

Department of Planning and Environment

dpie.nsw.gov.au




North Tuncurry Urban Release Area

Finalisation Report

March 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

North Tuncurry Urban Release Area First published: March 2023

Copyright and disclaimer

© State of New South Wales through Department of Planning and Environment 2023. Information contained in this publication is based on knowledge and understanding at the time of writing, March 2023, and is subject to change. For more information, please visit dpie.nsw.gov.au/copyright

Cover photo: source Urban Design Report North Tuncurry (Roberts Day)

Contents

Executive Summary	4
1. Introduction	6
1.1 Overview	6
1.2 Background	6
2. Proposal and site context.....	7
2.1 Proposal	7
2.2 Site context.....	8
3. Consultation	10
3.1 Landcom's community consultation.....	10
3.2 Landcom's Aboriginal community consultation.....	10
3.3 Agency consultation.....	11
3.2 Public exhibition.....	12
3.3 Landcom's engagement during public exhibition.....	12
4. Response to submissions	14
4.1 Submissions.....	14
4.2 Issues raised in community submissions.....	14
4.3 Issues raised in agency submissions.....	14
4.4 Issues raised in Council's submission	15
4.3 Response to submissions	15
4.4 Changes to the planning framework after exhibition	15
5. Department's assessment	17
5.1 Health and education services.....	17
5.2 Movement	19
5.3 Biodiversity conservation	24
5.4 Stormwater and flooding.....	28
5.5 Coastal hazards.....	32
5.6 Built form.....	35
5.7 Other matters.....	39
6. Consistency with State and local policies.....	42
6.1 State plans and policies	42
6.2 Local plans.....	43
Appendix A Consistency with the Hunter Regional Plan 2041	44
Appendix B Response to agency submissions	51
Appendix C Consistency with applicable SEPPs.....	55
Appendix D Consistency with applicable section 9.1 Directions	57
Appendix E Submission summary	64
Appendix F Rhelm response to flooding issue	72

Executive Summary

This report presents the Department of Planning and Environment's (the Department) assessment and finalisation of the proposed planning amendments for the North Tuncurry Urban Release Area State-led rezoning. The rezoning has been requested by the proponent, Landcom, who are seeking to develop a new community to the north of the existing Tuncurry township in line with the *Hunter Regional Plan 2041*.

A State Environmental Planning Policy (SEPP) would amend the *Great Lakes Local Environmental Plan 2014* to implement new planning controls to enable the development of the North Tuncurry Urban Release Area. The amendment will enable:

- approximately 2,100 dwellings to accommodate approximately 4,500 residents via a mix of low density and low-rise medium density homes;
- a new local centre, reconfigured golf course with a new clubhouse, community centre, cultural centre, mobile surf club and public gathering places;
- 13.24 hectares of employment lands for industrial and business development, facilitating up to 126 full-time ongoing jobs;
- 327 hectares of land to be managed for biodiversity conservation (60% of the site); and
- a network of public infrastructure including cycling and pedestrian paths within the site and connecting to key destinations, formal public access to Nine Mile Beach, and interconnecting parks with a combined area of 6.1 hectares.

The proposal was publicly exhibited between 2 May 2022 and 17 June 2022 and a total of 125 submissions were received. Community submissions raised a broad range of issues with impacts associated with traffic, biodiversity, hazards, services, and visual amenity featuring strongly. Consultation with MidCoast Council (Council) and NSW Government agencies has also occurred. A summary of all submissions is provided in **Appendix E**.

Landcom has prepared a response to submissions which outlines how the proposal addresses the issues raised. This information was considered in the Department's assessment of the proposal.

The Department's assessment of the issues raised in submissions and Landcom's response is provided in section 5 of this report. This has resulted in several revisions to the proposed planning controls and Master Plan, including:

- applying the R1 General Residential zone
- relocating taller residential buildings to outside the 2125 year coastal hazard line;
- reducing the building height from five to three storeys along the coastal foreshore;
- introducing a local clause that will set a
 - concurrence role for the Department's Secretary on flood planning levels;
 - concurrence for Transport for NSW to manage impacts on the State road network;

- minimum 10% of dwellings being provided as affordable housing; and
- introducing an additional permitted use to allow tourist and visitor accommodation in the RE2 Private Recreation zone.

1. Introduction

1.1 Overview

This report presents the Department of Planning and Environment's (Department) assessment and finalisation of the proposed planning amendments to enable the rezoning of the North Tuncurry Urban Release Area (NTURA).

Consistent with the *Hunter Regional Plan 2041*, the proposed amendments will rezone NTURA to facilitate the development of a new community consisting of homes, jobs, public spaces, a reconfigured golf course, and growth supportive public infrastructure.

This report includes:

- site history and information on the State-led rezoning process;
- public exhibition and consultation, and a description of the public submissions received;
- the Department's assessment of issues raised during the public exhibition;
- the Department's assessment of Landcom's response to submissions; and
- the consistency of the rezoning with relevant environmental planning instruments (EPI's) and strategic plans, including the *Hunter Regional Plan 2041*.

1.2 Background

The NTURA was first identified in the Mid North Coast Regional Strategy 2006 as a growth area to meet the future housing needs of Forster-Tuncurry. This position has been maintained in successive regional plans with the most recent, the *Hunter Regional Plan 2041*, recognising the importance of the site in providing housing in the Forster-Tuncurry Regionally Significant Growth Area.

Progress to rezone the site commenced in 2010 with Landcom entering into an agreement with Crown Lands to develop the site. The site was declared a State Significant Precinct under the former Part 3A of the *Environmental Planning and Assessment Act 1979* and State Significant Study (SSS) requirements were issued by the Department in 2011. Later that year, Part 3A was repealed and the Part 3A North Tuncurry Urban Release Area Concept Plan was revoked.

In 2020, the then Minister for Planning and Public Spaces approved a request by Landcom to allow the potential rezoning of the site to be considered under a self-repealing State Environmental Planning Policy led by the Department. It was agreed the previous SSS requirements issued in 2011 would be used as a guide for the study requirements to support the proposed rezoning.

2. Proposal and site context

2.1 Proposal

2.1.1 Development outcome

Landcom are seeking to create a new community consisting of approximately 2,200 homes, centred around a new local town centre and reconfigured golf course. The site will have access to the beach, a network of cycleways, paths and parks and a community facility. The built form will comprise predominantly 1 to 2 storeys homes, with a mix of shop top housing in the local centre and apartment's clustered in the northern and western portions of the site. The community will be surrounded by vegetated conservation lands which will border the development to the east, west and north.

2.1.2 Proposed amendments to the planning framework

A State Environmental Planning Policy (SEPP) will amend the *Great Lakes Local Environmental Plan 2014* to implement new planning controls that facilitate the proposal. These amendments include:

1. rezoning and reconfiguring land from R2 Low Density Residential, RU2 Rural Landscape, RE1 Public Recreation, E2 Environment Conservation and SP2 Infrastructure zoning to R1 General Residential, R3 Medium Density Residential, B2 Local Centre, RE2 Private Recreation, B5 Business Development, IN1 General Industrial, C2 Environmental Conservation, C3 Environmental Management zoning;
2. amending the maximum building height, minimum lot size and floor space ratio controls;
3. identifying the development footprint on the Urban Release Area Map to support the site-specific provisions in relation to floor space ratio, minimum lot size site-specific provisions, studio dwellings and tourist and visitor accommodation;
4. including a new local provision to allow exceptions to minimum lot sizes for certain residential development to allow subdivision of residential zoned land on the North Tuncurry site on the Urban Release Area Map to be at least 200 square metres if the land:
 - a. adjoins land zoned RE2 Private Recreation, B2 Local Centre, C2 Environmental Conservation or R3 Medium Density Residential; or
 - b. adjoins land that is or will be a recreation area or used for stormwater detention; and
 - c. the consent authority is satisfied the lot is suitable for a dwelling;
5. amending the dwelling density controls by identifying the R3 Medium Density Residential zoned land on the Dwelling Density Map to require 35 dwellings per hectare to ensure suitable densities in accordance with the urban design principles and the optimal densities in the *Hunter Regional Plan 2041*;

6. identifying the site on the Urban Release Area Map to ensure the satisfactory arrangements clause applies;
7. a new local provision that will require 10% of the dwellings provided to be for the purposes of affordable housing;
8. a new local provision to require concurrence of the Department's Secretary (in consultation with BCD) to ensure that an appropriate flood planning level is reached for the subdivision design of the NTURA, and
9. a new local provision to require concurrence TfNSW to ensure that development will not have adverse impacts on the State road network;
10. an additional permitted use to allow a 'studio dwelling' on land zoned R1 General Residential zone on the North Tuncurry site on the Urban Release Area Map where;
 - a. the studio dwelling above the garage for the principal dwelling;
 - b. on a separate strata lot to the principal dwelling and garage; and
 - c. has access to a rear lane;
11. an additional permitted use to allow tourist and visitor accommodation on RE2 Private Recreation zone on the North Tuncurry site on the Urban Release Area Map limited to a 3,000 square meters site area.

The proposed SEPP will be supported by a development control plan (DCP) that will guide in more detail how the site will develop. It will set out what will be considered as part of the assessment process for future development applications. This includes among other elements details regarding flood assessment, how the community will be laid out, how open space and movement networks will work, and how streets and buildings will be designed. The DCP is being prepared by the Department and will be finalised following the rezoning.

Planning agreements establishing what infrastructure is required, when and how it is to be funded are also to be entered into by Landcom. Negotiations between Landcom and Council are underway for local infrastructure, with the same to occur between Landcom and the Department for State infrastructure. These agreements will need to be finalised prior to a future residential subdivision being approved.

2.2 Site context

The NTURA is located approximately 2km north of the existing Tuncurry town centre in the MidCoast Local Government Area, lying immediately adjacent to its 'twin town' of Forster located less than 1km away. The town borders Nine Mile Beach and Wallis Lake, both of which contribute to the coastal lifestyle of the area (Figure 1).

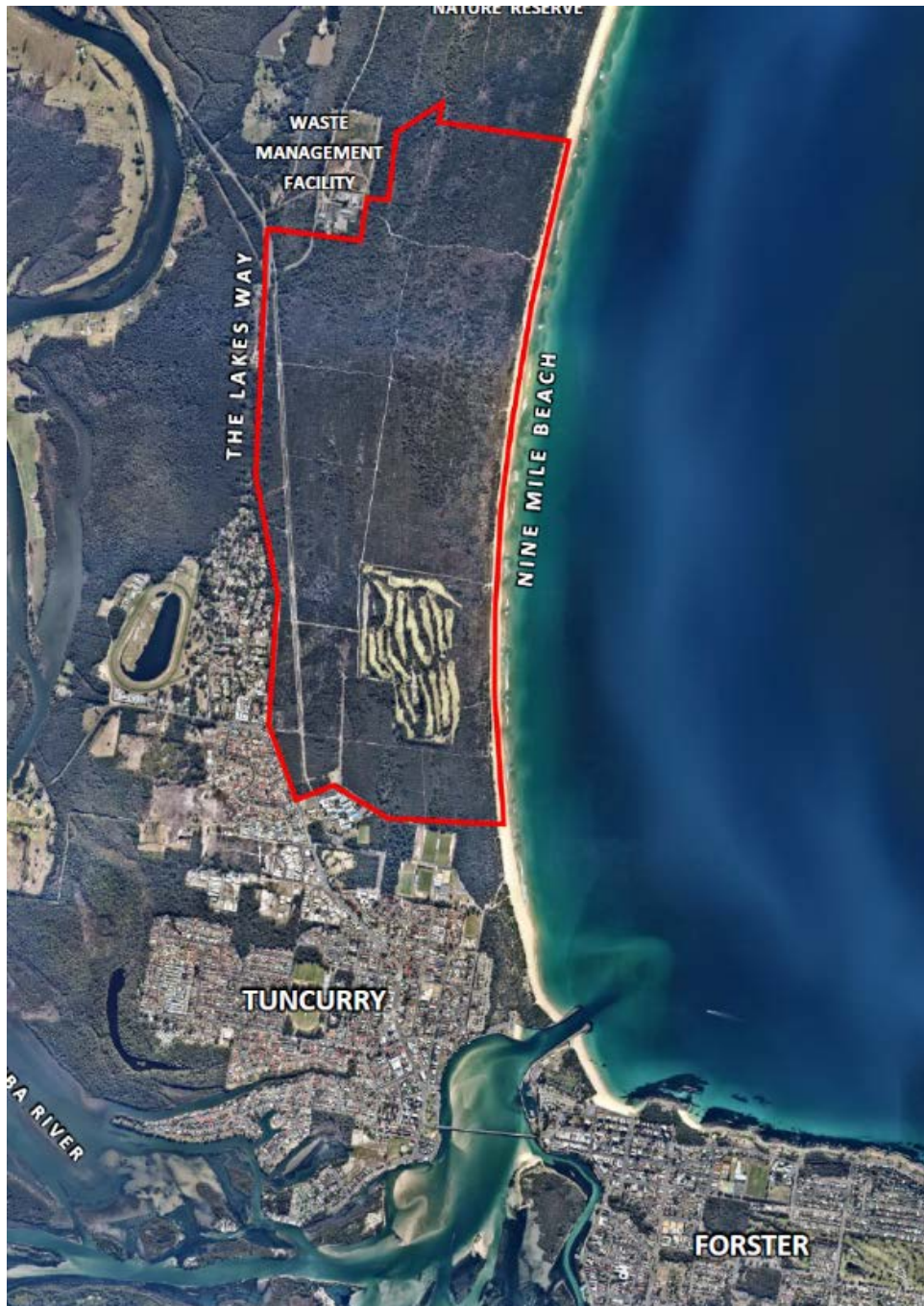


Figure 1 – Location Plan

The site has an area of 615ha and consists of vegetated sand dunes and the Tuncurry golf course. It is an irregular shaped, waterfront parcel of land situated on a peninsula that has been created by the Wallamba River to the west and the Pacific Ocean to the east. The site is low lying (3-6 metres AHD), flood affected and undulating due to its coastal formation.

The Darawank Nature Reserve and Tuncurry Waste management Centre are located to the north of the site. The site stretches along more than 4.5 kilometres of Nine Mile Beach and road frontages to The Lakes Way and Northern Parkway.

3. Consultation

3.1 Landcom's community consultation

Prior to public exhibition, Landcom undertook a variety of community consultation activities, most of which took place prior to the 2020 request by Landcom to commence a rezoning.

Landcom hosted community information days and established a Community Reference Group (CRG) to facilitate a direct exchange of information from stakeholders to Landcom.

The CRG was comprised of:

- 5 individual community members;
- 2 representatives from the business community including the Chamber of Commerce;
- 1 representative from Council (at the time Great Lakes);
- 1 representative from The Forster Tuncurry Golf Club;
- 1 representative from a local environmental group;
- 1 representative from an education organisation;
- 1 representative from the NSW Police Force; and
- 1 representative from Lakkari/Forster Local Aboriginal Land Council (LALC).

Table 1: Pre-Exhibition Community Engagement Activities

Date	Engagement	Location
22 June 2013	Community Information Day No.1	Local shop in Forster town centre
18 July 2013	Community Reference Group No.1	Tuncurry beach Bowling Club
27 March 2014	Community reference Group No.2	Tuncurry Beach Bowling Club
29 March 2014	Community Information Day No.2	Local shop, Manning St, Tuncurry

3.2 Landcom's Aboriginal community consultation

Aboriginal community stakeholders have been consulted by Landcom as part of the preparation of the Aboriginal Cultural Heritage Assessment that has informed the proposed rezoning. An invitation for Aboriginal stakeholders to register their interest in the proposal via public notices placed in local newspapers was also distributed. In addition, indigenous representatives from the Government Architects Office were involved in the early formulation of the Master Plan and Landscape Master Plan.

Landcom has had ongoing consultation with the Native Title Claim Group, the Lakkari Traditional Owner Aboriginal Corporation through the implementation of a Native Title Agreement. Under this agreement, Landcom met with the Lakkari Traditional Owner Aboriginal Corporation on a quarterly basis to provide updates on the master plan and technical studies.

3.3 Agency consultation

Consultation with Government agencies has occurred throughout the proposed rezoning. Landcom has worked directly with agencies as it prepared the rezoning study and supporting technical studies with this work commencing with an inter-agency working group in 2012.

The Department has also sought advice of agencies as part of the Department's adequacy review of Landcom's rezoning study and supporting technical studies prior to exhibition. Advice was also sought from agencies following exhibition to assist with the Department's assessment of key issues and in the resolution of any outstanding matters.

The Department initiated a number of forums for agencies, Council and Landcom to work through key issues. The Stormwater Workshop post exhibition provided a framework for ongoing negotiation between parties and led to further consultation on groundwater with DPE Water. A further Master Plan design workshop was facilitated to work through urban design approaches to address visual amenity and coastal erosion concerns.

The following agencies have been consulted by the Department through the process:

- Crown Lands
- Department of Education
- Natural Resources Access Regulator
- Biodiversity and Conservation Division
- DPE Water Division
- Department of Primary Industries
- Department of Regional NSW
- Heritage NSW
- Mining, Exploration and Geoscience
- NSW Health
- Rural Fire Service
- Transport for NSW

Service providers Essential Energy and Telstra were also consulted.

3.2 Public exhibition

The rezoning package was publicly exhibited by the Department on the NSW planning portal from the 2 May 2022 until the 17 June 2022. The exhibited package consisted of the following:

- rezoning study and supporting technical studies showing how the land would be rezoned and how potential impacts would be addressed;
- Explanation of Intended Effect that provided an overview of the rezoning proposal and explained the changes that would be made to the planning controls through a SEPP;
- draft Development Control Plan which would amend the Great Lakes Development Control Plan and provided detailed guidance for how development of the site should occur;
- Statement of Intent provides a summary of the intention to enter into a future Planning Agreement between Landcom and MidCoast Council addressing; drainage infrastructure and maintenance, community centre, and extension of the local street network; and
- the Department's review of whether the draft package adequately addressed the SSS requirements for the rezoning.

A media release announcing the start of the exhibition was issued by the Department on the 2 May 2022 and a social media campaign was run on Facebook. Media stories about the proposal also featured in the Daily Telegraph on the 2 May 2022 as well as the NBN local news and the Great Lakes Advocate on the 5 May 2022.

Information regarding the submissions received during the public exhibition period is provided in section 4.

3.3 Landcom's engagement during public exhibition

In conjunction with public exhibition there was a range of engagement activities undertaken by Landcom, including an information session at Club Forster on Sunday the 5 June 2022.

The information session was designed and promoted as a 'drop-in' style session with information boards. The format allowed community members to discuss their views or ask queries directly to Landcom personnel and consultants in attendance.

The Department also attended the information session and provided advice on next steps and guidance on how to use the planning portal. Attendees were able to complete and submit written submissions to the Department's representatives or lodge an electronic submission at the workshop with the assistance of the Department's representatives.

In summary:

- approximately 190 people attended the session, with 111 attendees registering to receive future project email updates from Landcom, and 108 registering to receive updates from the Department; and
- a broad range of supportive comments and concerns were raised by attendees.

The most common positive comments were:

- boost housing supply and range of choice, particularly for young families;
- job creation during and beyond construction;
- upgrades to golf course;
- delivery of new public spaces; and
- increase in tourism.

The most common concerns raised were:

- scale of development and height of buildings;
- noise and traffic disruption during construction;
- increased traffic impact on local road networks, with particular mention of The Lakes Way and Forster-Tuncurry bridge;
- added pressure to regional health and education networks;
- impact on flora and fauna;
- flood and bushfire risk to future homes;
- concern that the golf course would attract retirees and older residents;
- limited employment opportunities to justify number of dwellings; and
- new village centre could take trade away from existing Tuncurry town centre.

In addition to the community information session, Landcom also promoted public exhibition by:

- sending letters to around 3,400 Tuncurry households;
- contacting key local stakeholder groups;
- contacting members of the former CRG that were engaged in the project's initial consultation;
- contacting the radio station Great Lakes FM to promote the exhibition;
- placing advertisements in the Great Lakes Advocate and the Forster Fortnightly; and
- running social media on LinkedIn and Facebook.

4. Response to submissions

4.1 Submissions

A total of 125 submissions were received in response to exhibition of the rezoning proposal. This section provides an overview of key issues raised by stakeholder groups, comprising community submissions, community group submissions and the submission from MidCoast Council.

Overall, there were:

- 110 individual submissions from the community;
- 10 submissions from community groups;
- 4 submissions from agencies; and
- 1 submission from Council.

The submissions summary report can be found (in **Appendix E**) here.

4.2 Issues raised in community submissions

Most community submissions raised concerns about the impacts of an increased population on the town, while others indicated overall support for the NTURA conditional on certain aspects being addressed.

The top themes evident in submissions and the key issues raised within each were:

- services (30%) – raising issue with the adequacy of local health and education services;
- infrastructure (26%) – raising issue with traffic impacts on the road network (movement), and adequacy of essential services like sewer and water infrastructure;
- environment (23%) – raising issue with biodiversity impacts, hazards and water quality;
- beach access, safety and coastal character (11%) – raised issue with the potential built form and accessibility outcomes given the coastal location; and
- housing (10%) – raising issue with built form impacts and affordability.

Section 5 details the Department's assessment of the issues raised in submissions. Landcom's Response to Submissions considers each individual submission issue raised.

4.3 Issues raised in agency submissions

Agency submissions were received from the Biodiversity Conservation Division, Heritage NSW, NSW Rural Fire Service and Transport for NSW.

The Department contacted a further four agencies, including NSW Health, Crown Lands, Department of Primary Industries, and Mining, Energy and Geoscience for advice. Telstra was also contacted for advice.

Section 5 details the Department's assessment of the key issues raised. **Appendix B** details the Department's response to the matters raised by agencies.

4.4 Issues raised in Council's submission

Council's submission focused on the suitability of proposed planning and development plan controls, concerns about issues such as biodiversity, stormwater, local infrastructure, visual impacts, coastal hazards, alignment with community aspirations, and the adequacy of technical studies.

Section 5 details the Department's assessment of the issues raised in submissions. Landcom's Response to Submissions considers each individual issue raised.

4.3 Response to Submissions

In January 2023, Landcom submitted the Response to Submissions (RtS) report with amendments to the proposed Master Plan and draft planning controls.

The RtS provides a full response to community, public authorities and agencies submissions and it can be accessed on the NSW Planning Portal. The responses were provided to the full text submission of each submitter. Landcom notes that the responses are to be read in conjunction with the provided Appendices C-J in the RtS.

4.4 Changes to the planning framework after exhibition

This section of the report provides responses to the key issues raised during consultation. It outlines where elements of the proposal have changed, either as a result of submissions received or to provide greater certainty or clarification to what was publicly exhibited.

The following changes were made to the proposed planning control amendments post-exhibition in response to issues raised in submissions and by the Department addressing policy issues related to the proposal.

Land Use Zones

- Change E2 Environmental Conservation to C2 Environmental Conservation.
- Change E3 Environmental Management to C3 Environmental Management.
- Change R2 Low Density Residential to R1 General Residential zone.
- Change R3 Medium Density Residential zone to R1 General Residential zone seaward of the 2125 year coastal hazard line.
- Relocate R3 Medium Density Residential zone to areas landward of the 2125 coastal hazard line.

- Extend B2 Local Centre zone seaward to 2100 coastal hazard line to replace previously proposed R3 Medium Density Residential land and allow for carparking associated with the local centre.
- Change C3 Environmental Management zone to C2 Environmental Conservation zone in southern coastal area.

Height of Building

- Reduce B2 Local Centre zone from 20m to 14m.
- Reduce previous R3 Medium Density Residential zone (now R1 General Residential zone) seaward of the 2125 coastal hazard line from 20m to 8.5m.
- Increase R3 Medium Density Residential zone west of local centre from 8.5m to 14m and 20m.
- Increase R3 Medium Density Residential zoned land western side of development from 8.5m to 17m.

Minimum lot size

- Reduce Mt Talawahl Park (zoned C2 Environmental Conservation zone in centre of R1 General Residential zone) from 450 sq.m to nil.
- Reduce IN1 General Industrial zone from 40ha to 1,000 sq.m.
- Apply 1,000 sq.m to R3 Medium Density Residential zone.

Dwelling Density

- Remove B2 Local Centre and southern R3 Medium Density Residential zone.
- Apply 35 dwelling/hectare to R3 Medium Density Residential zone.

Urban Release Area Map

- Change the Urban Release Area Map to label the site North Tuncurry Urban Release Area and to include the IN1 General Industrial zone land in the northern area.

Local provisions

- Introduce a clause requiring the concurrence of the Planning Secretary (in consultation with the Biodiversity and Conservation Division) to ensure that:
 - an appropriate flood planning level is reached for the subdivision design of the North Tuncurry Urban Release Area, and
- Introduce a clause requiring the concurrence of Transport for New South Wales to ensure that:
 - development will not have adverse impacts on the State road network.
- Introduce a clause requiring affordable housing be provided.

Additional permitted Use

- Introduce tourist and visitor accommodation on RE2 Private Recreation zone on the North Tuncurry site on the Urban Release Area Map, limited by 3,000 sq.m.

5. Department's assessment

Landcom's Response to Submissions report addresses the issues raised in the submissions. This section focuses on the Department's assessment. Post exhibition changes were made to the intended amendments and justification for these changes are discussed in the report.

5.1 Health and education services

5.1.1 Background

Forster-Tuncurry is serviced by the Manning Base Hospital, which is in Taree approximately 30 minutes by vehicle to the north. With a growing older population, it is likely that there will be increased pressure placed on health services such as the hospital and local General Practitioners (GPs) as the community continues to age.

Education services are provided across Forster-Tuncurry with a mix of public and private facilities.

5.6.2 Issues raised in submissions

Health services

Health services issues raised in community submissions were largely concerned with the impact growth would have on what the submissions described as an 'already struggling health system'. Submissions claimed there was evidence of pressure on local GPs. Many submissions suggested that a public hospital should be built to accommodate population growth and that emergency response times may be impacted by increased congestion.

Education services

Submissions raised issues about the adequacy of educational facilities should an increase in population occur as a result of NTURA. Concerns regarding inadequate capacity in existing schools to accommodate the new community, specifically Tuncurry campus public school capacity, existing schools requiring upgrades, the need for a primary school as part of the development and opportunities for independent schools to provide facilities.

5.6.3 Landcom's response to submissions

Health services

The proponent consulted Hunter New England Local Health District (LHD) in October 2020 and also post-exhibition in 2022 to confirm its previous response.

Landcom referred to the Government's committed \$20 million for a new health facility in Forster-Tuncurry. This is currently in the planning and site selection phase. The delivery timeline for the facility is not yet finalised and it is not clear whether this will be a public hospital or an urgent care centre.

Government funding is allocated to deliver new healthcare worker accommodation in the regions, including \$30 million for the Hunter New England and Western NSW local health districts . It is not yet clear where the accommodation will be developed.

Construction commenced on a new ambulance station in Forster in April 2022 with completion expected early in 2023. The new facility will help paramedics better meet existing and future demands for mobile emergency medical care in Forster and surrounding communities.

Landcom believe the proposed development will generate demand for local general practitioner services and they noted medical centres will be permissible within residential and commercial areas.

Landcom has had discussions with aged care service providers which indicated the capacity of support services for older people is strained due to staff shortages and funding limitations. There is a need for additional provision of retirement village and residential aged care places as ageing population increases. Landcom notes there is interest from market providers to deliver retirement village and aged care facilities within the site.

Landcom recommend that the community centre operator engages with local service providers to discuss opportunities to provide outreach services through rooms in the community centre. These service providers could include Forster Community Health Centre and MidCoast Assist.

Education services

Landcom indicated the Department of Education advised that Tuncurry Primary School and the Junior and Senior Campuses of the Tuncurry Secondary College are expected to have sufficient capacity to accommodate enrolment growth attributed to the NTURA.

The land uses proposed in the NTURA would permit educational establishments with development consent should future demand warrant increase educational services.

5.6.4 Department's assessment

Health services

LHD acknowledged health services were close to capacity and also advised the Forster Community Health Centre was well serviced by general practitioners. LHD indicated that although Forster was not well serviced by public hospitals, it pointed out that Forster Private Hospital would take public patients to manage capacity at Manning Hospital in Taree.

The LHD recently reviewed the need for additional public health services in the area and had developed Clinical Services Plan for the area. NSW Budget 2022-23 committed to hospital upgrades and redevelopments, including \$20 million for the Forster-Tuncurry health facility.

The Department considers the proposed planning framework will allow for private medical services and aged care housing to be accommodated within the NTURA. Additional population will increase demand on services and capacity for Forster Tuncurry to attract more public health services with funding being allocated for increased public hospital services and facilities.

Lack of employees in the age care sector was identified as a concern. The smaller dwelling products proposed within the NTURA will provide additional more affordable dwellings for key workers, contributing towards meeting this demand.

Education services

The Department of Education indicated there is an appropriate government school asset base in the locality with two public schools and three college campuses in the urban area. Also with surrounding rural localities also serviced by schools at Bungwahl, Pacific Palms, Nabiac and Coolongolook.

The proposed R1 General Residential zone permits with development consent a number of educational facility types which will allow independent schools and private operators to seek approval for;

- educational establishments
- child care facilities
- centre-based childcare
- early education and care facilities
- information and education facilities
- respite day care centres

There is adequate capacity within the local primary, secondary and tertiary schools and there is scope within the land use framework to allow expansion or providers to establish new facilities should demand require.

5.2 Movement

5.2.1 Background

Landcom prepared a Traffic Management and Accessibility Plan (TMAP) in 2013 to support the Rezoning Proposal for the NTURA. The TMAP was revised in 2018 to reflect administrative and legislative changes that had occurred in the preceding period. The revised TMAP was submitted to the Department and subsequently to Transport for NSW (TfNSW) for comment prior to public exhibition.

The TMAP considered the impacts of the NTURA on Beach Street and intersections with the Lakes Way to the south of the proposal. The TMAP concluded that no upgrades to these intersections are required.

5.2.2 Issues raised in submissions

TfNSW, Council and the community made submissions highlighting concerns with the staging of the development, the cumulative impact of traffic on local roads as well as the timing and availability of funding for proposed road upgrades.

The main traffic and transport concerns include:

1. the ability of the Wallis Lake Bridge to accommodate additional traffic, given the narrow bridge lanes, road alignment on the approach to the bridge from the town centre and performance of intersections close to each end of the bridge.

2. the funding and timing for road improvements to The Lakes Way/Grandis Drive/Northern Parkway intersection, The Lakes Way (duplication) and to Wallis Lake Bridge (duplication). (Figures 2 and 3)
3. impact of the proposed B5 Business Development zone on the capacity and safety of the Lakes Way/Grandis Drive/Northern Parkway intersection. The intersection adjoins the Great Lakes College and Great Lakes TAFE.

5.2.3 Landcom's response to submissions

Following public exhibition, Landcom confirmed its position that the proposed traffic and transport impacts could be appropriately managed and that active transport measures will be promoted and encouraged. This would result in a shift towards more sustainable travel modes, such as public transport, cycling and walking reducing car dependency of future residents.

Landcom has committed to enter in to local and State Voluntary Planning Agreements (VPAs) to ensure appropriate infrastructure is in place in line with proposed development staging.

To resolve concerns by TfNSW and Council in relation to the performance of Wallis Lake Bridge and The Lakes Way, Landcom agreed to undertake further modelling analysis. This would confirm the timing and amount of development that can be released without causing the Wallis Lake Bridge, The Lakes Way and The Lakes Way/Northern Parkway intersection to exceed capacity. This work would also inform the State and local VPAs and any amendments to the Master Plan and development control plan for the site.

The proposed work would focus on:

- identifying the timing of transport upgrades that would defer the need for duplication of the bridge and improve performance of The Lakes Way and The Lakes Way/Grandis Drive/Northern Parkway intersection;
- identifying the scale of development that can be supported by the transport upgrades prior to bridge / intersection failure; and
- confirming the timing and number of lots and/or employment land that would trigger the need for the new northern access roundabout on The Lakes Way



Figure 2 – Locations of intersections



Figure 3 – Locations of intersections (detail)

5.2.4 Department's assessment

The Department has considered submissions and TfNSW's proposed approach to satisfactorily address movement concerns.

TfNSW raised concerns about the amount of development traffic that can be absorbed by the existing road network and have proposed a number of safeguards to ensure upgrades are delivered as traffic increases.

The Department will introduce a local clause that will only allow development applications that seek to subdivide the land to proceed if TfNSW grants its concurrence. The clause will be supported by a VPA that will be prepared following the rezoning.

TfNSW and Landcom have agreed as part of the VPA to incorporate an iterative approach to infrastructure upgrades and further development occurring. This will ensure that traffic upgrades are in place before development can occur.

5.2.4.1 Wallis Lake Bridge

Wallis Lake Bridge is classified as a State road, providing regional links between Forster in the south and Tuncurry in the north. It functions as the main road corridor linking the Tuncurry and Forster twin town centres.

Plans to duplicate Wallis Lake Bridge have been considered by TfNSW, but are currently unfunded. Analysis by TfNSW determined improvements to the intersections close to the bridge (Beach St/Head St) are more beneficial to the performance of the bridge in the short-medium term.

In response to the current infrastructure planning for Forster-Tuncurry, a development cap of 600 residential dwellings has been identified. The cap is flexible and will allow development of employment land in lieu of the 600 residential lot cap. The quantum of employment land that could be developed in lieu of residential will need to be agreed with TfNSW. The purpose of the cap is to limit traffic impacts on the bridge and at adjacent intersections to acceptable levels.

The State VPA will need to reinforce the local clause by applying the cap and requiring further traffic modelling and an updated Transport Impact Assessment (TIA) to be prepared and approved by TfNSW prior to a subdivision certificate being issued for the 601st lot. The TIA will need to identify the number of additional lots and/or other land uses that can be released following Landcom's completion of upgrades to the Beach St/Head St intersection. These upgrades will introduce signals to the intersection in line a preferred design developed by TfNSW and ensure through traffic modelling that the Wallis Lake Bridge continues to operate at acceptable levels.

The VPA will also need to consider:

- any traffic modelling and identification of an additional development release cap to be undertaken in collaboration with, and agreed by TfNSW;
- any additional development release cap to inform an updated letter of offer and subsequent VPA amendment; and
- works to improve capacity of the Beach St/Head St intersection (and therefore Wallis Lake Bridge) to be based on the TfNSW preferred design.
- Landcom is being required to:

- enter into a Works Authorisation Deed (WAD) with TfNSW to complete the works to TfNSW's satisfaction; and
- complete the works at no cost to TfNSW prior to release of the subdivision certificate for the 601st lot.

5.2.4.2 The Lakes Way duplication and intersection with Northern Parkway

The Lakes Way duplication and intersection improvement at Northern Parkway is required for future traffic growth. Funding is being allocated to the duplication and intersection upgrade through Council's Contributions Plan. Insufficient funds are available to implement the upgrades immediately.

If duplication of The Lakes Way (from Grey Gum Road to 250m north of Chapmans Road), including upgrade of The Lakes Way/Northern Parkway intersection, has not been constructed, then prior to the lodgement of the first development application, Landcom will be required to submit further modelling and an updated TIA identifying the development threshold (number of lots and/or equivalent employment land) that can be released prior to the upgrade works being required.

This will be agreed with TfNSW and provides a development threshold that will effectively limit traffic impacts on The Lakes Way and at the intersection with Northern Parkway to the satisfaction of TfNSW.

Should the above works remain unconstructed when the development threshold is reached then Landcom may fund or contribute to construction of the upgrades to The Lakes Way and the intersection with Northern Parkway or cease further development. Landcom has indicated that these works would need to be recognised as works in kind in the VPA to be entered with Council for local infrastructure.

5.2.4.3 Impact of the proposed B5 Business Development zone

The approach agreed to between TfNSW and Landcom to analyse the traffic impacts and put in place upgrades prior to development occurring will apply to the proposed B5 Business Development Zone land. This will ensure that the intersection will be able to manage any additional traffic resulting from new land uses developing on the proposed B5 Business Development zone.

As part of the development assessment of future development on the proposed B5 Business Development zone, the consent authority will need to consider the impact of the development on the safe operation of the Great Lakes College. Pick-up and drop-off periods at the school result in peaks of high usage where private vehicles, buses and students interact. The consent authority will need to ensure that potential impacts from the development of this land are investigated, that the views of the community and school are considered, and that additional safety measures are put in place if required.

5.3 Biodiversity conservation

5.3.1 Background

The NTURA has been the subject of a number of ecological studies over the years to establish a detailed understanding of the ecological characteristics of the site.

Landcom has undertaken an ecological assessment to consolidate the findings of the previous investigations, address the rezoning study requirements and specifically assess the impacts of NTURA.

NTURA will affect 198 ha of vegetation that is generally in moderate to good condition. The vegetation communities are Blackbutt –Smooth-barked Apple open forest, Banksia dry shrubland and Coast Banksia – Coast Wattle dune scrub. One flora species recorded on the site, the Tuncurry Midge Orchid (TMO), is listed as critically endangered under the *Biodiversity Conservation Act 2016* (BC Act) and critically endangered under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth).

Landcom proposes 327 ha of land for on-site conservation. However, this is expected to generate enough ecosystem and species credits to offset the first 12 stages of residential development and the employment lands at the intersection of The Lakes Way and Northern Parkway. Offsite biodiversity offsets will be required for stages 13-22 of residential development, the village centre, redeveloped golf course and remaining employment land near the waste management centre.

5.3.2 Issues raised in submissions

Council, BCD and the community made submissions highlighting concerns around loss of habitat, impacts to fauna and flora, particularly Koalas and the Tuncurry midge orchid, uncertainty around the approach to biodiversity offsets, and impacts to the coastal ecosystem.

Council and BCD's concerns relate to the uncertainty of the approach to protection of biodiversity values and the suitability of the two-stage process being proposed by Landcom to mitigate impacts of development.

Council and BCD's concerns also relate to the adequacy of Landcom's ecological assessment, including the:

- age and adequacy of threatened flora and fauna species surveys, particularly for the Tuncurry midge orchid;
- approach for assessing offsetting requirements;
- certainty about offsetting, such as in-principle support from the Biodiversity Conservation Trust or Credit Supply Taskforce about the suitability of the site as a biodiversity stewardship site and methodology to be used to assess the site; and
- issues about potential impacts of flood mitigation and management on biodiversity.

5.3.3 Landcom's response to submissions

Biocertification may be conferred by the Minister for the Environment if the conservation measures proposed result in an overall 'improve or maintain' outcome. This process is occurring under savings provisions of the former *Threatened Species and Conservation Act 1995*.

In relation to issues raised by Council and BCD, Landcom advised:

- regular species surveys had been undertaken since 2005 providing a comprehensive, long term assessment of the biodiversity values;
- that additional surveys were undertaken in June 2020 following the 2019 bushfires to support the ecological assessment and proposed mitigation measures (in the form of a now superseded Biobank Agreement);
- ongoing consultation with BCD occurred following the introduction of the *Biodiversity Conservation Act 2016* which replaced the previous requirement for registration of a Biobanking Agreement with the need to secure a Biodiversity Stewardship Site Agreement (BSA). This focused on updating the Biodiversity Certification Assessment Report (BCAR) in November 2021 (prior to public exhibition);
- that the proposal introduces a 200m wide environmental buffer from the mean high water mark to ensure future development does not impact on dunal vegetation or coastal processes, including coastal erosion and the effect of sea level rise;
- that evidence of green turtles and pied oystercatcher breeding sites is limited. Landcom have agreed to commit funds to undertake a turtle and sea bird nesting monitoring program;
- that the BCAR Statement of Commitments outline how the required biodiversity offsets will be met including both on-site (providing for all impacts 'in perpetuity' associated with Stages 1-12) and offsite offsets (Stages 13 onwards);
- that the Master Plan minimises the urban footprint, whilst meeting various guidelines, such as surrounding perimeter roads forming the bushfire asset protection zones, and ensures residential blocks do not immediately adjoin conservation areas;
- the proposed conservation areas will be permanently protected by registration of a Biodiversity Stewardship Agreement.

In relation to the community concerns raised, Landcom has advised:

- it has undertaken extensive surveys over many years and no evidence of resident populations of koalas have been found. However, koalas have been assumed to be present on part of the site on a precautionary basis, resulting in Landcom's proposed offset strategy;
- the proposed development footprint has been minimised to ensure surrounding areas can be preserved for environmental conservation. Its biodiversity assessment has identified ecologically valuable areas of the site which inform the location and extent of the proposed development footprint. The proposal includes an environmental conservation strategy setting aside 327 ha of land with high conservation value that will be placed in permanent conservation; and

- in relation to dunes and coastal erosion, the proposal introduces a 200m wide environmental buffer from the mean high-water mark to ensure future development does not impact on dunal vegetation or coastal processes. The assessment of coastal processes also confirms that proposed development will not impact on surf breaks or coastal flows.

5.3.4 Department's assessment

The Department is required to consult with BCD if a critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected before an environmental planning instrument is made (under section 3.25 of the *Environmental Planning and Assessment Act 1979*). This has occurred, with BCD advising biodiversity issues will be addressed through the biodiversity certification process.

Department of Regional NSW has also been consulted (under section 3.25 of the *Environmental Planning and Assessment Act 1979*) and confirms the proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats, as listed under the *Fisheries Management Act 1994*.

5.3.4.1 Biodiversity

The extent of impacts and approach to the mitigation of biodiversity impacts is set out by Landcom in a Biodiversity Certification Report and Biodiversity Certification Strategy. It details how biodiversity offsets will be met through a combination of on-site and off-site offsets, and includes specific actions relating to the Tuncurry midge orchid. A two-stage approach is proposed to secure adequate offsets under the Biodiversity Certification Assessment Methodology.

The first stage consists of credits attained through an on-site conservation area. This 327ha portion of the site has been identified as having high conservation value and includes the coastal dune ecosystem. Landcom has proposed to introduce a Biodiversity Stewardship Agreement (BSA) to be made with the Biodiversity Conservation Trust for the on-site conservation area. The BSA will permanently protect and secure the required offset for the first 12 development stages (Figure 4).



Figure 4 - Offset areas for first 12 stages (source Ecological)

The second stage relies on Landcom securing appropriate off-site conservation offsets. This stage will limit development until suitable offsets have been agreed and secured. There are a number of options available to Landcom that require further work and agreement to establish off-site conservation measures, including a potential (380-400ha) site at Nabiac.

While BCD and Council have requested more certainty be provided about potential off-site offsets, Landcom notes that the BCAR does not need to provide any further certainty as there is the option to purchase credits from the Biodiversity Conservation Trust prior to the commencement of a development. It considers that with the introduction of the *Biodiversity Conservation Act 2016*, they argue there is no longer a requirement for a biodiversity certification to demonstrate that all offset requirements have been secured prior to the Minister for the Environment making a determination.

Council and BCD are concerned about the age of surveys used to inform the biodiversity assessment. These may not provide accurate information to inform the BCAR. Landcom disagrees with this assessment, noting that species surveys have been undertaken since 2005 and continued through 2008, 2010-2012, 2013, 2014, 2015, 2016, 2020 and 2021 and represent a comprehensive, long-term assessment of the biodiversity values of the study area.

Landcom is progressing its certification under the savings and transition arrangements of the now repealed *Threatened Species Conservation Act 1995*. There is disagreement between Landcom and BCD about the standards required under these provisions. BCD will evaluate credit equivalency as required under *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

The Department is continuing to work with Landcom and BCD to resolve outstanding concerns.

The Biodiversity Certification Report and Biodiversity Certification Strategy will be separately and independently assessed by BCD ahead of it making a recommendation to the Minister for the Environment about whether to confer biodiversity certification to the site. The Minister needs to be satisfied that an improve or maintain outcome has been achieved.

5.4 Stormwater and flooding

5.4.1 Background

The site is subject to flooding from a combination of groundwater and surface runoff, with parts of the site known to be inundated for long periods following larger storm events. It is not affected by flooding from the Wallamba River.

Landcom is proposing to address flooding by raising parts of the site with landfill and by constructing a series of detention basins and a drainage pipe to drain water to the Wallis Lake estuary. Landcom has commissioned several studies relating to groundwater and integrated water cycle management to support the rezoning.

The Department commissioned an independent review of the proposed stormwater management system prior to exhibition. The review recommended further analysis of the following to occur following exhibition:

- Groundwater model;
- Function of the gravity pipe;
- Overland flow paths; and
- Emergency response

The review also noted that identified flood levels should be considered indicative only due to uncertainty associated with groundwater, and that further revision of flood levels occur prior to development consent being granted to develop the site for housing.

For land on the eastern side of the golf course, a flood planning level for dwellings of the greater of 0.8m above the 1% AEP basin level or 0.5m above the adjoining road level was originally proposed by Landcom. For the remainder of the residential area, a provisional level of 1.0 m above the 1% AEP groundwater level or 5m AHD (whichever is higher) was proposed.

5.4.2 Issues raised in submissions

The BCD and Council raised concerns about the development being inundated in a flood event that would damage property and isolate residents from their dwellings for extended periods once evacuated.

The adequacy of the flood planning model was questioned by BCD and Council, with concerns identified about the suitability of the groundwater model, how landform had been considered, that sea level rise and climate change had not been adequately factored in, and that impacts resulting from combined storm events needed to be assessed. Concerns about blockages and maintenance of the gravity pipe under storm conditions led to calls for a redundancy in the system in the form of an overland flow path. Maintenance costs for the gravity pipe was identified as an issue by Council.

Community concerns relating to flooding focused on impacts from the Wallamba River, climate change and the costs of infrastructure being passed on to ratepayers.

5.4.3 Landcom's response to submissions

Landcom has revised its flood modelling to consider more severe storm events and consecutive (back-to-back) storms. It has considered a 2100 year storm event scenario that takes into consideration:

- 2100 rainfall event data;
- minor flooding ground water conditions;
- partial gravity pipe blockage; and
- climate change impacts on rainfall.

The updated scenario identified a designed landform level of 4.67m AHD, which would require a substantial amount of landfill to be imported to the site. It is Landcom's view that 4.67m AHD is a highly conservative flood planning level. It has signalled it intends to undertake further modelling following rezoning to determine if a lower level can safely manage flood impacts. Landcom intends to undertake this additional work prior to obtaining consent to subdivide the site.

Landcom has also identified overland flow path options to be examined more closely in the detailed design stage for a development application.

To alleviate evacuation concerns, Landcom has agreed to provide rising road access to elevated perimeter roads that will provide safe evacuation to The Lakes Way and Tuncurry.

Regarding maintenance costs of stormwater infrastructure over the life of the project, Landcom has undertaken to support Council in seeking a special rate variation through IPART (applicable to only NTURA residents) following the rezoning to fund maintenance costs over the life of the project. If a special rate variation is not approved by IPART then a payment would be made to Council.

5.4.4 Department's assessment

In line with the independent review by DHI prior to public exhibition, the Department commissioned further independent reviews by the Department's Water Division (DPE Water) and Rhelm Consultants.

Rhelm facilitated a stormwater workshop on behalf of the Department to resolve the issues identified by DHI. The NTURA Stormwater Management System Report 2022 (Rhelm) was produced which set out the process to resolve stormwater and flooding issues. Section 5.4.4.1 - 5.4.4.4 detail the steps taken since that workshop to resolve the outstanding concerns.

As agreed at the workshop, the DPE Water independently reviewed the groundwater model. The Water Division's review found the groundwater model to not be fit for purpose to predict groundwater related flood risks to the proposal.

5.4.4.1 Flood planning level

Determining the flood planning level is important as it will determine how much of the site can be developed and the extent of landfill required to manage flood risks. For NTURA, this involves understanding what is likely to happen in a storm event due to rainfall and groundwater levels when that event occurs.

BCD and Council are concerned that groundwater has not been adequately considered and so the flood planning level cannot be determined with certainty. This position is supported by the independent reviews, including analysis of the groundwater model by the DPE Water, which recommended further groundwater analysis occur.

In the absence of further groundwater modelling occurring at the rezoning stage, the Department requested Rhelm to provide a pragmatic way forward which enables the rezoning to proceed while ensuring flood risk is adequately managed.

Rhelm (**Appendix F**) considered the upper bound of the analysis presented by Landcom (EMM, November 2022) is a 1% AEP flood level of 5m AHD. Rhelm then added an additional 0.5m freeboard to address uncertainty, providing a flood planning level of 5.5m AHD for the site.

In reaching this position, Rhelm considered available estimates of the probable maximum flood (short duration events) which are of the order of 5.3 m AHD and long duration events range between 5.5 and 6 m AHD. A flood planning level of 5.5 m AHD was not considered unreasonable in that context. While Rhelm acknowledges there is a risk that the actual flood planning level may be determined to be higher, it considers the likelihood of this to be low.

5.4.4.2 Local clause

Consistent with Rhelm's recommendation, the Department has set the flood planning level for the site at 5.5m AHD through the application of a local clause which will apply at the development application stage. This approach allows the rezoning to proceed while ensuring that flood risks will be mitigated when the site is developed.

Landcom has expressed concern about the flood planning level, noting an earlier proposed flood planning level of 4.67m AHD to be highly conservative. It considers that more monitoring data and modelling will result in a lower flood planning level and so has requested the Department allow the flood planning level to be revised at the development application stage.

On advice from Rhelm, the Department has accepted this approach and so the clause allows a lower flood planning level to be determined with the concurrence of the Planning Secretary. The clause stipulates that concurrence can only be provided if certain flood related issues like updated groundwater modelling, detention basin sizing and landform modelling have been undertaken, and the advice of BCD has been considered.

To support the clause Rhelm has provided further advice regarding the steps which Landcom needs to undertake to obtain concurrence. These steps are outlined in the Rhelm advice (**Appendix F**) and will be included in the development control plan that will be finalised by the Department.

Landcom, BCD and Council have had input on the steps, and they include specific requirements about how the groundwater model should be developed, how the actual flood planning level will be determined, scenarios considered, and resolution achieved.

5.4.4.3 Redundancy and evacuation planning

Council and BCD maintain they cannot support the gravity pipe approach without redundancy embedded in the system. This is to address a scenario whereby the pipe is partially blocked during a storm event, reducing its effectiveness.

An overland flow path has been proposed to provide redundancy. This approach is supported by BCD and Council. Several options for an overland flow path have been conceptually investigated by Landcom and these will be examined further as part of the development application stage as overland flow path options are a consideration in the local clause and referred to in the development control plan.

BCD advised that evacuation rather than shelter-in-place was appropriate for the site due to concerns about flood levels and residents becoming isolated for several days in a flood.

Landcom has prepared a flood emergency response plan which includes the following measures:

- all internal roads will rise towards a perimeter road which will provide access to The Lakes Way near the Great Lakes College/TAFE which is above the PMF levels for the Wallamba River, Wallis Lake and the NTURA basins;
- a perimeter road that is at or above 5.3 m AHD (the short duration PMF level) and will provide flood access to the entire precinct; and
- several flood evacuation facility options that are above the PMF levels for the Wallamba River, Wallis Lake and the NTURA basins such as the Great Lakes College and Great Lakes TAFE.

The flood emergency response plan is supported by BCD and Council has not raised concerns with the approach. The need for a plan will be included in the development control plan which will be finalised following the rezoning, with the final emergency response plan resolved through the development application process.

5.4.4.4 Delivery of stormwater and flooding infrastructure

Concerns raised by Council and the community are valid given the nature of the stormwater infrastructure required to manage impacts. These matters need to be resolved prior to consent being granted to subdivide the site for housing to satisfy the requirements of the *Great Lakes Local Environmental Plan 2014*.

The Department has worked with Council and Landcom to prepare a Statement of Intent (Sol) which sets out how the funding and delivery of stormwater infrastructure is to occur. It is a precursor to a voluntary planning agreement which will be negotiated between Council and Landcom to legally bind both parties to deliver their commitments.

The Sol states that Landcom will construct the drainage infrastructure at its expense incrementally as the rollout of stages progresses. The southern water management basin and gravity drain will be

constructed in its entirety as part of the relevant critical stage within the first five stages to mitigate flood impacts and achieve planned stormwater outcomes.

Costs associated with the maintenance of the drainage system have been identified by Council. They are proposed to be funded through a special rate variation which would need to be approved by IPART once applied for by Council. The increased rates would apply only to landowners within NTURA. If the variation is not approved, then Landcom would make a one-off payment to Council.

The Department is assisting with the negotiations between Council and Landcom.

5.5 Coastal hazards

5.5.1 Background

The site is in the coastal zone and is subject to coastal hazards including beach erosion, shoreline recession and coastal inundation. These hazards are described in the Great Lakes Coastal Zone Management Plan 2016 (CZMP) prepared by Council. The CZMP was certified by the Minister for the Environment under the transitional arrangements of the *Coastal Management Act 2016* and is taken to be a Coastal Management Program (CMP) under the provisions of the *Coastal Management Act 2016*. The CZMP reviewed the outcomes of the Great Lakes Coastal Hazards Study (2013), which described the coastal processes and coastal hazards affecting the site.

To support the re-zoning application, Landcom provided the North Tuncurry Coastal Processes, Hazards and Planning Study (2019) to provide an updated definition of coastal hazards based on the Great Lakes Coastal Hazards Study (2013) and to provide recommendations for the proposed rezoning.

Further to these two studies, a report entitled Addendum to Coastal Processes, Hazards and Planning Study (2021) was prepared to address issues raised by Council and BCD in mid-2020. The Addendum addressed the application of the *Coastal Management Act 2016*, *SEPP Coastal Management 2018* (now repealed and replaced by the *SEPP (Resilience and Hazards) 2021*) and Local Planning Direction 4.2 - Coastal Hazards and responds to comments on the data and assumptions adopted in the North Tuncurry Coastal Processes, Hazards and Planning Study (2019).

5.5.2 Issues raised in submissions

Community submissions raised concerns about the development's proximity to the coastline and the risks this presented, including whether this would result in the site becoming designated by BCD as a Significant Open Coast Hazard site in future such as Old Bar to the north of the site.

Several submissions were concerned that sea level rise considerations were insufficient and the AdaptNSW Policy, which requires development to consider future sea level rise, has not been addressed appropriately.

Issues raised by Council included:

- Concern about the currency of the studies.
- The importance of considering future coastal risks for the life of the development and therefore beyond 2100.

- The Master Plan promotes the concentration of denser urban forms in the vicinity of the area of coastal hazard identified in the CZMP.
- This proximity and the delayed stages of development (Stages 21 and 22) creates uncertainty about their viability given they are likely to be directly impacted by coastal hazards by or shortly after 2100.
- Not considering potential impacts beyond 2100 is considered inconsistent with the precautionary principle and will create a legacy issue for both landowners and Council.
- The evaluation of coastal inundation risk should be taken from the erosion hazard line as at the 100 year planning horizon due to the risk of coastal inundation due to wave run-up and overtopping under an eroded dune condition.
- Considering the 2100 wave run-up level of 6.2m AHD for the 100-year Average Recurrence Interval (ARI) design event and that in some locations the existing dune is as low as 4.8m AHD, wave overtopping of the dune and coastal inundation of the site is not only possible but is likely to occur in future.
- A formal risk assessment similar to that presented in the CZMP and associated Options Study should be undertaken to evaluate the risk of wave overtopping with beach recession is recommended to assist in determining the long-term viability and costs associated with maintaining any beachfront development, services and infrastructure.

5.5.3 Landcom's response to submissions

In response to coastal hazard issues raised by Council and BCD, Landcom provided the following comments and made a number of changes to the Master Plan.

Landcom considered their approach to managing the risk from coastal hazards is consistent with the current Government policy and that each of the concerns raised by Council had been adequately addressed in the Coastal Processes, Hazards and Planning Study Addendum (2021).

Regarding the recommendation to adopt a 100 year planning horizon (i.e. to 2125 as a minimum), Landcom referred to the CZMP which describes the likelihood of the 2100 erosion hazard line reaching development footprint as 'rare'. Nonetheless, Landcom amended the Master Plan to relocate the denser residential development and local centre built form landward of the position of the 2125 erosion hazard line. The specific changes to the Master Plan are discussed further in relation to built form in section 5.6.3.

Landcom advised that the Coastal Processes, Hazards and Planning Study Addendum (2021) indicates the areas potentially affected by coastal inundation based on detailed LiDAR survey information. It is noted that the study shows the dune system to generally be sufficiently high to prevent inundation of the site due to elevated water levels and wave runup, and that this has been re-confirmed with current LiDAR data.

5.5.4 Department's assessment

This section outlines the key coastal hazard issues and how these have been considered through the final Master Plan and Response to Submissions.

5.5.4.1 Climate change projections

As noted by Council, while the North Tuncurry Coastal Processes, Hazards and Planning Study was prepared in 2019 it relies on a historical coastal hazard study from 2013 and does not take into account new data that has become available in recent years. This concern is shared by the Department.

The 2019 study notes that there is a high level of uncertainty in the potential impacts of climate change on wave climate and El Niño/La Niña cycles, both of which are relevant to coastal inundation and coastal erosion. The 2019 study only considered sea level rise projections of 0.4m by 2040 and 0.9m by 2100, consistent with the Coastal Hazard Study (2013) and CZMP. The latest sea level rise projections published by the Intergovernmental Panel on Climate Change (IPCC) (see below) have not been incorporated in the assessment. The projections forecast higher levels for 2100 which affects long term planning.

5.5.4.2 Long-term planning horizon for coastal hazards

The Council submission and the Department have highlighted the need to consider future coastal risks for the life of the development (i.e. beyond 2100) with Landcom.

Both the Coastal Design Guidelines for NSW (2003) and updated guidelines exhibited in late 2022 state that a 100-year planning horizon should be considered. The exhibited guidelines go further, requiring up-to-date climate change projections for shoreline retreat and coastal inundation, and the full range of sea level rise projections to be considered, and that corresponding foreshore setbacks be planned.

The Department estimates that if the 2125 planning horizon was used, the erosion hazard line would shift landwards by approximately 30m. This longer planning horizon may also affect coastal inundation and wave-run up impacts associated with the site and in turn how development needs to respond.

Despite this, the governing framework that applies to the site is Council's CZMP. While it predates the contemporary framework, it has been certified by the relevant Minister under the transitional arrangements of the *Coastal Management Act 2016*. As the CZMP applies a 2100 planning horizon, this planning horizon has been applied by the Department in considering the proposal.

Notwithstanding, the Department has pursued a reduction in the density of development in land between the 2100 year and 2125 year erosion hazard line to limit the number of dwellings that would potentially be exposed to coastal hazards risk. Buildings associated with the local centre have been shifted to the west and less dwellings will be exposed by changing the zoning from R3 Medium Density Residential (five storey apartments and shop top housing) to R1 General Residential (1-2 storey dwelling houses).

The Department notes that Council is required to replace its CZMP with a Coastal Management Plan (CMP) by 2024. The CMP will need to consider contemporary coastal management guidance such as the Coastal Management Manual (2018) and Coastal Design Guidelines which promote a 100-year planning horizon. Should this occur, then a future development application for affected parts of the site will need to consider a 100-year planning horizon to satisfy clause 7.4 Coastal Risk Planning of the *Great Lakes LEP 2014*.

The clause sets out various matters the consent authority needs to consider before approving a development. It includes whether a development is likely to be adversely affected by the impacts of coastal hazards (subclause 7.4(3)(a)) and whether the development provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes, coastal hazards and sea level rise planning benchmarks (subclause 7.4(3)(f)).

5.5.4.3 Long-term risk and liability to Council

Regarding concern noting the risk and liability of transferring land and community assets located seaward of the 2100 hazard line into public ownership for Council, Landcom re-emphasised that the intent was to avoid sterilising the land use and opportunities associated with the land and that the fire trail and shared user path would provide a buffer to the coastal dune from privately owned land.

In its submission, Council has reiterated its concerns about the long-term risk and liability of such a proposal. This matter is complex to resolve and has potential expenditure and public risk exposure implications in the long term. Further consideration of this issue will occur at the development application stage.

5.6 Built form

5.6.1 Background

Potential impacts of development on coastal character and views from key vantage points, like beach foreshores and existing settlements, is an increasingly common issue across the MidCoast Local Government Area.

Landcom prepared an Urban Design Report 2019 and a Visual Assessment 2020 to demonstrate how the built form associated with the proposed development would appear and impact on its surrounds. The studies undertaken utilise a place-based analysis to inform a Master Plan which sets out how it will be designed to create a desirable place to live while limiting amenity impacts outside the site. The studies have informed the preparation of a draft development control plan which will be finalised by the Department following the rezoning.

5.6.2 Issues raised in submissions

Community and Council submissions focused on the potential impact of the proposal on coastal character. Submissions considered apartments were too close to the beach foreshore affecting the amenity of Nine Mile Beach. The orientation of the apartments along the foreshore and their five-storey height also drew criticism that this would create a wall of development that would be visually prominent from Forster-Tuncurry. Concerns also related to site being overdeveloped due to the density of apartments and small lot housing.

Community submissions raised concerns that the scale of the proposed taller, denser buildings and amount of small lot housing was not in keeping with the Tuncurry's coastal settlement character. Council indicated the built form and building heights would dominate the scenic amenity of the vegetated dune from key vantage points and from the public beach.

Submissions did not support the proposed line of apartments behind the foredune because they would form a wall of development if separation distances between each apartment block were not adequately implemented. It was recommended development controls be introduced to mitigate impacts of bulky building depth and unmanaged separation distances between buildings.

Exotic tree species (Norfolk Island Pines) along the dune edge were also considered out of context and to have a visual impact that could be seen from considerable distances.

Concern was raised by Council that character statements in the development control plan and its precincts do not respond to the context of the natural and built features of the area and do not address the character they create when combined. It was suggested that built form and scale should be appropriate to the existing and desired future character. A focus for Council was the 12m height for the golf course with an 8.5m height preferred.

Other concerns related to the impact of the built form on the coastal dune system, particularly in relation to informal beach access occurring. It was suggested that density should be lessened and set back from the dune system by public space. This would provide physical separation and eliminate the potential impression that the eastern edge of the development adjoining the dune system will be private land.

5.6.3 Landcom's response to submissions

Landcom has revised its Master Plan to redistribute density across the site, with particular focus on the location and scale of apartments and small lot housing (200-374 sq.m).

Landcom has changed its approach to development along the beach foreshore. The local centre has shifted to the west and connects to apartments further inland. Previous apartments along the coast have been replaced with small lot housing and traditional lots. A pedestrian passage/fire trail 7.5m wide runs the length of the eastern development boundary to provide separation from the dune area.

Apartments originally proposed for the foreshore have been moved to west of the local centre and to its adjoining green space, as well as to the western and southern sides of the site.

Small lot housing has been redistributed to orient around areas with high amenity such as parks and vegetated areas but has been reduced by 168 dwellings overall. These homes have now been incorporated into apartments which will now provide more dwellings on the site than previously planned.

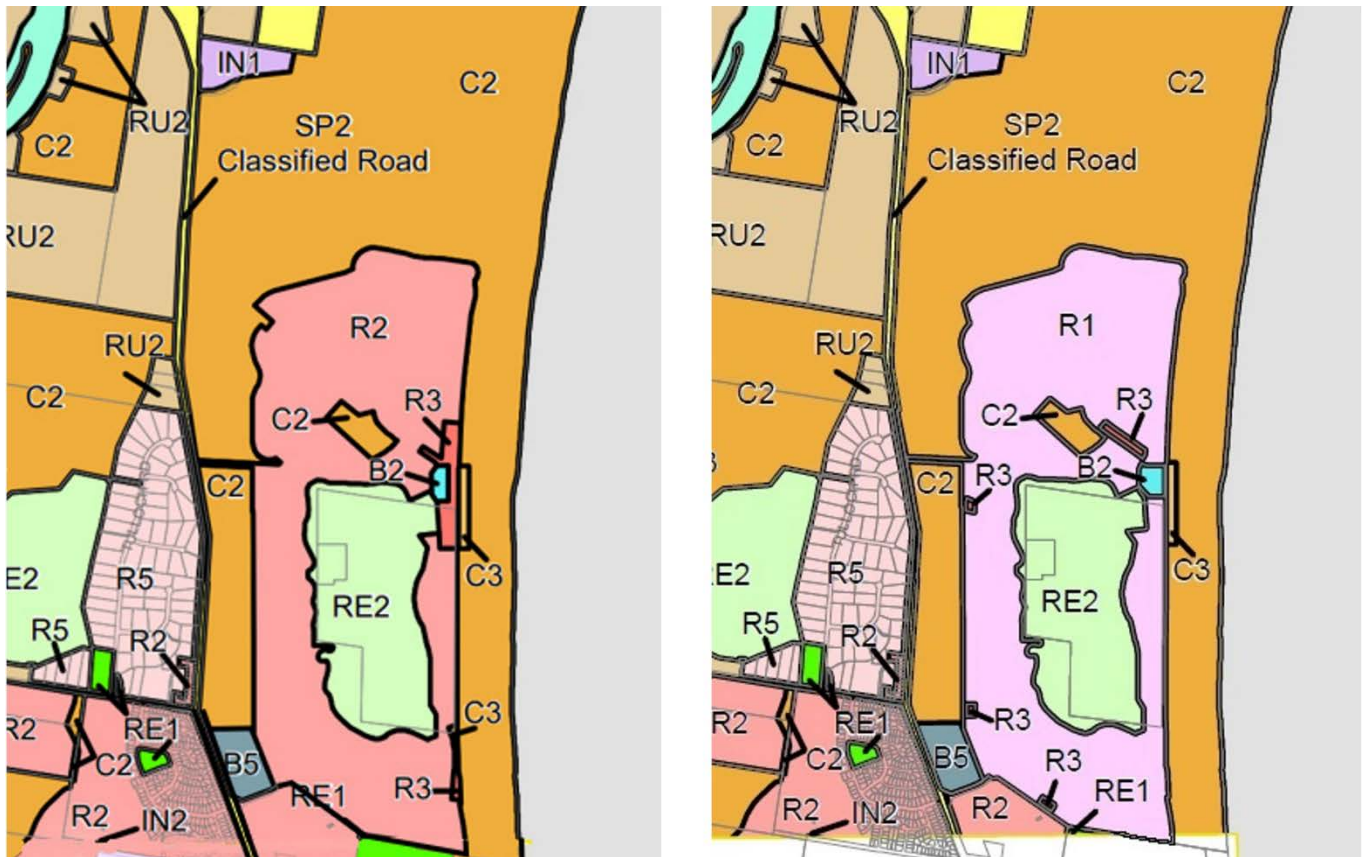


Figure 5 – Comparison of Land Use Zones (exhibited and revised)

Table 2 – yield change across Master Plan (source Landcom)

	Exhibited			Revised		
	Land Area (ha)	Yield	% mix	Land Area (ha)	Yield	% mix
Small lot	15.5	490	25.8	10.43	322	19.7
Standard lot	69.4	1190	62.6	67.97	1099	67.3
Large lot	20.9	220	11.6	25.53	213	13
Total	105.8	1900	100	104.9	1634	100
	Apartment and Shop top Housing: 200 Total: 2169			Apartment (affordable): 360 Apartment: 100 Shop top Housing: 75 Total: 2169		

Table 3: Changes to proposal in the revised Master Plan

Area	Post-exhibition change to allocation of yield and housing typology
Area 1	<ul style="list-style-type: none"> 5 storey apartments on foreshore replaced with large lot residential.
Area 2	<ul style="list-style-type: none"> Introduced two areas of 5 storey affordable housing apartments facing onto western offset area. Redistributed small lot, standard lot and large lot housing.
Area 3	<ul style="list-style-type: none"> Redistributed small lot, standard lot and large lot housing. Reduce small lot housing along key access road. Allocated more land to larger lots in north-west corner.
Area 4	<ul style="list-style-type: none"> Introduced apartments along Mt Talawahl (affordable and other) 3 – 5 storeys Replaced small lot housing along east west linear green with standard lots.
Area 5	<ul style="list-style-type: none"> Stand alone apartments removed. Shoptop housing restricted to one area (seaward half to be on-grade carparking only). Reduction in small lot housing. Increase in large lot housing and standard lot housing.

Single dwelling heights across the site remain at two storeys (8.5m) with apartments now a mix of three, four and five storeys (14-20m). Shop top housing associated with the centre will be three storeys (14m).

Landcom undertook additional analysis following exhibition to evaluate overshadowing impacts on the beach foreshore. No impacts were predicted.

Landcom has also indicated the proposed Norfolk Island Pine trees would be reconsidered. This will occur as part of the Department's finalisation of the development control plan.

5.6.4 Department's assessment

The Department and Landcom workshopped the Master Plan following exhibition to address the issues raised in submissions. The revised Master Plan reduced the amount of small lot housing and drew back taller, bulkier buildings away from the coastal dunes. In moving the taller buildings visual impacts will be reduced when viewed from long distant vantage points and from the immediate viewpoint of Nine Mile Beach. In breaking up the location of taller buildings across the site, the visual impact of the overall development will be less intrusive.

The *Hunter Regional Plan 2041* is seeking to promote greater housing diversity through low to mid rise housing typologies up to four stories. This promotes a more human scale built form. A significant number of the proposed apartments have also been reduced from five-storeys to three and four-storeys, while the three-storey limit on the golf course is to be retained. This should result in a human-scale built form that better compliments the coastal town character.

The tallest buildings along the coastal dune edge are to be shop top housing in the local centre with a maximum height of three storeys. Most of the eastern edge will be standard housing and small lot housing with a height of two storeys. This outcome is consistent with both the *Coastal Design Guidelines 2003* and draft updated guidelines which suggest development up to three-storeys as appropriate in coastal foreshore settings.

These changes will be reflected in the planning controls that will be introduced by the SEPP through alterations to the Land Zoning, Minimum Lot Size and Height of Building maps. The development control plan will also be updated to better manage building depth and separation.

The changes to the spatial layout of density and building typology address concerns about the context and character, particularly in terms of the beach foreshore. However, there is still a need for the special character precincts in the development control plan to be refreshed following the design changes.

The reduction of dwelling density along the eastern perimeter correlates to a reduced population in that precinct and in turn, less daily use. Council have indicated it will be the likely future owner of the eastern biodiversity offset and is intent on restricting beach access from the eastern interface to a minimal number of formal tracks.

Vehicular access to each property along the eastern edge will be restricted to the perimeter road on the western side of the dwellings adjoining the dune system. A fire trail/shared path is proposed to separate these dwellings from the dune system along their eastern side. This accessway is within the coastal zone and it is intended that it will be dedicated to Council. The accessway will have the effect of addressing possible perceptions that this land could be private space or be used by individual property owners for their own purposes.

Dwellings along this edge will be orientated towards the dune system to promote casual surveillance. Development control plan controls will include requirements for how houses will address the street and foreshore. Habitable rooms and key windows facing foreshore and a pedestrian gate facing onto fire trail/shared path to enhance passive surveillance.

The Department will incorporate controls, consistent with the principles of SEPP 65, in the development control plan. Focus will be on ensuring revised development controls respond to character precinct analysis and the desirable elements in the different parts of the site. The controls will respond to the new Master Plan and provide precinct level guidance.

The development control plan will also address the relationship between low scale development and the sensitive habitat such as the dune system. Sympathetic setbacks and site coverage as well as generous lot frontage will enable better visual connection through this line of development to the dune landscape. Other methods, such as applying a sliding scale of larger lots in the north-west corner of the site to enable more landscaping on lots adjacent to the nature reserve, will be investigated and incorporated into the development control plan.

5.7 Other matters

Below are other matters raised that were not dominant issues however were common throughout several submissions.

Issue	DPE Consideration
<p>Essential services – utilities</p> <p>Council has requested further details on the design and coordination of major water and waste water infrastructure provision with development staging.</p> <p>Council has requested an update on electrical servicing requirements for the site. Current plans and servicing requirements have been based on consultation with Essential Energy in 2015 .</p>	<p>Landcom has developed a Water Servicing Strategy that conceptually demonstrates that the NTURA is able to be serviced.</p> <p>Specific infrastructure design matters will be addressed as part of future development applications as required by the satisfactory arrangement clause.</p> <p>Specific electrical utilities and infrastructure requirements will be reconfirmed as part of future development applications as required by the satisfactory arrangement clause.</p> <p>Essential Energy are part of the Departments Upper Hunter and MidCoast Urban Development Program which aims to sequence development with infrastructure delivery.</p> <p>Further engagement with Essential Energy will also occur in support of a future development application for housing on the site.</p>
<p>Water quality – impacts on Wallamba River</p> <p>Council raised has concern about the ongoing funding to maintain on site water management basins.</p> <p>Treated (via bioretention) and untreated water will be directed to water management basins within the development. Ongoing maintenance of the basins is required to ensure water quality is not reduced within the water management basins, the Wallamba River and other receiving groundwater ecosystems.</p>	<p>Landcom has prepared an Integrated Water Management Strategy and carried out detailed groundwater modelling to assess the impact of water draining from the site to the east towards the Pacific Ocean and the west towards the Wallamba River.</p> <p>Modelling has considered future flood conditions and the impact of flooding and projected sea level rise in the Wallamba River, Wallis Lake Entrance Channel.</p> <p>Landcom has agreed to review and further develop the approach and design concepts for stormwater treatment and the water management basins to optimise water quality outcomes and reduce maintenance costs and risks.</p> <p>Landcom proposes that any contributions to future maintenance costs for stormwater and water quality infrastructure will be negotiated and incorporated into a VPA and will be dependent on the ultimate design of the infrastructure.</p>

Issue	DPE Consideration
<p>Coastal impacts – 4WD access</p> <p>Council has raised concern about recreational 4WD access to the beach and the impact this may have on additional pedestrian movement to the beach.</p> <p>Local commercial fishers require access between break wall and black head - concerns that development will restrict access.</p>	<p>Nine Mile Beach can be accessed by 4WD via a network of informal tracks through the NTURA site. Landcom proposes to restrict access of recreational 4WD participants to the beach via existing and proposed management trails which will only be used for pedestrian access and conservation management vehicles.</p> <p>Crown Lands will work with Council to develop policies to minimise potential conflicts between 4WD access to the beach adjacent to the NTURA site (except surf lifesaving vehicles).</p> <p>Land use conflict between new residents using the beach for recreation and commercial fishers will be considered in the Plan of Management for the beach once Council has taken ownership of the reserve.</p>
<p>Beach safety – a higher population could increase safety issues on an unpatrolled beach.</p> <p>Community submissions identified increased beach access and use as a potential safety concern without lifesaving facilities.</p>	<p>Landcom has offered to enter into a VPA with Council that supports a range of facilities to support the future development. A combination of monetary contributions, land dedication and works in kind are proposed to facilitate delivery of new infrastructure and community facilities including a new surf club and foreshore and beach access improvements.</p>
<p>Housing affordability</p> <p>Council is supportive of Landcom's commitment to 7.5% affordable housing and 10-15% of diverse housing across the Site.</p> <p>Council's and community submissions referred to the extreme affordability pressure within MidCoast housing market. This has impacted on younger people with limited affordable housing opportunities in the region. Submissions also recommended the need for long term, affordable rental housing and expressed concern over an increasing amount of homelessness in the area.</p>	<p>The Department has negotiated an increase to the amount of affordable housing with a minimum of 10% to be provided. A local clause will enforce this requirement with further detail provided in the development control plan about where this housing would be provided.</p>

6. Consistency with State and local policies

6.1 State plans and policies

An assessment against relevant State Environmental Planning Policies is set out in **Appendix C**.

6.1.1 Hunter Regional Plan 2041

The *Hunter Regional Plan 2041* sets out the planning priorities for North Tuncurry as part of the Coastal District over the next twenty years. The regional plan seeks to ensure the area contributes to the future housing needs of the Forster–Tuncurry community and provides a new local centre, improved access to Nine Mile Beach, employment land, recreation activities and protection for conservation land.

North Tuncurry is situated within the MidCoast Council Local Government Area. Forster-Tuncurry is identified as a Regionally Significant Growth Area, with the NTURA identified as an urban release area which should promote diversity of housing, have commercial and recreational activities and be integrated with the sensitive environmental setting and the broader Tuncurry and Forster community, supporting services and infrastructure such as health and transportation networks.

See **Appendix A** for an assessment of the proposed planning amendments against the Regional Plan.

6.1.2. Future Transport Strategy 2056

The Future Transport Strategy sets out a 40-year vision for integrating land use and transport throughout NSW. The strategy was prepared collaboratively with agencies to coordinate investment in infrastructure and delivery on priorities such as the 30-minute city.

The proposed planning amendments of North Tuncurry support many of the priorities in the *Future Transport Strategy 2056*:

- Successful places – the area will provide safe and easy access to public spaces through promoting 15-minute neighbourhoods and active transport, increasing social interactions and opportunities for recreation.
- Enabling economy activity – North Tuncurry will benefit from a new local centre and improved access to beaches for locals and visitors.
- Connectivity is improved - Integrated approach to land use and transport planning. North Tuncurry URA achieves this through a staged approach to the local road network rollout.

6.1.3 State Infrastructure Strategy 2018-2036

The NSW State Infrastructure Strategy 2018–2038 sets out the NSW Government’s vision to provide infrastructure that meets the needs of a growing population and economy. North Tuncurry

Urban Release Area is consistent with the strategy as it would deliver an integrated land use and infrastructure planning outcome.

6.2 Local plans

6.2.1 MidCoast Local Strategic Planning Statement

Council's Local Strategic Planning Statement (LSPS) sets out Council's vision for land use planning across the MidCoast. The planning priorities and actions in the LSPS provide a framework to achieve the vision.

The LSPS identifies the importance of NTURA in contributing to local housing supply. It is one of two major release areas identified in the LSPS. The LSPS contains an action for Council to work with the NSW Government to develop a Master Plan for the site.

6.2.2 MidCoast Housing Strategy

The rezoning proposal is consistent with Council's housing strategy. The strategy notes that NTURA is critical to meeting longer-term housing needs. It states that integration of NTURA into the broader urban context, including the supporting services and infrastructure such as health and transportation networks, remain vital to long-term and sustained growth.

The Department has amended the proposal to ensure the urban form and traffic impacts integrate with the broader urban area. Further work will occur with Council to ensure that the development control plan delivers a design of the development which reinforces connections between NTURA and North Tuncurry.

Appendix A Consistency with the Hunter Regional Plan 2041

The *Hunter Regional Plan 2041* acknowledges the Hunter contains many different communities across various urban, rural and coastal contexts, each of which will see the 15-minute neighbourhood take a different shape. The site's suburban setting means it has a general suburban context and is identified as housing investigation land in the plan.

<i>Hunter Regional Plan 2041</i> section	Justification
Infrastructure-first and place-based delivery framework A place strategy is required where the residential yield is 2,000 dwellings or more. The preparation of a place strategy will be overseen by a place delivery group for an area. The place delivery group will include relevant public authorities, the department infrastructure providers, Local Aboriginal Land Council and council to address agency referral and place-making matters.	<p>The planning proposal states the amendments will result in the creation of approximately 2,200 dwellings.</p> <p>In this case, the inconsistency is considered minor as the Department is leading the rezoning process and has worked extensively with agencies and MidCoast Council on a rezoning proposal and development control plan.</p> <p>This has included working with Transport for NSW on infrastructure planning and the Biodiversity Conservation Division on biodiversity certification.</p>

<i>Hunter Regional Plan 2041</i> section	Justification
<p>Strategy 3.1: Planning proposals that propose a residential, local centre or commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> • Business premises • Restaurants or cafes • Take-away food and drink premises • Neighbourhood shops and supermarkets • Education establishments • Early education and care facilities • Health service facilities • Markets • Community facilities • Recreation areas 	<p>The SEPP would introduce a number of zones to the site, including R1 General Residential, R3 Medium Density Residential and B2 Local Centre.</p> <p>The R1 General Residential zone would not permit business premise, takeaway food and drink premises and markets. This is not consistent with the with the strategy.</p> <p>The R3 Medium Density Residential zone would not permit business premise, takeaway food and drink premises, early education and care facilities, health services facilities, markets and community facilities. This is not consistent with the with the strategy.</p> <p>The B2 Local Centre zone which permits all uses required under strategy.</p> <p>It is noted that the R1 General Residential zone is not yet established in the <i>Great Lakes LEP 2014</i> and will be an inclusion under this SEPP. Council will undergo the preparation of their comprehensive LEP shortly and this is an opportunity for the uses in the R1 General Residential zone to be consistent with the strategy.</p> <p>The proposed R1 General Residential zone was not informed by the Council Housing Strategy, which did not have the opportunity to assess against the <i>Hunter Regional Plan 2041</i>.</p> <p>All dwellings within the North Tuncurry URA will be within 15 minutes (walking or cycling) of a range of land uses that can provide for the needs of a community. These uses will occur in the centrally located B2 Local Centre zone, the R1 General Residential zone and in existing zones nearby.</p> <p>The master plan includes 9 open spaces connected to via active transport linkages ranging from 2,000 sq.m to 2.1 ha in size.</p> <p>While not consistent with the Strategy, it is considered the SEPP is consistent with the performance outcomes of the objective.</p>

<i>Hunter Regional Plan 2041</i> section	Justification
<p>Strategy 3.2: Planning proposals will incorporate:</p> <ol style="list-style-type: none"> 1. a small neighbourhood centre if the proposed residential yield exceeds 1,500 dwellings or 2. a large neighbourhood centre if the proposed residential yield exceeds 4,000 dwellings. <p>The neighbourhood centre will:</p> <ol style="list-style-type: none"> 1. support a floor area informed by a local retail demand analysis 2. have enough developable area to accommodate the uses over one level with at grade parking to reduce costs 3. be located to maximise its convenience for the vast majority of residents of which it serves 4. be located in a high profile location (i.e. main arterial road or precinct with strong pedestrian traffic) 5. be supported by a walkable catchment and pedestrian friendly environment. 	<p>The rezoning proposal and associated studies set out a potential residential yield of approximately 2,200 dwellings.</p> <p>The proposal includes a local centre and a community centre building. The local centre will be located on a main arterial road within the proposed urban settlement with connection to perimeter ring road. The location is central and adjacent to formal beach access and supported by a sufficient walkable catchment and pedestrian friendly environment.</p> <p>The extent of the B2 Local Centre zone has been carefully considered through a market assessment to limit the risk of oversupplying retail and employment generating land, whilst providing flexibility of permitted land uses to accommodate a range of mixed activities that are responsive to population density and shifting consumer needs over time with changes in demographics. The size of the proposed B2 Local Centre provides ample area for at grade parking.</p>

Hunter Regional Plan 2041 section	Justification
<p>Strategy 5.3: Planning proposals will not prohibit the following housing typologies within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts:</p> <ol style="list-style-type: none"> 1. Attached dwellings 2. Boarding houses 3. Dual occupancies 4. Group homes 5. Multi-dwelling housing 6. Secondary dwellings 7. Semi-detached dwellings 	<p>The proposed R1 General Residential zone in the <i>Great Lakes Local Environmental Plan 2014</i> does permit all the required housing typologies set out in the strategy and achieves the intention of the strategy.</p> <p>The proposed R3 Medium Density Residential zone in the <i>Great Lakes LEP 2014</i> does not permit dual occupancies, secondary dwellings and semi-detached dwellings.</p> <p>Overall, the planning proposal is inconsistent with the strategy.</p> <p>An assessment against the relevant performance outcomes for Objective 3 is required.</p> <p>The proposal urban settlement connects into existing infrastructure and road networks as well as being in close proximity to existing in and new employment, good and services.</p> <p>The NTURA will supports a range of more compact dwelling typologies including the proposed Urban (200-374 sq.m) lot sizes. The 200- 450 sq.m lots are relatively small for the wider MidCoast Local Government Area.</p> <p>The proposal also seeks to provide 10% of all dwellings on the site as affordable housing to be managed by a registered community housing provider.</p> <p>The provided dwelling yield is sufficient for the provision of a local centre. The local centre area is flexible in providing for the changing needs of the future community.</p> <p>Proposal includes the protection of environmental and coastal lands and the provision of industrial and business lands.</p> <p>It is considered that the proposal is consistent with the performance outcomes of objective 5.</p>
<p>Strategy 6.3: Planning proposals will ensure the biodiversity network is protected within an appropriate zone unless an alternative zone is justified following application of the avoid, minimise offset hierarchy.</p>	<p>The proposal seeks to establish a C2 Environmental Conservation zone over areas to be protected within the wider NTURA. This 327ha portion of the site has been identified as having high conservation value and includes the coastal dune ecosystem.</p> <p>A Biodiversity Stewardship Agreement will be made with the Biodiversity Conservation Trust for the on-site conservation area. A further 380-400ha will be required as off-site conservation measures to support the whole proposed development.</p> <p>The proposal is consistent with this strategy.</p>

Hunter Regional Plan 2041 section	Justification
<p>Strategy 6.4: Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.</p>	<p>The C2 Environmental Conservation zone surrounds residential, local centre, community centre, industrial and business zones.</p> <p>Perimeter road and pedestrian passage along the foreshore promotes public interaction with conserved areas. Houses that front these areas promote stewardship and surveillance.</p> <p>Larger residential lots are proposed in the north of the proposed urban settlement to create a transition towards conservation lands. It is anticipated that these lots will likely have higher occurrences of trees to help provide that visual transition.</p> <p>The proposal is consistent with this strategy.</p>
<p>Strategy 6.11: Planning proposals will demonstrate that development within a drinking water catchment or sensitive receiving water catchment will achieve a neutral or beneficial effect on water quality.</p>	<p>Optimal water quality is achieved through proposed integrated water cycle management plan.</p> <p>The proposal is consistent with this strategy.</p>
<p>Strategy 8.2: planning proposals will accommodate new commercial activity in existing centres and main streets unless it forms part of a proposed new community or is an activity that supports a 15-minute neighbourhood.</p>	<p>The proposed local centre is within a 15-minute walk or cycle catchment for the new residential development. Further, the new development connects to existing Tuncurry township and its commercial activity.</p> <p>The proposal is consistent with this strategy.</p>
<p>Strategy 8.6: Planning proposals to facilitate tourism activities will:</p> <ol style="list-style-type: none"> 1. demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting 2. be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site 3. demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes 4. be supported by an assessment prepared in accordance with the Department of Primary Industries' Land Use Conflict Risk Assessment Guide if the use is proposed on or in the vicinity of rural zoned lands. 	<p>The proposed LEP amendments will include a clause to allow a limited provision of tourist accommodation in the RE2 Private Recreation zone, which is the golf course. The amendment provides an appropriate scale of tourism activity compatible with the area and compatible with the characteristics of the site.</p> <p>It has not been supported by an assessment in accordance with the Land Use Conflict Risk Assessment Guide.</p> <p>While not consistent with the strategy, the proposal is consistent with performance outcomes for objective 8.</p>

<i>Hunter Regional Plan 2041</i> section	Justification
Coastal District Planning Priority 1: Prioritise housing growth in existing urban areas and support sustainable communities.	<p>The NTURA has been identified in regional strategies for many years and is identified in the <i>Hunter Regional Plan 2041</i> as a housing investigation area.</p> <p>The proposal is consistent with planning priority 1.</p>
Coastal District Planning Priority 2: Offer more diverse housing choice.	<p>The proposal does adapt the type and scale of housing to suite the scenic amenity and access to coastline to provide medium density residential housing for the local context.</p> <p>The proposal is consistent with planning priority 2.</p>
Coastal District Planning Priority 4: Enhance coastal environments	<p>The Department recognises there to be a need to consider future coastal risks beyond the 2100 year coastal hazard line to 2125. However, this consideration needs to be done with reference to the prevailing policy which is the Great Lakes Coastal Zone Management Plan (CZMP) 2016. The CZMP adopts the 2100 year coastal hazard line and so this has been applied. Notwithstanding, Landcom has reduced density between the 2100 and 2125 hazard lines, lowering the potential number of properties exposed to coastal hazard risk. Council's CZMP will be replaced with a Coastal Management Program by 2024 which will likely apply a 100 year planning horizon, consistent with current coastal management guidance.</p>

Forster-Tuncurry Regionally Significant Growth Area

Ensure the area contributes to the future housing needs of the Forster-Tuncurry community.

Provide a new local centre, improve access to Nine Mile beach, employment land, recreation activities and protection for conservation land.

The proposal provides lot and housing type diversity to generate a range of housing choice as part of a high-quality mixed-use environment and will be an example for urban living in smaller communities.

The proposal will provide a new local centre, improve access to Nine Mile beach, employment land, recreation activities and protection for conservation land.

The proposal is consistent with the Forster-Tuncurry Regionally Significant Growth Area.

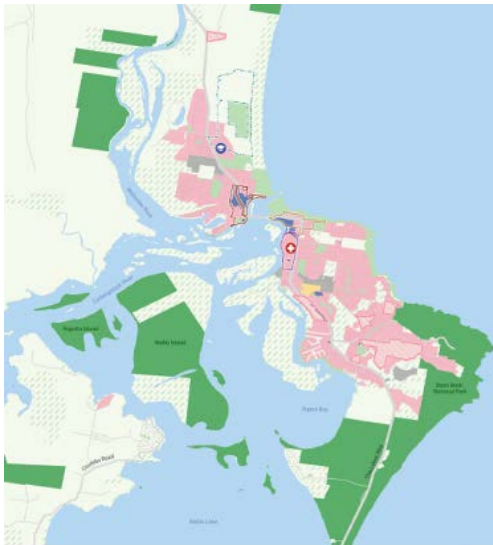
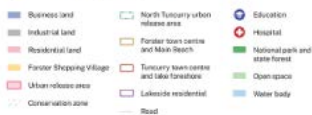


Figure 4B: Forster regionally significant growth area



Appendix B Response to agency submissions

The following section summarises the issues raised in submissions received in 2022.

Agency	Response
<p>Biodiversity Conservation Division (BCD)</p> <p>Exhibition documents need updating since site conditions have recently changed after studies were undertaken.</p> <p>The proponent will need to apply for an assessment of reasonable equivalence, to determine the equivalent Biodiversity Assessment Method (BAM) credits for the Biodiversity Certification Assessment Methodology (BCAM) credits.</p> <p>The proponent may apply for a BSA on the proposed onsite offsite site in consultation with BTC.</p> <p>Notes that biodiversity issues relevant to section 3.25 of the <i>EP&A Act 1979</i> are being addressed through the separate biocertification process.</p> <p>Does not support the rezoning proceeding due to flooding concerns or the use of a local clause to address impacts at the development application stage.</p>	<p>The Department's response to the issues raised is outlined in section 5 of this report, including flooding and biodiversity certification.</p>
<p>Heritage NSW</p> <p>Heritage NSW recommends undertaking more comprehensive archaeological assessment prior to rezoning to provide more certainty for future development. Without all Aboriginal heritage objects identified, there is a risk that Heritage NSW may not be able to approve any future Aboriginal Heritage Impact Permit (AHIP).</p> <p>The proposal area contains landscape features that have a high potential for subsurface deposit. An updated survey, and potentially sub-surface testing program.</p> <p>Consultation with Registered Aboriginal Parties (RAP) is required to be continuous otherwise consultation process may need to be restarted.</p>	<p>Landcom provided the following heritage reports:</p> <ul style="list-style-type: none"> • Archaeological Survey and Preliminary Assessment of Sites 1998. • European Cultural Heritage Assessment 2014. • Aboriginal Cultural Heritage Assessment Report Addendum and Peer Review 2021. <p>These reports note three midden sites as being identified identified. These are located outside of the development footprint.</p> <p>In 2021, the Aboriginal Cultural Heritage Assessment Report (ACHAR) addendum documented consultation with local Aboriginal community. Further consultation with RAPs occurred later in 2021 who reiterated the Addendums findings and</p>

Agency	Response
	<p>recommendations. Landcom undertakes to submit an AHIP to accompany the future development application and if warranted will commissions a future ACHAR to support the AHIP application.</p> <p>The Department is satisfied with the assessment and engagement undertaken by Landcom as part of the rezoning process. Further assessment and engagement with the Aboriginal community may occur at the development application stage to the satisfaction of the consent authority.</p>
<p>Rural Fire Service (RFS)</p> <p>RFS required the following changes to the development.</p> <ul style="list-style-type: none"> the proposed subdivision layout should incorporate a northern link road through to The Lakes Way. perimeter road should be continuous around the development The irregular residential zone boundary along northwest interface will be problematic for future APZ maintenance APZs should be incorporated into the Master Plan Temporary APZs should be established during each stage of development through an 88b instrument APZ around northwest employment precinct should be secured through an 88b instrument 	<p>Landcom updated the proposal in response to the RFS submission. RFS has advised that outstanding issues have been resolved:</p> <ul style="list-style-type: none"> Northern link fire trail provided. Continuous perimeter road provided. All APZ incorporated into road reserves to minimise APZ management including internal parks. Temporary APZ will be established during development. APZ around northwest employment area at a suitable time.
<p>Transport for NSW (TfNSW)</p> <p>Funding mechanisms within Council's Section 7.11 Developer Contributions Plan which includes bridge and northern access intersection.</p> <p>Appropriate staging to include when bridge expansions would be required.</p> <p>Concerns around design of a new roundabout on The Lakes Way 1.2km north of Chapmans Road.</p> <p>Additional opportunities should be explored about providing active transport facilities through the URA connecting to the south.</p>	<p>The Department's response to the issues raised is outlined in section 5 of this report, including infrastructure upgrades and staging of development.</p>
<p>Crown Land</p>	<p>The Crown reserve affected by the rezoning is subject to an Aboriginal Land Claim. If the</p>

Agency	Response
<p>An Aboriginal Land Claim exists over the land, lodged by the NSW Aboriginal Land Council under the <i>Aboriginal Land Rights Act 1983</i> which is yet to be investigated or determined.</p> <p>Further discussions are required with Crown Lands to work through these issues and related issues including Native Title.</p>	<p>investigation of this claim were to determine the land is claimable Crown land, the Minister (Crown Land) is required to transfer the land to the claimant Land Council.</p>
<p>Health</p> <p>Health Hunter New England Local Health District (LHD) had no further comments to previous advice provided in 2020.</p> <p>The LHD previously advised the Forster Community Health Centre was well serviced by general practitioners.</p> <p>Although Forster was not well serviced by public hospitals the Forster Private Hospital would take public patients to manage capacity at Manning Hospital in Taree.</p> <p>There are currently no new public facilities planned for the Forster Tuncurry area, however the Government had committed an additional \$100 million in funding to Manning Public Hospital.</p>	<p>The Department's response to the issues raised is outlined in section 5 of this report, including infrastructure upgrades and contributions.</p>
<p>Department of Education</p> <p>School Infrastructure NSW's Service Planning Team advised has no comments.</p> <p>Department of Education confirmed that Forster-Tuncurry has a demographic profile that is higher than State average proportion of senior people, and population projections suggest this trend will continue.</p> <p>The Department of Education has appropriate government school asset base in the locality with two public schools and the three college campuses in the urban area. Also with surrounding rural localities also serviced by schools at Bungwahl, Pacific Palms, Nabitac and Coolongolook.</p>	<p>The Department's response to the issues raised is outlined in section 5 of this report, including infrastructure upgrades and contributions.</p>
<p>Regional NSW</p> <p>Mining, Exploration & Geoscience</p>	<p>Noted.</p>

Agency	Response
The proposal raised no concerns in relation to future extraction of State or regionally significant mineral reserves.	

Appendix C Consistency with applicable SEPPs

The proposed amendments are consistent with and will not contradict or hinder application of the following applicable SEPPs.

Relevant Aims and Objectives	Response
SEPP No 65 – Design Quality of Residential Apartment Development	<p>Future development applications will be required to demonstrate in the assessment processes high levels of sustainable development outcomes. The proposed affordable housing provisions will also meet this aim.</p> <p>The proposed amendments to the master plan prioritise better built form. Future development controls and VPAs will ensure the provision of high quality of urban form.</p>
SEPP (Biodiversity and Conservation) 2021	<p>The proposed planning amendments enable protection of the foreshore environment through formal public access to and along the foreshore at the perimeter of the urban settlement.</p> <p>The proposed planning amendments respond to the coastal environment ensuring where development is located it sensitively balances the need for growth with the preservation of local character.</p> <p>The revised master plan makes changes that avoid or minimise impacts from future development on biodiversity values in areas with high biodiversity value and minimise risk to development from rising sea levels as a result of climate change.</p> <p>A 327ha portion of the site has been identified as having high conservation value and includes the coastal dune ecosystem. A Biodiversity Stewardship Agreement will be made with the Biodiversity Conservation Trust for the on-site conservation area. A further 380-400ha will be required as off-site conservation measures to support the whole proposed development.</p>
SEPP (Exempt and Complying Development Codes) 2008	<p>The proposed planning controls are consistent with the aims of the Codes SEPP and will not inhibit the application of the SEPP.</p> <p>Notwithstanding, Landcom intends to introduce a Section 88B covenant on the title of future residential allotments across the NTURA site prior to the sale of land which precludes the use of Parts 3, 3B and 3C of the Codes SEPP for subdivision of land or construction of multiple dwellings. This is a matter for Landcom.</p>

Relevant Aims and Objectives	Response
SEPP (Housing) 2021	<p>The proposed R1 General Residential zone in the <i>Great Lakes Local Environmental Plan 2014</i> does permit a diverse range of housing typologies. The amendments to the SEPP also include a provision for a studio dwelling development that applies in certain circumstances. This creates many options as well as more affordable housing within the urban settlement. Further, the proposed planning amendments include provision for affordable housing equivalent to 10% of total dwellings provided.</p> <p>The proposed planning amendments demonstrate that reasonable amenity can be achieved for future residential buildings in the revised master plan. Future assessment of detailed designs will be required to ensure this is implemented.</p> <p>The proposed planning amendments will enable the delivery of approximately 2,200 homes with access to a range of community facilities, public open space and transport options.</p>

Appendix D Consistency with applicable section 9.1 Directions

The proposed SEPP is not strictly required to comply with the Minister's directions, as these apply only to the preparation of planning proposals. However, an assessment of consistency with the relevant directions issued by the Minister under Section 9.1 of the *Environmental Planning and Assessment Act 1979* has been undertaken.

Thematic Focus Area	Title and comment	Consistency
Planning Systems	<p>1.1 Implementation of Regional Plans</p> <p>The planning amendments are consistent with the relevant aims, objectives, and provisions of the Hunter Region Plan 2041 (refer Appendix A)</p>	Consistent
	<p>1.3 Approval and Referral Requirements</p> <p>The objective of Direction 1.3 is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The planning amendment is inconsistent with subclauses 1a as it does not minimise the inclusion provisions for concurrence with Government agencies.</p> <p>However, the planning amendment is consistent with 1(b)(i) of the direction as it has obtained approval from TfNSW.</p> <p>As both traffic and flooding impacts require careful consideration at the development application stage, it is appropriate that concurrence provisions be introduced in this instance.</p>	Inconsistency justified
	<p>1.4 Site Specific Provisions</p> <p>The objective of Direction 1.4 is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The planning amendments are inconsistent with subclause 1b as it imposes requirements to those already contained in the zone including;</p> <ul style="list-style-type: none"> • Exceptions to minimum lot size to allow residential land to subdivide down to 200 sq.m if adjacent to amenity or services. • To permit studio dwellings on a separate land title where accessible by a rear lane. • Tourist and visitor accommodation permitted on certain RE2 Private Recreation land via an Additional Permitted Use clause. • Requirement for affordable housing to be provided. • Concurrence with Government agency to ensure: 	Consistent

Thematic Focus Area	Title and comment	Consistency
	<ul style="list-style-type: none"> ○ Adequate transport infrastructure is provided at appropriate development stages ○ Further flood management studies are carried out to reach an acceptable flood planning level <p>The planning amendments are also inconsistent with subclause 2) as it refers to a Master Plan showing details of the proposed development.</p> <p>The proposal imposes necessary site-specific controls due to the complexity of the development which dictates the need for additional caveats to ensure development can progress to the detailed design stage while meeting Government policies such as housing affordability, sustainable housing densities, adequate infrastructure provision and hazard management.</p>	
Biodiversity and Conservation	<p>3.1 Conservation Zones</p> <p>The direction aims to protect and conserve environmentally sensitive areas.</p> <p>The planning amendment is being supported by an application to biodiversity certify the site. It includes a two-step process to secure adequate ecosystem and species credits.</p> <p>The first stage relates to development Stages 1-12 and relies on credits attained through on-site conservation of 327ha of land which will include a Biodiversity Stewardship Agreement to be made with the Biodiversity Conservation Trust. The land has a high conservation value that will be placed in permanent conservation.</p> <p>The second stage relates to Stage 13 of development onwards. This relies on securing appropriate off-site conservation outcomes to attain sufficient credits for the balance of the development to be completed. Stages 13 onwards will not commence until suitable offsets have been agreed and secured.</p>	Consistent
	<p>3.2 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects, and places of environmental heritage significance and Indigenous heritage significance.</p> <p>Direction 3.2 requires the planning amendment to contain provisions to conserve environmental heritage or Aboriginal objects or places.</p> <p>Heritage NSW recommends more comprehensive site survey prior to rezoning as all heritage constraints need to be identified as early as possible and avoid or mitigate harm to Aboriginal cultural heritage.</p> <p>The planning amendments are inconsistent with Direction 3.2 however the Secretary's delegate may be satisfied that the inconsistency is of minor significance. The inconsistency is considered minor as the findings from</p>	Inconsistency justified

Thematic Focus Area	Title and comment	Consistency
	<p>survey conducted were considered in consultation with Aboriginal stakeholders who reiterated findings and recommendations.</p> <p>Landcom commits to submitting an AHIP to accompany the future development application and if warranted will commissions a future ACHAR to support the AHIP application.</p> <p>Overall, the Department is satisfied the planning amendments would not contradict or hinder the application of this direction.</p>	
Resilience and Hazards	<p>4.1 Flooding</p> <p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>BCD considers the current planning proposal is inconsistent as rezoning the site to residential use is not appropriate at this stage due to the uncertainties in the proposed flood risk management strategy. The proposal's flood impact and risk assessment is not supported and not fit for purpose. The proponent cannot provide flood behaviour details for the 1% AEP or PMF flood events including extents, heights or hazards. The groundwater models require updating to include climate impacts in the flood modelling or incorporating a concept of finished landform in the modelling.</p> <p>Advice from Rhelm, (Appendix F) indicates the land can be rezoned to residential on the basis that a conservative Flood Planning Level is imposed of 5.5m AHD across the site and a concurrence clause requiring agreement of BCD to an appropriate flood risk management strategy and groundwater modelling is included in the amendment.</p> <p>Overall, the Department is satisfied the planning amendments contain enough surety that flood risks will be managed and would not contradict or hinder the application of this direction.</p> <p>The planning amendments will ensure development is commensurate with flood behaviour.</p>	Inconsistency justified
	<p>4.2 Coastal Management</p> <p>The objective of Direction 4.2 is to protect and manage coastal areas of NSW.</p> <p>The proposal is inconsistent as it will rezone land which would enable increased development on land which the Department has identified as likely to be affected by future coastal hazards (to year 2125).</p> <p>However, development in the former Great Lakes Local Government Area is subject to the Great Lakes Coastal Zone Management Plan (CZMP) 2016. The CZMP applies a year 2100 time horizon to the consideration of</p>	Inconsistency justified

Thematic Focus Area	Title and comment	Consistency
	<p>coastal hazard risks. For this reason, land that may be affected by coastal hazard risks beyond the year 2100 remains proposed for rezoning to enable development.</p> <p>The Department has negotiated with Landcom to reduce the residential density originally proposed for this area thereby reducing potential risk exposure.</p> <p>Notwithstanding, Council is required to prepare a Coastal Management Program (CMP) which will replace its CZMP. The CMP will need to consider current coastal risk planning guidance which emphasises the need for a 100-year time horizon to be applied rather than the year 2100. Should this occur, future development applications would need to consider coastal hazard risks beyond the year 2100.</p> <p>In this context, the Department considers the proposal's inconsistency justified.</p>	
	<p>4.3 Planning for Bushfire</p> <p>The proposal is consistent with Direction 4.3 as consultation occurred with Rural Fire Service and the comments were taken into account in the final proposal.</p>	Consistent
	<p>4.4 Remediation of Contaminated Land</p> <p>The objective this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>A Phase 1 Environmental Site Assessment and Preliminary Phase 2 Environmental Site Assessment are provided to identify potential sources of contamination, identify whether the proposed zoning is acceptable from a contamination and remediation perspective, and identify areas that may require further investigation or mitigation measures prior to redevelopment was prepared. Further work (Detailed Site Investigation) will be undertaken at the Development Application stage.</p>	Consistent
	<p>4.5 Acid Sulfate Soils</p> <p>The planning amendments do not contain provisions that contradict or would hinder application of this direction.</p> <p>Acid Sulfate Soil Investigations identified that low levels of acid soil have been detected across the site in the top 1.5m. No indication of Acid Sulfate Soils were identified at lower depths. Significant disturbance of Acid Sulfate Soils is not anticipated and given the extent of the proposed fill operation and development of the site poses a low risk to receiving environments with proper management.</p> <p>Landcom undertakes to prepare an Acid Sulphate Management Plan to manage Acid Sulfate Soils conditions to protect the environmentally sensitive receiving water bodies adjacent to the study area. This will be</p>	Consistent

Thematic Focus Area	Title and comment	Consistency
	considered by the consent authority at the development application stage.	
Transport and Infrastructure	<p>5.1 Integrating Land Use and Transport</p> <p>The objectives of this direction are to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following:</p> <ul style="list-style-type: none"> a. improving access to housing, jobs and services by walking, cycling and public transport, and b. increasing the choice of available transport and reducing dependence on cars, and c. reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d. supporting the efficient and viable operation of public transport services, and e. providing for the efficient movement of freight. <p>Land uses have been located to ensure access to key transport nodes/networks are provided via appropriate road, cycle and pedestrian linkages. The planning amendment provides for pedestrian and cycle connections to key destinations including: the foreshore, local bowling club, sports fields, and Tuncurry town centre.</p> <p>The planning amendment incorporates a staged approach to managing traffic generated by the development requiring the concurrence of TfNSW. Development caps are to be applied through a planning agreement that will limit traffic impacts at critical locations on the road network as development progresses over time. As development caps are reached, further analysis on traffic will be undertaken and new development thresholds agreed with TfNSW.</p>	Consistent
	<p>5.2 Reserving Land for Public Purposes</p> <p>The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and remove reservations where the land is no longer required for acquisition.</p> <p>Landcom has proposed 6.2 hectares of open space as interconnected parks distributed across the site which combine with stormwater basins and ephemeral areas to make a total of 18 hectares. The foreshore area and conservation land are also connected through a shared path network. The Master Plan recognises the role of public open space in creating liveable, sustainable and resilient places.</p> <p>The proposed ownership and management arrangements for land proposed to be open space, drainage and nature reserves are to form part of the Voluntary Planning Agreement being negotiated between Landcom and Council.</p>	Consistent

Thematic Focus Area	Title and comment	Consistency
Housing	<p>6.1 Residential Zones</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a. encourage a variety and choice of housing types to provide for existing and future housing needs, b. make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c. minimise the impact of residential development on the environment and resource lands. <p>The proposed planning amendments are consistent with the objectives of this direction because it will enable housing while making use of existing and new services.</p>	Consistent
Industry and Employment	<p>7.1 Business and Industrial Zones</p> <p>The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.</p> <p>The proposed B5 Business Development zoned land is located adjacent to the existing school and TAFE campus and is intended to create an expanded or complementary education and employment hub.</p> <p>The appropriateness of the proposed B2 Local Centre is managed through confining the commercial/retail floor space to a size that does not undermine the existing town centre. Also the spatial location of the local centre is designed to service the new community for lower order purchases.</p>	Consistent
Resources and Energy	<p>8.1 Mining, Petroleum Production and Extractive Industries</p> <p>The objective of Direction 8.1 is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p> <p>Landcom prepared a Heavy Mineral Resource Investigation Technical Note indicating the land adjacent to the site was subject to sand mining in the 1960s. The Technical Note estimates the quantity of the mineral resource on the site and indicates commercial mining of this resource to be unviable.</p> <p>The matter was referred to Resource and Geoscience to advise if any mineral resource is of State or Regional significance or if any resource is compromised by the proposed development. Resource and Geoscience indicated it had no concerns to raise regarding the proposal.</p>	Consistent

Thematic Focus Area	Title and comment	Consistency
Primary Production	<p>9.2 Rural Zones</p> <p>The most relevant objective to the proposal in Direction 9.2 is to assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare.</p> <p>The majority of the site is zoned RU2 Rural Landscape Zone and as the site is characterised by coastal bushland the most applicable zone objective is to maintain the rural landscape character.</p> <p>Consultation with DPI Agriculture indicated it had no objection to the proposal as it does not impact on agricultural production however retention of coastal bushland should be a priority.</p>	Consistent

Appendix E Submission summary

Introduction

During public exhibition, a total of 125 submissions were received in response to exhibition of the North Tuncurry Urban Release Area.

This Appendix provides an overview of key issues raised by stakeholder groups, comprising community submissions, community group submissions, agency and MidCoast Council submissions.

There were:

- 110 individual submissions from the community.
- 10 submissions from community groups.
- 4 submissions from agencies.
- 1 submission from Council.

A further four government agencies and one service provider were contacted following the exhibition period.

Issues raised in submissions

The 120 individual and community group submissions assessed raised a broad range of issues. Most community submissions raised concerns about the impacts of an increased population on the town, while others showed support for the NTURA overall, provided certain aspects were addressed.

The top four themes evident in submissions and the key issues raised were:

- Services (30%) – adequacy of local health and education services.
- Infrastructure (26%) – traffic impacts on the road network (movement), and adequacy of essential services like sewer and water infrastructure.
- Environment (23%) – biodiversity impacts, hazards and water quality.
- Housing (10%) – built form impacts and affordability.

Beach access and safety, and coastal character made up 11% of submissions.

Services

Health

Community submissions related to health services were largely concerned with the impact growth would have on what they described as an already struggling health system in the town. Submissions claimed there was evidence of pressure on local General Practitioners. Many submissions suggested that a public hospital should be built to accommodate population growth and that emergency response times may be impacted by increased congestion.

Education

Several submissions noted that the proposal would add significant pressure to existing schools and day care services. The submissions stated there are not enough schools in the area for children moving into the new homes and current schools are struggling to service existing population.

Infrastructure

Community submissions related to the infrastructure theme were centred around two related issues movement and essential infrastructure.

Movement

The most common issue cited was the capacity of the Wallis Lake Bridge, with many suggesting a new dual lane bridge should be built due to potential increase in congestion. Many submissions which raised concern with the bridge also expressed concerns over The Lakes Way in terms of congestion due to number of lanes, intersection performance, and also in terms of safety due to road surface and curb conditions. These points are in part supported by TfNSW who suggested only 600-800 lots out of the total 2,123 could be built prior to bridge and road upgrades.

Community submissions also raised a lack of public parking, which would be exacerbated, particularly during holiday periods. Further, several community members were concerned with the public transport offering, identifying this transit mode as a mitigating tool for a likely increase in traffic as Forster-Tuncurry grows.

Other submissions related to infrastructure issues suggested increased congestion and proximity of the proposed B5 Business Development zone would increase impact safety for the existing Tuncurry school and increase noise levels. Further, there was concern that the B5 zone will have negative visual impacts on residential landowners opposite the proposed B5 zoned area.

Essential services

A number of submissions raised concerns about the capacity of essential services to cope with an increase in population. The capacity of services, such as sewer, electricity, water and internet infrastructure were questioned. Further, submitters were concerned over where the stormwater will go with the increase in impermeable surface of urban development.

Environment

Environment was the third most frequently occurring theme within submissions which raised multiple related issues which included:

Biodiversity

Concerns were raised about impacts on biodiversity through habitat loss for native flora and fauna, often mentioning Koala habitat specifically due to removal of vegetation.

Proposed biodiversity offsets are not secure or equivalent and therefore will not improve or maintain biodiversity outcomes.

There was concern that development will cause fragmenting biodiversity corridors and therefore inconsistent with the Hunter Regional Plan 2036.

Submissions raised the concern that the development would exacerbate beach degradation, dune erosion and negatively influences natural beach processes.

Hazards

Community submissions raised the impact a range of hazards may have on the development including flooding, rising sea levels, bushfire.

The submissions also raised the concern that the development should rely on reliable data in order to respond to natural hazards appropriately.

Concerns for the longevity and potential future cost of development due to coastal erosion and increased large rain and tide events due to climate change.

Water quality

Objections to impact on water quality from stormwater being discharged into the Wallamba River.

Housing

Built Form

Submissions covered a variety of issues grouped as built form. There were submissions that suggested developing multistorey buildings on the foreshore will impact the scenic quality and natural character which were identified as draw cards for the area.

Submissions from the community included comments about the site being overdeveloped through high densities combined with too many small dwellings. It was stated that the township was already overdeveloped, and that the proposal would further deteriorate the existing character. Submissions sought good urban design outcomes and had concern for the impact of taller building heights on the coastal environment.

Affordability

Housing related community submissions contained a mixed sentiment between objection and support. Almost all submitters commented on the need for an increased housing supply in the area, with the majority of those who objected citing their belief that the development would not bring affordable housing for a younger demographic, but instead attract wealthier retirees. A number of submissions specifically suggested a need for long term, affordable rental housing and expressed concern over an increasing amount of homelessness in the area.

Other comments

This category had a broad range of concerns raised but a few issues common throughout several submissions were:

- Questions regarding the 4-wheel-drive access of the beach, with some suggesting this is dangerous and has environmental impacts while others cited the importance of access for local fishers.
- Concerns about the increased population likely drawn to Nine Mile Beach and risks associated with unsafe surf conditions and the intermitted nature of Surf Life Saving services.
- Concerns that the development may not be in character with the existing coastal township of Tuncurry.

Community Groups

Forster Tuncurry Junior and Senior Rugby League Football Clubs

The Master Plan and Draft DCP had set aside land for active open space in the form of nine parks of various sizes. Council advised Landcom that this land need not be set aside as Council would prefer a contribution towards upgrading the existing North Tuncurry Sports Complex. The Forster Tuncurry Junior and Senior Rugby League Football Club's (RLFC's) support NTURA provided that:

- Council provide a timeline for development of the North Tuncurry Sporting Complex master plan.
- Club representatives from Forster Tuncurry Junior and Senior RLFC's are involved in development of the North Tuncurry Sporting Complex master plan.
- Council provides some guidance on what funding might be available for the upgrades.

Hallidays Point Community Action Group

The Hallidays Point Community Action Group made a comprehensive submission which stressed the significance of the NTURA site, suggesting it is an increasingly rare area of non-fragmented habitat containing unique biodiversity.

The submission focused on two of the technical reports that supported the proposal being The Coastal Processes, Hazards and Planning Study prepared by Worley Parsons (2019) and Biodiversity Certification Assessment Report & Biodiversity Certification Strategy (BCAR) prepared by Eco Logical Australia (2022).

The group raised concerns with the future sea level rise predicted in the Worley Parsons Report, suggesting that these estimates were not accurate and based on insufficient and/or outdated data.

The submission suggested that the BCAR was based largely on outdated data and that surveys were inadequate and also out of season. The submission stated the group's belief that the five days of survey were insufficient to gain a proper understanding of wildlife present on the site. Especially due to having been completed in the winter when many animals are inactive, as well as being conducted a matter of months after the 2019-2020 bushfires had impacted on the vegetation. The group specifically mentioned Koalas, the Eastern Pygmy Possum, Brush-tailed Phascogales and several other flora and fauna species which they believe have been mis-represented in the 2020 June/July surveys.

The submission finished by detailing a number of questions, some of which regarded the Biodiversity Assessment Method (BAM) credits, while others were related to specific parts of the proposed development and/or certain species and biodiversity concerns.

Lakkari Traditional Owners Aboriginal Corporation

The Lakkari Traditional Owners Aboriginal Corporation made a submission which expresses its support for the development and eagerness to continue working alongside Landcom and hope for the establishment of an Aboriginal cultural centre.

Forster Buslines

Forster Buslines expressed its support for the proposal and offer support to Landcom and/or MidCoast Council for bus route planning that may be required.

Forster Tuncurry Golf Club

The Forster Tuncurry Golf Club (FTGC) expressed their support for the proposal overall but had several requests. The club cited the FTGCs role at the centre of the development and its importance in the community as a whole. Requests and commitments included:

- Guarantees that there will be continuous and suitable access to the golf course as well as 18 playable holes for visitors during the development process.
- Commitment that the golf course lease will reflect at least the same land area as prior to the development.
- Commitment that any FTGC facilities affected by the development will be replaced as new and that this precedes destruction of the old facilities.
- Requests for a 100-meter land buffer on the eastern side of the course for the safety of beach goers.
- Requests for adequate drainage around the proposed new holes due to concerns that the low-lying nature of the land these are proposed on, along with the high-water table, will result in flooding of these holes.

Agencies

During the exhibition period of 2 May 2022 to 17 June 2022, 4 agencies put in submissions. These included:

Biodiversity Conservation Division (BCD)

- Exhibition documents need updating since site conditions have recently changed after studies were undertaken.
- The proponent will need to apply for an assessment of reasonable equivalence, to determine the equivalent Biodiversity Assessment Method (BAM) credits for the Biodiversity Certification Assessment Methodology (BCAM) credits.
- The proponent may apply for a biodiversity stewardship agreement on the proposed onsite offsite site in consultation with Biodiversity Conservation Trust.

Heritage NSW

- Need to address the geotechnical report produced by Douglas Partners (1988) that showed no evidence of sand mining within the proposal area.
- The proposal area contains landscape features that have a high potential for subsurface deposit.
- Details of archaeological survey conducted in 2011. An updated survey, and potentially sub-surface testing program, be conducted prior to the SEPP amendment.
- Heritage conservation strategy for areas where ground disturbance works may impact surface and sub-surface Aboriginal Objects.
- Update consultation with Registered Aboriginal Parties.

Rural Fire Service (RFS)

- The proposal subdivision layout does not incorporate a northern link road through to The Lakes Way and concerns the perimeter road is not continuous.
- RFS requires the Draft Land Use Plan to incorporate a residential zone overlay for a northern access road link to The Lakes Way.
- The Planning Proposal shall provide clear content on the ability for the future APZ to be maintained within the proposed land use zones.

Transport for NSW (TfNSW)

- Funding mechanisms within Council's Section 7.11 Developer Contributions Plan which includes bridge and northern access intersection.
- Appropriate staging to include when bridge expansions would be required.
- Concerns around design of a new roundabout on The Lakes Way 1.2km north of Chapmans Road.
- Additional opportunities should be explored about providing active transport facilities through the URA connecting to the south.

In addition, the Department contacted a further six agencies, with five responses received. These included:

Crown Land

- No mention is made of Aboriginal Land Claim 41243 which our records show exists over the land, lodged by the NSW Aboriginal Land Council under the Aboriginal Land Rights Act 1983 on the 16th September 2016 and which is yet to be investigated or determined.
- Further discussions are required with Crown Lands to work through these issues and related issues including Native Title.

Health NSW

- Health Hunter New England Local Health District (LHD) had no further comments to previous advice provided .
- The LHD also advised the Forster Community Health Centre was well serviced by general practitioners.

- The LHD indicated that although Forster was not well serviced by public hospitals it pointed out that Forster Private Hospital would take public patients to manage capacity at Manning Hospital in Taree.
- The LHD noted there are currently no new public facilities planned for the Forster Tuncurry area, however the Government had committed an additional \$100 million in funding to Manning Public Hospital.

Department of Education

- The School Infrastructure NSW's Service Planning Team advised has no further comments in this regard.
- Department of Education (DET) confirmed that Forster-Tuncurry has a demographic profile that is higher than State average proportion of senior people, and population projections suggest this trend will continue.
- DET has appropriate government school asset base in the locality with two public schools and the three college campuses in the urban area. Also with surrounding rural localities also serviced by schools at Bungwahl, Pacific Palms, Nabiac and Coolonglook.

Fisheries

- Satisfied that the proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats, as listed under the Fisheries Management Act 1994.

Telstra

- Telstra did not provide a response when consulted post-exhibition, however when consulted in 2020 Telstra indicated it has some initial capacity to coverage this area but will not have the capacity to allow all households within this proposed development (2100 dwellings) to have adequate full service coverage and capacity.
- Telstra will provide trunk infrastructure requirements during the detailed design stage.

Mining, Energy and Geoscience

- Mining, Energy and Geoscience advised that it had no concerns with the proposal.
- Landcom prepared a Heavy Mineral Resource Investigation Technical Note indicating the land adjacent to the site was subject to sand mining in the 1960s. The Technical Note estimates the quantity of the mineral resource on the site and indicates commercial mining of this resource to be unviable.

MidCoast Council

MidCoast Council provided a detailed submission to the proposal and continued to be consulted following exhibition as outstanding issues were resolved.

Issues included:

- How the proposal reflects the expectations and aspirations of the MidCoast community in 2022.
- Resolution of the biodiversity credits for the entire development footprint by the biodiversity certification application, which if approved, would streamline future subdivision and development application processes.
- How the proposed Integrated Water Management and Stormwater Management Systems ensure the ongoing management and removal of the estimated quantity of stormwater from the site.
- Concerns with the technical studies, particularly regarding flooding and biodiversity.

Council requested the Department consider a reduced development footprint that includes residential development areas up to and including Stage 12 of the Master Plan and employment lands located at the intersection of The Lakes Way and The Northern Parkway. Council suggests that this smaller footprint can achieve immediate outcomes for the provision of a diverse and affordable housing supply while also providing sufficient biodiversity offsets, cost effective services and infrastructure, employment opportunities and a precautionary approach to climate change.

Council also made various suggested improvements to the draft Development Control Plan which included:

- Changes to Desired Outcomes section to help guide development form.
- The use of Section 88B instruments and when these are appropriate to use.
- Clarity around what is to be included on building envelop plans (BEP) and public domain plans (PDP).
- Additional elements to be included for streetscape provisions.
- Changes to setbacks for dwelling houses on small lots.
- Clarity on the proposed development controls for apartment living and multi-unit housing.
- Updates to development controls for Nine Mile Beach, special character precinct which includes the B2 Local Centre.
- Additional development controls for open space and movement network.
- Process around consultation with Lakari Aboriginal Corporation and the Local Aboriginal Land Council.
- Unresolved issues regarding biodiversity conservation, impact on Tuncurry Midge Orchid and the 2100 coastal inundation hazard line.
- Unresolved issues regarding the design, efficiency, effectiveness, cost, maintenance and operational viability of the proposed stormwater network system, water management basins, and infiltration.

Appendix F Rhelm response to flooding issue

This Appendix can be accessed at the NSW Planning Portal.