152115, Local **I698**

Stockton, Fort Wallace, Plotting Room, 338 Fullerton Street, Part Lot 101 DP 1152115, Local **I699**

Stockton, Fort Wallace, Gunner Hoban Tree, 338 Fullerton Street, Part Lot 100 DP 1152115, Local **I700**

Part 3 Archaeological sites

Stockton, Stockton Bight Landscape including Fort Wallace, 338 Fullerton Street, Lot 100 & 101 DP 1152115, Local **A21**

Part 5 - Community consultation

The planning proposal has been exhibited in accordance with the Department of Planning and Environment's guidelines, '*A guide to preparing local environmental plans*' and Gateway Determination. It was placed on exhibition for a total of 28 days, from Monday 19 November - Monday 17 December 2018.

A total of four submissions were received. A summary of matters raised in the submissions is provided below:

Submission 1

Beach Access - Concern about limited beach access from the site. There is only one designated public access point located outside the main residential area of the development. The area behind Fort Wallace is a popular surfing spot, of which access is limited. It is recommended that better access to this part of the beach be considered in the proposal. This may consider options for parking.

Response - There is currently no access to the beach in North Stockton. One access point to the beach is considered a positive outcome, to support a development of this size and public access. The coastal zone is sensitive (culturally and environmentally). Consultation with agencies recommends limiting access to the beach to mitigate any potential negative impacts to the coastal landscape.

Submission 2

Beach Access - Concern about lack of beach access (in North Stockton) with only one access point as part of the proposal. Better access to North Stockton beach will be required as Stockton Beach erodes away. Nippers events are being held on the grass due to lack of beach and there are safety concerns with use of Stockton Beach in its current form. North Stockton Beach currently has poor amenity and access, with fencing to keep out the public.

Response - Noted. One access point to the beach is considered a positive outcome for improved access to the beach.

Submission 3

Transport - The intensity of the development will have impacts on the existing residents. A second ferry wharf is recommended at the northern end of Stockton to service additional residents and commuters, linking up with Wickham Interchange.

Response - Noted. While, this is not a matter for the planning proposal, a strategy for the North Stockton and Fern Bay area is being prepared. Early consultation was undertaken, and an additional ferry stop has been suggested by members of the community. However, the ferry is not a specific matter for the planning proposal nor is it owned and managed by Council.

Submission 4

Heritage - Recommends retention and preservation (and if possible showcasing) of the Fort and its infrastructure for current and future generations. The Fort forms a unique shape along the Stockton landscape. "Since it was built in 1912 the Fort has always been a distinct landmark in Stockton, a now historic, unique link to our war past but also to our continued commitment to our military services in peace-time war efforts...I would ask that Council remains mindful of this unique piece of Newcastle's history and embraces and showcases it in any proposed further development of the site. Respectfully, it is my belief that sections of Fort Wallace could and should be preserved and showcased and so are delighted to read visualise the concept of a Heritage Precinct as outlined in the Proposal."

The Historical Society has requested to be continued to be consulted in respect to future redevelopment of the site and proposed uses in heritage buildings. Furthermore, it is proposed that "careful consideration be given in planning the development to provision being made to accommodate the Society, its records and equipment within the Heritage Precinct (of the existing Fort infrastructure) in a community-owned building with long term tenancy granted to the Society at a nominal rent."

Response - The planning proposal supports retention and preservation of the Fort and defining a precinct will assist with this. In terms of different uses in the future, the request has been forwarded to DHA, the land and asset owner.

Earlier consultation

Consultation has also been undertaken by the land owner (DHA) in 2016. Community consultation included meetings, newsletters, online activities, phone calls, emails, community information and feedback sessions. During this process the indicative concept plan for the site was made available for comment. The process and outcomes of early consultation is documented in the Consultation Report at Appendix N.

Part 6 - Project timeline

The plan making process is shown in the timeline below. It will be undertaken in accordance with the Gateway determination.

Task	Planning Proposal Timeline				
	Nov 18	Dec 18	Jan 19	Feb 19	Mar 19
Commencement and completion dates for public exhibition period	X	X			
Timeframe for consideration of submissions			X		
Report to Council				X	
Anticipated date RPA* will forward to the Department for notification for finalisation					X

*RPA Relevant Planning Authority