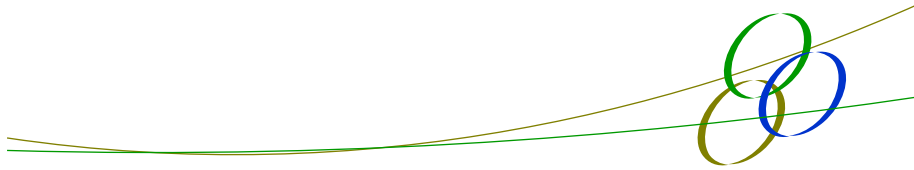


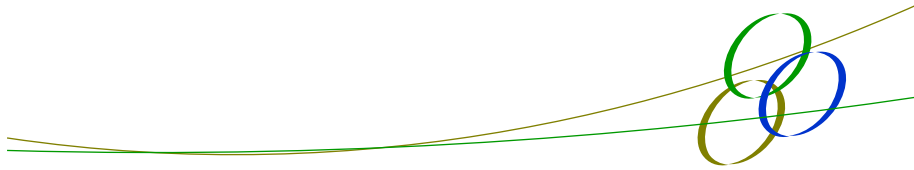
ECO-TOURIST FACILITY STATEMENT OF ENVIRONMENTAL EFFECTS

*Prepared for Worimi Local Aboriginal Land Council
Prepared by EPS*

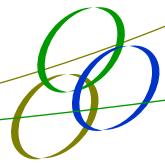
*Lot 227 DP 1097995
Lavis Lane Williamtown*



Contact Information and Declaration	
Declaration:	<p>Submission of Statement of Environmental Effects (SoEE) prepared in respect of a proposed Eco-tourist Facility.</p> <p>The opinions and declarations in this SoEE are ascribed to EPS and are made in good faith and trust that such statements are neither false nor misleading.</p> <p>In preparing this SoEE, EPS has considered and relied upon information obtained from the public domain, supplemented by discussions between key EPS staff, representatives from governing agencies and independents, including Worimi Local Aboriginal Land Council and specialist consultants.</p>
Prepared by:	<p>Alina Tipper</p> <p>Senior Environmental Consultant</p> <p><i>EPS</i></p> <p>PO Box 348</p> <p>NELSON BAY NSW 2315</p> <p>Ph: 02 4981 1600</p>
Subject land address:	<p>Lot 227 DP 1097995</p> <p>Lavis Lane Williamtown</p>



Quality Assurance & Version Control Table				
Project: WLALC Eco-tourist Facility				
Proponent:	Worimi Local Aboriginal Land Council			
Rev No.	Date	Our Reference	Author	Reviewer
V01	27.08.2018	20180827_11245_Worimi_SoEE_V01	A. Tipper M. Budisavljevic	T. Kelly
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EXECUTIVE SUMMARY

Worimi Local Aboriginal Land Council (WLALC) is comprised of, and represents, Indigenous Australians of the Port Stephens and surrounding areas. WLALC is committed to improving, protecting and fostering the best interests of its members and all Aboriginal persons within the Council's area. The WLALC is involved in numerous enterprises aimed at contributing to this vision. Relevant to this application are the 'Sand Dune Adventures' cultural and environmental experiences, and cultural appreciation events held at the Murrook Centre. WLALC intend to expand these cultural and environmental experiences onto nearby Lot 227 DP 1097995.

The WLALC proposes to develop a car park (including coach drop-off), quadbike storage and maintenance facility, multi-functional lodges for overnight accommodation, amenities, a manager's residence and a 'commons' area. WLALC also intends to consolidate access trails to minimise disturbance and manage traffic. Associated services and activities proposed include quad-bike tours, bush-tucker sessions, cultural awareness tours, general flora/fauna tours and self-guided sessions.

Due to the cultural significance of the site, and the focus on environmental and cultural awareness, the proposal has been designed as an Eco-tourist Facility in accordance with Section 5.13 of the *Port Stephens Local Environmental Plan 2013* (PS LEP).

This Statement of Environmental Effects (SoEE) has been prepared to demonstrate the environmental, social and economic matters associated with the proposal. The SoEE examines the site location, how the proposal fits with the location and the planning merits of the development. The SoEE provides the supportive documentation for the Development Application to seek consent for the proposed development.

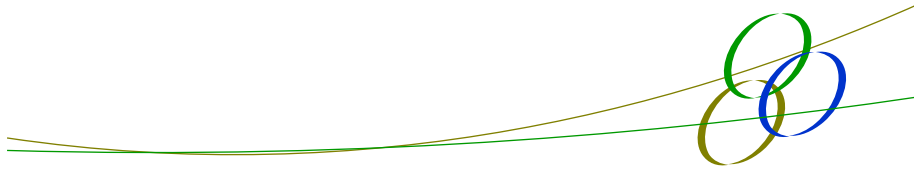
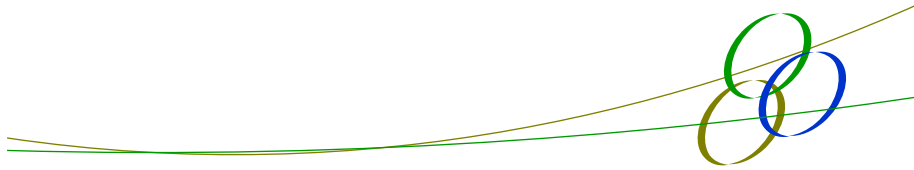
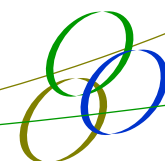


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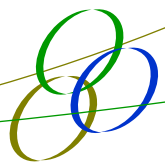
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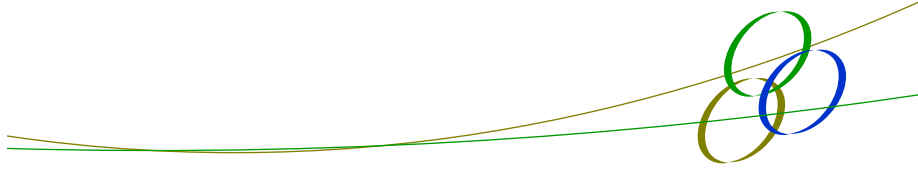
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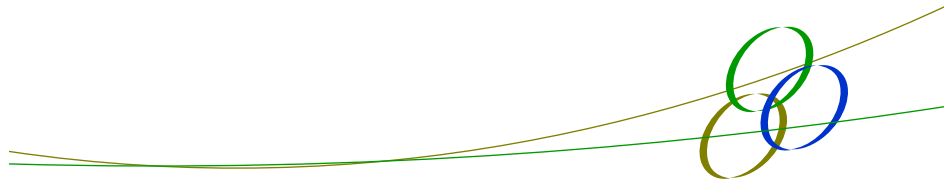
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1 INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared to demonstrate the environmental, social and economic matters associated with the proposal as outlined below. The SoEE examines the site location, how the proposal fits with the location and the planning merits of the development. The SoEE provides the supportive documentation for the Development Application to seek consent for the proposed development.

EPS has been engaged by Worimi Local Aboriginal Land Council (WLALC) to prepare an SoEE in relation to the proposed Eco-tourist Facility on Lot 227, DP 1097995, Lavis Lane, Williamtown, New South Wales. The WLALC proposes to develop a car park (including coach drop-off), quadbike storage and maintenance facility, multi-functional lodges for overnight accommodation, amenities, a manager's residence and a 'commons' area. WLALC also intends to consolidate access trails to minimise disturbance and manage traffic. Associated services and activities proposed include quad-bike tours, bush-tucker sessions, cultural awareness tours, general flora/fauna tours and self-guided sessions.

1.1 Objectives

The objectives of this SoEE are:

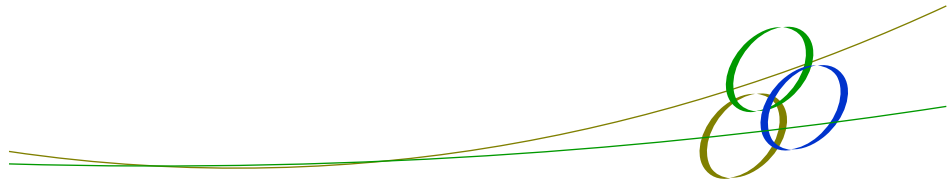
- To provide a description of the subject site and the surrounding locality;
- To provide a description of the proposal;
- To discuss the relevant Environmental Planning Instruments; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

1.2 The Proponent

The Proponent is WLALC, incorporated under the *Aboriginal Land Rights Act 1983* (ALR Act). Section 51 of the ALR Act notes that *"the objects of each Local Aboriginal Land Council are to improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council."*

Section 51 of the ALR Act clarifies the functions of all Land Councils, and these include:

- Land acquisition;
- Land use and management;
- Aboriginal culture and heritage protection and awareness promotion; and
- Financial stewardship.



WLALC owns Lot 227 DP 1097995, on which the Eco-tourist Facility is proposed, and owns the majority of the Worimi Conservation Lands, which are leased to the NSW Government and jointly managed by WLALC and the government. The intertidal zone to the mean low water mark is Crown Land gazetted under the *National Parks and Wildlife Act 1974*.

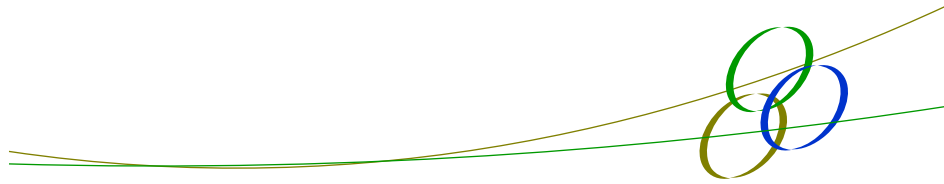
Given that a principal function of WLALC is management of its land and the promotion of Aboriginal cultural protection and awareness, it is entirely appropriate that the Land Council looks to develop a sustainable Eco-tourist Facility and undertake associated activities on Lot 227 and Worimi Conservation Lands. Additionally, the proposal will aid WLALC by generating long term employment for its staff and Council members and by generating long term income from overnight accommodation and activity fees.

1.3 Background

There are few overnight accommodation areas available near the project area. Unregulated camping along Stockton Beach has proved unsustainable with the threats of effluent pollution and damage to Aboriginal heritage. Restrictions to camping along the beach were inevitable and there are now a limited number of designated campsites available, although seasonal closures occur due to beach erosion and storm damage.

Controlled 'camping' facilities are available at various caravan parks in the district, but there are no available legal and relatively natural campsites in the area.

WLALC intends to expand its cultural and environmental experiences by offering overnight accommodation on Lot 227 in response to market demand and to enable to promotion of cultural and environmental awareness in a significant and suitable setting. The proposal seeks to attract both local and international visitors and provide increased employment opportunities for the WLALC people.



2 SITE DESCRIPTION

The following information outlines the property details and the proposed development.

2.1 Site Context

2.1.1 Site Location

The subject site is located near the end of Lavis Lane, Williamtown, south east of Newcastle Airport. The subject site is approximately 18.5km south of Nelson Bay and 28km north of Newcastle city centre.

2.1.2 Property Zoning

The property is zoned E3 – Environmental Management under *Port Stephens Local Environmental Management Plan 2013* (PS LEP). The proposed development, defined as ‘Eco-tourist Facilities’, is permissible development with development consent within this zone. Accordingly, the assessment process for the proposal is under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with Port Stephens Council as the consent authority.

2.1.3 Property Details

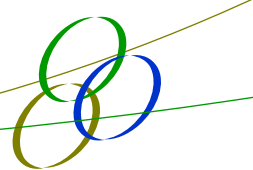
The site is comprised of a single allotment, legally identified as Lot 227 in DP 1097995. It is irregular in shape and covers areas on both the west and east of Stockton Bight Track. Whilst the entire allotment is segmented into three, this application pertains to the portion east of Stockton Bight Track which is approximately 49 ha in area and nicknamed ‘the Bat Wing’ due to its shape.

2.1.4 Owners

WLALC owns Lot 227 in DP 1097995 on which the Eco-tourist Facility is proposed and owns the majority of the Worimi Conservation Lands, which are leased to the NSW State Government and jointly managed by WLALC and the State Government. The intertidal zone to the mean low water mark is Crown Land gazetted under the *National Parks and Wildlife Act 1974*.

2.1.5 Historical Land Uses

The Project site and areas surrounding it were occupied by Aboriginal people during the Holocene period and before, as the landforms changed in response to changing sea levels. The area provided rich food, water and other resources. The Worimi people continue to live in the area.



The area around Newcastle became increasingly visited by Europeans following British settlement in the 18th Century. Various short-term settlements were formed around Newcastle, followed by permanent European occupation from 1804. Early European activities in the area involved mining, timber felling and agriculture.

During the Second World War, significant military activities occurred close to the Project site, with aerial and ground bombardment practice, rifle training, the establishment of Royal Australian Air Force (RAAF) Base Williamtown, the installation of a naval armour proofing range, and the fortification of Stockton Beach with tank traps and barbed wire entanglements.

Approximately 40ha of Lot 227 in DP 1097995 was mined for mineral sands between 1986 and 1992 (Figure 2-1). The mining process involved wet dredging, whereby the entire land surface and sand to a depth substantially below standing groundwater level was excavated and passed through a series of screens installed on a floating barge. The effect of this mining process is that while only a small percentage of material is removed off site as mineral ore, the entire existing vegetation, biota, artefacts, and unexploded ordnance is disturbed and is generally deposited as oversize reject into the bottom of the dredge pond.

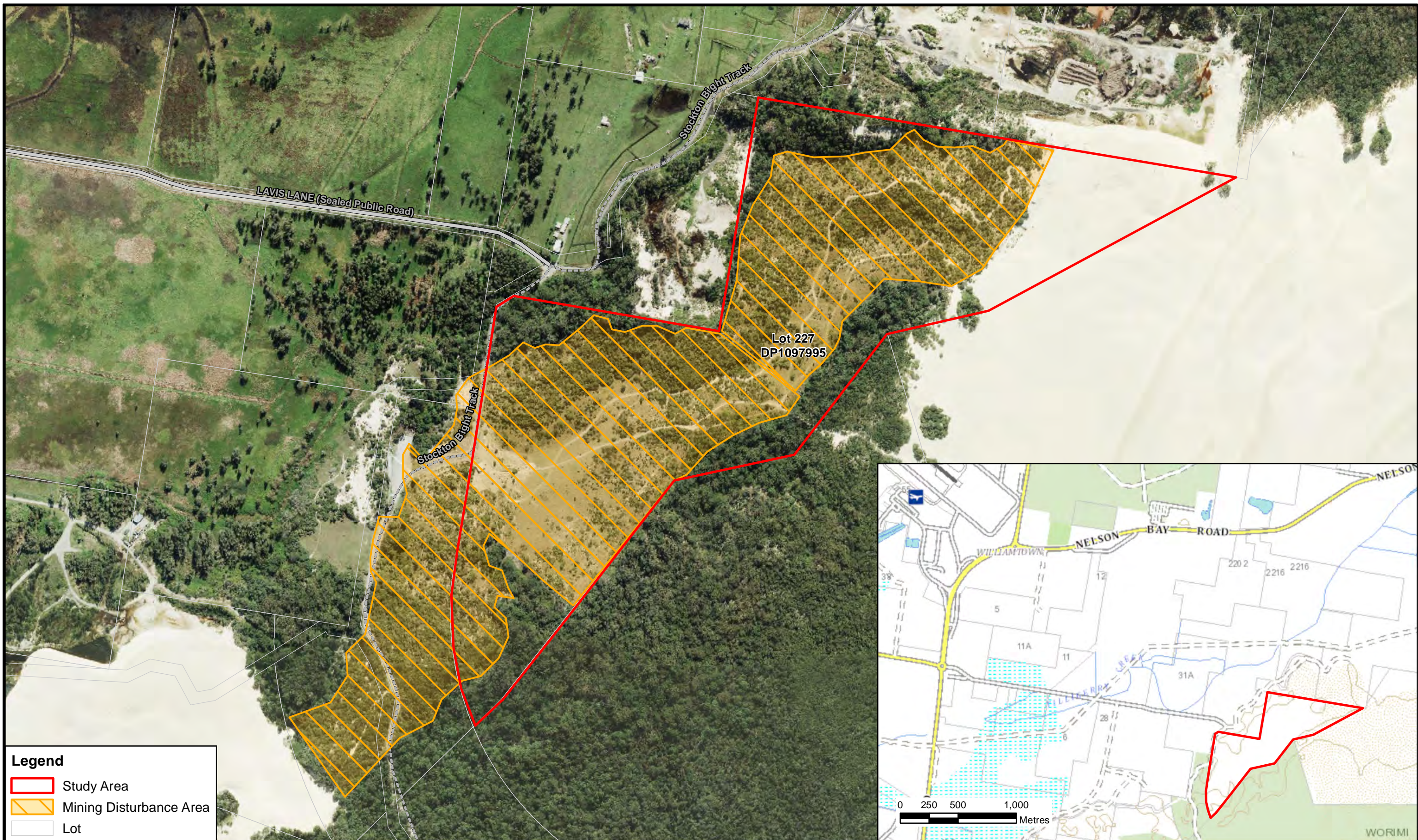
Accordingly, the mined portion of Lot 227 DP 1097995 has no in-situ Aboriginal artefacts or old growth vegetation. Rehabilitation efforts by the miner, Mineral Deposits Limited, and WLALC Green Team have regenerated some level of cover, but the biodiversity value of the land is relatively low (see further details in Section 5.1).

2.1.6 Existing Site Development

The site remains vacant aside from two shipping containers used by the WLALC for storage, fencing and natural sand access tracks. The existing site is described in further detail in Section 3.3.

2.2 Locality Description

The site is located in the suburb of Williamtown, in the Port Stephens Local Government Area which forms part of the Lower Hunter Region, New South Wales. Current adjoining land uses include agriculture, mining, military operations, conservation and public recreation. Figure 2-1 shows details of adjoining landowners and residences.



Legend	
	Study Area
	Mining Disturbance Area
	Lot

Author:	S. Wilkin
Reviewer:	A. Tipper
A3 Scale:	1:6,000
Job Ref:	11245

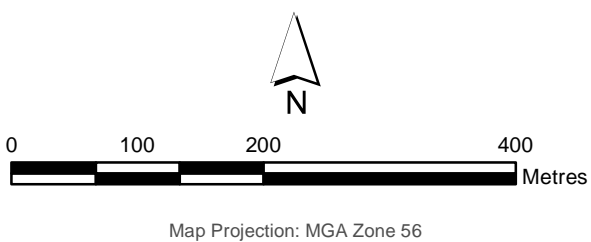
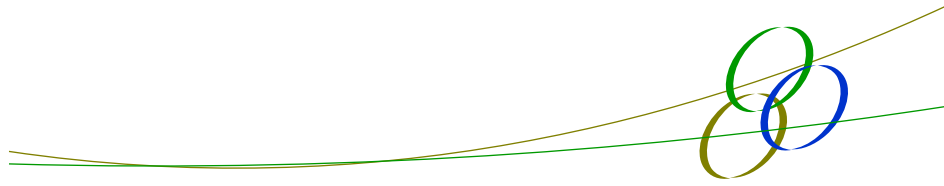


Figure 2-1	
Site Location Plan	
WLALC Eco-tourism Williamtown, NSW, Australia	
29 August 2018	

ENVIRONMENTAL PROPERTY SERVICES



3 THE PROPOSAL

3.1 Proposal Description

It is proposed to develop Lot 227 in DP 1097995 with an Eco-tourist Facility. This facility is proposed to be utilised both as an extension of the Murrook Cultural Centre, and as a stand-alone facility for services and activities including day visits or overnight lodging. The facility is proposed to include access to Aboriginal cultural education and performances, flora and fauna tours, and environmental education. The facility is targeted at school/other education groups, corporate groups, domestic and/or international tourist groups and individuals.

A description of the individual components of the proposed Eco-tourist Facility are included in the subsections below and depicted in Appendix A.

3.1.1 Multifunctional Overnight Accommodation Units

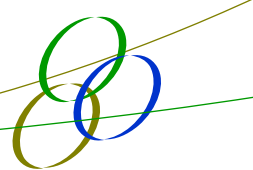
A total of 44 multifunctional overnight accommodation units are proposed to be located on the site. The units have been designed with pull down beds which, when folded away, offer generous floor space of approximately 25m² that may then be utilised for functions, such as meetings for corporate groups, or an activity area for school groups or families.

To enhance the natural ambience of the facility, all units have been designed to include operable solid panels for natural light and ventilation, a window seat, and a circular skylight above each double bed to allow for additional natural light during the day and viewing the stars at night. Further, the units have been designed to include an encircling deck of Spotted Gum, exterior walls of the same material and fly roof features of a lightweight membrane shading fabric.

Each unit includes a total of four (4) pull down bunk beds and two (2) pull down double beds (10 beds per unit). Further, each unit has the ability to be partitioned with an internal lockable door creating two subunits consisting of one (1) double bed unit and one (1) four-bunk unit with a double bed. In the event that a unit is partitioned, each sub-unit has access to its own bathroom containing shower, toilet and basin.

Of the 44 units, five (5) have been designed with footbridges connecting to the main path for wheelchair accessibility (units 1, 4, 7, 10 and 13). These units will comply with the required circulation space for safely manoeuvring wheelchairs through doorways and around the beds as per AS1428.1 and AS1428.2.

Typical floor plans of the standard and accessibility units are depicted in Drawing A120 and A121 respectively of Appendix A.



3.1.2 Managers Residence

A manager's residence is proposed to be located on-site to oversee security of the premises and to manage the overnight accommodation aspects of the proposed development.

The manager's residence includes five (5) separate rooms each with a wardrobe and single bed, and a communal lounge, dining, kitchen and laundry and courtyard, utility yard and surrounding terrace/garden. A concrete wall is proposed for privacy.

The proposed floor plan is depicted in Drawing A150 and sections are included in A450 of Appendix A.

3.1.3 Quad-bike Cultural Tours

A key aspect of the proposed Eco-tourist Facility is an extension of the Sand Dune Adventure quad-bike cultural tours run by the WLALC. The Sand Dune Adventures has a 5-star review rating on Trip Advisor and was awarded gold 2017 Australian Tourism Awards in the Aboriginal and Torres Strait Islander Tourism category. Sand Dune Adventures is an iconic tourist attraction and major asset to the local area.

This proposal would improve the efficiency of operations through storage and maintenance of equipment nearby the operational area thus allowing more tours to be completed each day. Currently equipment has to be transported back and forth from the Murrook Centre to the operation area daily.

3.1.4 Quad-bike Storage and Maintenance Area

The quad bike storage and maintenance facility is proposed to the north of the development footprint. The facility includes sufficient area to store approximately 60 quad bikes in the 'storage area' and an additional 20 quad bikes in the 'maintenance area'. The 'maintenance area' also includes a bunded wash bay with 1 x 5000L water supply tank and 1 x 5000L full retention oil/water separator for waste water. This building will also include the reception for both day visits and overnight guests. Heavy duty tilt panel doors have been incorporated in the design for security purposes.

The quad bike storage and maintenance facility includes two visitor bathrooms, and a staff water closet, a staff room/office, a drying room and a first aid room with emergency shower and eye wash station.

Twenty kilowatts (20kW) of solar panels are proposed to be located on the western side of the roof, with a public observation deck and lightweight planter-boxes located on the eastern side.

Refer to Drawing A110, A111 and A115 of Appendix A for further detail.



3.1.5 Commons

A Commons amphitheatre is proposed to be located adjacent to the multifunctional units. The Commons has been designed as a space for Aboriginal cultural presentations, education and performance. It is also proposed to serve as a Central Safe Refuge in the event of a bushfire. An access path leads to the Commons from the west to where it is purposely situated at the site's natural low-point.

The Commons is proposed to be constructed of reinforced rammed earth and concrete retaining walls with concrete columns, vertical operable weathering steel blades and weathering steel pivot entry doors. The proposed roof is curved, constructed of weathering steel shingle cladding and incorporates an operable glazed oculus in the centre above a firepit that will be used during performances.

The floor of the performance area is proposed to be earth and surrounded by a semicircular arrangement of tiered sandstone seating integrated with berm landscaping.

The Commons is designed to be partially buried into the site. The main gathering space is approximately 752m² in area. The Commons includes a backstage area, including four (4) separate storage rooms ranging between approximately 8m² to 20m², a dressing room, two (2) bathrooms and a camp kitchen/servery.

Refer to Drawing A130 of Appendix A for further detail. Refer to Section 5.2 for a description of how the Commons complies with bushfire safety provisions.

3.1.6 Access and Parking

The proposed Eco-tourist Facility is accessible via Stockton Bight Track, which is approximately 2.4km east of Nelson Bay Road. The proposal includes a total of 77 car parking spaces and two (2) bus/coach drop-off areas with a total of six (6) coach parking spaces. Of the 77 car parking spaces, three (3) are accessibility spaces (two are located within the main carpark, and one at the northern coach parking). The car-park is proposed to be sealed and all-weather access. Refer to engineering detail on Drawing 204 of Appendix B.

A maintenance access road encircles the multifunctional units and the Commons and joins back to the main carpark near the southern coach drop off/parking. The maintenance loop-road is proposed to be sealed all-weather access and includes turning circles and pump-out bays.

The existing multiple natural sand access tracks throughout the site are proposed to be consolidated into a single access track that extends from the east of the quadbike storage and maintenance facility through to the sand dunes at the east of Lot 227. The natural sand access track is proposed to be used by the Sand Dune Adventures quadbike operations.

3.1.7 Servicing

The proposed Eco-tourist Facility does not seek to connect to the existing water main or public sewer. Instead, 6 x 65kL static reserve rainwater tanks are proposed along the access road south of the multifunctional units, and 1 x 20kL and 1 x 80kL rainwater tanks located at the quad-bike storage and maintenance facility. Further, the proposal includes dry composting toilets for effluent disposal.

The proposed development includes an extension to the existing 11kV electricity transmission line, located approximately 600m north of the site. Discussions with Ausgrid have confirmed a pole mounted substation will be required to service the development.

The proposed Eco-tourist Facility does not seek to connect to the existing Telstra network in order to promote the natural ambience; however, communications will be available via the mobile network.

Further details about servicing are provided in Appendix C and in Section 3.5.5, Section 4.2.4, Section 5.3, Section 5.4 and 5.12.

3.2 Alternatives Considered

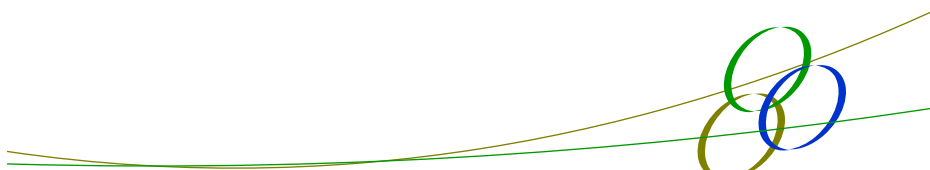
As identified, the subject site is currently vacant and regenerating following sand mining. A review of the alternatives available for the site identified the following three options:

1. Do nothing and leave the site vacant;
2. Dense development of the site with a combination of a 4WD and tent camping ground, and 'glamping' fixed tent structures; and
3. Optimum development of the site with multi-functional overnight accommodation units, a quad-bike storage and maintenance shed, and commons building (i.e. the preferred option).

3.2.1 Option 1 – Do Nothing

The option of not proceeding with the project was considered, i.e. the 'do nothing' option. The 'do nothing' option would prevent any identified environmental and social impacts associated with the project.

While these identified impacts would be avoided, there are also consequences and losses from not proceeding. The 'do nothing' option would result in:

- 
- Loss of employment generation during construction and operational phases of the project;
 - Loss of a local Aboriginal cultural education and awareness facility;
 - Loss of flow on socio-economic benefits during construction and operation;
 - Continued potential for trespassing, illegal dumping and illegal camping activities to occur on the site; and
 - Loss of an economic development and employment opportunity for WLALC and the community.

The first option to not develop the site does not represent the desired social, economic, cultural or environmental outcome for the site.

3.2.2 Option 2 – Dense Development

An alternative option was considered. Option 2 involved a more dispersed and saturated design scheme. This option proposed developing the site with the following items:

- 115 basic fixed tent structures;
- 100 premium fixed tent structures;
- 50 4WD vehicle sites;
- Parking spaces;
- Office/Meeting space;
- Quadbike storage bunker;
- Quadbike cultural tours; and
- Utilities and amenities.

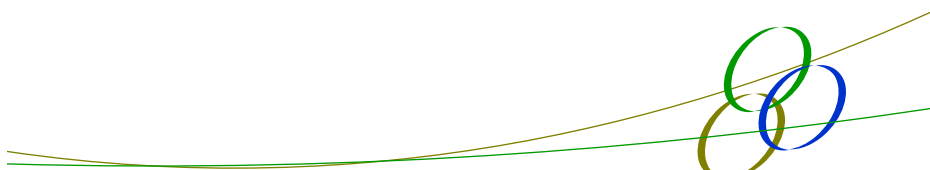
Option 2 proposed development on both the western and eastern portions of Lot 227.

Option 2 involved more disturbance to the site (e.g. significant excavation for the bunker storage). Further, managing interactions between the different components of the site (e.g. 4WD vehicles and 'glampers') was considered a significant challenge, therefore Option 2 was not considered the preferred option.

3.2.3 Option 3 – Optimum Development - Preferred

The preferred option distilled and scaled back Option 2 to propose:

- 44 multifunctional overnight accommodation units;
- Managers residence;
- Quad-bike cultural tours;
- Quad-bike storage and maintenance area;
- Commons amphitheatre/Central Safe Refuge;

- 
- Access and parking; and
 - Site servicing.

The preferred option 3 allows the facility to cater to a variety of different audiences in a manner sympathetic to the site and the surrounding environment. Option 3 proposes development entirely within the envelope of the former sand mine disturbance area, is in line with the WLALC vision for the site and is considered consistent with the definition of ecotourism.

3.3 Existing Site Description

The following sections outline the existing site.

3.3.1 Existing Vegetation

The site is mapped as Coastal Sand Apple – Blackbutt Forest on the Lower Hunter Regional Environmental Management Strategy vegetation mapping. This community is dominated by *Angophora costata*, *Eucalyptus pilularis* and *Banksia serrata*.

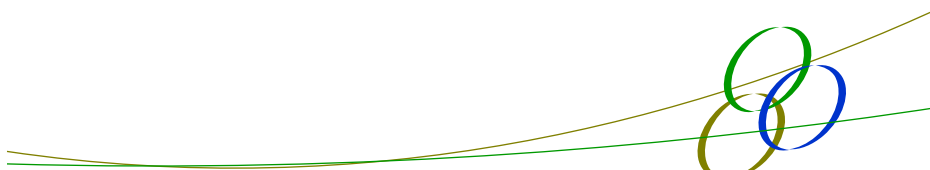
Vegetation on site is regenerating following extensive disturbance from mineral sands mining (refer Plate 1 and Plate 2 below).



Plate 1: Vegetation looking east from near the south-western boundary



Plate 2: Vegetation looking west from the centre of the site



Ecology field investigations (EPS, 2018) identified that two Plant Community Types (PCT) and two non-native vegetation types exist on the site:

- Coast Tea Tree – Old Man Banksia coastal shrubland on foredunes of the Central and Lower North Coast (PCT 1644; HU858);
- Smooth-barked Apple - Blackbutt - Old Man Banksia woodland on coastal sands of the Central and Lower North Coast (PCT 1646; HU860);
- Exotic Grassland with Scattered Shrubs; and
- Bitou Bush Shrubland.

None of the PCTs mapped within the study area are commensurate with the listed threatened ecological communities.

A total of 88 hollow bearing trees were recorded on the site.

3.3.2 Existing Topography

The topography of the site is undulating (illustrated in Plate 3) with the highest areas (~32m AHD) located around the north-north-west perimeters and the lowest areas (~4m AHD) located near the centre of the site, proximate to the proposed Commons (refer to Plate 4).

The topography of the site is heavily influenced by the former sand mining operations.



Plate 3: Digital elevation model depicting the undulating topography of the proposed site and former mining area shaded red.



Plate 4: Approximate location of the Commons and low point of the site.

3.3.3 Road Access

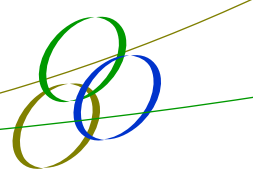
Lot 227 is close to the end of Lavis Lane which is accessed from B63 - Nelson Bay Road near Newcastle Airport. Both Lavis Lane and B63 - Nelson Bay Road are sealed roads in good condition. At the end of Lavis Lane is an unsealed road, also in good condition, known by various names including Lavis Lane, Stockton Bight Track and Macs Track (see Figure 2-1) (henceforth referred to as Stockton Bight Track). This same unsealed road allows four-wheel drive or recreational vehicle access to the Worimi Conservation Lands and Stockton Beach. There are no roads within the site. Access is limited to 4WD vehicles and quadbikes along natural sand tracks.

According to the Roads and Maritime Services (RMS) established road hierarchy, both Lavis Lane Stockton Bight Track are classified as local roads, while B63 - Nelson Bay Road is classified as a State road.

3.3.4 Surrounding Land Use

To the north and west of Lot 227 are periodically inundated grazing lands on the Tilligerry muds.

Immediately to the northeast is the Quality Sands and Ceramic Pty Ltd sand quarry. To the east is the large transgressive dune field of 'The Tongue' owned by WLALC and partially used for sand extraction.



To the immediate southwest is the Tollbulk Sands quarrying operation. Further southwest is the Boral Stockton sand quarry.

To the south and seawards, is the Worimi Conservation Lands, used for public recreation and conservation of natural and cultural heritage.

Further to the northwest is the Royal Australian Air Force Base Williamtown (RAAF), and the adjoining civilian Newcastle Airport.

The closest concentration of houses is to the north approximately 1.3 km from the site on Nelson Bay Road. Other residential areas occur along Fullerton Cove Road, Fullerton Cove, along the western end of Lavis Lane, along Cabbage Tree Road at Williamtown, and the new housing estate at Fern Bay.

3.4 Site Layout Rationale

The existing site consists of vacant disturbed land in an irregular shape allotment. The allotment represents an 'M' shape which spans south-west to north-east. The site access point, located to the west of the site, will be maintained as part of the proposed development. As such, for ease of access, the site layout has focused on the western portion of the allotment.

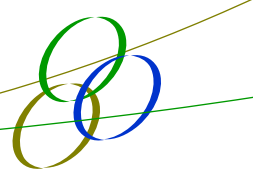
The site layout has been influenced by the former sand mining lease area, which has significantly impacted the site topography and vegetation quality. The entire development footprint is contained within the former sand mining area. Specifically, as a result of the former mining operations, a ridgeline loops around the site and a low-point of approximately 7m is located in the south-west of the western portion of the site. The design is sensitive to the site topography and has placed the carpark and quadbike storage and maintenance facility towards the top of the western ridgeline, and amphitheatre and multifunctional units in the depression.

The site is vegetated to a varying degree. The eastern portion of the site is more densely re-vegetated than the western portion, hence the design has focused on the western portion.

The site's low-point is predominately vegetated with exotic grassland and scattered shrubs.

The site layout has been selected to maintain a buffer between the National Park and the development, to avoid high-quality vegetation as far as practicable, and to avoid the removal of any Hollow Bearing Trees (HBTs).

The layout has been selected to prevent the different site elements from visually intruding on each other, to give the effect of minimal development and seclusion.



3.5 Site Capability Analysis

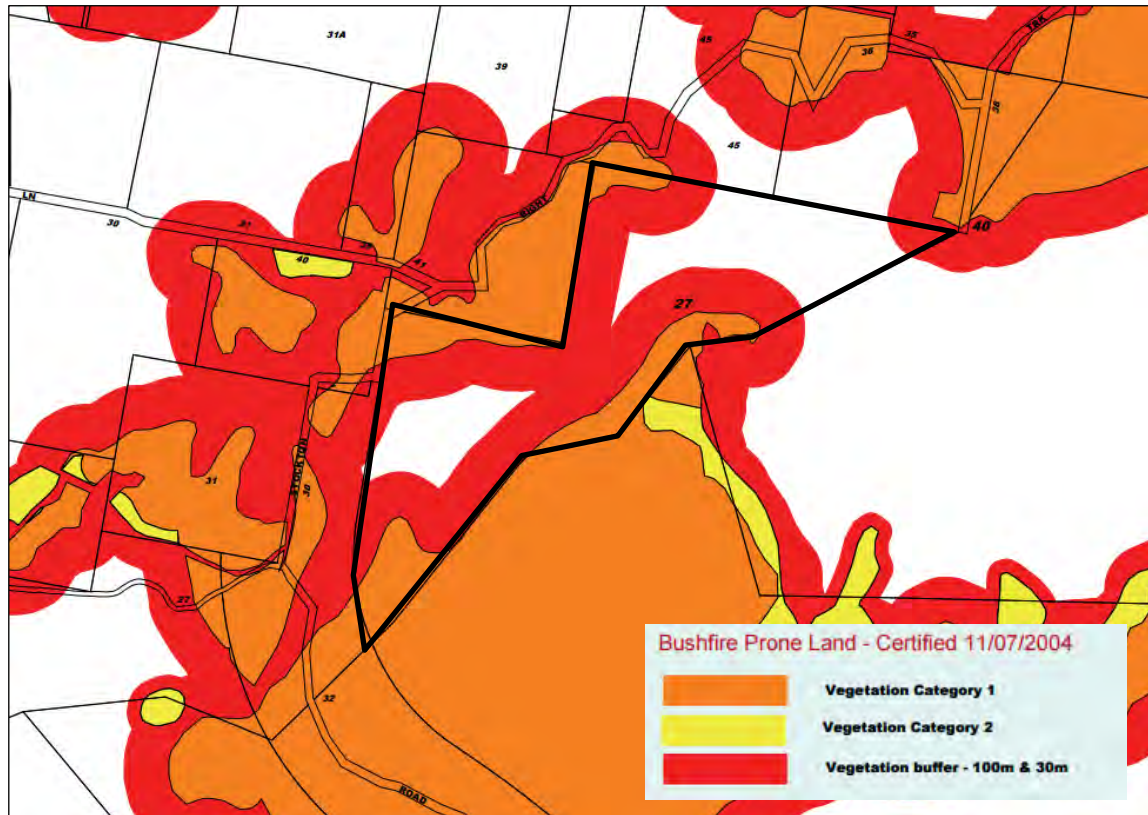
An integral part of the process of designing this proposal has been the analysis of the ability to accommodate the development while also minimising any potential conflict with neighbouring properties, and any impact on the environmental and cultural features of the site. The following issues have been considered in the capability analysis.

3.5.1 Stormwater

A Water Cycle Management Plan (WCMP) has been prepared for the proposal (Appendix D). The WCMP indicates the site is capable of handling stormwater through natural infiltration due to the geology of the site and percentage of pervious surfaces proposed. The site does not have any existing stormwater infrastructure.

3.5.2 Bushfire

The site is partially identified as Bushfire Prone Land on the Port Stephens Council Bushfire Prone Land Map. The northern and southern borders of the site are classed as 'Vegetation Category 1' and 'Vegetation Buffer – 100m & 30m'. An extract of the map is included in Figure 3-1. All development identified on Bush Fire Prone Land (BFPL) must satisfy the aims and objectives of Planning for Bushfire Protection (PBP) (RFS, 2006). A Bushfire Engineering Brief has been prepared to satisfy the relevant bushfire requirements (Appendix E).



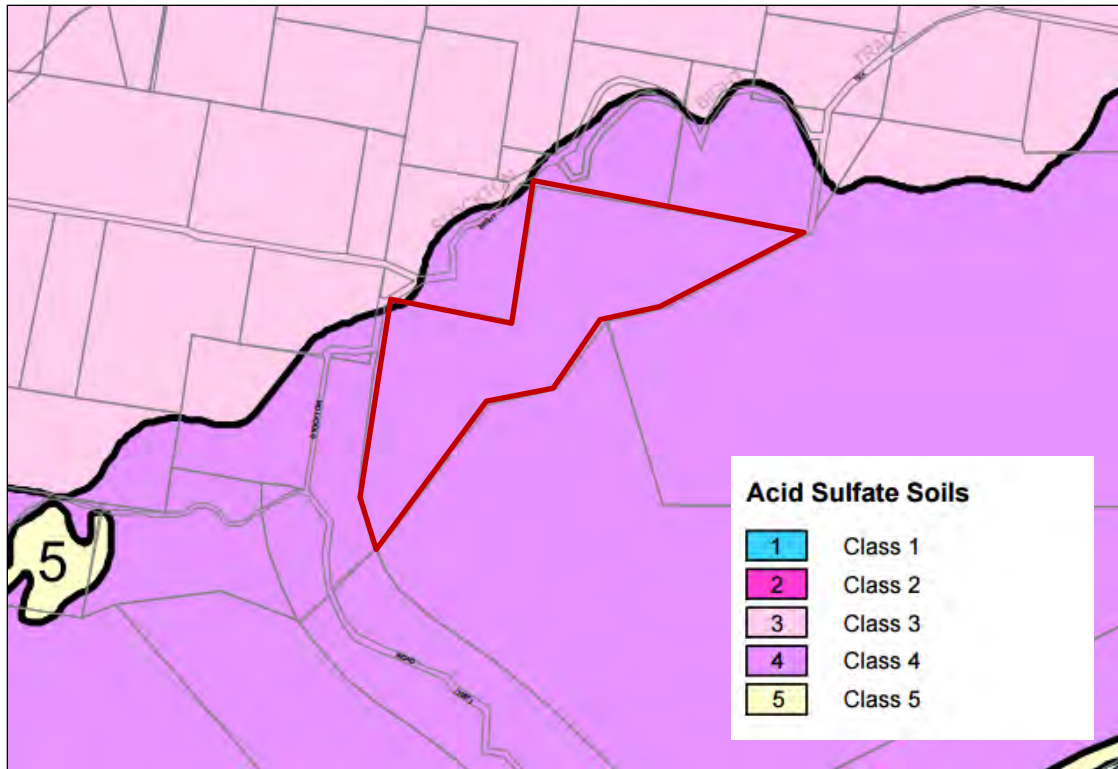


Figure 3-2: Acid Sulfate Soils Map (Extract from Port Stephens Council Acid Sulfate Soils Map, 2013)

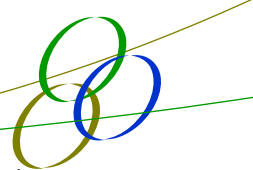
3.5.4 Site Contamination

The site falls within an investigation area designated by the Environment Protection Authority (EPA). This area is being investigated by EPA and the Australian Government Department of Defence for presence of groundwater contaminated by legacy fire-fighting foams containing environmentally persistent chemicals. Groundwater will not be interacted with as part of this proposal.

There is no known site contamination that would render the subject site unsuitable for the proposal.

3.5.5 Services

The subject site is remote from Hunter Water's wastewater network. As such, the site is not connected to the reticulated sewerage system. An effluent system will be established as part of the proposal. The effluent system has been designed with consideration given to the site's location adjacent to the Hunter Water Stockton Sandbeds catchment and the proposal classification as an Eco-tourist Facility.



The subject site is remote from Hunter Water's water network. The closest water main is located approximately 2km east of the proposed development and services a dwelling at 20 Lavis Lane. It is intended that the development utilise rainwater tanks to be topped up with potable water from trucks during extended periods of low rainfall.

The closest Ausgrid assets to the proposed development are an above-ground 11kV (High Voltage) power line that runs along Lavis Lane approximately 600m north of the proposed development. A pole mounted substation will be required to service the development.

There are no existing gas facilities available in the vicinity of the proposed site. Bottled gas will be used where required.

No telecommunication networks are available at the site. The site will be serviced by mobile network only.

3.5.6 Waste Management

There are currently no waste collection services at the site. Waste will be separated and collected via Council service following a new service request, or via a commercial waste removal service. Waste will be transported from site and treated at an appropriately licenced facility. As the site is an Eco-tourist Facility, opportunities to reduce waste will be identified and implemented, wherever practicable.

3.5.7 Access

The subject site has road frontages to the unsealed Stockton Bight Track. The site is capable of providing clear and safe access for future visitors. The internal site access and car parking will be upgraded as part of this proposal.

3.5.8 Views

Views from the subject site predominantly comprise native bushland and Worimi Conservation Lands. Views from adjacent properties will not be impacted by the proposal. Views throughout the site will be enhanced through the removal of shipping containers, consolidation of multiple existing access tracks and the installation of modern architectural features which complement the landscape. Views will be gained of the site from the observation deck located on the quadbike maintenance and storage facility.



4 STATUTORY AND STRATEGIC CONTEXT

The following section outlines the key legislation and planning instruments relevant to the proposed development.

4.1 Provisions of Relevant Acts and Regulations

The following Acts and regulations are considered relevant to the proposal.

4.1.1 Environmental Planning and Assessment Act 1979

Section 4.15 - Evaluation of the *Environmental Planning and Assessment Act 1979* (the Act) states:

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

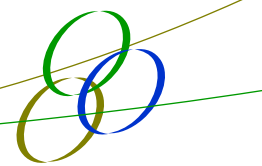
that apply to the land to which the development application relates.

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

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.



Section 4.2 of this SoEE details the relevant Environmental Planning Instruments in accordance with Section 4.15 of the Act as outlined above.

The proposal is considered Integrated Development under Section 4.46 of the Act, as it is located on land considered bushfire prone and is a special bushfire protection purpose. Therefore, the proposal will be referred to the Rural Fire Service (RFS).

4.1.2 Biodiversity Conservation Act 2016 No 63

The *Biodiversity Conservation Act 2016* (BC Act) came into force on 25 August 2017 and supersedes the *Threatened Species Conservation Act 1995* (TSC Act). The BC Act requires all types of development (Part 4 and Part 5 developments) to be assessed to determine whether the biodiversity offset scheme is to be applied. However, assessment under the BC Act is not required for this proposal as it is being assessed under the transitional arrangements defined in the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

An Ecological Impact Assessment has been prepared and is attached as Appendix F.

4.1.3 Coastal Management Act 2016 No 20

As stated under clause 3(c), one of the objects of the *Coastal Management Act 2016 No 20* is “to acknowledge Aboriginal peoples’ spiritual, social, customary and economic use of the coastal zone”. The proposal strongly aligns with this object of the Act.

The eastern most part of Lot 227 is mapped ‘coastal environment area’ under *State Environmental Planning Policy (Coastal Management) 2018*, as defined in clause 8(1) of the Act. No development is proposed to occur in the area mapped ‘coastal environment area’, except for instating the consolidated sand track. Notwithstanding, the management objectives for a ‘coastal environment area’, as specified in clause 8(2) of the Act, have been addressed below:

Table 4-1: Coastal Management Act 2016 objectives for coastal environment areas

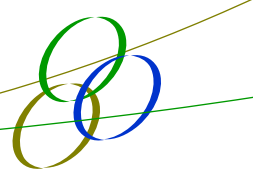
Management Objective	Response
(a) to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity,	The proposed development is not located proximate to an estuary. The coastal lakes or lagoons that stretch across Stockton Beach are located within the Worimi State Conservation Area and will be unaffected by the proposed development. The Eco-tourist Facility will seek to enhance the natural character of the area by incorporating complimentary materials into building design. The scenic value will not be affected



Management Objective	Response
	by the proposal when developed. The biological diversity and ecosystem integrity of the 'coastal environment area' will remain unchanged as part of this proposal. An Ecological Impact Assessment of the remainder of the entire allotment has been prepared and attached as Appendix F.
(b) to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change,	Revenue from the proposed Eco-tourist Facility is intended to contribute to environmental improvements on the site such as weed removal. The proposal will enhance public appreciation and understanding of threats and the importance of improving resilience of coastal environments.
(c) to maintain and improve water quality and estuary health,	No estuaries are located proximate to the site. The proposal includes measures to maintain water quality.
(d) to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons,	A core aspect of proposed Eco-tourist Facility is to support cultural values of the WLALC land in the locality and offering the opportunity for the WLALC to educate visitors on cultural values.
(e) to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place,	The WLALC appropriately maintain the adjacent dunes. The proposal will not impact on the presence of beaches, dunes or natural features of foreshores.
(f) to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms.	The proposed development will have no impact on the existing public access to and along coastal areas.

4.1.4 Rural Fires Act 1997

Under Section 100B of the *Rural Fires Act 1997* authorisation from a bushfire safety authority is required for development of bushfire prone land for a 'special fire protection purpose'. Under subsection 6(d) of the same clause, a 'special fire protection purpose' includes '*other tourist accommodation*' capturing the proposed Eco-tourist Facility.



A bushfire engineering brief has been prepared in accordance with Section 100B of the *Rural Fires Act 1997*, AS3959 (2009) Building in Bushfire Prone Areas and Planning for Bushfire

Protection (2006) and is attached as Appendix E.

4.1.5 Local Government Act 1993

Under Section 68 of the *Local Government Act 1993* (LG Act) approval is required from Council to:

- Part C – 5: install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility;

The LG Act defines a **‘human waste storage facility’** as *‘a device for holding or disposing of human waste, including a cesspit, septic tank, septic closet, water closet, chemical closet, humus closet and combustion closet’*.

- Part C – 6: operate a system of sewage management (within the meaning of section 68A).

Section 68A(1) of the LG Act defines **‘operate a system of sewage management’** as *‘hold or process, or re-use or discharge, sewage or by-products of sewage (whether or not the sewage is generated on the premises on which the system of sewage management is operated)’*.

And a **‘sewage management facility’** is defined as:

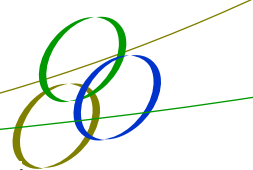
- (a) a human waste storage facility, or*
- (b) a waste treatment device intended to process sewage,*
- and includes a drain connected to such a facility or device.*

The proposed development includes a dry compostable toilet solution, which is considered a ‘sewage management facility’ under Section 68.

The Section 68 application forms part of the DA for the Eco-tourist Facility. As such, a separate application is not required.

4.1.6 Environmental Planning and Assessment Regulation 2000

The proposal is not considered Designated Development as the proposed sewerage system is ancillary to the overall development. As the sewerage system is ancillary to the Eco-tourist Facility, it is not proposed to be carried out independently of the Eco-tourist Facility, and it is not intended to have a processing capacity of more than 2,500 persons or greater than 750 kilolitres per day.



The proposal is excepted pursuant to Schedule 3, Part 3, 37A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

4.1.7 Hunter Water Regulation 2015

The *Hunter Water Regulation 2015* applies as the site is entirely within the Special Area North Stockton Catchment Area defined in Part 2 of the Act.

Under Clause 8 of the Regulation, the owner or occupier of land in a special area must not erect, install or operate any on-site sewage management facility on the land unless it is approved under the EP&A Act, the LG Act or an Environmental Protection Licence (EPL).

Hunter Water has been consulted in regard to the proposal, as detailed in Appendix C – Servicing Investigation, and Appendix D – Water Cycle Management Plan. In correspondence dated 08/03/2017 Hunter Water noted that *“Stockton Sandbeds are not currently a water source for Hunter Water, and there are no current plans to use it in the future. Consequently, we [Hunter Water] have no issue with the proposed development”*. Accordingly, no further approval is considered necessary for the proposal under the *Hunter Water Regulation 2015*.

4.2 Provisions of Relevant Environmental Planning Instruments

This section details the relevant Environmental Planning Instruments in accordance with Section 4.15 of the EP&A Act as outlined above.

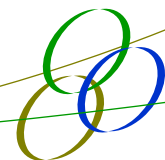
4.2.1 State Environmental Planning Policy 44 – Koala Habitat Protection

The Port Stephens Comprehensive Koala Plan of Management (CKPoM) has been prepared for the Port Stephens LGA in accordance with SEPP 44 – ‘Koala Habitat Protection’. The principle aim of the Port Stephens CKPoM is to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas to ensure a permanent free-living population over their present range and to reverse the current trend of Koala population decline.

The matters listed in the CKPoM have been designed to ensure future developments do not adversely impact on the existing habitats of koalas in Port Stephens, or their preferred vegetation species for consumption.

The site is located within the boundaries of the ‘Supplementary’ habitat land zone on the CKPoM Map.

An Ecological Impact Assessment has been completed which addresses the requirements of the CKPoM. The Ecological Impact Assessment is attached as Appendix F.



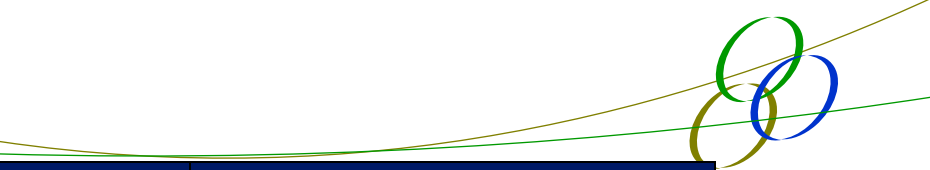
4.2.2 State Environmental Planning Policy (Coastal Management) 2018

No development will occur in the area mapped 'coastal environment area', except for instating a consolidated sand track. Notwithstanding, the provisions of *State Environmental Planning Policy (Coastal Management) 2018* apply to the subject lot.

In accordance with Part 2, Division 3, Clause 13(1), development consent must not be granted unless the impact of the proposed development has been considered with regard to the following matters:

Table 4-2: Coastal Management SEPP matters for consideration

Matters for Consideration	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The proposed development will be contained within land that has previously been disturbed through sand mining. An Ecological Impact Assessment (Appendix F) and Water Cycle Management Plan (Appendix D) have been prepared to assess, and provide for, management of the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.
(b) coastal environmental values and natural coastal processes,	The proposal will maintain and increase education and appreciation of coastal environmental values and natural coastal processes. The proposal does not involve impacting upon coastal values or processes.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	<p>The proposed development will not impact the water quality of the marine estate.</p> <p>The proposed development is not proposed to be located nearby any sensitive coastal lakes.</p>
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	<p>The proposed development will not impact any marine vegetation, undeveloped headlands or rock platforms.</p> <p>Impacts to native vegetation, fauna and their habitats have been considered in the Ecological Assessment attached as Appendix F.</p>



Matters for Consideration	Comment
(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,	The proposed development will not cause an adverse impact on safe access. Conversely, the proposed extension to the Sand Dunes Adventures operation and guided tours through the adjacent dunes will improve public accessibility.
(f) Aboriginal cultural heritage, practices and places,	The proponent for the proposed development, the WLALC, also owns the proposed site and is cognisant of the Aboriginal cultural heritage, practices and places. The proposed Eco-tourist Facility will assist in enhancing these aspects through cultural education such as guided tours of the sand dunes.
(g) the use of the surf zone.	The proposed development will not result in an adverse impact on the surf zone.

As per Part 2, Division 3, Clause 13(2), the development has been designed, sited and will be managed to avoid any adverse impacts on the matters in the above table.

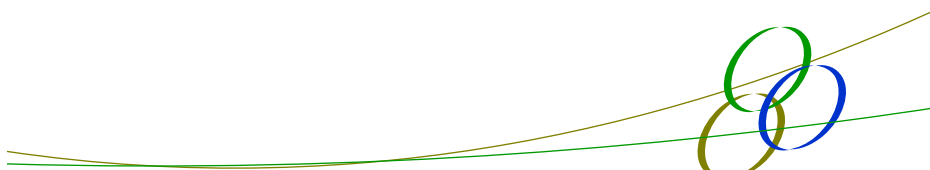
The development is not anticipated to cause increased risk of coastal hazards on Lot 227, or other land.

4.2.3 State Environmental Planning Policy No 55—Remediation of Land

Under Section 7, Clause 1 of *State Environmental Planning Policy No 55—Remediation of Land* (SEPP 55), a consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site falls within an investigation area designated by the Environment Protection Authority (EPA). This area is being investigated by EPA and the Australian Government Department of Defence for presence of groundwater contaminated by legacy fire-fighting foams containing



environmentally persistent chemicals. Groundwater will not be interacted with as part of this proposal. As such, the land is suitable for the proposal in its current state.

4.2.4 Port Stephens Local Environmental Plan 2013

Lot 227 DP1097995 is zoned E3 – Environmental Management under the *Port Stephens Local Environmental Plan 2013* (PS LEP). Following is a description of the applicable zoning and clauses contained within the PS LEP and how the proposed subdivision complies with those provisions.

E3 – Environmental Management

Objectives of the E3 – Environmental Management zone, under the PS LEP land use table are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

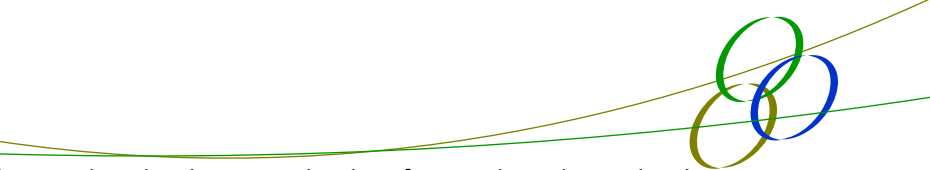
PS LEP defines an Eco-tourist Facility as a facility that:

- 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.*

Eco-tourist Facilities are permitted in this zone with consent. The proposal is consistent with the aims and objectives of this zone. The proposal particularly adheres to the provision of protecting, managing and restoring ecological and aesthetic values by reconnecting WLALC to the area. The development is sensitive to the landscape and will not have adverse impacts on the values of the site.

Clause 5.10 Heritage Conservation

The objectives of this clause are to conserve archaeological and Aboriginal sites and objects of heritage significance. Lot 227 DP1097995 is located on land listed under Clause 5.10 of the PS LEP as a Heritage Item – General: Stockton Beach Dune System (I34). A component of the local heritage listing is ‘Aboriginal site and shell middens’. The proposal will enhance the heritage value of the site through physical connection of WLALC to the area, development of cultural education information resources and art, and enabling cultural heritage tours of the item to take place.



The mining process involved wet dredging, whereby the entire land surface and sand to a depth substantially below standing groundwater level was excavated and passed through a series of screens installed on a floating barge. The effect of this mining process is that while only a small percentage of material is removed off site as mineral ore, the entire existing vegetation, biota, artefacts, and unexploded ordnance is disturbed and is generally deposited as oversize reject into the bottom of the dredge pond.

Clause 5.13 Eco-tourist Facilities

Clause 5.13 of the PS LEP outlines the objectives of this clause and specifies that the consent authority must not grant consent for the purpose of carrying out an Eco-tourist Facility unless it is satisfied that the proposal addresses the requirements listed under subclause (3). The following table (Table 4-3) considers the definition of an Eco-tourist Facility and addresses the Clause 5.13 requirements.

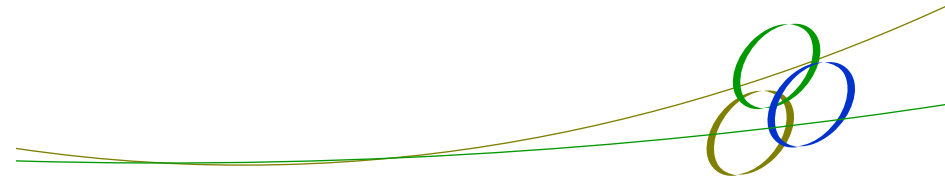
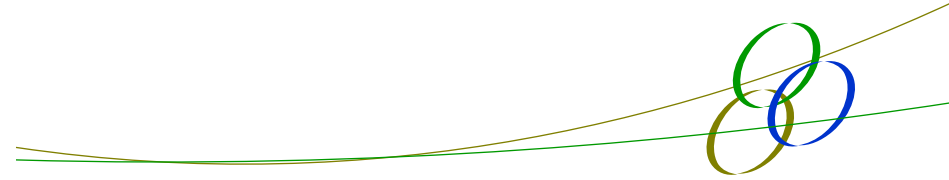
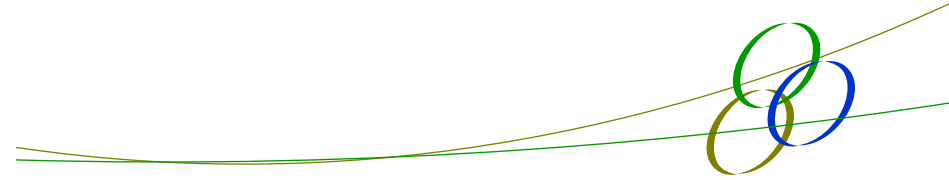


Table 4-3: Eco-tourist Facilities Compliance Table

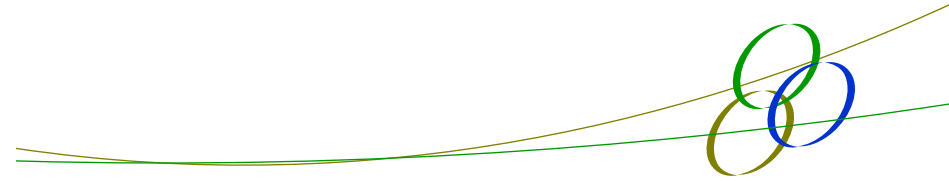
Item	Consideration	Compliance
Clause 5.13 Requirements		
(1) The objectives of this clause are as follows:		
<i>(a) to maintain the environmental and cultural values of land</i>	The proposal aims to improve the environmental values of the site through management of weeds and retention of vegetation, where practicable. The proposal also involves continuation of revegetation activities. The proposal aims to improve the cultural values of the site through education and awareness facilities and programs (e.g. cultural heritage tours of the sand dunes). The proposal has been sensitively designed using a minimal impact approach.	Yes
<i>(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site</i>	The proposal has been designed, and is proposed to be managed, with sensitivity to the environment. The proposed development footprint is contained within the former sand mine disturbance area. On-site impacts to the environment are limited to the minimal vegetation removal and earthworks proposed. The proposal is not anticipated to have any negative off-site impacts to the environment. Refer to Appendix A and Appendix B for design details.	Yes
(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:		
<i>(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area</i>	The proposal connects the custodians, the WLALC, to the cultural values of the site. The proposal will enhance the environmental and ecological values of the site through preservation of vegetation and cultural values for amenity of the tourism facility and use in cultural and environmental tours.	Yes



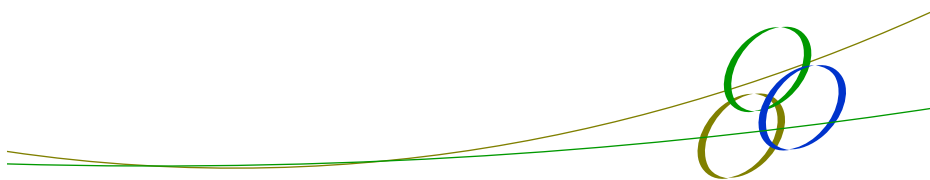
Item	Consideration	Compliance
<i>(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment</i>	The proposal has been developed within the former sand mining lease area and proposes disturbance of minimum vegetation (including avoiding all Hollow Bearing Trees) and earthworks. A significant portion of the site will remain conserved as part of this proposal. The development is sited to utilise the open exotic grassland areas of the site, as far as practicable.	Yes
<i>(c) the development will enhance an appreciation of the environmental and cultural values of the site or area</i>	Overnight accommodation and tours run by the WLALC as part of the proposal will allow visitors to gain an understanding of the cultural and environmental values of the area. The Worimi Conservation Lands are a significant environmental and cultural landscape and this proposal will foster a wider appreciation of the area.	Yes
<i>(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal</i>	The site does not have any watercourses. The proposal is designed with regard to the soil quality and native flora and fauna to the site. The cultural heritage values of the site will be significantly enhanced.	Yes
<i>(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment</i>	Areas of the site not developed for the overnight accommodation and ancillary facilities will be maintained and the environmental and cultural values enhanced.	Yes
<i>(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed</i>	Waste generated during construction and operation will be removed from the site and appropriately disposed of at a licenced facility. Provisions will be made for separated waste streams during operation.	Yes



Item	Consideration	Compliance
<i>(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora</i>	The proposed development will not be visible above ridgelines or escarpments. The only aspect of the development located towards the top of a ridgeline is the Quadbike Storage and Maintenance Facility and it will be screened by native vegetation. The remainder of the development has been placed to take advantage natural contours of the site to obscure the development from view. Further, the development will not be visible from Stockton Beach due to the existing vegetation that is not proposed to be cleared. There are no existing watercourses proximate to the site. The materials for the buildings have been chosen to complement the natural environment, consistent with the theme of the development. Information about material finishes is attached as Appendix A.	Yes
<i>(h) any infrastructure services to the site will be provided without significant modification to the environment</i>	The proposed development does not seek to connect to public water supply or sewer as rainwater tanks and dry composting toilets will be in use. No significant modification to the environment will be required to connect the Eco-tourist Facility to the existing electricity infrastructure.	Yes
<i>(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design</i>	The proposed development does not seek to connect to public water supply as rainwater tanks will be in use, both of which align with water efficient design. Details are provided in Section 5.4 of this SoEE. The proposal includes a 20kW solar panel system that will contribute to powering the storage and maintenance facility. Further, the proposed multifunctional units and the Commons incorporate operable elements for natural light and ventilation.	Yes
<i>(j) the development will not adversely affect the agricultural productivity of adjoining land</i>	The site has minimal agricultural value and has been extensively modified through previous land uses of mineral sands mining. The site will be sensitively developed so as to have minimal impact on adjoining land.	Yes



Item	Consideration	Compliance
<p><i>(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:</i></p> <p><i>(i) measures to remove any threat of serious or irreversible environmental damage,</i></p> <p><i>(ii) the maintenance (or regeneration where necessary) of habitats,</i></p> <p><i>(iii) efficient and minimal energy and water use and waste output,</i></p> <p><i>(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,</i></p> <p><i>(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.</i></p>	<p>A monitoring and maintenance plan will be developed by the traditional owners, the WLALC, and suitably qualified professionals. The plan will be developed in accordance with the relevant ISO14000 standards.</p> <p>The WLALC Green Team will continue their revegetation efforts on the wider site and plantings around the proposal will have regard to the recommendations of the Bushfire Engineering Brief.</p>	<p>Yes</p>



Clause 7.1 Acid Sulfate Soils

Council's ASS Map shows that the subject site is located within ASS Planning Category 4, and therefore Clause 7.1 of the PS LEP applies to the subject site.

The PS LEP states that a person must not, without development consent, carry out works beyond 2m below the natural ground surface within land identified as ASS Planning Category 3, except as otherwise provided in Clause 7.1 of the PS LEP.

No works are proposed beyond 2 metres below ground level (AHD) as part of this proposal as only minor earth grading works are required. Accordingly, an ASS assessment has not been undertaken for the site and an ASS Management Plan is not required for the proposal.

Clause 7.2 Earthworks

The objective of this clause 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.

Only minor early earthworks are required for grading the access ways, carparks, storage and maintenance facility and the 'Commons', along with minor engineering works as detailed in the Architectural and Engineering Plans attached (Appendix A and B).

Any imported material will be sourced from an appropriately licenced facility and records retained. Any excavated material that is not used in site balancing works will be disposed of at an appropriately licensed facility.

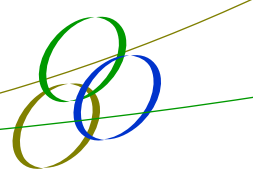
Clause 7.3 Flood Planning

The subject site is not identified as flood prone land. Therefore, Clause 7.3 of the PS LEP does not apply to the proposed development.

Clause 7.4 Airspace Operations

The objective of this clause is to ensure that the operation of the RAAF Base Williamtown is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport.

The proposed development will not penetrate the Limitation or Operations Surface for the Williamtown Airport.



Clause 7.5 Development in Areas Subject to Aircraft Noise

The applicable objective of this clause is to minimise the impact of aircraft noise from the RAAF Base Williamtown Airport and its flight paths, to assist in the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings, and to ensure that land uses and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing safe and efficient operation of that airport.

This clause applies to the project area, as it is on land that is near the RAAF Base Williamtown Airport.

Under Clause 7.5.3 the consent authority must consider:

- *whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
- *the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and*
- *must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.*

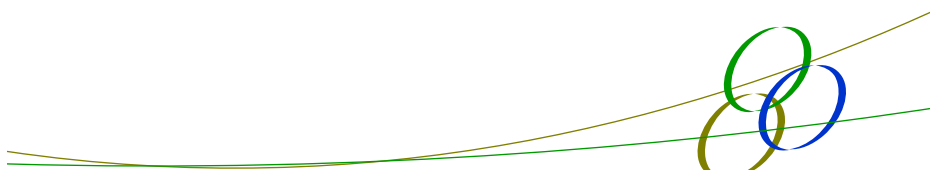
The site is situated within Australian Noise Exposure Forecast (ANEF) 25-30 noise contours based on the latest available ANEF maps (i.e. ANEF2025) and is therefore deemed as being 'Conditionally Acceptable' for residential use in accordance with *AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction* and within ANEF contour of 25.

Occupiers of the site will predominantly be transient visitors staying for short periods therefore the noise impacts will be minimal. Visibility and audibility of aircraft will add to the Eco-tourist Facility classification of the proposal as it will highlight the traditional European heritage military use of the site.

An Aircraft Noise Impact Assessment has been prepared for the proposed development, is Attached as Appendix G and is discussed further in Section 5.10.

Clause 7.6 Essential Services

- (1) *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*
 - (a) *The supply of water*
 - (b) *The supply of electricity*

- 
- (c) The disposal and management of sewage*
 - (d) Stormwater drainage or on-site conservation*
 - (e) Suitable vehicular access.*

The proposal provides for the supply of water, electricity, suitable vehicular access, stormwater drainage, and sewage disposal and management. These matters are addressed in Section 3.1.7, Section 3.5.5, Section 5.3, Section 5.4 and 5.12.

Clause 7.8 Drinking Water Catchments

The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

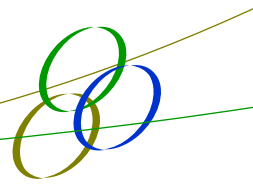
This clause applies to the land as it is located within land identified as a Drinking Water Catchment.

Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:

- a) Whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:*
 - (i) the distance between the development and any waterway that feeds into the drinking water storage;*
 - (ii) the on-site use, storage and disposal of any chemicals on the land; and*
 - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development.*
- b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Water and waste water will be appropriately treated and managed so as to not impact on quality and quantity of water entering drinking water storages. As per Section 5.3, and Attachment C and Attachment D early engagement with Hunter Water on this issue has occurred. Hunter Water has expressed that it does not have concerns with the proposal as *“Stockton Sandbeds are not currently a water source for Hunter Water, and there are no current plans to use it in the future”*.

A Water Cycle Management Plan has been prepared and attached as Appendix D.



4.3 Provision of Relevant Development Control Plans

Port Stephens Council Development Control Plan 2014 (DCP) is the plan applicable to this proposal. The relevant provisions of the DCP have been considered in Table 4-4 below.

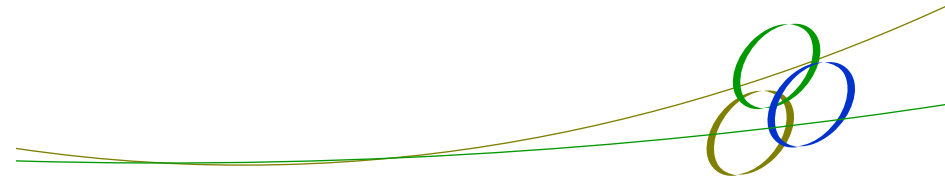
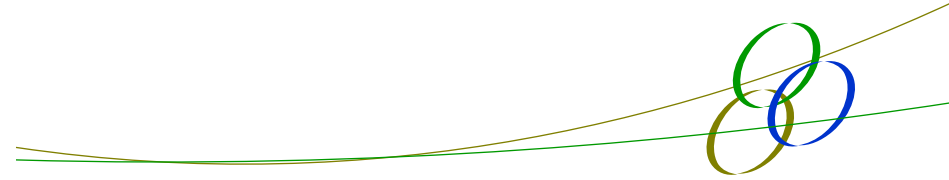
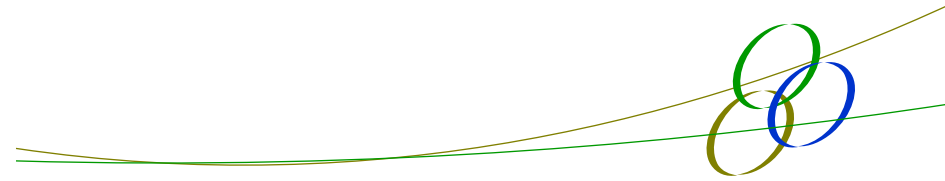


Table 4-4: Port Stephens Development Control Plan Table.

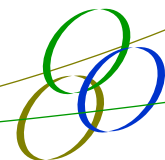
Port Stephens Development Control Plan 2014			
Criteria	Compliance		Comments
	Yes	No	
B1 – Tree Management	Yes		The proposal involves removal of trees or other vegetation in non-rural areas. The development is being assessed under the transitional arrangements. An Ecological Impact Assessment (including Hollow Tree Assessment) has been prepared regarding the proposed removal of trees and other vegetation and is attached as Appendix F.
B2 – Natural Resources	Yes		Applies as the site is located within 500m of Worimi State Conservation Area and contains areas mapped as containing ‘supplementary’ koala habitat. Complies as addressed in Section 4.2.1 and the attached Ecological Impact Assessment (Appendix F).
B3 – Environmental Management	Yes		<p>Complies.</p> <p><u>Acid Sulfate Soils</u></p> <p>The site is identified as being wholly within a Class 4 Acid Sulfate Soil area under the Port Stephens LEP 2013 ‘Acid Sulfate Soils Map’. Class 4 relates to any works below 2m AHD. The proposal will not impact on ASS, accordingly an ASS Management Plan has not been prepared for the proposal.</p> <p><u>Air Quality</u></p> <p>The sewage system is proposed to be developed in accordance with the manufacturers specifications and is not anticipated to have any negative impacts on air quality.</p> <p><u>Noise</u></p> <p>The development is not anticipated to produce any offensive noise. The proposal is a significant distance from sensitive receivers, as such construction noise impacts are not anticipated. Construction work will occur within standard working hours.</p> <p><u>Earthworks</u></p> <p>A site regrade plan is supplied as Drawing 501 of Attachment B.</p> <p>Fill will consist of Virgin Excavated Natural Material (VENM) as defined under the <i>Protection of Environment Operations Act 1997</i> or any other waste-derived material the subject of a resource</p>



Port Stephens Development Control Plan 2014			
			recovery exemption under Section 91 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> that is permitted to be used as fill material.
B4 – Drainage and Water Quality	Yes		Complies. A Water Cycle Management Plan (WCMP) has been prepared by ADW Johnson (Appendix D) in accordance with the DCP requirements for the E3 zone. Given the site's proximity to the beach, the soil is largely sandy in nature, free draining and the water table is expected to reside close to sea level. The detention requirements are expected to be met through infiltration into the sandy soil. A concept stormwater layout has been designed to utilise mostly 1-way cross fall within the carpark and access ways leading to a grass-lined swale. The concept stormwater layout also proposes conveyance controls to treat runoff from the site.
B6 – Essential Services	Yes		<p>The proposal includes adequate arrangements for the supply of water through on-site supply and storage.</p> <p>The supply of electricity is proposed to be provided for with a combination of solar panels and augmentation to the network.</p> <p>The proposal includes disposal and management of sewage with on-site facilities.</p> <p>A WCMP has been prepared to provide for appropriate stormwater drainage in accordance with B4 of the DCP.</p> <p>Suitable vehicular access is included in the proposal in accordance with B9 of the DCP.</p>
B7 – Williamstown RAAF Base – Aircraft Noise and Safety	Yes		<p>An Aircraft Noise Assessment has been prepared for the proposed development and is attached as Appendix G.</p> <p>No structure is proposed to be higher than 7.5m, therefore notification of Department of Defence is not required.</p>
B8 - Heritage	Yes		Complies. A Heritage Impact Statement is not required as the proposal is unlikely to impact on Heritage Item – General: Stockton Beach Dune System (I34). The proposal is designed with regard to the system and will serve to enhance and protect it. Further, the proposal area has been significantly disturbed through previous use for mineral sands mining as such likelihood of



Port Stephens Development Control Plan 2014			
			encountering a heritage object is very low and will be managed through an unexpected finds procedure.
B9 – Road Network and Parking	Yes		<p>Complies. The proposal is required to provide a minimum of 60 car spaces.</p> <p>The proposal includes a total of 77 car parking spaces and two (2) bus/coach drop-off areas with a total of six (6) coach parking spaces. Of the 77 car parking spaces, three (3) are accessibility spaces (two are located in the main carpark, and one at the northern coach parking). The car-park is proposed to be sealed, all-weather access, refer to engineering detail on Drawing 204 of Attachment B.</p>
B10 – Social Impact	Yes		<p>Not applicable. The proposal is not deemed to be a development with potential to have a significant social impact. The proposal is considered to provide a positive social impact to the community through the provision of additional Eco-tourist Facilities within the locality and the associated flow-on effects during construction and operation.</p>



4.4 Strategic Planning

This section outlines the strategic policies and plans that are relevant to the proposal. Port Stephens Council and the Lower Hunter region generally, have a number of social and economic planning strategies in place which seek to identify and analyse trends within the population. The following strategic instruments have been considered as part of this assessment:

- Lower Hunter Regional Strategy 2006-2031;
- Hunter Regional Plan 2036;
- Port Stephens Planning Strategy 2011; and
- The Lower Hunter over the next 20 years: A Discussion Paper 2013.

The above strategies have identified trends within the area and endorsed these findings to ascertain and adopt development plans and policies. The relevant information has been summarised in the following sub-sections.

4.4.1 Lower Hunter Regional Strategy 2006 – 2031

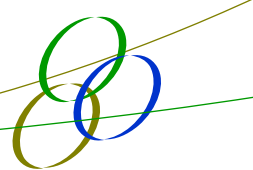
The NSW Government adopted the Lower Hunter Regional Strategy (LHRS) on 12 October 2006. The strategy references tourism as a key generator for new employment in the region during the 2006 – 2031 period. The proposal is commensurate with the strategy as it will create new employment opportunities in the tourism sector.

4.4.2 Hunter Regional Plan 2036

The Hunter Regional Plan 2036 is a 20 year blueprint for the future of the Hunter.

Action 6.1 is to *“Enhance tourism infrastructure and connectivity, recognising the importance of local routes such as **Nelson Bay Road**”*.

Direction 9 of the Hunter Regional Plan 2036 is to *‘Grow tourism in the region’*. The proposal is relevant to Action 9.2: *“Encourage tourism development in natural areas that support conservation outcomes”*.



4.4.3 Port Stephens Planning Strategy 2011

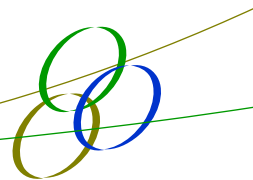
The Port Stephens Planning Strategy aims to provide high level strategic direction for spatial planning in the Port Stephens Local Government Area (Port Stephens LGA) and has replaced the previous Port Stephens Community and Infrastructure Strategy 2006-2010. This strategy is intended to act as a guideline to be read in conjunction with other planning documents which regulate development in the LGA. The Port Stephens Planning Strategy 2011 highlights recreation and tourism as major industries and pressures of the area.

4.4.4 The Lower Hunter Over the Next 20 Years: A Discussion Paper 2013

The Lower Hunter over the next 20 years: A Discussion Paper 2013 ('discussion paper') provides an explanation for the existing strategic planning instruments which aim to achieve sustainable growth for the region. Port Stephens is one of five of the local government areas covered in this discussion paper. Integral to the strategic planning for the Lower Hunter region are a number of principles including:

- Integrating land use planning with transport, infrastructure and services;
- Providing a diversity of housing choices for different budgets and lifestyles;
- Supporting economic growth and strengthening employment;
- Providing access to a range of jobs across the Lower Hunter to match new growth in the Lake Macquarie area and the Maitland growth corridor;
- Balancing development with the protection of our environment and Aboriginal and cultural heritage;
- Supporting Lower Hunter towns and centres with appropriate services and infrastructure;
- Improving transport connections across the Lower Hunter;
- Providing access to services and economic and recreational opportunities;
- Ensuring a high standard of design, good energy efficiency and attractive public spaces;
- Promoting healthy, active lifestyles and safe and comfortable neighbourhoods; and
- Adapting to a changing climate.

The proposal is in line with a number of these principles including supporting economic growth and strengthening employment, balancing development with the protection of our environment and Aboriginal and cultural heritage and providing access to recreational opportunities.



5 IMPACT OF THE DEVELOPMENT

The following sections describe the potential impacts of the development, including environmental impacts on both the natural and built environments, plus the social and economic impacts on the locality.

5.1 Biodiversity

As part of the environmental ethos of the project, vegetation condition mapping was undertaken in August 2017, with the purpose being to guide the design of the project to make use of existing disturbed areas and minimise impacts to better quality areas. The end design of the project makes use of the mostly disturbed (previously mined) central parts of the site, while protecting the older remnant forest areas that adjoin Worimi State Conservation Area in the south and that occur on the ridgetops in the north. Where practical, existing tracks are being reused in the design process and some existing tracks are to be closed and rehabilitated by the WLALC Green Team.

The site is vegetated to a varying degree. The eastern portion of the site is more densely re-vegetated than the western portion, hence the design has focused on the western portion. The site's low-point is predominately vegetated with exotic grassland with scattered shrubs.

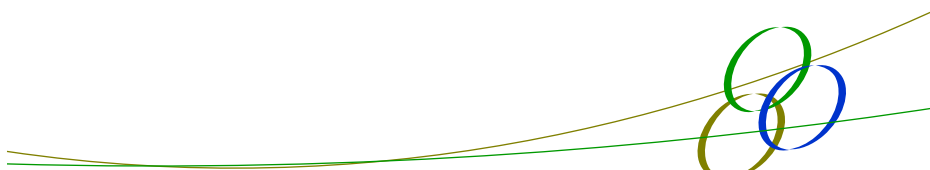
The site layout has been selected to maintain a buffer between the National Park and the development, to avoid high-quality vegetation as far as practicable, and to avoid the removal of any Hollow Bearing Trees (HBTs).

The layout has been selected to prevent the different site elements from visually intruding on each other, to give the effect of minimal development and seclusion.

The WLALC Green Team has previously replanted some of the disturbed sand mine area with locally native species with the aim of regenerating the site. The WLALC Green Team will continue the work on regeneration and rehabilitation of Lot 227 within the wider site (i.e. outside the project areas). The WLALC Green Team will also conduct weed removal operations and environmental education as part of the WLALC ecotourism project.

Two (2) Plant Community Types (PCTs) and two (2) non-native vegetation communities were recorded within the study area and these included the following:

- Coast Tea Tree – Old Man Banksia Coastal Shrubland;
- Smooth-barked Apple – Blackbutt – Old Man Banksia Woodland;
- Exotic grassland with scattered shrubs; and

- 
- Bitou Bush Shrubland.

The proposed eco-tourist facility will involve the removal of 9.55 ha of disturbed and native vegetation. Retention of mapped native vegetation within the study area will total approximately 25.88 ha, not including areas of native vegetation likely to be increased by WLALC Green Team restoration activities. The removal is comprised of:

- 4.86 ha of Coast Tea Tree – Old Man Banksia Coastal Shrubland;
- 0.71 ha of Smooth-barked Apple – Blackbutt – Old Man Banksia Woodland;
- 3.97 ha of Exotic grassland with scattered shrubs; and
- 0.01 ha of Bitou Bush Shrubland.

The two native vegetation communities above are groundwater dependent ecosystems (GDEs), however as there is no proposed draw down of groundwater the project is unlikely to affect these GDEs.

No threatened communities listed on the BC Act and or the EPBC Act were recorded within the study area.

No threatened flora species were recorded within the study area. However, 5 threatened species of flora listed on the BC Act and or the EPBC Act were identified as having potential habitat within the study area. Significance assessments of these threatened flora species was undertaken and no significant impacts considered likely (Appendix 7).

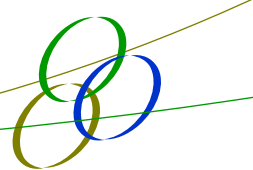
88 hollow-bearing trees were recorded within the study area, all of these trees will be retained as part of the project, as a result of the sensitive project design.

One endangered population, Emu population in the New South Wales North Coast Bioregion and Port Stephens local government area has the potential to occur within the study area. This species was not recorded and a significant impact to this population is unlikely (Appendix 7).

Four (4) threatened species of fauna were recorded within the study area as follows:

- Powerful Owl (Vulnerable, BC Act);
- White-bellied Sea Eagle (Vulnerable BC Act)
- Little Bent-wing-bat (Vulnerable BC Act); and
- Grey-headed Flying Fox (Vulnerable BC and EPBC Act)

A further 21 threatened fauna species have potential habitat within the study area (Appendix 5) though were not recorded. Significance assessments for these recorded and potential threatened fauna species was undertaken and no significant impacts were considered likely (Appendix 7).



One migratory species was recorded and habitat for an additional two species occurs. An assessment of the impact of the project on these species was conducted and the study area is not classified as important habitat for any of the migratory species recorded or to have potential to occur within the study area.

No threatened ecological communities or aquatic species listed under the FM Act have potential habitat within the study area.

No areas of outstanding biodiversity value (AOBV) listed on the BC Act (previously critical habitat under the TSC Act) occurred within the study area.

The proposed eco-tourist facility is unlikely to have a significant impact on the threatened biodiversity and as such a Species Impact Statement or referral to the Commonwealth under the EPBC Act is not required.

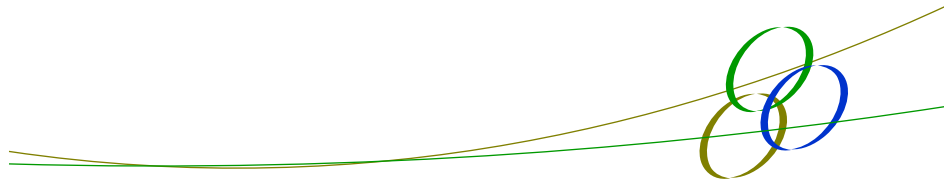
See Appendix F for the completed Ecological Impact Assessment.

5.2 Bushfire

A Bushfire Assessment was conducted by Newcastle Bushfire Consulting (Appendix E) to address the bushfire impacts. The NSW RFS Ecotourism Factsheet 1/14 dated October 2014 requires an alternate solution for Eco-tourism Facility developments with a maximum occupancy greater than 12. In accordance with NSW RFS Alternate Solutions Practice Note 1/07 (Release 3), an alternate solution has been developed to provide a safe central refuge and sufficient static water supply for fire-fighting purposes, whilst reducing impact on the environment. The alternative solution is based on recommendations of the NSW RFS Ecotourism Factsheet 1/14 dated October 2014, the National Construction Code 2016 performance measures and the objectives of the PBP (2006). Pre-lodgement consultation with RFS regarding proposed solution has occurred.

The combined area required for the Asset Protection Zone (APZ) for all proposed buildings is available within the subject site. These have been applied to all proposed assets as depicted in Figure 1 in Appendix E.

The Commons building is deemed appropriate for use as a safe central refuge and is compliant with the PBP (2006). The Commons building is approximately 870 square metres in size and able to accommodate all occupants of the facility, including Sand Dunes Adventures quad bike riders. The Commons' exterior walls include operable weathering steel blades that can enclose the building and comply with BAL-12.5 construction requirements. The Commons is located where a person could be evacuated from the multifunctional units to less than 10 kw/m² radiant heat exposure.



The multifunctional units will comply with APZ for BAL-29 (east and southeast) and BAL-19 (north, south and west) and be built of non-combustible materials that comply with an FRL 60/60/60 fire rating.

An emergency management plan shall be prepared in accordance with AS 3745 'Emergency control organisation and procedures for buildings, structures and workplaces'. The emergency management plan accounts for the evacuation of large volumes of people, considers their expected ages and recommends that the facility be closed on catastrophic fire danger days.

5.3 Stormwater, Drainage and Water Quality

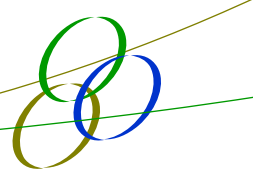
The proposal will increase the impervious surfaces on site. As such, a Water Cycle Management Plan (WCMP) has been prepared (Appendix D) to address the potential impacts associated with increasing impervious surfaces. The WCMP is summarised below.

Given the site's proximity to the beach, the soil is largely sandy in nature, free draining and the water table is expected to reside close to sea level. Although there is an existing low point within the site, it does not reside within a water course and does not retain water. The detention requirements are expected to be met through infiltration into the sandy soil.

The concept stormwater layout has been designed to utilise mostly 1-way cross fall within the carpark and access ways leading to a grass-lined swale. It is expected that flows within the swale will infiltrate the soil before it has reached the natural low point. Another grass-lined swale has been designed to direct undeveloped flows away from the developed area.

The grass-lined swales will act as a flow path for the stormwater to reach its designated point of discharge and act as a quality control measure for reduction of nutrient and pollutant loads given the high infiltration rates expected. A level spreader will be provided for any excess flows that do not infiltrate during high intensity storm events. The point of discharge will consist of a piped flow leading to a headwall and level spreader. At this point, the remaining concentrated flows will be spread into sheet flow, allowing further infiltration into the soil. Given the small catchment of the carpark and storage and maintenance facility, along with extensive downstream sandbeds with high filtration, detailed hydrological modelling was not considered necessary.

It is not proposed to connect the multifunctional units into a formal stormwater network as the small roof catchments will drain onto the surrounding land surface where flow will infiltrate through the sandy loam.



The proposed stormwater system utilises conveyance controls to treat runoff from the site. As previously stated, flows from developed portions of the site will primarily sheet flow to grass-lined swales, which will act as a primary nutrient and suspended solid control device in the treatment train. The flows will then be conveyed through a Gross Pollutant Trap at the end of the line, which will remove litter and large debris prior to infiltration.

MUSIC-link for Port Stephens Council has been used for modelling the water quality of the stormwater runoff from the proposed facility prior to discharge. The modelling indicates compliance with Council's target reduction objectives, which is attributed to the exfiltration rates of the swales at 180mm/hr.

5.4 Utility Servicing

A Servicing Investigation has been completed for the proposed site (Appendix C), which advised there are no existing utility services on the site. A summary of the report is outlined below.

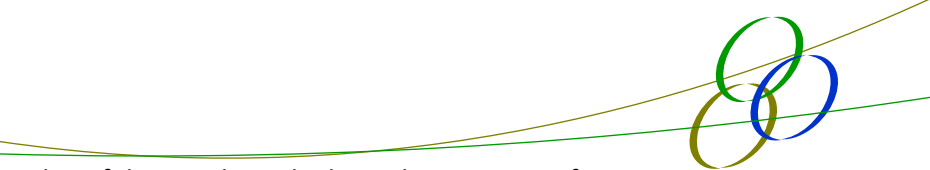
The closest water main is located approximately 2km east of the proposed development. The proposal includes 6 x 65kL static reserve rainwater tanks along the access road as well as 1 x 20kL and 1 x 80kL rainwater tank located at the storage and maintenance facility to service the proposed development. In the event the rainwater tanks are not sufficient to service the facility, water trucks with potable water will replenish the tanks.

An existing 11kV electricity transmission line is located approximately 600m north of the proposed development, running east along Lavis Lane. Ausgrid has advised that a pole mounted substation will be required to service the development. The proposed extension to the existing 11kV line will run south to the proposed site above ground to the pole mounted substation where it would be reticulated internally. The proposed development anticipates using bottled gas for the purpose of cooking only, if required. The bottled gas will be transported to the site by trucks.

The proposed development does not seek to connect to the existing Telstra network (located approximately 600m north of the site) in order to promote the ecofriendly intention of the facility. Communications will be restricted to the available mobile network.

5.5 Cultural Heritage

The subject site has been extensively modified from mineral sands mining. The site is located on land listed under Clause 5.10 of the PS LEP as well as the heritage map (HER_004) as a General Heritage Item – General: Stockton Beach Dune System (I34). It is considered that the proposal will have no adverse impact upon the cultural heritage of the locality or site.



The proposal will enhance the heritage value of the site through physical connection of WLALC to the area, development of cultural education information resources and art, and enabling cultural heritage tours of the site to take place. Further, the proposal area has been significantly disturbed through previous use for mineral sands mining, as such, likelihood of encountering a heritage object is very low and will be managed through an unexpected finds procedure.

5.6 Geotechnical

Two coastal barrier systems have developed in Stockton Bight. The older inner barrier developed in the Pleistocene (~120,000 years ago) during high sea level associated with the last interglacial phase and is now well vegetated and stable. The outer barrier developed during the Holocene over the last 9,000 years, with the present sea level remaining fairly constant over the last 6,500 years. Between the two barriers, overflows from the Hunter River have laid layers of fine mud, which have become known the Tilligerry Muds. To the casual observer, the outer barrier is the high yellow dunes along Stockton Beach; the inner barrier is the whiter, lower sand dunes and sand plains around RAAF Base Williamtown, and the Tiligerry Muds are the flat, generally well grassed plains along Nelson Bay Road.

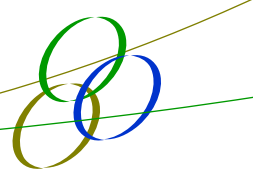
The proposed development will require excavation and fill primarily for the access road, carparks, maintenance and storage facility, and the Commons. This will equate to approximately 17,683m³ of excavation and approximately 8,534m³ of fill, which overall results in a regrade quantity of - 9,149m³.

Retaining walls comprised of reinforced rammed earth are proposed along the eastern side of the walkway between the northern coach parking bays and the southern coach parking bay, and as part of the Commons. The height of the retaining walls varies with maximum and minimum heights of 3.1m and 0.3m respectively and an average height of 1.2m. Another separate retaining wall is proposed on the eastern side of the 6 car parking bays north of the main carpark.

Further details are outlined in Drawings 101 and 102 prepared by ADW Johnson (Appendix B).

5.7 Erosion and Sediment Control

Effective and appropriate management of sediment and erosion created by the construction process is an essential component of the project. The key to effective erosion prevention and sediment control is to minimise the amount of ground disturbance at any one time and to have an effective management approach that incorporates the use of various devices in sequence to manage any runoff created during the construction process.



Accordingly, a preliminary Erosion and Sediment Control Plan has been prepared by ADW Johnson (Appendix B). It is noted that the Plan is indicative only and revised Plans will be prepared as part of the Construction Certificate drawings before construction takes place.

During construction, the site will be protected from erosion and sedimentation by the installation and maintenance of standard erosion and sediment control measures, such as sedimentation fences and swales. These control measures are to be designed and constructed in accordance with Managing Urban Stormwater: Soils and Construction 4th Edition – Vol 1 (the “Blue Book”) Landcom, 2004.

5.8 Visual Impacts

The closest residence is located less than 150m north of the proposed storage and maintenance facility at 36 Stockton Bight Track, Williamtown (Lot 76/DP753192). There is no visibility of the proposed facility from the residence due to the existing dense vegetation covering the dividing land.

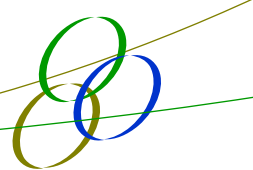
The proposed external finishes are designed to carry the ecofriendly theme, including exposed aggregate concrete and spotted gum floorboards, rammed earth walls with weathering steel sheet details, Colorbond roofing and lightweight membrane shading fabric fly roofing (Appendix A).

There are no views of the proposed development from Stockton Beach due to the sand dunes and vegetation. It is not anticipated that the constructed facility will have any negative visual impacts on the surrounding area.

5.9 Traffic Impacts

Lot 227 is close to the end of Lavis Lane and is accessed from Nelson Bay Road near Newcastle Airport. At the end of Lavis lane is an unsealed road known by various names including Lavis Lane, Stockton Bight Track and Macs Track (Figure 2-1). This same unsealed road allows four-wheel drive or recreational vehicle access to the Worimi Conservation Lands and Stockton Beach, all of which are shown on Figure 2-1.

The proposal is anticipated to increase the number of vehicles accessing Lavis Lane and Stockton Bight track to enter the site. However, storing the quadbikes on site will reduce the current movements of the quadbike trailers on Stockton Bight Track/Lavis Lane/Nelson Bay Road several times per day.



As described in Section 4.3, the proposed development meets the relevant parking number requirements pursuant to Figure BQ of the PS DCP 2014. As the proposed Eco-tourist Facility contains 44 accommodation units and 32 employees, a minimum of 60 spaces are required. Therefore, the 77 proposed parking spaces is deemed appropriate, particularly in its provision for overflow parking during peak periods.

As the proposed Eco-tourist Facility will be targeting school and other education groups, international tourist groups and corporate groups all travelling via buses/coaches, ADW Johnson (Appendix B) prepared a series of drawings to demonstrate the turning paths for coaches which have been designed to accommodate the widths and steering angles necessary for safe manoeuvring of up to two coaches at a time within the site (refer to Drawings 331 and 332).

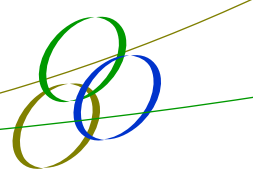
5.10 Noise Impacts

The proposed development is located approximately 2.7km south east of the Royal Australian Air Force (RAAF) Base Williamtown-Newcastle Airport and approximately 8km south west of Salt Ash Air Weapons Range (SAAWR). Accordingly, an Aircraft Noise Assessment has been prepared by Muller Acoustic Consulting (Appendix G). A summary of the report and recommendations is outlined below.

The proposed development is located within the aircraft noise planning area (Figure BL of the PS Development Control Plan (DCP) 2014) and within Australian Noise Exposure Forecast (ANEF) 25-30 noise contours. It is therefore deemed as being 'Conditionally Acceptable' for residential use in accordance with AS 2021 (2015), requirement B7.1 and Figure BJ of the PS DCP (2014).

Observations on-site identified the surrounding locality typical of a suburban and semi-rural environment with distant traffic noise, quad bike and aircraft audible. Following the analysis of the ANEF's and the flight paths for the locality, the RAAF Base Williamtown runway, specifically the F/A 18 Hornet was identified as the main contributor to noise emissions at the proposed site. The Aircraft Noise Levels (ANL) calculated using the Airservices Australia (2001) noise level data was 90dBA (average maximum), which is generally consistent with in-field measured aircraft noise level contributors. This was also used to derive the Aircraft Noise Reduction (ANR) of indoor design sound levels recommendations below.

The construction materials of the storage and maintenance facility are anticipated to be satisfactory to meet the ANR criteria. The external and internal construction elements of the accommodation units and managers residence will be a total thickness of 15mm to 20mm to satisfy the ANR criteria. Lastly, a management plan will be prepared for the Commons area to avoid events during peak aircraft movement periods as noise levels will likely exceed the relevant criteria of 70dBA.



5.11 Air Quality and Odour Control

The proposed Eco-tourist Facility is not a development type anticipated to produce negative impacts to air quality or require specific odour control measures. Accordingly, an air quality report is not deemed necessary for the proposed development.

Any potential impacts as a result of the construction phase will be temporary and will be managed and mitigated by appropriate standard measures.

5.12 Effluent Disposal

The closest sewer connection available is approximately 2.4km east of the proposed site. The proposal includes a dry compostable toilet solution which will be externally vented. In accordance with Section 68 of the *Local Government Act 1993* approval is being sought with this development application for this type of 'sewage management facility'.

Grey water from the showers is proposed to be discharged into infiltration trenches adjacent to the buildings, as described in Section 5.3 above.

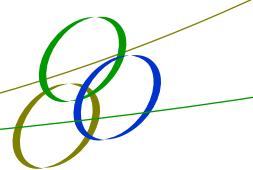
Waste water from the wash bay is proposed to be collected and stored in a 5000L oil/water separator which will be emptied and appropriately disposed of at a licenced facility. This is depicted in A115 of Appendix D.

5.13 Socio-Economic Impacts

The proposed Eco-tourist Facility is anticipated to provide a positive social impact to the community through the provision of additional cultural education and employment within the locality.

In previous years, the WLALC has achieved numerous Gold and Silver awards for both Australia and NSW Tourism for Excellence in Aboriginal & Torres Strait Islander Tourism. The proposed Eco-tourist Facility will assist in bolstering the enterprise, upskilling the Worimi community members while promoting cultural heritage education and indigenous employment.

The proposed development is anticipated to have fluctuating occupancy that will likely prove higher during summer months, school holidays, and peak tourist periods. During periods of high occupancy, it is likely to provide positive economic flow-on support to commercial businesses within the locality as well as the wider area through expenditure and demand for services.



6 SUITABILITY OF THE SITE

The site's location and surrounding development are graphically represented in Figure 2-1. The following information provides further detail on the site suitability in relation to the proposal and reiterates much of the assessment detailed in previous sections of this SoEE.

6.1 Site Location

The site's location is considered highly suitable for an Eco-tourist Facility as it is on land owned by the WLALC. As stated in Section 2.1.4, the WLALC also owns the majority of the Worimi Conservation Lands to the south of the site, which is leased to the NSW State Government and jointly managed by WLALC and the State Government. As such, the site is ideally positioned in terms of access to surrounding areas that hold high environmental, cultural and recreational value.

Overall, the Eco-tourist Facility will seek to enhance the heritage and environmental value of the site through physical connection of WLALC to the area, development of cultural education information resources, cultural heritage tours of the site as well as promoting appreciation and management of the environment. The proposed site is therefore deemed highly suitable for this use.

Regionally, the site's location in Port Stephens is considered highly suitable for an Eco-tourist Facility, providing support for economic development through tourism, which is a key consideration and objective of the Port Stephens Planning Strategy 2011-2036.

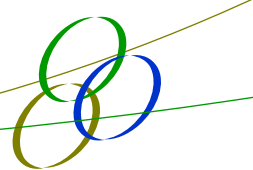
6.2 Site Access

The site is ideally positioned in terms of access. Access to Stockton Bight Track/Lavis Lane is off the intersection of the major transport corridor between Newcastle and the Tomaree Peninsula, (Nelson Bay Road B63) and Cabbage Tree Road. Cabbage Tree Road turns into Tomago Road which links to the Pacific Highway A1.

The site is 3.2km from Newcastle Airport which equates to a 4 minute drive or 40 minute walk.

The site is 2.7km from the 'Nelson Bay Rd after Cabbage Tree Rd, Nelson Bay Rd' bus-stop which is serviced by the public bus system. This equates to a 32 minute walk.

The subject site has road frontages to the unsealed Stockton Bight Track. Stockton Bight Track is accessible via 2WD vehicle and coaches.



The internal site access and car parking will be upgraded as part of this proposal, including appropriate parking and manoeuvring areas for coaches.

6.3 Minimal Impact on Surrounding Residences

The closest residence is located approximately 150m north of the proposed storage and maintenance facility at 36 Stockton Bright Track, Williamtown (Lot 76/DP753192). Due to the design and layout, the proposed development will not be visible from any nearby residences. The minimal impact to surrounding residences will be limited to the slight increase in traffic along Lavis Lane.

It is considered that the site is well suited for the proposal, and will not adversely impact on the surrounding residences.

6.4 Minimal Environmental Impact

The proposed development is an Eco-tourist Facility, which has a key aim of having minimal environmental impact during construction and operation. A significant component of the attraction to tourists is the environmental value of the site.

Design has been an iterative process and has been informed by previous sand mining disturbance footprint, information on high-value vegetation and location of hollow-bearing trees from the project ecology team and WLALC's intention to preserve and maintain key environmental features of the site. As such, the proposed earthworks are minimal, the key vegetation areas have been avoided and no Hollow Bearing Trees have been proposed for removal.

6.5 Public Interest

The proposal will provide positive social, economic, environmental and cultural outcomes for the area.

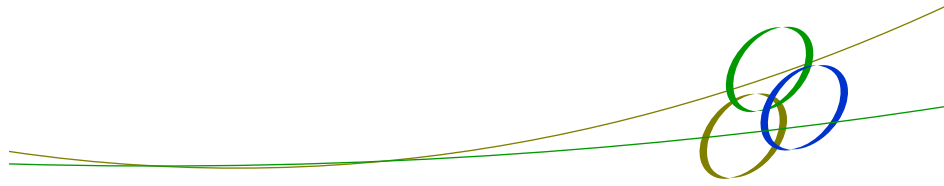
A primary focus of ecotourism is to foster *“environmental and cultural understanding, appreciation and conservation”* (Ecotourism Australia, 2018). Ecotourism encourages the public to look after the natural resources that attract them to a region.

Further, the proposal will contribute to the Council of Australian Governments Closing the Gap strategy, which is aimed at closing the gap in Indigenous disadvantage. Specifically, the proposal addresses the priority areas of ‘economic participation’ and ‘governance and leadership’ and will have flow on effects to ‘health’, ‘schooling’ and ‘safe communities’. The proposal will provide opportunity for Indigenous employment, training, and cultural education. It is therefore considered that the proposal is in the public interest.



7 CONCLUSION

This SoEE has outlined the environmental, social and economic issues associated with the proposal. The SoEE has clearly identified that the proposed Eco-tourist Facility will be compatible with the surrounding area, will not cause any negative impacts and is consistent with the relevant objectives and standards in the pertinent planning instruments and strategic documents. On merit it is considered that this application be granted development consent.



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