



IRF23/591

Gateway determination report – PP-2022-3959

Planning Proposal - Sunrise lifestyle Village - 4011
NELSON BAY ROAD BOBS FARM 2316

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Aboriginal Due Diligence Assessment Report
Strategic Bushfire Study and Bushfire Assessment Report
Preliminary Contamination Assessment
Draft Planning proposal – Sunrise Lifestyle Village V1
Streamline Biodiversity Assessment Report
Hunter Water Preliminary Servicing Advice
Ausgrid Servicing Agent
Locality plan
HRP 2041 Letter and compliance table
Strategic Planning and Assessment Report
Attachment 12 – Response Table
Attachment 11 – Preliminary Acid Soil Assessment
Attachment 9 – Stormwater Strategy
Attachment 6 – Concept plan
Attachment 5 – TPIA

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Port Stephens
PPA	Port Stephens Council
NAME	Sunrise lifestyle Village
NUMBER	PP_2022_3959
LEP TO BE AMENDED	<i>Port Stephens Local Environmental Plan 2013</i>
ADDRESS	4011, 4029 and 4045 NELSON BAY ROAD BOBS FARM 2316
DESCRIPTION	Lot 51 DP 1175028, Lot 3622 DP 622485 and Lot 2 DP 622229, Nelson Bay Road, Bobs Farm
RECEIVED	6/12/2022
FILE NO.	IRF23/591
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objectives of the planning proposal are to amend planning controls to regularise an existing caravan park with 193 dwelling sites and to provide for an additional potential 62 dwelling sites with conservation of part of the site for vegetation corridor.

The dwelling sites are used for a manufactured home estate operating as an over 55 year community.

The objectives of the planning proposal are to:

- To amend Schedule 1 in the *Port Stephens Local Environmental Plan 2013* (PSLEP). Subject to the local environmental plan amendment, the planning proposal has the potential to support an expansion of existing community facilities.
- The planning proposal will also rezone part of the site from the RU2 Rural Landscape to C2 Environmental Conservation to connect and retain a vegetation corridor from the north and south of the site.
- To regularise the existing approved use as a caravan park of the land (Lot 51 DP 1175028).
- To enable the extension of the existing caravan park to adjoin Lot 3622 DP 622485 and Lot 2 DP 622229 and add an additional 62 manufactured homes onto the land.

- The planning proposal will allow the current caravan park to operate as a permissible use under the local environmental plan rather than rely on existing rights. Further, it will allow the remainder of site to be used for a caravan park (subject to development consent) accommodating approximately an additional 62 sites.

1.3 Explanation of provisions

The planning proposal seeks to amend the Port Stephens LEP 2013 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Land use Zone	RU2 Rural Landscape	Part of Lot 2 DP 622229 to C2 Environmental Conservation
Additional permitted Use	None	Caravan Park permitted with development consent

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The proposed rezoning area is approximately 13.715ha of land and the site comprises the following lots, Lot 51 DP 1175028, Lot 3622 DP 622485 and Lot 2 DP 622229.

The immediate locality of the land is zoned to the south, C1 National Parks and Nature Reserves and to the North, East and West of the subject land is zoned RU2 Rural Landscape. Nelson Bay Road is to the south of the subject land is zoned SP2 Classified Road. Lot 51 is currently being used and developed as a caravan park and the proposed subject land (Lot 3622 and Lot 2) are flat sites with small patches of vegetation on the south of the site. The land for development is approximately 3.535ha.

The land is in the suburb of Bobs Farm, where to the North- East of the site is Anna Bay and to the south of the land is Worimi National Park and Birubi Beach. The land is surrounded by rural residential properties, with single dwellings and cleared land. Coastal Wetlands are located to the north of the site.

The site is located within a 10-15minute walk to local centres and is approximately 5.8kms away from Anna Bay Township. There is a bus stop approximately 150m away from the entrance of the caravan park which follows Nelson Bay Road and stops at frequent local centres and provides access to the main local centres including but not limited to; Anna Bay, Salamander bay, Nelson Bay, Newcastle and Williamtown airport.

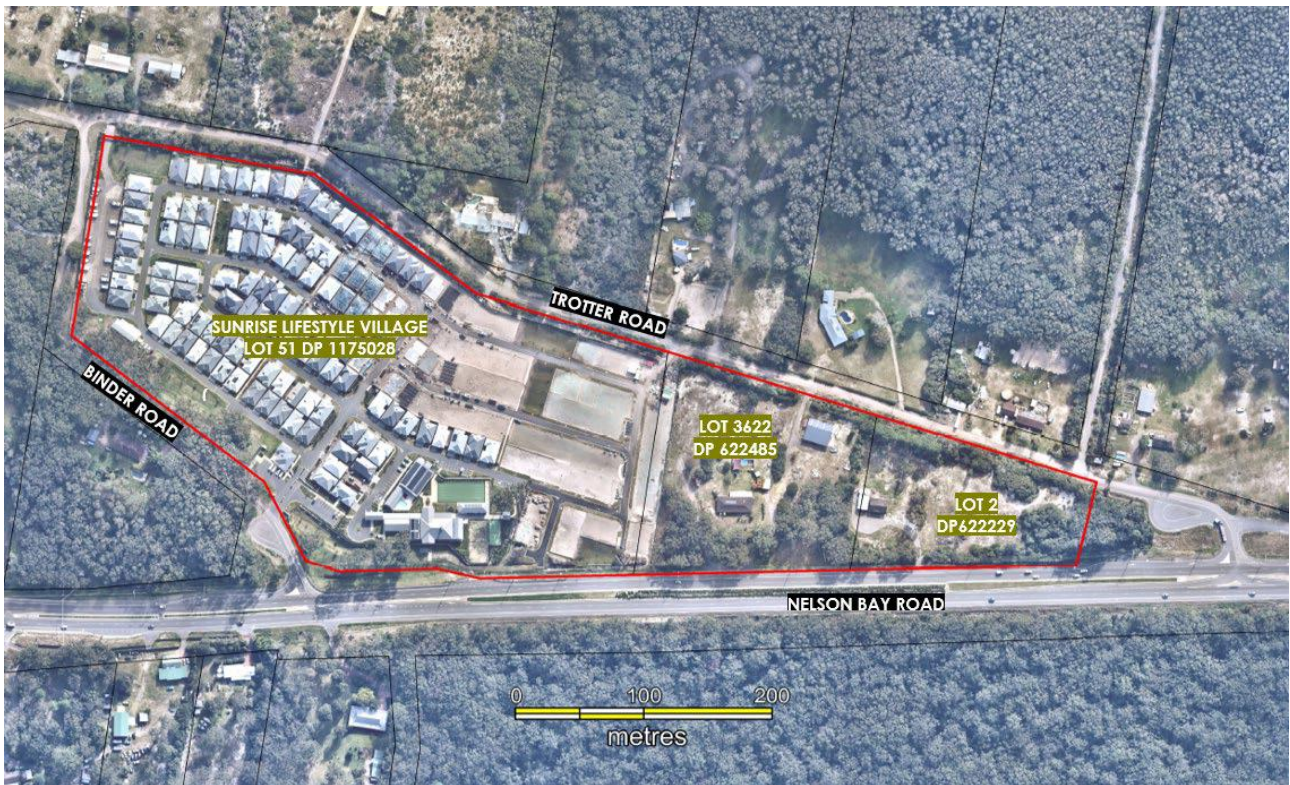


Figure 1 Subject site (source: Sunrise Lifestyle Village – planning proposal V1)



Figure 2 Site context (source: Sunrise Lifestyle Village – planning proposal V1)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning maps, which are suitable for community consultation.

The maps are clear and adequate for agency and community consultation. The following mapping changes are proposed to implement the objectives of the planning proposal:

- Amend land zoning map LZN_004 (6400_COM_LZN_004_080_20190424) from RU2 Rural Landscape to Part of Lot 2 DP 622229 to C2 Environmental Conservation.

The proposed local environmental plan maps are provided in Figures 3-4 below.



Figure 3: Proposed Zone Amendment - Source: (Sunrise Lifestyle Village – planning proposal V1)

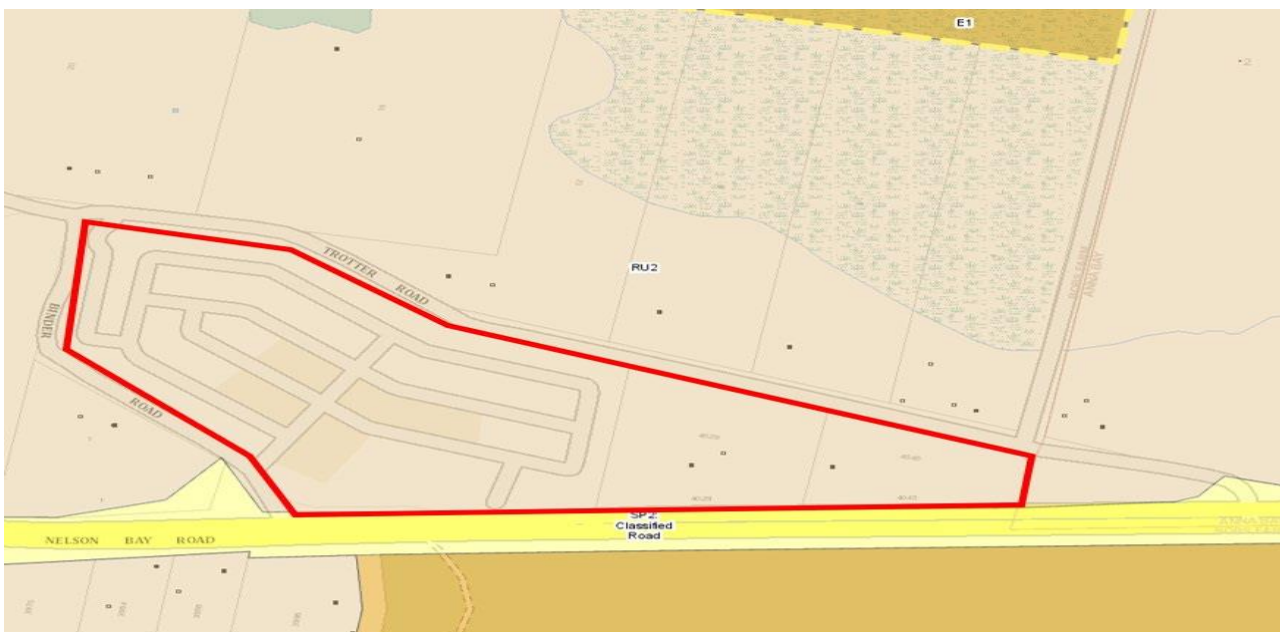


Figure 4 Current zoning map (source: ePlanning Spatial Viewer)

1.6 Background

The planning proposal seeks to rezone a portion of the site from RU2 Rural Landscape to C2 Environmental Conservation.

Approved development on Lot 51 consists of a caravan park, known as Sunrise Lifestyle Village. It currently has 193 sites and comprises of community facilities to support residents. This development (DA-16-2013-790-4) was approved under a historic zoning, and currently operates relying on that approval and existing use rights.

The land proposed is (Lot 3622 and Lot 2) do not form part of the caravan park and consist of a single dwelling each, scattered vegetation, and associated outbuildings. This land proposed has been utilised for rural-residential purposes.

2 Need for the planning proposal

The planning proposal is considered the best means to achieve the intended outcomes. The planning proposal is not the result of a specific strategic study or report. However, it relates to an approved development.

The purpose of the planning proposal is to regularise the existing approved use on Lot 51, and to facilitate the future extension of that use to Lot 3622 and Lot 2. Amending Schedule 1 of the PSLEP is considered the best means to achieve the intended outcome. This is on the basis that it limits the permitted additional uses to a 'caravan park' only.

Alternative options that were investigated by Port Stephens Council include:

- continuation of existing use rights: this option does not achieve the objective of the proposal which is extending the caravan park use to the adjoining land (Lot 3622 and 2).
- rezoning the land to RE2 Private Recreation: this option does not achieve objective of the proposal as the zone does not align with lifestyle villages. This option could create potential future land planning issues as it would permit the full range of land uses of a RE2 Private Recreation zone.
- Rezoning the land to RE1 Public Recreation: this option could create potential future land planning issues as it would permit the full range of land uses of a RE1 Public Recreation zone.
- Use of other zonings: caravan parks are a prohibited land use in any other zoning.
- other mechanisms to retain habitat connectivity, such as via a development control plan, title restriction or voluntary planning agreement. However, Council recommended the adoption of the C2 Environmental Conservation zone will contribute to the 'avoid and minimise' criteria under the *Biodiversity Conservation Act 2016*.

The above alternative options to the planning proposal have been considered and not recommended options.

3 Strategic assessment

3.1 Hunter Regional Plan 2041

The *Hunter Regional Plan 2041* acknowledges the Hunter contains many different communities across various urban, rural and coastal contexts, each of which will see the 15-minute neighbourhood take a different shape. The site's rural setting means it has a rural residential context.

Table 4 Hunter Regional Plan 2041 assessment

Hunter Regional Plan 2041 section	Justification
<p>Strategy 6.3: Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.</p>	<p>The planning proposal is seeking to retain vegetation in the north of the site to connect habitat corridors.</p> <p>This is consistent with the strategy as the proposal is avoiding and minimising habitat and vegetation loss.</p>
<p>Strategy 6.4: Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.</p>	<p>The planning proposal is seeking to provide a mix of residential and conservation outcomes on the site.</p> <p>By rezoning the vegetated portion of the site to C2 Environmental Conservation, planning proposal is achieving the strategy by retaining vegetation and enabling housing on the other portion of the site.</p>
<p>Strategy 7.5: Planning proposals will protect sensitive land uses from sources of air pollution, such as major roads, railway lines and designated freight routes, using appropriate planning and development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing.</p>	<p>The proposed development will be adjacent to Nelson Bay Road, which is identified in the Hunter Regional Plan 2041 as a key transit corridor.</p> <p>The <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> includes an objective to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.</p> <p>The planning proposal includes an assessment against the former Hunter Regional Plan 2036 and the draft regional plan. An assessment against the relevant performance outcomes for Objective 7 has not been provided.</p> <p>Therefore, a view has not been able to be formed as to the proposal's consistency with the strategy or performance indicators.</p>
<p>Greater Newcastle District Planning Priority 1: Prioritise housing within 30 minutes of Williamtown SAP</p> <p>New housing will be needed within 30 minutes of Williamtown Special Activation Precinct (SAP).</p> <p>Any housing growth will need to be outside the aircraft noise exposure forecast (ANEF) area. Planning for new housing will also need to consider better public transport from centres to the SAP.</p>	<p>Anna Bay and surrounds is not identified as a priority location for future housing to service the special activation precinct.</p> <p>However, the site is located within 30 minutes of the precinct and located outside of the ANEF area.</p> <p>The planning proposal is consistent with the district planning priority.</p>

**Greater Newcastle District Planning
Priority 6: Support the NSW Koala
Strategy**

The Port Stephens koala population has been identified in the NSW Koala Strategy as a priority for immediate investment and the Lower Hunter population is prioritised to fill knowledge gaps and deliver local actions.

The planning proposal states the streamlined biodiversity development assessment report confirmed the site did not contain any koalas or indication of koala habitation during the surveys for this species. Further, the site does not contain any koala feed trees. This aside, the proposal has nonetheless retained vegetation in the east

The planning proposal states additional reporting was undertaken which identified an existing wildlife crossing around 10m from the eastern boundary of the site.

The planning proposal seeks to retain a strip of vegetation across the northern and eastern boundary as C2 Environmental Conservation.

The planning proposal is consistent with the district planning priority.

**Appendix B: Repealed plans and
strategies**

The planning proposal has included an assessment of the proposal against the former Hunter Regional Plan 2036.

A Gateway condition has been included to update this assessment to the current *Hunter Regional Plan 2041* and remove references to repealed plans and strategies.

3.2 Local strategic plans

The planning proposal states it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic and environmental planning priorities for the future. The LSPS has immediate and short-term actions to deliver these priorities and identifies ongoing actions.</p> <p>The planning proposal is consistent with the following priorities from the LSPS:</p> <ul style="list-style-type: none"> • <i>Priority 4 Ensure suitable land supply (for housing)</i> has been addressed as the planning proposal is intending to supply an additional housing site. • <i>Priority 5 Increase diversity of housing choice</i> has been addressed in the planning proposal as it is responding to the need in the Port Stephens Local Government Area to meet supply and demand of current and future residents in the community. • <i>Priority 7 Conserve biodiversity values and corridors</i> has been addressed as the subject site is mostly cleared land with little vegetation and the proposed rezoning of part of the site from RU2 Rural Landscape to C2 Environmental Conservation will support biodiversity corridor.
Port Stephens Local Housing Strategy (LHS).	<p>The LHS is the road map for planning and overarching strategy to guide land use planning decisions for new housing in Port Stephens.</p> <p>The planning proposal is consistent with the following planning priorities from the LHS:</p> <ul style="list-style-type: none"> • <i>Priority 1.1 Ensure adequate supply of new housing</i> is addressed as the proposal is creating an opportunity for an additional housing on the subject site. • <i>Priority 2.1 Respond to housing stress</i> is addressed as the proposal is increasing housing supply and aims to improve housing affordability. • <i>Priority 3.2 Encourage a range of housing types and sizes</i> is addressed in the proposal as it creates an opportunity for households to downsize. • <i>Priority 3.3 Enable better planning for diverse lifestyles</i> is addressed in the proposal as the subject land is achieving 15-minute regions with access to public transport and local centres. • <i>Priority 4.2 Communities are connected</i> is addressed as the existing lifestyle village provides community facilities on site. • <i>Priority 4.3 Grow connections between people</i> is addressed as the development creates an opportunity for socialising and connecting residents.

3.3 Section 9.1 Ministerial directions

Table 6 9.1 Ministerial direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of regional plans	Consistency yet to be justified.	<p>The objective of this direction is to give legal effect to the vision, objectives and strategies in the <i>Hunter Regional Plans 2041</i>. The planning proposal includes an assessment against the former Hunter Regional Plan 2036 and the draft regional plan.</p> <p>An assessment against the relevant strategies and Objective performance outcomes has not been provided. Therefore, a view has not been able to be formed as to the proposal's consistency with direction.</p>
1.4 Site Specific Provisions	Inconsistency justified.	<p>The objective of this direction is to discourage unnecessary restrictive site specific planning controls. The direction applies because the planning proposal 'will amend another environmental planning instrument in order to allow a particular development proposal to be carried out.'</p> <p>Whilst the planning proposal would not restrict land uses, it would permit caravan park as an additional permitted use.</p> <p>In this case, the inconsistency is justified as the proposal seeks to regularise existing use rights.</p>
3.1 Conservation Zones	Consistency yet to be justified.	<p>The planning proposal includes proposal to zone part of the site C2 Environmental Conservation.</p> <p>Consultation with the Biodiversity Conservation Division should be undertaken to determine consistency with the direction.</p>
3.2 Heritage Conservation	Consistency yet to be justified.	<p>The site does not contain any State or locally listed historic heritage items, nor is it located within a Heritage Conservation Area.</p> <p>An Aboriginal due diligence assessment has been prepared for Lot 3622 and Lot 2 which concludes the land does not contain any heritage items, objects or place of significance.</p> <p>It is recommended Worimi Local Aboriginal Land Council to ensure consistency.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Consistency yet to be justified.	<p>The planning proposal is supported by a stormwater strategy which concludes the site is not affected by the Probable Maximum Flood (PMF) and that the site provides favourable conditions for refuge in place when subject to extreme flood events.</p> <p>According to the Anna Bay Flood Study (Jacobs 2017), Gan Gan Road is cut off for approximately 20 hours during a 6-hour PMF flood event.</p> <p>However, council have confirmed to the Department that at all times emergency response vehicles (trucks) will be able to retrieve residents or deliver medication and supplies. Alternatively, residents could drive themselves out in less than one day.</p> <p>In January 2023, the Department exhibited a draft shelter-in-place guideline that is seeking provide clear and consistent guidance about when shelter-in-place can be used as an alternative to evacuation.</p> <p>Further information in the planning proposal is required to demonstrate there are appropriate arrangements for shelter-in-place and evacuation in a PMF event, based on consideration of the draft guideline. This will need to be included prior to consultation.</p> <p>A condition is included for consultation with State Emergency Services and Biodiversity Conservation Division.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.2 Coastal Management	Inconsistency justified.	<p>This direction applies as the site is mapped as a proximity area for a coastal wetland to the north of the site and a portion of the site is identified as a coastal environment area.</p> <p>The planning proposal will enable increased development or more intensive land-use on land within a Proximity Area for a Coastal Wetland. The Proximity Area affects a small portion of Lot 2 DP 622229, occurring in its north-eastern corner.</p> <p>A stormwater strategy prepared with the planning proposal states the proposed development will not adversely impact the hydrological integrity of the coastal wetlands.</p> <p>Regarding part 4.2(1) of the direction, the planning proposal does not include provisions giving effect the matters identified in (a) – (d). However, future development of the site will be required to address requirements of Chapter 2 of <i>State Environmental Planning Policy (Hazards and Resilience) 2021</i> in relation to proximity areas to coastal wetlands.</p>
4.3 Planning for Bushfire Protection	Consistency yet to be justified.	<p>The site is identified as bushfire prone land. Lot 51 has an existing approval and was required to incorporate appropriate bushfire protection measures.</p> <p>A condition is included for further consultation with NSW Rural Fire Service to determine and confirm consistency with the direction.</p>
4.4 Remediation of Contaminated Land		<p>Lot 51 is the subject of an existing caravan park which has previously addressed matters of potential contamination.</p> <p>For Lot 3622 and Lot 2, a preliminary contamination assessment has been undertaken which concludes that the site can be made suitable for development.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.5 Acid Sulfate Soils	Inconsistency justified.	<p>The site is mapped as Class 4 Acid Sulfate Soils under the PSLEP.</p> <p>The planning proposal is supported by a preliminary Acid Sulfate Soils Assessment which found acid sulfate soils on Lot 51 are considered appropriate for the approval of the existing caravan park.</p> <p>Assessment of acid sulfate soils on Lot 3622 and Lot 2, concludes no Acid Sulfate Soil was discovered within 2m below ground level.</p> <p>The planning proposal states it is determined the site is generally considered compatible with the proposed residential land use.</p>
5.1 Integrating Land Use and Transport	Consistency is yet to be justified.	<p>The planning proposal is consistent with the aims of the <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> as there is a bus route in the locality of the site which provides linkages to centres (Anna Bay and Nelson Bay). According to Council's report, Sunrise Lifestyle Village offers a community bus service for residents also.</p> <p>Direction 5.1 (1) (a): <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> is not applicable to as this proposed development is related to residential.</p> <p>The proposed development already has existing facilities on lot 51 for residents to access, including internal roads and pathways.</p> <p>Council have advised Transport for NSW is concerned around the timing of the new Trotter Road Access. However, it is noted the proposed development of the caravan park can use existing access to site off Binder Road</p> <p>Consistency with the direction will need to be determined following consultation with Transport for NSW.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
9.1 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	Inconsistency justified.	This direction applies as the planning proposal is zoned as RU2 Rural Landscape. The planning proposal is considered consistent with this direction. Lot 51 has no agricultural value as it is an existing caravan park and Lots 3622 and Lot 2 are also considered to have minimal agricultural value and are not currently being utilised for agricultural purposes.
9.2 Rural Lands	Inconsistency justified.	The site of the planning proposal is considered to have minimal agricultural value of rural land as it is not currently being utilised for primary production. The planning proposal will protect biodiversity corridor through the rezoning of part of the site from RU2 Rural Landscape to C2 Environmental Conservation.

3.4 State environmental planning policies (SEPPs)

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing 2021)	This SEPP aims to deliver housing supply to meet demand and to ensure appropriate land use planning.	Yes	The planning proposal is consistent with the following chapters of Housing SEPP: <ol style="list-style-type: none"> 1. Chapter 2 Affordable Housing 2. Chapter 3 Diverse Housing - Part 8 Manufactured Home Estates - Part 9 Caravan Parks
SEPP (Resilience and Hazards 2021)	This SEPP contains planning provisions for land use planning within coastal zones and to manage hazardous development and minimise the risk of harm.	Yes	The site is mapped as a proximity area for a coastal wetland to the north of the site and a portion of the site is identified as a coastal environment area. The inconsistency is justified and of minor significance as it is an adjustment to an existing caravan park and consistent with local strategic planning.

SEPP (Biodiversity and Conservation 2021)	This SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Yes	<p>A streamlined biodiversity assessment report has been provided with the planning proposal.</p> <p>The assessment concluded the proposed development would not have a significant impact in terms of species listed under the <i>Biodiversity Conservation Act 2016</i> or the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>An existing wildlife crossing exists approximately 10m east of the site. The proposed buffer would result in the retention of approximately 0.32ha of Smooth Barked Apple – Blackbutt – Old Man Banksia Woodland on Coastal Sands of the Central and Lower North Coast.</p> <p>In order to develop the land as intended under the planning proposal, removal of up to 1.3ha of native vegetation may be required. The planning proposal describes the quality of this vegetation varies between poor to moderate.</p> <p>Consultation with the Biodiversity Conservation Division is recommended to determine consistency.</p>
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4 Site-specific assessment

4.1 Social and economic

The planning proposal is likely to deliver a range of social and economic benefits including:

- The extension of the existing use of the caravan park on adjacent lots is likely to have a positive social and economic impact on community as it is addressing affordable housing demand and supply for the LGA of Port Stephens.
- There are already existing community facilities and services provided at an existing approved development on Lot 51.
- Increasing residents within Port Stephens which will benefit and boost local economy.

4.2 Infrastructure

The following provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

According to the traffic impact assessment prepared for the planning proposal, the surrounding road network can accommodate proposed development using existing access points.

The caravan park is accessed off Binder Road which intersects Nelson Bay Road. The intersection was constructed for the caravan park.

The planning proposal states the intention of providing a secondary access via Trotter Road. An upgrade to Trotter Road is required as part of a development application to the north of the site (DA-16-2007-15-1). Despite the approval being back in 2007, the planning proposal states this development is significantly more advanced and will be constructed prior the future potential development associated with this planning proposal. The planning proposal states that if the upgrade to Trotter Road is not completed prior to this proposed development progressing, the existing access of Binder Road can be used.

Consultation with Transport for NSW is recommended regarding timing of Trotter Road access alongside development of caravan park extension and the impacts on a classified road.

Preliminary servicing investigations with Hunter Water and Ausgrid conclude the planning proposal is able to support and accommodate the extension of the caravan park.

Council has advised that an update to the section 7.11 contributions plan is not required and the future developed will be levied in accordance with the contributions plan.

5 Consultation

5.1 Public exhibition

The planning proposal is categorised as standard in the *Local Environmental Plan Making Guideline* and an exhibition period of 30 days is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Public authority consultation

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- NSW Rural Fire Service
- Transport NSW
- Biodiversity Conservation Division
- NSW State Emergency Services
- Worimi Local Aboriginal Land Council

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

Under the *Local Environmental Plan Making Guideline*, a standard planning proposal is to achieve the following timeframes:

Stage	Actions	Working days
Post-Gateway	Review Gateway determination, action conditions, prepare relevant studies and consult with government agencies prior to exhibition.	70 days (counted from date of Gateway determination)
Public exhibition and assessment	Undertake public exhibition and consultation with authorities, review of submissions and endorsement of proposal by the planning proposal authority.	115 days (inclusive of a minimum public exhibition period of 30 days)

Stage	Actions	Working days
Finalisation	Finalisation of the local environmental plan, including legal drafting and gazettal.	70 days
Total		225 days

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is not owned by Council the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- agree any inconsistencies with section 9.1 Ministerial directions 1.4 Site Specific Provisions, 4.2 Coastal Management, 4.3 Acid Sulfate Soils, 9.1 Rural Zones and 9.2 Rural Lands are minor or justified and
- note the consistency with section 9.1 Ministerial directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection and 5.1 Integrating Land Use and Transport is unresolved and will require justification.

It is recommended the delegate of the Minister determine the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to consultation:
 - a) remove assessment against the Hunter Regional Plan 2036 and replace it with assessment against the *Hunter Regional Plan 2041*; and
 - b) to demonstrate there are appropriate arrangements for shelter-in-place and evacuation in a PMF event in consideration of the draft shelter-in-place guideline.
2. Prior to community consultation, consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Transport NSW
 - Biodiversity Conservation Division
 - Worimi Local Aboriginal Land Council
 - NSW State Emergency Services
3. The planning proposal should be made available for community consultation for a minimum of 30 days.
4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation 12 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

_____ (Signature)

_____ (Date)

Ben Holmes
Manager, Central Coast and Hunter



_____ (Signature)

3 May 2023 _____ (Date)

Dan Simpkins
Director, Central Coast and Hunter

Assessment officer

Rachel Murray
Planning Officer, Central Coast and Hunter
4927 3191