

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

JRPP No	2018HCC031
DA Number	16-2018-434-1
Local Government Area	Port Stephens
Proposed Development	Information and Education Facility (Birubi Information Centre)
Street Address	84A Gan Gan Road Anna Bay (LOT: 32 DP: 1146884) 98 Gan Gan Road Anna Bay (LOT: 312 DP: 753204)
Applicant/Owner	Applicant – Brock Lamont (Community and Recreation Coordinator - Port Stephens Council) Owners - LOT: 32 DP: 1146884 - Port Stephens Council LOT: 312 DP: 753204 – Crown Lands with Port Stephens Council as appointed reserve trustee under Government Gazette #63 dated 22 June 2018
Number of Submissions	Two
Regional Development Criteria (Schedule 2 of the Act)	The proposal is listed within Schedule 7, Part 3 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> , being Council related development with a value over \$5 million.
List of All Relevant s4.15(1)(a) Matters	Environmental planning instruments: s4.15(1)(a)(i) <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No.55 - Remediation of Land</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy No 44—Koala Habitat Protection</i> • <i>Port Stephens Local Environmental Plan 2013 (LEP2013)</i> Development Control Plan: s4.15(1)(a)(iii) <ul style="list-style-type: none"> • Port Stephens Development Control Plan 2014 (DCP2014)
List all documents submitted with this report for the panel's consideration	Attachment 1 – Development Plans Attachment 2 – External agency advice from BCD Attachment 3 – Recommended Conditions of Consent Attachment 4 – Schedule of Appendices for application supporting documentation
Recommendation	Approval with conditions
Report by	Ryan Falkenmire (A/Principal Development Planner)
Report date	15 August 2019

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

Development consent is sought for a development application (No. 16-2018-434-1) for an Information and Education Facility (Birubi Information Centre) at 84A and 98 Gan Gan Road, Anna Bay. The application involves:

- the earthworks to create a level building platform,
- construction of a 1500m² sheltered area that includes the provision of space for community use, commercial tenancies for various dune operators and amenities, including public toilets and a kiosk, and
- construction of a new road junction and a fifty (50) spaces car parking area (including three disabled spaces and eight coach parking spaces).

Part of the proposed development aims to address some of the key issues experienced within close proximity to the subject site, including traffic congestion at Birubi Point headland and James Paterson Street, parking space shortfalls at the access to Birubi beach and the lack of amenities available to visitors.

The subject site is 2.68ha in size and is characterised as a disturbed area of dune landscape that is framed by vegetation along Gan Gan Road and James Paterson Road. The site is located on the Tomaree peninsula, approximately 11km south-west of Nelson Bay.

The site is zoned RU2 Rural Landscape under the Port Stephens LEP 2013 (*PSLEP 2013*). An Information and Education Facility is permitted with consent within the RU2 Zone and it is considered that the proposed development is in keeping and promotes the zone objectives.

The application was notified and advertised in accordance with the Port Stephens Development Control Plan 2014 for a period of 14 days, ending 26 July 2018. During this time two submissions were received. The application was re-notified on receipt of an amended application from 13 June 2019 to 27 June 2019. No submissions were received during this period.

The application was referred to the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (formerly the Office of Environment and Heritage) in accordance to the provisions of s4.46 of *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, requesting an Aboriginal Heritage Impact Permit. In response, BCD generally supported the proposal and issued General Terms of Approval that requires the applicant to submit an application for an Aboriginal Heritage Impact Permit (AHIP) prior to works commencing.

The proposal is referred to the Hunter and Central Coast Joint Regional Planning Panel for determination pursuant to Schedule 7, Part 3 of the *State Environmental Planning Policy (State and Regional Development) 2011*. The development involves Council related development with a value over \$5 million.

The development has been assessed under Section 4.15 of the *EP&A Act 1979* and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to conditions of consent.

1. RECOMMENDATION

That DA 16-2018-434-1 for the construction of an Information and Education Facility (Birubi Information Centre) at 84A Gan Gan Road Anna Bay (LOT: 32 DP: 1146884) and 98 Gan Gan Road Anna Bay (LOT: 312 DP: 753204) be approved subject to the conditions in the attached schedule.

2. INTRODUCTION

This report provides a detailed overview of the construction of an Information and Education Facility (Birubi Information Centre) at 84A Gan Gan Road Anna Bay (LOT: 32 DP: 1146884) and 98 Gan Gan Road Anna Bay (LOT: 312 DP: 753204). The development application is reported to the Hunter and Central Coast Regional Planning Panel (HCCRPP) under Schedule 7, Part 3 of the *State Environmental Planning Policy (State and Regional Development) 2011* as the proposed development involves Council related development with a value over \$5 million.

3. BACKGROUND

The subject DA was lodged on 3 July 2018 as an 'Information and Education Facility'. On 11 October 2018, HCCRPP were briefed on the matter. The key points discussed at the initial briefing related to permissibility, site constraints relating to ecology, stormwater and Aboriginal Heritage, and key steps for assessment.

The Applicant (Port Stephens Council) amended the original design of the Birubi Information Centre following acquisition of an adjoining lot of land to the west (Lot 32 DP 11468 84A Gan Gan Road, Anna Bay) to allow for an alternative access route. As this land did not form part of the original subject DA, the Applicant submitted an amended DA under clause 55 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulations)*, including revised designs and reports incorporating the acquired parcel of land.

4. SITE DESCRIPTION

The subject site is located to the west of Anna Bay, on the south-east corner of the intersection of Gan Gan Road and the existing Beach Access Road. The subject site

is situated at the northern end of extensive sand dunes that stretch between Stockton Beach and Anna Bay. The site is accessible via Gan Gan Road and situated approximately 10km south-west of the Nelson Bay Town Centre, 25km east of the Newcastle Airport, 32km east of Raymond Terrace and 50km north of Newcastle Central Business District (CBD).

The site is comprised of two separate parcels, Lot: 32 DP: 1146884, known as 84A Gan Gan Road with a site area of approximately 9,450m² and Lot: 312 DP: 753204, known as 98 Gan Gan Road, supporting a total site area of 3.3ha. Development for the purpose of this application is only proposed on 1.73ha of land in the northern section of Lot: 312 DP: 753204. The remainder of Lot: 312 DP: 753204 will remain unchanged.

The subject site currently supports sand dunes and vegetation with minimal improvements. The dunes within the vicinity of the site have been subject to extensive erosion from natural and anthropogenic forces along with alterations to the species composition of the vegetation through weed infestation.

The context within the vicinity of the site is becoming of the coastal landscape character prevalent in Anna Bay. Vegetation and sand dunes, which form part of Stockton and Birubi Beach exist to the west and south of the site. The Birubi Point Surf Club is located to the south, accessible via James Paterson Street. Low density residential development comprising predominantly of single storey dwellings are situated immediately adjacent to the site to the east and north. The Anna Bay Tavern is located 180m to the west of the site on Gan Gan Road. The adjacent property to the north-west supports a partially constructed and abandoned tourist facility, formerly known as the Anna Bay Resort.

The site is subject to a number of environmental hazards and constraints (as mapped on Councils' GIS system) including:

- Bushfire prone land;
- Acid sulphate soils (class 3 and 4); and
- Koala habitat – preferred and cleared buffer.

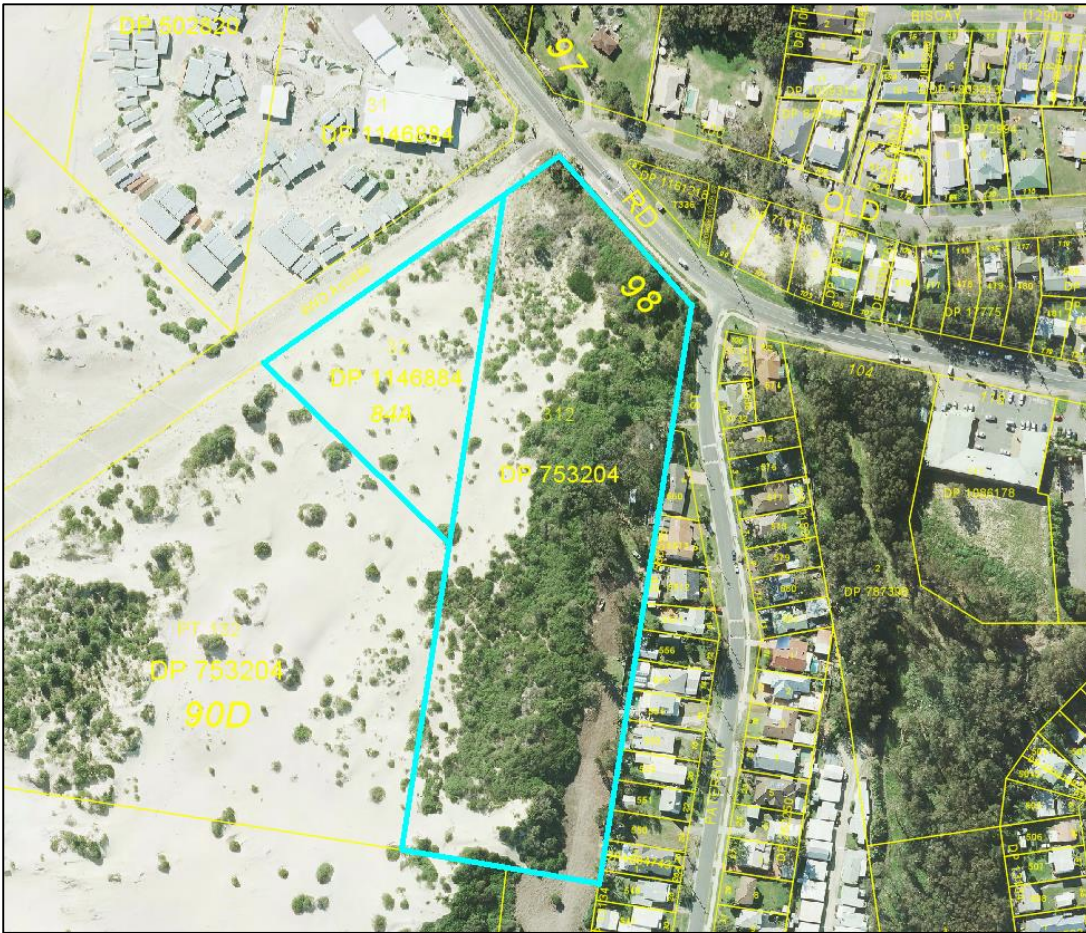


Figure 1: GIS aerial image of subject site

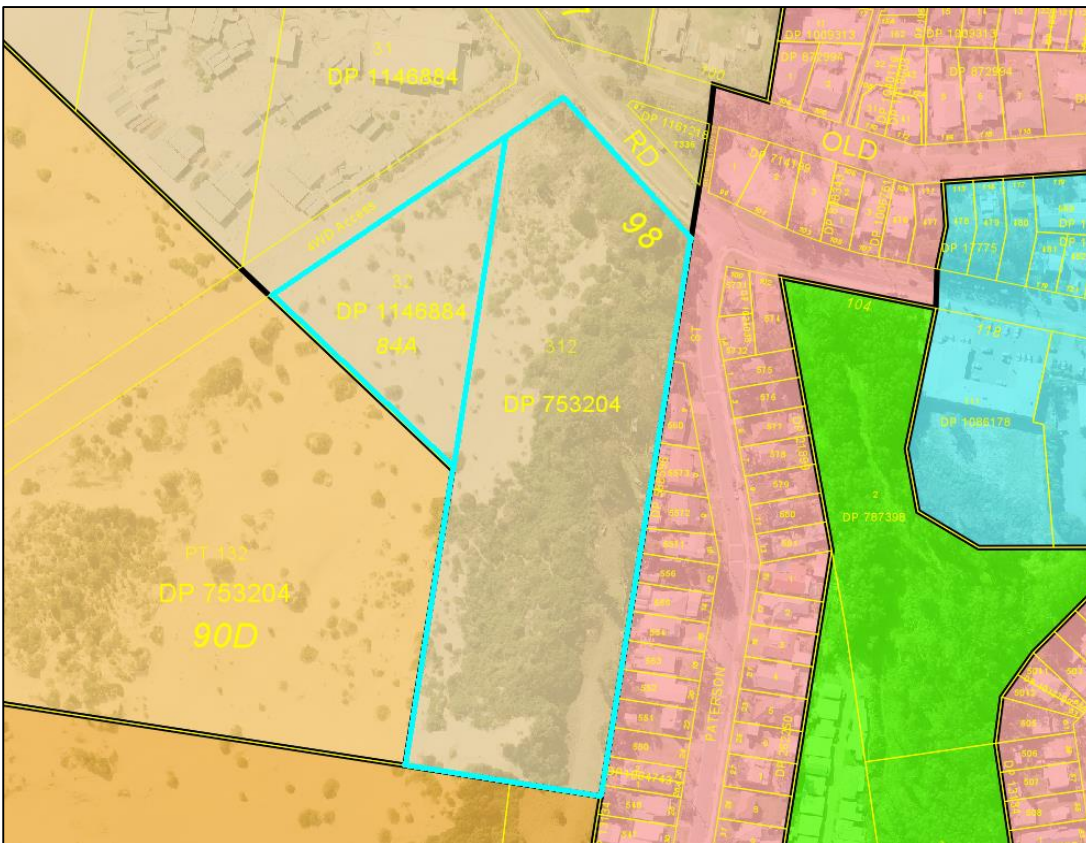


Figure 1: Zoning of the site (RU2 – Rural Landscape)

A site inspection of 98 Gan Gan Road was carried out on 14 August 2018 and 84A Gan Gan Road was inspected on 13 August 2019. The subject site can be seen in the photos below:



Photograph 1: Existing Beach Access Road off Gan Gan Road



Photograph 2: Proposed site access location, looking towards the Beach Access Road



Photograph 3: Proposed location of sheltered area, looking towards Gan Gan Road



Photograph 4: Proposed location of car parking area, looking towards James Paterson Street



Photograph 5: View of 84A Gan Gan Road looking south west



Photograph 6: View of 84A Gan Gan Road from 4WD track

5. PROPOSAL

The application proposes an Information and Education Facility (Birubi Information Centre). Key aspects of the development includes:

- 11,309m³ of earthworks to create a level platform for buildings, roads and parking areas;
- Clearing of approximately 0.3ha of disturbed Coastal Sand Scrub;

- Construction of a 1500m² Information and Education Centre, comprising food, information and tourist kiosks, public toilets, seating and ancillary office space;
- Construction of a separate 4WD roadway from Stockton Beach access road with drop off and parking area provided adjacent proposed Information Centre; and
- Construction of a road junction via Gan Gan Road and car parking area, incorporating fifty (50) car parking spaces, including three disabled spaces and eight coach parking spaces and drop off zone.

The Information and Education facility is to be constructed from a wide range of materials, including timber cladding and polycarbonate roofing. To achieve articulation, public art and landscaping has been incorporated into the design. The built form is considered to be well sited and designed with respect to the topography of the land and character of the surrounding coastal context.

The facility is considered to be a functional asset, designed around pre-existing parking and traffic congestion issues prevalent for visitor activity at Birubi Point. The proposed layout enables the separation of tour vehicles and public vehicles entering the site. It will create a one-way system and limit turning addressing the risk of congestion. The design also separates vehicle traffic on the existing beach access road and the movements of 4WD vehicles between the Information Centre.

Extensive landscaping and replanting is proposed across the site. The landscape scheme has retained existing vegetation where practical, however clearing is required to enable building and road works. Where additional planting is necessary, native species have been selected that respond to the coastal landscape. In addition, re-vegetation of existing dunes outside of the development footprint have been proposed to improve the visual aesthetics and address sand management and periphery impacts.

Swales have been proposed to manage the flow of water across the site. Impermeable surfaces are sleeved by species suitable for detaining and treating water.

In regard to operation and management of the facility, Port Stephens Council are the Applicant and party responsible for the delivery of this project. Once construction is complete, the operational management structure will be finalised and license agreements put in place with operators under a board of management. The board of management will consist of the appropriate government representation to oversee the operation and performance of the site. This board would also oversee a facilities management sinking fund which would be funded by the licence fees and a percentage of income from the operators. The Applicant advised this model would allow for the facility to become self-sufficient in terms of ongoing maintenance costs. A detailed operational management plan has not submitted with the application, as these negotiations with stakeholders and operators remain ongoing, however will be

require prior to release of the Occupation Certificate as detailed in the recommended conditions.

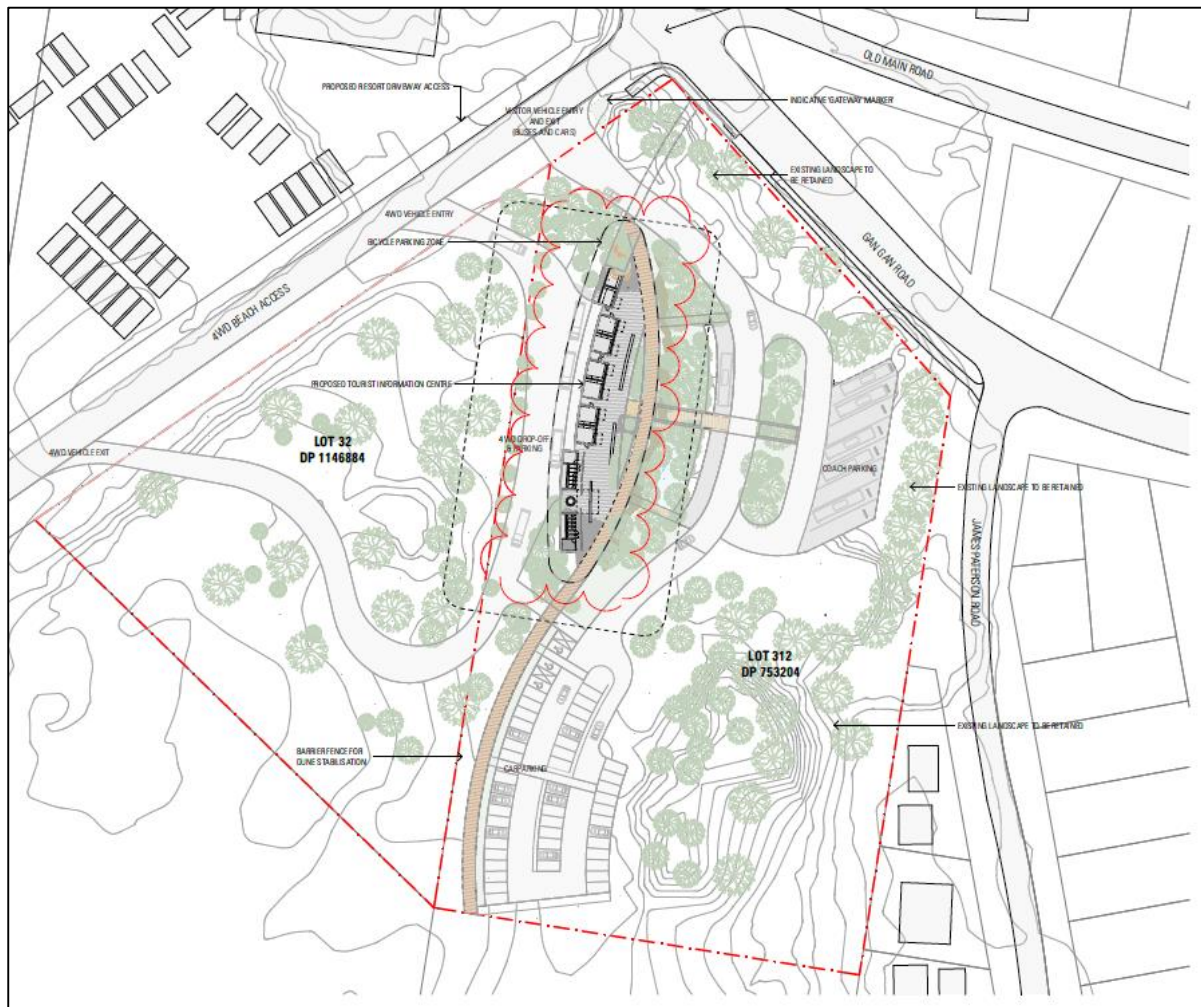


Figure 3: Site plan of the proposal



Figure 4: Indicative photo montage



Figure 5: Indicative photo montage of entrance



Figure 6: Indicative photo montage of kiosks

6. PLANNING ASSESSMENT

6.2 *Environmental Planning and Assessment Act 1979 (EP&A Act)*

6.2.1 Section 23G – Joint Regional Planning Panels

Section 4.7 and Schedule 2 of the *EP&A Act* and Schedule 7, Part 3 of the *State Environmental Planning Policy (State and Regional Development) 2011* requires the Hunter and Central Coast Regional Planning Panel (HCCRPP) to determine applications for Council related development over \$5 million in value. The capital investment value of the application is shown in the following table:

Capital Investment Value	
Stage 1 concept proposal	\$5,993, 711

6.2.2 Section 4.46 – Integrated development

The proposal is integrated development pursuant to Section 4.46 of the *EP&A Act* as approval is required from the Biodiversity Conservation Branch (BCD) (formerly OEH) under section 90 of the *National Parks and Wildlife Act 1974* for the granting of an Aboriginal Heritage impact permit (AHIP).

BCD issued general terms of approval on 12 August 2019 (**Attachment 2**) subject to a number conditions including;

1. The proponent must make an application to the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment for an Aboriginal Heritage Impact Permit (AHIP) to authorise 'harm' to the registered Aboriginal sites/objects that will be affected by the development. In doing so, the proponent must refer to the following documents:
 - Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DECCW 2011);
 - Aboriginal Cultural Heritage Consultation Requirement for Proponents (DECCW 2010);
 - Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010).
2. The proponent must not harm any Aboriginal sites/objects until the proponent has an approved AHIP from BCD.

6.2.3 Section 4.14 Consultation and development consent—certain bush fire prone land

The subject site is positioned within a bushfire prone area. As the proposal does not contain a residential component or defined as a special fire protection purpose under the *Rural Fires Act 1997* and Regulations, a Bushfire Hazard Assessment was not submitted with the application. Furthermore, the draft amendment to the bushfire prone land mapping (2017) does not identify the site as bushfire prone.

Notwithstanding, the surrounds of the built element of the development will be managed and maintained landscaping. On-site parking and loading areas around the information centre also establish defensible space for firefighting purposes. Further,

as the site predominantly supports coastal shrubs and sand dunes, the risk is considered low.

A condition has been included that a fire and emergency evacuation plan be prepared prior to issue of the Construction Certificate.

6.2.4 Section 4.15 Evaluation

The proposal has been assessed under the relevant matters for consideration detailed in s.4.15 (1) *EP&A Act* as follows:

6.2.4.1 Section 4.15(1)(a)(i) provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy (State and Regional Development) 2011

This policy sets out the functions of regional panels in determining applications for regional development. Clause 20 of the SEPP require the Hunter and Central Coast Regional Planning Panel to be the determining authority for development included in Schedule 7 of the SEPP. This includes applications for Council related development over \$5 million in value. The application is therefore submitted to the Hunter and Central Coast Regional Planning Panel for determination.

State Environmental Planning Policy No.55 (Remediation of Land) (SEPP No.55)

State Environmental Planning Policy No.55 – Remediation of Land ('SEPP No.55') provides a State-wide planning approach to the remediation of contaminated land. The provisions of SEPP No.55 provide that a consent authority must not consent to the carrying out of development on land unless it has given consideration to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The subject site has a history of use as vacant land and there is no evidence that contaminating activities have historically occurred on site. Furthermore, much of the land subject to the proposed development is vegetated and clear of any historic land uses. As such, the land is unlikely to be subject to contamination and does not warrant further investigation. The subject site is suitable for the proposed development and the objectives of SEPP No.55 have been satisfied. An unexpected finds protocol has been included in the recommended conditions should any contaminated materials be discovered during construction works.

State Environmental Planning Policy (Coastal Management) 2018

The SEPP (Coastal Management) 2018 aims to promote an integrated and co-ordinated approach to land use planning through the management of development within coastal management areas. The SEPP protects vulnerable coastal land including various coastal areas, wetlands and rainforests.

The subject site is located within the Coastal Environment Area, which is part of the Coastal Management zone. Clause 13 provides for consideration of matters for development on land within the coastal environment area.

13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

The subject site is dominated by exotic vegetation and as such, the integrity and resilience of the site is already compromised. The proposed clearing of mainly exotic vegetation is unlikely to impact the hydrological or ecological environment and while the biophysical environment will be impacted through clearing, it is considered unlikely to have an adverse impact on the integrity and resilience of this environment.

b) coastal environmental values and natural coastal processes,

The site is approximately 1 km from the coastline and as such, works are considered unlikely to interfere with natural coastal processes. Consideration of the impacts of wind blow sand have been provided in support of the application.

c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

The proposed works are approximately 1 km from the ocean and as such are unlikely to impact water quality through overland flows, however there may be potential impacts to the water quality through increased turbidity and mobilisation of sandy sediments via the drainage line along James Paterson Street. Erosion and sediment control measures will be required to be in place prior to the commencement of works to ensure any potential impacts are minimised.

d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

The proposed works will not impact marine vegetation, native vegetation or undeveloped headlands or rock platforms. Works do have the potential to impact native fauna through the removal of vegetation, however adjoining native vegetation of better quality will continue to provide habitat for native fauna.

e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

It is considered the proposed works will improve access and useability of the coastal area following completion of the facility.

f) Aboriginal cultural heritage, practices and places,

The proposal will not adversely impact any sensitive Aboriginal cultural heritage, practices or places. The application was supported by an Aboriginal Cultural Heritage Assessment report prepared by Umwelt (dated July 2019). It was confirmed an Aboriginal Heritage Impact Permit (AHIP) was required for the proposed geotechnical and construction works. The application was referred to the Biodiversity Conservation Branch (formerly OEH) of the Department of Planning, Industry and Environment (DPIE) for approval. BCD concurred with the findings and recommendations of the Aboriginal Cultural Heritage Assessment and issued General Terms of Approval on 12 August 2019.

g) the use of the surf zone.

There is no surf zone at the site. The proposed facility will improve accessibility to nearby surfing locations to the south.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

It is noted that the proposed development has the potential to result in indirect impacts to the coast including:

- Introduction of pollutants associated with surface water; and
- Erosion during the construction and operational periods.

To avoid and minimise the impacts to the coastal environment, the following

safeguards are proposed to be implemented:

- Ensure stormwater is collected and diverted to appropriate stormwater infrastructure;
- Implementation of appropriate erosion and control measures;
- Stabilisation of the soil with mulch and planting; and
- Ensure works are carried out in accordance with any Aboriginal Cultural Heritage Permit.

These safeguards have been recommended as conditions to any consent via the preparation and implementation of a vegetation management plan and stormwater solution. Therefore, the objectives of SEPP have been met in this regard.

State Environmental Planning Policy No 44—Koala Habitat Protection

The Port Stephens Council Comprehensive Koala Plan of Management (CKPoM), was prepared in accordance with *State Environmental Planning Policy No. 44 - Koala Habitat Protection* (SEPP 44). Compliance with the Port Stephens Council CKPoM will constitute compliance with SEPP 44 for relevant matters in the Port Stephens LGA.

Under the Port Stephens Council Comprehensive Koala Plan of Management 2001 and associated maps (PSC CKPoM), the majority of the subject site has been mapped as 'mainly cleared', however a small portion in the north east of the site has been identified as 'preferred koala' habitat.

A Biodiversity Assessment prepared by Coastal Ecology (dated 17 October 2018) and addendum for Lot 32 DP: 1146884 (dated 23 May 2019) were prepared in support of the application. The Biodiversity Assessment identified no koala feed trees onsite that constitute preferred or supplementary habitat. An assessment of the proposal against the performance criteria for development applications in accordance with the PSC CKPoM was deemed satisfactory.

Local Environmental Plans

Port Stephens Local Environmental Plan 2013

Clause 1.3 – Land to which Plan applies

Port Stephens Local Environmental Plan 2013 (PSLEP 2013) applies to land identified upon the 'Land Application Map'. The subject development occurs within this area.

Land Use Table - Zoning

The subject site is zoned RU2 Rural Landscape and the objectives of the zone include to encourage sustainable primary industry production by maintaining and enhancing the natural resource base, maintain the rural landscape character of the land and provide for a range of compatible land uses, including extensive agriculture. It is considered that the proposal is consistent with the objectives of the zone by preserving the character of the site through a sympathetic design and delivering a range of compatible uses that celebrate the cultural significance of the area.

The proposed development is defined as an 'information and educational facility' under the LEP and that means *a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like*. This land use is permissible with consent in the RU2 zone.

It was identified in the assessment that further clarification was required to demonstrate the proposal satisfies the definition of an 'information and educational facility'. As part of this request, the applicant categorized the use of the facility as a holistic cultural heritage visitor experience; bringing together operations of the Worimi Conservation Lands, tourism operators, NPWS and other parties.

The site will house an on-site office / operator space for the Worimi Conservation Lands to allow for the offering of visitor information and cultural tours throughout the surrounding landscape. The site will also be developed to offer opportunities for gathering spaces for discussion and learning within a natural setting as part of walking tours.

A suite of interpretive signage and information boards will be integrated into the space to allow for informal learning opportunities and the identification of important sites, locations and vistas. As the site is popular with international visitors, this signage and information will be developed with multi-language functionality. The image below provides detail on the project intent:



Image 1: Interpretive signage and information boards

Visitor and information kiosk facilities have also been included in the design to provide visitor information and detail on experiences on offer throughout the wider Port Stephens area. This would be an expansion of services currently provided by the Worimi Conservation Lands, Council, National Parks and Destination Port Stephens.

The proposed development will also provide a consolidated location for the tourism operators who currently carry out their business from the car parking area which adjoins Birubi Point. These tour operations include beach camel rides, sand boarding and 4WD tours throughout the dune system. The Applicant noted integrating these tourist offerings into the information centre allows for an improved visitor experience. This commercial component is considered ancillary to the education and information centre facility. The tour kiosks are subservient to the dominant use and form part of the delivery of a holistic cultural heritage visitor experience.

Further to the above information provided by the applicant, a review of other potential land use definitions permissible in the RU2 Rural Landscape zone has been carried out. Under the *PSLEP 2013*, the following land use definitions have been considered but ultimately determined as inappropriate to define the proposed development.

Eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Comment: The proposed development does not comply with item (a) as temporary or short term accommodation is not to be provided. As this definition is structured in an inclusive manner, projects defined as such would need to satisfy all items (a, b and c). As such, the proposed development cannot be defined as an eco-tourist facility.

Environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

Comment: The proposed development will provide tourist information, education, public amenities and kiosk services to users. This will be supplemented by tourism operator offices and corralling areas for customers for tourist experiences within the sand dune system. The size and scale of development described under this land use definition is interpreted as a less formal style of development. This type of development would be an embellishment of natural systems and does not suitably describe the commercial element of the proposal. An appropriate version of this would be National Parks infrastructure that does not require staffing. As such, the proposed development cannot be defined as an environmental facility.

Based on the above information and the assessment provided, it is considered that the proposed development is most appropriately defined as an *'information and education facility'*.

Clause 4.3 Height of Buildings

The subject site has no maximum height limit under the LEP.

Clause 5.10 Heritage

The objectives of Clause 5.10 are to conserve the environmental heritage of Port Stephens, conserve the heritage significance of heritage items and heritage conservation areas, conserve archaeological sites and to conserve Aboriginal objects and Aboriginal places of heritage significance. Birubi Point Aboriginal Place and the Worimi Conservation Lands on Stockton Bight adjoin the subject site. The entire area is recognised as having high cultural and archaeological significance for Worimi people. In this regard, consent is required from Council under Clause 5.10(2).

An Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Umwelt (dated July 2019) was provided with the development application. In summary, the ACHAR concluded that an Aboriginal Heritage Impact Permit (AHIP) under section

90 of the *National Parks and Wildlife Act 1974* is required. In this regard, referral to BCD as integrated development pursuant to Section 4.46 of the *EP&A Act* was carried out. In response to the referral, BCD issued general terms of approval on 12 August 2019.

Accordingly, the proposed development is not likely to result in adverse impacts to Aboriginal Cultural Heritage and is therefore satisfactory having regard to the provisions of clause 5.10.

Clause 7.1 Acid Sulfate Soils

The objective of Clause 7.1 is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The subject site is identified as containing Class 3 and 4 Acid Sulphate Soils (ASS). Accordingly, any works beyond 1 metres to 2 metres below the natural ground surface or works that are likely to lower the water table more than 1 metre to 2 metres require consideration under clause 7.1 of the LEP.

The applicant submitted a preliminary ASSMP, detailing treatment measures to be adopted for the excavation of footings for the proposed building. Record keeping, monitoring and certification details were also provided. The ASSMP submitted and mitigation measures proposed are considered adequate for DA purposes. However given the risk, a condition has been recommended that a more detailed ASSMP be prepared prior to issue of the Construction Certificate in conjunction with geo-technical studies.

Clause 7.2 Earthworks

The objective of Clause 7.2 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land. The proposed earthworks are not exempt development under this plan or any other applicable environmental planning instrument; therefore require consent from Council.

In response to the objective of Clause 7.2, the proposed development is satisfactory against the matters for consideration under Clause 7.2(3), as:

- The majority of earthworks are located centrally within the site;
- Swales and stormwater management measures have been proposed to minimise the disruption of drainage patterns;
- Conditions have been recommended to ensure only virgin fill is used on the site;

- The preparation of a Construction Environmental Management Plan (CEMP) will be required prior to works commencing to mitigate the effect of the development on the existing and likely amenity of adjoining properties;
- Control methods including sediment control measures such as the installation of a sediment fence along the western boundary of the site, along with planting of native species to stabilise the fence and provide screening have been proposed and included in the recommended conditions; and
- A detailed geotechnical assessment will be required prior to the commencement of construction works for the Information Centre.

On this basis, the proposal is deemed to satisfy objectives of this clause.

Clause 7.6 Essential services

Essential services are available within close proximity to the subject site, including water, electricity, sewer, drainage and vehicular access. Conditions are recommended to be included on the consent to require the proposed development be connected to all relevant essential services prior to the issue of an occupation certificate.

6.2.4.2 Section 4.15(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition

The proposed Remediation of Land SEPP is intended to repeal and replace *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No.55)*. The draft SEPP, which was exhibited from 25 January to 13 April 2018, is currently under consideration.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including: outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under the SEPP No.55 discussion elsewhere within this report. The subject site has been identified as suitable for the proposed development and further investigation in respect to contamination is not warranted in this instance.

6.2.4.3 Section 4.15(1)(a)(ii) any development control plan (and section 7.11 plan)

The following sections of the Port Stephens Development Control Plan 2014 (DCP) are relevant to the proposal:

Section A

Part A.12 - Development notification

The original application was advertised and notified for a period of 14 days from 12 July 2018 to 26 July 2018. During this period two submissions were received.

On receipt of the amended application, the proposal was re-notified for a period of 14 days between 13 June 2019 to 27 June 2019 in accordance with the *EP&A Act*, *EP&A Regs* and Section A of the DCP. Council received no submissions during that time.

Section B – General Controls

Part B2 – Natural Resources

Environmental Significance

The area of native vegetation within the subject site to be impacted includes:

- 767m² of Cheese Tree/ Smooth-Barked Apple/ Bangalay Open Disturbed Forest;
- 1,785m² disturbed vegetation;
- 5,388m² coastal sand scrub;
- 1,110m² cleared areas; and
- 10,185m² sand dunes.

A Biodiversity Assessment prepared by Coastal Ecology (dated 17 October 2018) and addendum for Lot 32 DP: 1146884 (dated 23 May 2019) were submitted in support of the application. The report identified fifteen threatened species (1 amphibian, 5 birds, 7 mammals and 2 plants) in the Study Area that were considered to have potential habitat on the site. It was concluded that the proposed works were considered unlikely to have an adverse effect on the life cycle of these species, as the habitat to be removed is not considered important to the long-term survival of the species as it provides only sub-optimal habitat. Additionally, the proposed clearing will not result in further modification of the vegetation as it is already highly modified through weed invasion, nor will it result in fragmentation or isolation of habitat as the site is already partially isolated. The southern portion of the site is part of the Birubi Point Aboriginal Place and will not be impacted by this development.

The vegetation that will be cleared as part of the proposed works is highly disturbed, with a high percentage cover of exotic species. Proposed planting around the perimeter of the site presents as an opportunity to improve the quality of the vegetation in the immediate vicinity. A recommended condition of this report is the use of local endemic natives in landscaping and around the perimeter of the site.

Council's Natural Resources Section were satisfied with the adequacy of information provided with the application and the significance of impact. Conditions have been recommended in the Draft Determination to ensure the works proposed to be undertaken remain acceptable and appropriate. This includes the preparation of a Vegetation Management Plan, tree protection measures during construction and the planting of native species to regenerate the site and sand dunes.

Koalas

The impact of the proposal on koala habitat has been addressed under *State Environmental Planning Policy No. 44 - Koala Habitat Protection* (SEPP 44).

Part B3 – Environmental Management

Acid Sulfate Soils

The subject site is identified as containing Class 3 and 4 Acid Sulphate Soils (ASS). Any works beyond 1 metres to 2 metres below the natural ground surface or works that are likely to lower the water table more than 1 metre to 2 metres require consideration under clause 7.1 of the PSLEP 2013.

A condition has been included in the recommended determination for the preparation of a detailed Acid Sulphate Soils Management Plan (ASSMP) in conjunction with geotechnical testing prior to works commencing. The ASSMP will provide a framework for the on-going management and monitoring of the impacts throughout the development.

Air Quality

This section of the DCP aims to ensure air quality is not negatively impacted on by dust and odour in recognition of the associated human health impacts. As the site is characterised by low-lying wind-blown sand deposits with scattered vegetation, there is an increased opportunity for wind-blown sand to deteriorate the air quality for nearby properties. To address this matter, the Applicant submitted a Sand Management Plan (SMP), with the following measures proposed:

- The subject site will be buffered by revegetation of the surrounding dunescape within the site.
- The existing heavily vegetated and established planting buffer on the dunes between the site and the existing residencies will be maintained.

- If sand accumulates quickly and is required to be removed frequently, hand removal techniques will minimise vegetation damage. If accumulation is slower and it can be removed less often (e.g. at intervals of several years), it would be done with an excavator, accepting the vegetation damage at the time and then restoring vegetation afterward. To minimise the need for hand removal, an effective buffer on the windward edges/side of swales/wetlands is proposed to minimise the amount of sand that gets in. This includes incorporation of a densely planted vegetated buffer (e.g. Lomandra), permanent silt fence and built features like seating walls.
- The removal of sand from the hard surfaces and buildings, which although more straight forward, would likely comprise the bulk of the material. As part of the increased hardscape any additional sand run off will be swept up as required and integrated into the weekly or monthly management tasks.

The Plan and measures proposed are considered adequate for the current assessment. However given the risk, a condition has been recommended that a more detailed SMP be prepared prior to issue of the Construction Certificate. The detailed Plan will be required to include the following:

- Maps illustrating the location of fencing and features to be maintained including access points.
- Information on any maintenance agreements or management measures to minimise/ mitigate impacts on adjacent lands.
- A maintenance and monitoring schedule for the removal of sand from hard surfaces and less sensitive landscaped areas.

Dust

The full detail of the internal road design has not yet been determined. The application noted this will be subject to the detailed design requirements prior to the issue of the Construction Certificate. As such, a condition has been included that a CEMP and Operational Plan of Management (OPM) be provided prior to works commencing. These plans of management will need to include mitigation measures for the construction and operational phase to ensure the site does not adversely impact air quality from dust emissions for the surrounding locality.

Noise

The proposed construction works will involve use of plant and machinery to clear sand and level the ground for the Information Centre as well as building of the new interchange with Gan Gan Road and the buildings and facilities at the site. Given the proximity of the residences with the proposed works there is likely to be an impact of construction noise on a number of the residences along James Paterson Street.

There is a tourist development to the north west of the proposed site. This is currently under construction however depending on construction timeframes there is potential for noise impacts on those staying in/visiting this property. There is also a potential impact of construction noise on recreational users of the beach in this area.

During the operational phase the transport hub will receive cars and busses that will drop visitors to the Information Centre, from where tour operators will take people out on tours. There will be a certain level of noise from moving vehicles, staff and visitors using the Information Centre. This is therefore likely to increase ambient noise levels in the area that will have an effect on the residences along James Paterson Street. There is also the potential for impact on the tourist development to the north west of the site and recreational users of the beach in this area.

The following control measures to ameliorate noise impact have been included in the recommended conditions:

- A construction noise management plan would be included as part of a CEMP. This plan will be required to detail information on noise reduction measures and promote the best practicable approach to control noise and minimise potential impacts on local residents;
- Construction times to be limited to standard construction hours (7.00 am to 5.00 pm Monday to Friday and 7.00 am to 1.00 pm Saturdays, with no work to be undertaken on Sundays and Public Holidays);
- A contact should be provided for the works in the event of any complaints as part of the CEMP and OPM;
- Instructions should be issued to the Contractor that appropriate silencers are to be fitted on all plant and equipment where possible as part of the CEMP; and
- Existing dense areas of vegetation along the eastern boundary of the site will be retained to maintain sound screening from the residential areas along James Paterson Street and Gan Gan Road.

Earthworks

The Applicant provided a bulk earthworks plan to indicate the location of excavation and major site works. The majority of earthworks are located centrally within the site to establish a building platform for the information facility. Other earthworks are required for the construction of the 4WD access road and car parking areas.

To address environmental management issues associated with the proposed earthworks, the Applicant nominated that excavated material will be removed and stored off site. Other control methods include sediment control measures such as the installation of a sediment fence along the western boundary of the site, along with planting of native species to stabilise the fence and provide screening. It is considered that once established with vegetation, the fencing would create a buffer for the interchange from the prevailing winds and sand drift. A condition has been included in the recommended determination requiring sediment and sand control measures to be in place prior to site works commencing.

Part B4 – Drainage and water quality

The subject site is a sandy catchment and it is unlikely to contribute any surface runoff during minor and major storm events. The majority of the proposed development area naturally slopes towards Gan Gan Road. As this area currently infiltrates into the ground, an infiltration system instead of an on-site detention system is required to be incorporated into the design of the proposed development.

A concept stormwater management plan and report was submitted with the application and includes adequate water quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and a condition is recommended requiring the provision of detailed engineering plans, prior to the issue of a Construction Certificate.

Part B6 – Essential services

The site has existing connections to essential services including, water, sewer, electricity and vehicular access.

Part B9 – Road network and parking

Parking

A large number of tourists visiting the area arrive by coach, on a day trip from Sydney to Port Stephens. These coaches drop off passengers near the Birubi Point Surf Life Saving Club to access the tour drop-off/pick-up point at Birubi beach.

Presently parking is allowed at the following locations:

- On the current Birubi Tourist Location at the beach;
- James Paterson St:
 - In a designated parking area at the Surf Life Saving Club (SLSC) near the headland (known as the Upper Carpark);
 - Along the west side of James Paterson St.
- In a designated parking area of Fitzroy St; and
- In designated parking for coaches along James Paterson Road and on the Tourist Site at Birubi Beach adjacent to the SLSC (known as the Lower Carpark).

The high numbers of visitors travelling to the area is currently causing a number of parking related issues in the area. James Paterson Street experiences high volumes of traffic on weekends and public holidays, when the area attracts many tourist and locals. This is currently causing issues with parking and congestion along this road from issues including:

- Reduced capacity due to parking manoeuvres;
- Parked vehicles on the road side leading to reduced road width (in extreme situations leading to parking back to 400 m north of the SLSC); and
- Vehicles driving around looking for a free parking space and waiting for a free parking space.

The increasing numbers of visitors accessing the area at Birubi Point is leading to traffic congestion and unregulated visitor access along Birubi Point. This is putting increasing pressure on the Aboriginal archaeological heritage and cultural values of the area as well as leading to ecological damage and affecting the overall experience of visitors to the site. The following photo illustrates the current car parking area in use by the regular coach traffic.



Photograph 7: Coach parking at Birubi Point Headland

To address the ongoing traffic related issues in the Birubi Point area, one aim of the proposed facility is to deliver an increase in parking capacity. The proposed development incorporates 50 car parking spaces, inclusive of three disabled spaces, eight coach parking spaces with a drop-off zone that can accommodate two coaches and provisions for pedestrians and cyclists. The Applicant advised the area proposed for coach parking and the vegetation clearing required by the proposed development is essential to the overall success and ongoing operations of the Birubi Point area.

Figure BQ of the DCP does specify any car parking requirement for an information and education facility. In this regard, a merit assessment has been applied where the parking provision for the development is considered appropriate based on the Traffic Impact Assessment prepared by Royal Haskoning Australia and ongoing parking issues identified in Birubi Point.

Access

The roadways and parking bays will be formed of a permeable paving with plastic capping layer for main trafficable areas and compacted road base for 4WD operator / Coach / private vehicle parking areas, with plastic capping layer underneath. However, the Applicant advised the surface selection is subject to change during detailed design. A condition has been recommended requiring detailed engineering plans for civil works and evidence of support from the Port Stephens Local Traffic Committee for all permanent traffic management facilities within Gan Gan Road and the Beach Access Road including regulatory signage. The condition also specifies design requirements for the proposed intersection treatments and pedestrian pathways.

Traffic Generation

Traffic counts were conducted on James Paterson Street during a school holiday, including a long weekend. According to the Traffic Impact Assessment prepared by Royal Haskoning Australia, the traffic volumes indicated in these counts are below the current capacity of James Paterson Street.

The project aims to redirect Birubi tourist traffic from James Paterson Street to the proposed facility. The coaches currently heading to the parking facilities at the Birubi Point Surf Life Saving Club (SLSC) will be redirected to the new Information Centre. This will reduce the number of vehicles currently using James Paterson Street. The use of the site is heavily influenced by the seasons as indicated in the photographs below. The site enjoys year round visitation however there are instances in peak season where vehicle parking becomes not so much an infrastructure provision issue but more so a traffic management issue.



Photograph 8: Low season at Birubi Headland



Photograph 9: Busy season at Birubi Headland

The Royal Haskoning Australia Traffic Report suggests development of the Information Centre is likely to have a minimal impact on traffic flow at Gan Gan Road. The current road capacity of Gan Gan Road is sufficient to handle the redirected traffic. In addition to this, the largest share of this traffic is currently already driving via Gan Gan Road and will turn into the existing Beach Access Road instead of James Paterson Road.

4WD on-site / off-site impacts

The Royal Haskoning Australia Traffic Report detailed two traffic counts available for the existing Beach Access Road. These counts were undertaken in 2012 and 2014. The information from the traffic counts is summarised and presented below:

- During weekdays around 200 per day drive on the existing Beach Access Road (total of both directions).
- During weekends the daily amount of vehicles is around 400 per day.
- During Autumn and Winter months (April – June) these numbers decrease to around 10 on weekdays and 50 on weekend days.

The proposed development will not service private vehicles using the sand dunes for 4WD purposes. The 4WD operations from the site are in the form of an established commercial business that takes tour groups into the sand.

It was noted in the Royal Haskoning Australia Traffic Report that the development of the Information Centre will increase vehicle traffic on the existing Beach Access Road as well as increasing movements of 4WD vehicles between the Information Centre, the dunes and the beach. These amounts, however, were identified as being well below the capacity of the existing Beach Access Road, and unlikely to lead to congestion.

Council's Traffic Engineer raised no objection to the proposal or information supplied subject to conditions contained in the recommended consent, including the Beach Access Road and Gan Gan Road intersection being designed to cater for the required vehicle types. These matters have been addressed through the recommended condition set requiring detailed engineering plans for civil works and evidence of support from the Port Stephens Local Traffic Committee for all permanent traffic management facilities.

Port Stephens Development Contribution Plan

In accordance with the Port Stephens Fixed Development Contribution plan, Council may consider exemption of Fixed Development Contributions at its complete discretion. Whilst the development does result in the intensification of the current land use, the proposal will provide significant benefits as a public facility to the community. Therefore, Council will not be proposing to seek contributions in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* in this instance.

6.2.4.4 Section 4.15(1)(a)(ia) Planning agreements

No planning agreements are relevant to the proposal.

6.2.4.5 Section 4.15(1)(a)(iv) the regulations (and other plans and policies)

Lower Hunter Regional Strategy

The primary purpose of the Lower Hunter Regional Strategy is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years. The Strategy specifically aims to grow tourism and support small businesses, while protecting and enhancing access to natural areas. The proposal is generally consistent with the outcomes and actions of the strategy.

Port Stephens Planning Strategy (PSPS) 2011-2036

The primary purpose of the PSPS is to guide land use planning and decision making for development and environmental outcomes. The PSPS provides the framework for the broad strategic base to manage growth and is supplemented by the development of sub-strategies to provide an additional level of detail for specific areas or issues.

The PSPS recognises Anna Bay as the tourism gateway to the Stockton Sand Dunes and surf beaches. It is also identified as a place of environmental and cultural significance. The proposed Information Centre will improve outcomes for the locality as a cultural and tourism hub by providing interpretive information signage, visitor information kiosks, educational programs conducted within the natural landscape and facilitating improved access to the Stockton Dunes.

Anna Bay Strategy

The Anna Bay Strategy recognises Birubi Point as an area that is subject to heavy recreational use and is a popular tourist destination. The management of recreation in the area is identified as an ongoing concern. The strategy identifies a need for a coordinated approach to management of the land.

The proposal is consistent with the directives of the Anna Bay Strategy as the development seeks to deliver a 1500m² Information and Education Centre, comprising educational kiosks and art displays to celebrate and provide information to the public on the cultural and environmental significance of the area. The proposal will also alleviate the ongoing parking and traffic issues endemic to the locality.

6.2.4.6 Section 4.15(1)(a)(v) Coastal management plan

No Coastal Management Plan applies to the site or the proposed development.

6.2.4.7 Section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Built Environment

The Information and Education facility is to be constructed from a wide range of materials, including timber cladding and polycarbonate roofing. To achieve articulation, public art and landscaping has been incorporated into the design. The built form is considered to be well sited and designed with respect to the topography of the land and character of the surrounding coastal context.

It is also noted the design has been subject to an ongoing consultation process with the Worimi Conservation Lands Operator and local community. The project plans received endorsement from this stakeholder group, including the Worimi Conservation Lands Operator prior to lodgement of the development application. Through this process a preference for natural materials and a design that integrated with its surroundings was identified. The consultative design development with the Worimi and other key stakeholders demonstrates the importance placed on the cultural celebration of the area.

The materials palette submitted with the application achieves this intent which will be carried through into the detailed design and construction phases. Precedent imagery and example materials are illustrated in the image provided below.

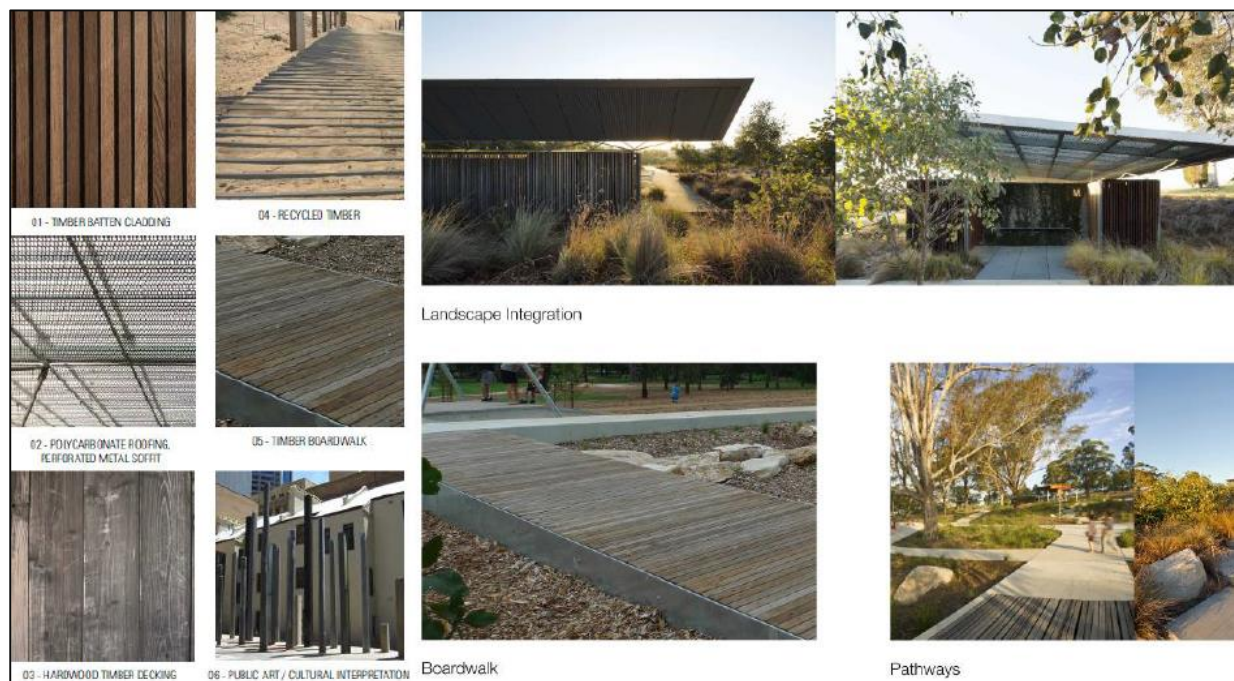


Image 2: Precedent image of material pallet

With regard to the visual impact of the proposal, the design is low set and integrated into the surrounding landscape. The below sections illustrate the position of the highest point of the structure relative to the existing sand dunes along the 4WD

access. The rehabilitation and enhancement of the vegetation which surrounds the proposed development will serve to further soften the impact of the development on the landscape.

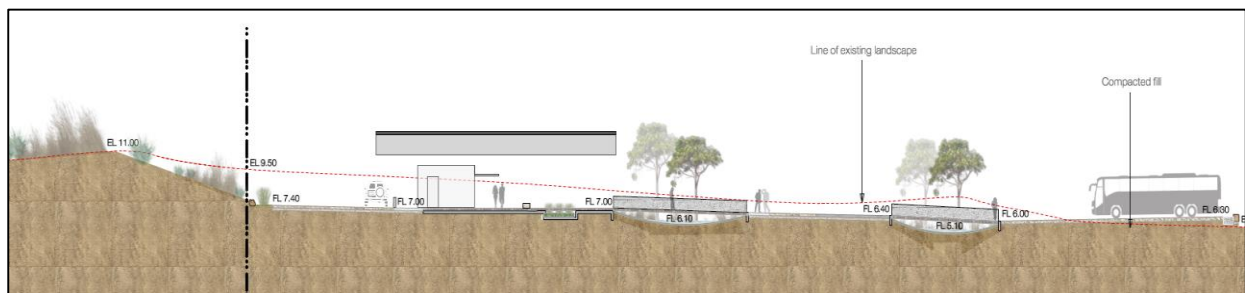


Figure 7: Section of visitor drop off



Figure 8: Section of car parking area

Natural Environment

The impacts of the development upon natural resources, including threatened flora and fauna has been considered as part of the application and addressed in this report. Through the implementation of appropriate mitigation measures, it has been determined that there will be no significant impacts on threatened species, including preferred koala habitat.

Social and Economic Impact

The proposed development will deliver numerous social and economic benefits. The facility promotes the cultural and social significance of the Birubi Point Headland, creating learning opportunities for the public. The Information Centre will also provide short-term construction jobs and ongoing employment opportunities through the operational phase.

The proposed development will also provide a consolidated location for the tourism operators who currently carry out their business from the car parking area which adjoins Birubi Point. These tour operations include beach camel rides, sand boarding and 4WD tours throughout the dune system. Integrating these tourist offerings into the information centre allows for improved economic and social outcomes.

6.2.4.8 Section 4.15(1)(c) the suitability of the site for the development

Based on the assessment, it is considered that the site is suitable to accommodate the proposal in its current form and, in particular, allow the operators to sustainably manage any potential impacts. The proposed outcomes will achieve a highly functional educational and information facility that is compatible with the surrounding activities. The site attributes are conducive to development of this nature subject to conditions of consent.

6.2.4.9 Section 4.15(1)(d) any submissions made in accordance with this act or the regulations

The proposal was exhibited for a period of 14 days from 12 July 2018 to 26 July 2018 in accordance with the *EP&A Act*, *EP&A Regulations* and Section A of the DCP. Council received two (2) submissions during that time.

On receipt of the amended DA which included the additional parcel of land at 84A Gan Gan Road, the application was re-notified from 13 June 2019 to 27 June 2019 in accordance to the Regulations. No submissions were received during the second notification period.

Both submissions received during the original notification period provided in principal support for the application and also applauded the applicant's collaborative approach on community consultation, however some concerns were raised. A summary and response to these concerns have been outlined below.

Issue	Planners Comment
A concern was raised that the location and level of the bus parking spaces will result in drivers and passengers looking directly into the rear of a nearby property resulting in privacy loss.	Extensive planting along with the presence of sand dunes will mitigate any overlooking concerns. The bus parking areas are located centrally in the site, with natural buffers and attenuation ameliorating the opportunity for direct sightlines into neighbouring properties. Furthermore, the bus parking spaces will not be areas of congregation for visitors. A coach drop off zone has been provided at the entrance of the facility, limiting the need for visitors to access the bus parking area.
Pedestrians causing a nuisance to adjoining properties to the east.	The siting and design of the facility has clear pedestrian linkages between parking areas and the information centre. Given dunes and vegetation is being retained along the eastern boundary, it is unlikely visitors will traverse through neighbouring properties to access the

	site.
Lack of toilet facilities	The amended application included additional amenities. Twelve unisex toilets and two accessible/family rooms have been provided under the design. The provision of toilet facilities is considered satisfactory and has been assessed as being compliant against the Building Code of Australia and where applicable the Disability (Access to Premises – Buildings) Standards 2010.
No assessment against SEPP (Coastal Management) 2018	On request from Council, the applicant submitted an assessment against SEPP (Coastal Management) 2018. As identified in this report, the proposal satisfies the criteria with no unreasonable impact on the coastal zone.
No geo-technical investigation	Given the possible presence of Aboriginal artefacts, an Aboriginal Heritage Impact Permit (AHIP) is required prior to geo-technical testing occurring on the site. A condition has been recommended that geo-technical testing occur prior to commencement of works.
No Aboriginal heritage study	The applicant submitted an Aboriginal Cultural Heritage Assessment report. No Aboriginal archaeological materials were observed during the assessment. Furthermore, an AHIP will be required prior to the commencement of works in accordance with the General Terms of Approval issued by BCD (formerly OEH).
Parking and traffic congestion at the centre	An abundance of car and bus parking has been provided for the facility. Furthermore, the design has clearly delineated the ingress and egress movements of vehicles.

6.2.4.10 Section 4.15 (1)(e) the public interest

It is considered the public interest issues have been adequately considered. The proposed development is in the greater public interest as the development meets the objects of the Act, primarily being:

- the proper management, development and conservation of natural for the purpose of promoting the social and economic welfare of the community and a better environment;

- the promotion and co-ordination of the orderly and economic use and development of land;
- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats; and
- ecologically sustainable development.

Matters pertaining to the public interest have been discussed within this report with approval of the application is considered to be in the public interest. The development does not have any significant adverse impacts on the built or natural environment, and has positive social and economic impacts.

7. CONCLUSION

It is recommended that the Hunter and Central Coast Regional Planning Panel, as the consent authority, approve development consent to 16-2018-434-1 (2018HCC031) for the construction of an information and education facility (Birubi Information Centre) at 84A Gan Gan Road Anna Bay (LOT: 32 DP: 1146884) and 98 Gan Gan Road Anna Bay (LOT: 312 DP: 753204), pursuant to Section 4.16 of the EP&A Act subject to the conditions in **Attachment 3**.

Signed (Assessing Officer)



Date: 06/09/2019

Ryan Falkenmire

A/Principal Development Planner

Reviewed (Supervising Officer)



Date: 10/09/2019

Rean Lourens

Planning and Developer Relations Coordinator

Authorised for submission to JRPP



Date: 10/09/2019

Kate Drinan

Manager Development Assessment & Compliance