

Wallalong Urban Release Area

Proposal Title : **Wallalong Urban Release Area**

Proposal Summary : **This planning proposal (PP) would rezone a 620 ha site nearby the existing rural village of Wallalong. The new town would broadly consist of residential (low (R2) and medium density (R3), large lot (R5)), business (B2), industrial (IN2), recreation (RE1) and environmental (E3) land components. Once fully developed, the expansion would facilitate an additional 3,200 dwellings (approximate), increasing the population of Wallalong from approximately 900 people to 9000.**

The PP would amend the Port Stephens LEP 2013.

PP Number : **PP_2014_PORTS_001_00**

Dop File No :

14/01525

Proposal Details

Date Planning
Proposal Received : **12-Mar-2014**

LGA covered : **Port Stephens**

Region : **Hunter**

RPA : **Port Stephens Council**

State Electorate : **MAITLAND**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Numerous land parcels at Wallalong. Refer to Table 1 of the Planning Proposal.**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :	620.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	3,200
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : SUMMARY OF ISSUES

At this stage, the proposal is not able to demonstrate strategic merit.

The site is not identified as a proposed urban area in the Lower Hunter Regional Strategy (LHRS). Nor does it satisfy the Strategy's Sustainability Criteria – a requirement for any potential release area not listed in the Strategy. It is inconsistent with several s117 directions and the Rural Lands SEPP. Further work is required before consistency with other s117 directions and SEPPs could be reconsidered.

The Lower Hunter Regional Growth Plan (RGP) is currently being prepared and the draft and later final version will play a significant part in determining the strategic merit of the proposal. Preliminary work to date in the preparation of the RGP suggests demand varies significantly across the Lower Hunter and within the local government area, depending on price, location and product. Whether there may be a need for new residential zoned land and whether that should be at Wallalong, and what a new release at Wallalong may mean for other development fronts in that broader sub-region, is unknown at this time. This will be clearer following the completion of the studies currently underway in the preparation of the RGP.

Council itself is uncertain regarding the strategic merit of the PP at this time. Its resolution refers to seeking an initial Gateway Determination 'to establish the strategic merit of the proposal', which if supported by Gateway, would then result in Council undertaking a series of studies to establish this merit. Unlike other sites in Council's Planning Strategy, justification for its inclusion appears based on a Council resolution of 2009 to include Wallalong as a new town. Further, Council's Planning Strategy identifies the site as a priority 3 development site, yet Council is now progressing Wallalong ahead of other sites identified as a higher priority. No explanation is provided regarding the implications of this

acceleration on Council's infrastructure program. If merit is established from the initial studies, then Council intends to resubmit the PP for a further Gateway Determination, ahead of undertaking further site studies.

The PP as submitted does not demonstrate that the site can be developed to the scale proposed. There are several site specific issues with developing the new town. Wallalong is isolated under major flood conditions, there is no sewerage service, and limited community services/ public transport. Road access is also limited. Connections west and south are via State Heritage Register listed bridges (two of which are single lane). Infrastructure costs, both local and State, are unknown at this time.

The PP has already generated substantial community interest and representations objecting to the proposal have been made to the Ministers office and Planning and Infrastructure. It is noted that some of these objections come from individuals who's land is subject to this proposal.

SITE DESCRIPTION

Wallalong is a small rural village consisting of both low density residential and large lot residential. It sits within land zoned for rural purposes.

The subject land extends to the north and west of existing large lot residential development which separates the site from the existing village of Wallalong, approximately 1 kilometre to the south.

The village is approximately 20 minutes from both Maitland and Raymond Terrace with access via either Clarence Town Road (SHR listed, single lane bridge in Maitland direction). Alternatively, Hinton Road provides access to Maitland, East Maitland (a major shopping centre, 15 min), Morpeth and the New England Highway, and this is via two SHR listed bridges (one being single lane).

PREVIOUS ADVICE FROM THE AGENCY

In 2007 the agency indicated that a proposal for rural residential development at Wallalong could be considered, provided it was able to fully address all issues associated with the proposal.

In 2009 the agency advised Council that there was no prospect to consider land release in the Wallalong area in the short to medium term unless issues (aircraft noise, infrastructure) impacting on Kings Hill were not able to be resolved. Kings Hill is an existing zoned urban release area within Port Stephens with a yield of up to 5000 dwellings. While aircraft noise was resolved and the land rezoned in 2010, infrastructure matters are still being progressed by Council/ landowners and development has not yet commenced.

In 2010 the then Minister for Planning advised Council that Wallalong had not been supported due to location, access and infrastructure issues and that the priority urban release area within Port Stephens LGA was Kings Hill.

More recent advice (2011) noted that the agency would consider the suitability of new development sites, such as Wallalong, as part of its review of the Lower Hunter Regional Strategy (ie as part of the RGP process).

The site was also considered under the Potential Home Sites Program. In March 2013, the Government announced the outcomes of its review into landowner nominated potential housing sites. The review concluded that strategic viability of urban development at Wallalong would be considered as part of the RGP process.

The Wallalong Landowners Group has made a submission to the Lower Hunter Discussion paper requesting that the Wallalong Urban Release Area be identified as a proposed urban release area in the new Regional Growth Plan.

INFORMATION PROVIDED BY COUNCIL

Council has provided a number of different documents associated with the proposal. The PP identifies the need for further investigations in order to determine the strategic merit of the release area.

Also provided is an independent report prepared for Council by City Plan Services, and supporting documentation prepared by 'the proponent' (landowners group).

There are differences in the project between the documents provided. For example, Council's PP anticipates a yield of 1,200 dwellings over the next 20-25 years, with 3,200 dwellings over its lifespan (which is unspecified) whereas the proponent documents refer to a yield of 3,700 dwellings over the next 25 years.

The PP prepared by Council forms the main focus of this report and is the document that will be considered by Gateway. In reviewing this information, the Agency requested further advice from Council to clarify certain matters.

Information was most recently received on 12 March and it is this date that the PP is recorded as received.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objectives of the PP are generally consistent with the agency's "A guide to preparing planning proposals". They broadly set out desired land use planning outcomes (eg to investigate amending the LEP to enable a range of housing types), infrastructure outcomes (ie the provision of adequate local and regional infrastructure) and process outcomes (resubmit the PP to Gateway, two consultation periods).

The objectives also refer to amending either the Port Stephens LEP 2000 or the draft Port Stephens LEP 2013. The Port Stephens LEP 2013 is now in effect. References to amending the LEP 2000 or to the LEP 2013 being a "draft" should be removed.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions includes zone, height, minimum lot size and urban release area maps and is consistent with the agency's "A guide to preparing planning proposals".

It also sets out the process with which Council intends to investigate the merits of the proposal. Council identifies two bodies of work which it considers necessary before it could potentially rezone the land:

1. Stage 1 studies – studies to determine whether a release area at Wallalong has merit in the broader context of infrastructure costs and market feasibility; and
2. Stage 2 studies – detailed investigations relating to whether the environmental characteristics of the site limit or preclude the development of the site.

Further discussion on the specific studies to be included in each stage is outlined in the 'Environmental, social, economic impacts' section of this report.

As with the Statement of Objectives, the Explanation of Provisions also sets out process related matters. An initial Gateway Determination is sought by Council to determine the Gateway's support for commencing the stage 1 work. However the stage 1 work does not propose an amendment to the LEP but proposes an investigation into the strategic merit of the site after which an LEP amendment may be considered.

Once this work is completed, Council intends to re-submit the proposal to the Gateway for its further consideration – ahead of commencing the stage 2 studies, if still supported by the Gateway.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 14—Coastal Wetlands

SEPP No 15—Rural Landsharing Communities

SEPP No 21—Caravan Parks

SEPP No 22—Shops and Commercial Premises

SEPP No 26—Littoral Rainforests

SEPP No 30—Intensive Agriculture

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 36—Manufactured Home Estates

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

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

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Council has also identified SEPP (State and Regional Development) 2011 as applying.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Further discussion on consistency with SEPPs and s117 directions is provided in the 'Consistency with Strategic Framework' section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Aligning with Council's two stage process, Council proposes to consult with the community during both the stage 1 and stage 2 study phases (the latter only if the PP proceeds to that stage). A 28 day consultation period is proposed for each phase.

The PP brings forward a site not identified in the LHRS or for development now in Council's Planning Strategy. Formal consultation with the broader community on this decision has merit. It is also likely that such consultation will occur at a similar time to that on the draft regional Growth Plan and a clear relationship between the two processes is required.

Council has advised that not all landowners support the inclusion of their land while others want additional land included. Early consultation would help inform the potential boundary line and subsequent studies. There is limited information in the PP about the merit of the existing boundary.

To this end, Council proposes to prepare a Community Engagement Plan to detail how their proposed two stage consultation would work. This should clearly explain the process being undertaken and how it relates to any broader planning work being undertaken by either Council or the State (eg the draft RGP) at the same time.

The two stage consultation process is considered appropriate, however stage 1 consultation should occur as part of a strategic planning exercise and not within the planning proposal process.

Consultation on stage 2 for 28 days is considered appropriate if and when a final proposal is available, given the large volume of studies that would be involved and scale of the proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment :

Overall there is currently insufficient evidence to justify a proposal to rezone 620 ha of land at Wallalong.

The site is not identified as a proposed urban area in the current Lower Hunter Regional Strategy (LHRS). Nor does it satisfy the Strategy's Sustainability Criteria – a requirement

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for any potential release area not listed in the Strategy. It is inconsistent with several s117 directions and the Rural Lands SEPP. Further work is required before consistency with other s117 directions and SEPPs can be determined.

The PP as submitted does not demonstrate that the site can be developed to the scale proposed. There are several site specific issues with developing a new town in close proximity to the existing village. Wallalong is isolated under major flood conditions, there is no sewerage service, and limited community services/ public transport. Road access is also limited. Connections west and south are via State Heritage Register listed bridges (two of which are single lane). Infrastructure costs, both local and State, are unknown at this time but would be significant.

Council has sought a gateway determination to support a two stage investigation. Council argues that this allows them to better manage its resources (ie only undertake studies as supported), formally engage agencies regarding infrastructure costs/ benefits, and to formally seek the community's views at an early stage.

However Stage 1 does not propose any amendment to the LEP and a Gateway determination for Stage 1 is unnecessary because the strategic investigation work can be undertaken outside of the Gateway process.

Alternatives to this approach are to either:

- a) support the progression of the PP as per Council's two stage approach and require the resubmission of the proposal after completion of stage 1.
- b) support the progression of the PP and require Council undertake both stage 1 and stage 2 work now.

These approaches are less favoured because:

Option (a) implies a level of support for the proposal ahead of the work being undertaken for the Regional Growth Plan and creates greater expectations that a subsequent LEP amendment will be supported. Deciding not to proceed with the proposal after completion of Stage 1 would require a decision by the RPA (under clause 58(4) of the EP&A Act) and agreement by the Minister's delegate.

Option (b) would be premature. There is limited value in undertaking the stage 2 studies if the case for the proposal is weak following review of the stage 1 evidence.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Port Stephens LEP 2013 came into effect in February 2014.

The PP includes references to amending the Port Stephens LEP 2000 and to the Port Stephens LEP 2013 as being a draft LEP. This should be corrected if the PP is to proceed.

Assessment Criteria

Need for planning
proposal :

At this stage it is unclear whether the proposal is needed. The land is not identified as a potential urban release area in the LHRs, and while identified in Council's Planning Strategy, the strategy refers to its inclusion following a resolution of Council rather than relating to any specific evidence base.

In order to determine whether there is a need for the proposal, evidence is required to demonstrate that more housing supply is needed in the relevant market catchment and that Wallalong is the right place for that supply.

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Council asserts Wallalong is worth investigating because it may help safeguard the LGA against potential dwelling supply shortfalls. Factors such as the reluctance of landowners to develop land, lead times, infrastructure delivery, etc are identified by Council as sources of potential shortfalls.

Council states that while the Planning Strategy would deliver approximately 520 dwellings/year or 13,240 dwellings (excluding Wallalong), this would result in an undersupply based on the average production rate of 560 dwellings/ year (for the seven years prior to 2011).

However, Council's future supply of 13,240 dwellings or 16,440 dwellings (including Wallalong) is more than the total 12,300 dwelling target for Port Stephens (centres, infill and greenfield combined) in the LHRS.

The draft Lower Hunter RGP work will re-examine dwelling targets both at the regional level and within this catchment, particularly given the broader regional context of dwelling production. Current evidence indicates that over the five years prior to 2013, only 2,750 dwellings have been constructed in urban release areas, which is substantially short of the 69,200 new release area dwellings identified in the LHRS as needed by 2031 to meet predicted population growth.

Preliminary RGP work suggests demand is more linked to geographic subregions rather than LGA boundaries, and that certain subregions may have higher demand for certain housing products than others. Whether there is need for more residential zoned land supply at Wallalong is yet to be determined, however it is evident that Wallalong's location and characteristics strongly align with the broader Maitland growth corridor. Further RGP work, coupled with the studies identified by Council, would inform this position.

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Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS)

Wallalong is not identified as an urban release area in the LHRS and so the proposal needs to be consistent with the Strategy's Sustainability Criteria. Council's assessment concludes that it is not able to demonstrate consistency with all of the criteria (eg inconsistent with criterion 1.2 which requires the provision of infrastructure is costed and economically feasible; criterion 2.1 which requires the accessibility of the area by public transport and/ or appropriate road access).

The Agency supports Council's assessment that consistency has not been demonstrated.

DRAFT REGIONAL GROWTH PLAN (RGP)

The draft RGP is being prepared by the Agency with exhibition of the draft anticipated in the second half of 2014. Once adopted, the RGP will replace the LHRS.

The draft RGP will identify future growth areas at the regional level. It will consider the need for additional residential zoned land supply and the suitability of areas such as Wallalong to meet that need.

PORT STEPHENS PLANNING STRATEGY 2011-2036 (Council's development strategy)

It is unclear how Wallalong came to be identified as suitable for urban expansion in the first place. Unlike other sites in Council's Planning Strategy, the reason for inclusion appears to be based on a Council resolution of 2009 to include Wallalong as a new town.

Council's Planning Strategy has not been endorsed by the Agency.

Council states Wallalong is identified as a Category 3 potential urban release area, subject to the resolution of infrastructure delivery. In supporting the progression of this PP, Council is supporting the development of this site ahead of other sites identified as being of higher priority for development in its Planning Strategy. There is limited discussion about why accelerating the Wallalong site is required or justified, and what the implications of this are on Council's infrastructure delivery program for other sites.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

Council identifies substantial further work required to inform the assessment of the PP against the relevant SEPPs. As such, consistency with SEPPs cannot be properly determined by the Gateway at this time.

The following details the further assessment required for relevant SEPPs and when this should occur.

SEPP 44 Koala Habitat Protection – the SEPP states councils should undertake surveys of the land to identify areas of core or potential koala habitat and to either zone core koala habitat with an environmental zone or to apply special provisions to control the development of the land. Council intends to undertake further assessment of the impacts on koalas as part of the stage 2 work should the PP proceed to that stage.

SEPP 55 Remediation of Land – Council intends to undertake a contamination assessment in order to satisfy the requirements of this SEPP. This would occur as part of stage 2.

SEPP (Rural Lands) 2008 - SEPP (Rural Lands) 2008 - consistency with the SEPP's Rural Planning Principles (cl. 7) and Rural Subdivision Principles (cl. 8) is required by s117 direction 1.5 Rural Lands. Rezoning the land from rural (RU1 and RU2) to residential (R2, R3, R5) is potentially inconsistent with several principles of the SEPP.

Council intends to undertake an agricultural land assessment as part of the stage 2 work. However, this work should occur during stage 1 in order to determine whether developing

this rural land has merit. This study, when combined with input from DPI (Agriculture), should assist in determining whether the inconsistency with the SEPP could be supported.

S117 DIRECTIONS

As with SEPPs, further work is required before consistency can be properly determined. The following details the further assessment required for relevant s117 directions and when this should occur.

1.1 Business and Industrial Zones – inconsistent with subclause 4(e) of the direction because the PP would introduce new industrial and business zoned land but not in accordance with a DG endorsed strategy.

Council intends to undertake a commercial/ employment land study as part of the stage 2 work to investigate whether the inconsistency could be justified. However, this should occur as part of stage 1 as it would inform self containment rates and in turn infrastructure assessments.

1.2 Rural Zones – inconsistent per subclause 4(a) of the direction because the PP would rezone rural land to residential, business and industrial zones.

Council intends to undertake an agricultural land assessment and to consult with DPI (Agriculture) to better understand the value of the agricultural land and possible land use conflicts. As for the Rural Lands SEPP, this would assist in determining whether the inconsistency is justified and should occur as part of the stage 1 work.

1.3 Mining, Petroleum Production & Extractive Industries – while Council advises there are no known mineral resources on the site, consultation with DPI (Minerals) should occur to determine consistency and Council intends to undertake an extractive resources impact study. It is also noted that the Brandy Hill Quarry lands border the north-east of the site. This should occur as part of stage 2.

1.5 Rural Lands – potentially inconsistent with the rural planning principles (subclause 4) and rural subdivision principles (subclause 5) of the SEPP (Rural Lands) 2008.

As with direction 1.2, consultation with DPI (Agriculture) and the agricultural land assessment proposed by Council would assist in determining consistency and whether any inconsistency is justified. This should happen during stage 1.

2.1 Environment Protection Zones – Council identifies this direction as requiring further consideration following an ecology study. The site is currently zoned rural and vegetated areas are to be zoned E3, however Council notes several EECs and habitat for several threatened flora/ fauna species would be affected.

Consistency with this direction can be reconsidered following further ecology work. Consultation with OEH should also occur. This should be during stage 2.

2.3 Heritage Conservation – further work is required before consistency can be adequately determined. A detailed heritage study is proposed by Council. Consultation with the Local Aboriginal Land Council should also occur. Stage 2 would be appropriate.

3.1 Residential Zones – inconsistent because the PP does not make more efficient use of existing infrastructure and services (subclause 4(b)). The work proposed by Council in order to establish merit would confirm whether the PP's inconsistency with this direction is justified. This could be considered during stage 1.

3.4 Integrating Land Use & Transport – Wallalong is relatively isolated, and existing services and public transport are limited. Given the development would be staged over at least a 25 year period, car dependency may result which would be inconsistent with principle 3 of Improving Transport Choice (subclause 4(a)).

Further work such as a revised traffic study (transport) and the commercial/ employment land study (location of centres) would inform consistency with this direction. Consultation with Transport for NSW should also occur. This should happen at stage 1.

4.1 Acid Sulfate Soils – inconsistent because the site is affected by acid sulfate soils but Council does not intend to undertake an acid sulfate soils study as required by clause 6.

This inconsistency is likely minor in terms of the direction because the majority of the site is affected by class 5 and so has a low risk. Further, any acid sulfate soils issues can be addressed at the DA stage as required by clause 7.1 Acid Sulfate Soils in the LEP. This matter can be clarified at stage 2.

4.2 Mine Subsidence and Unstable Land - Council has identified this direction as applying despite it stating mine subsidence to not be a known issue in the LGA and the site not having been identified as unstable. Consultation with MSB during stage 2 would clarify land stability.

4.3 Flood Prone Land – inconsistent because flood affected rural zoned land would be rezoned to residential (clause 5). Consistency can be reconsidered following the further flooding investigation Council intends to undertake at stage 2.

4.4 Planning for Bushfire Protection – consultation with RFS needs to occur before consistency with this direction can be determined. This could happen at stage 2.

5.1 Implementation of Regional Strategies – the PP is inconsistent with the Lower Hunter Regional Strategy. Further investigations are required before consistency with the Strategy's Sustainability Criteria can be determined. This should occur during stage 1.

6.2 Reserving Land for Public Purposes – identification of infrastructure requirements and consultation with agencies is required before consistency with this direction can be determined. Stage 2 is appropriate.

Environmental social
economic impacts :

Council has included a summary of the impacts that may result from the proposal.

Potential positives are identified by Council as increased employment and housing options, the broader economic benefits associated with increased population, and potentially better access to services and facilities in the long term for the existing population.

Potential negatives include loss of rural amenity for existing residents, limited public transport, flood isolation, conflicts with existing agriculture, and strain on existing infrastructure, among others.

Cumulative impacts have also been identified - increased demand on existing education, community and health support services/ facilities in Maitland LGA (and to a lesser extent, Port Stephens LGA), increased traffic, and increased demand for local businesses.

The understanding of impacts would be further informed by the studies identified by Council and agency/ community consultation. The studies and agency consultation proposed is discussed further below.

Assessment Process

Proposal type : Precinct Community Consultation Period : **28 Days**

Timeframe to make LEP : **24 months** Delegation : **DDG**

Public Authority Consultation - 56(2) (d) : **NSW Aboriginal Land Council
Ambulance Service of NSW
Department of Education and Communities
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum
Energy Australia
Hunter Water Corporation
Mine Subsidence Board
Transport for NSW
Fire and Rescue NSW
Department of Health
NSW Police Force
NSW Rural Fire Service
Transport for NSW
Transport for NSW - Roads and Maritime Services
State Emergency Service
Adjoining LGAs
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **Overall there is currently insufficient independent evidence to justify a proposal to rezone 620 ha of land at Wallalong.**

The site is not identified as a proposed urban area in the Lower Hunter Regional Strategy (LHRS). Nor does it satisfy the Strategy's Sustainability Criteria – a requirement for any potential release area not listed in the Strategy. It is inconsistent with several s117 directions and the Rural Lands SEPP. Further work is required before consistency with other s117 directions and SEPPs can be determined.

The PP as submitted does not demonstrate that the site can be developed to the scale proposed. There are several site specific issues with developing a new town in close proximity to the existing village. Wallalong is isolated under major flood conditions, there is no sewerage service, and limited community services/ public transport. Road access is also limited. Connections west and south are via State Heritage Register listed bridges (two of which are single lane). Infrastructure costs, both local and State, are unknown at this time but would be significant.

Council has sought a gateway determination to support a two stage investigation. Council argues that this allows them to better manage its resources (ie only undertake studies as supported), formally engage agencies regarding infrastructure costs/ benefits, and to formally seek the community's views at an early stage.

However Stage 1 does not propose any amendment to the LEP and a Gateway determination for Stage 1 is unnecessary because the strategic investigation work can be undertaken outside of the Gateway process.

Allowing the PP to proceed, even under Council's 2 stage approach, implies a level of support for the proposal ahead of the work being undertaken for the preparation of a new Regional Growth Plan and creates greater expectations that a subsequent LEP

amendment will be supported.

Resubmission - s56(2)(b) : Yes

If Yes, reasons : Although the submitted PP is inadequate to proceed directly to a Gateway Determination, further consideration of the Proposal may be warranted in the future subject to;

- the outcomes of current regional planning strategies underway for the Lower Hunter in particular the Regional Growth Plan and Growth Infrastructure Plan, and
- the completion of stage 1 investigations (as identified within this report) to deal with the outstanding issues.

Identify any additional studies, if required. :

If Other, provide reasons :

Council proposes a series of detailed investigations to establish whether the proposal has merit. These studies would examine the environmental, social and economic impacts associated with the proposal, including justification for s117 directions/ SEPP inconsistencies.

The two stage approach to the studies is supported however it is considered that stage 1 can be completed outside of the Planning Proposal process. In addition some of the studies Council has proposed to be included at Stage 2 are considered, in part, to be required for Stage 1. Critically all studies should be undertaken independently

STAGE 1 STUDIES

The following studies have been nominated by Council to occur as part of stage 1:

- Site Context Report: to identify the role of Wallalong in the Lower Hunter and Port Stephens LGA, including the influence on existing centres and release areas and the implication for the identification of other areas within an infrastructure servicing or community catchment;
- Infrastructure Delivery Strategy: that details the transport, essential infrastructure and local infrastructure required to service the release area, as well as the staging related to development milestones and costing for the infrastructure. Information should be provided on the implications of infrastructure provision to the site for other urban development areas in the Lower Hunter, including capacity of networks, capital works programs, funding and financial arrangements;
- Housing Delivery Plan: including expected dwelling production and development feasibility assessment, with consideration of other development areas in the Lower Hunter; and
- Housing Market Analysis: to identify the likely market for dwellings in Wallalong, cost of living impacts and a comparison against other sites in Port Stephens LGA and the Lower Hunter.

It is recommended Council include the following studies in the stage 1 assessment, given they may affect infrastructure considerations (eg self containment, infrastructure timing and cost) and broad site suitability considerations:

- Access and transport study
- Commercial and employment land study
- River and stormwater flooding study
- Agricultural land study

The findings of the studies would also be supplemented by community and agency consultation. Agency consultation accompanying the stage 1 studies should involve Roads & Maritime Services, Department of Education & Communities, Department of Primary Industries (Agriculture), Department of Primary Industries (Minerals), Office of Environment & Heritage, State Emergency Services, NSW Police, Fire and Rescue NSW, Ambulance Service of NSW, NSW Health, Hunter Water, Energy Australia, Maitland City Council and Department of Defence.

STAGE 2 STUDIES

The following studies have been nominated by Council to occur as part of stage 2:

- Site contamination
- River and stormwater flooding*
- Impact on extractive resources

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- Flora and fauna
- Aboriginal heritage
- Impact on agricultural land*
- Community integration
- Commercial and employment land*
- Transport and access*

It is suggested those studies marked with an * be considered at stage 1 as they may determine self-containment rates and/ or infrastructure requirements, as well as broad site suitability.

As with the stage 1 studies, community and agency input would supplement this evidence base. Agency consultation during this stage would likely involve Office of Environment & Heritage, Department of Primary Industries (Minerals), Mine Subsidence Board, and the Local Aboriginal Land Council however this could be determined upon reconsideration of the proposal by the Gateway.

STUDIES ALREADY UNDERTAKEN

A number of studies have already been undertaken by the proponent but Council identifies further work or separate independent review to ensure the evidence base is robust. As an example, the traffic study provided by the proponent assumes a self-containment rate of 45 % which is substantially more than the 25 % rate typically used by RMS. The need for studies regarding the planning proposal to be independent is supported by the agency.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :

There would be numerous State and local infrastructure costs associated with the proposal. At this stage the PP broadly identifies items but further investigation is required. Also, limited detail is provided regarding the 'ongoing measures' to ensure access to food and essential services in times of flood isolation. If these measures require new or upgraded infrastructure then they should be identified.

The land is not identified in the Regional Strategy for development at this time. In order to proceed as an additional site, the proponent ultimately needs to demonstrate either 'no cost' to Government or that those costs attributed to public authorities are supported by the relevant authority.

Examples of possible costs include a \$30M bridge, \$16M wastewater, three public schools (including a high school), etc. Council would also need to consider anticipated costs relevant to its operations such as community facilities, recreation, local roads/ intersections, etc, and what this might mean to its commitments elsewhere. This assessment is yet to occur.

In order to evaluate State and local infrastructure costs, infrastructure items need to be separately identified and quantified in terms of costs (and savings), timing (when an item would be required), funding (who is to pay and how much, as well as their support) and key assumptions used (eg self containment rate)/ risks.

To assist Council in compiling this information, the Infrastructure Team has suggested Council prepare what is effectively an infrastructure business case.

Should the proposal ultimately be supported, Council intends to map the site as an Urban Release Area.

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes

Wallalong Urban Release Area

Planning Proposal - LEP Maps.pdf	Proposal	Yes
Planning Proposal - Aerial Map.pdf	Map	Yes
City Plan - Independent Review for Council.pdf	Study	No
City Plan - Independent Review for Council - SEPPs and Directions.pdf	Study	No
City Plan - Independent Review for Council - Sustainability Criteria.pdf	Study	No
Proponent - Planning Report.pdf	Study	No
Proponent - Agricultural Land Classification.pdf	Study	No
Proponent - Community Consultation.pdf	Study	No
Proponent - Concept Plan.pdf	Study	No
Proponent - Flooding.pdf	Study	No
Proponent - Geotech Report Oct 97.pdf	Study	No
Proponent - Preliminary Aboriginal Heritage Assessment.pdf	Study	No
Proponent - Preliminary Stormwater Calculations.pdf	Study	No
Proponent - Public Agency Consultation.pdf	Study	No
Proponent - Residential Land Supply.pdf	Study	No
Proponent - Section 117(2).pdf	Study	No
Proponent - Social and Community Assessment.pdf	Study	No
Proponent - Sustainability Criteria Assessment.pdf	Study	No
Proponent - Transport Impact Assessment.pdf	Study	No
Proponent - Visual Impact Assessment.pdf	Study	No
Proponent - Flora Survey & Habitat Assessment.pdf	Study	No
Proponent - Water Servicing Strategy.pdf	Study	No
Proponent - Wastewater Servicing Strategy.pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : The PP should not proceed through the Planning Proposal process at this point in time.

Stage 1 investigations should be undertaken outside of the Planning Proposal process and include;

- The following assessments: Site Context Report, Infrastructure Delivery Strategy, Housing Delivery Plan, Housing Market Analysis, and Community Engagement Plan.
- In addition to the studies listed above, Council should include the Access and Transport study, Commercial and Employment Land study, and the River and Stormwater study as relevant to determining the timing and need for infrastructure provision, as well the

Wallalong Urban Release Area

Impact on Agricultural Land study.

- Consult with Roads & Maritime Services, Department of Education & Communities, Department of Primary Industries (Agriculture), Department of Primary Industries (Minerals), Office of Environment & Heritage, State Emergency Services, NSW Police, Fire and Rescue NSW, Ambulance Service of NSW, NSW Health, Hunter Water, Energy Australia, Maitland City Council and the Department of Defence for a minimum of 21 days.

Although the submitted PP is inadequate to proceed directly to a Gateway Determination, further consideration of the Proposal may be warranted in the future subject to;

- the outcomes of current regional planning strategies underway for the Lower Hunter in particular the Regional Growth Plan and Growth Infrastructure Plan, and
- the completion of stage 1 investigations to deal with the outstanding issues.

Supporting Reasons :

There is currently insufficient independent evidence to justify a proposal to rezone 620 ha of land at Wallalong.

The site is not identified as a proposed urban area in the Lower Hunter Regional Strategy (LHRS). Nor does it satisfy the Strategy's Sustainability Criteria – a requirement for any potential release area not listed in the Strategy. It is inconsistent with several s117 directions and the Rural Lands SEPP.

The PP as submitted does not demonstrate that the site can be developed to the scale proposed.

Allowing the PP to proceed, even under Council's 2 stage approach, implies a level of support for the proposal ahead of the work being undertaken for the Regional Growth Plan and creates greater expectations that a subsequent LEP amendment will be supported.

Signature:



Printed Name:

Darren Rowland

Date:

17/4/14.