

North Tuncurry Development Project

Response to Submissions Report

January 2023

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Executive Summary

The NSW Government's Hunter Regional Plan 2036 (HRP 2036) identifies North Tuncurry as a potential new release area to address the housing needs of the MidCoast area. Landcom (the proponent) is therefore seeking to rezone approximately 615ha of land for conservation and urban purposes.

The North Tuncurry Urban Renewal Area (herein referred to as the NTURA) is located on the eastern side of The Lakes Way, directly to the north of, and adjoining the Tuncurry town centre. It is an irregular shaped waterfront parcel of land situated on a peninsula that has been created by the Wallamba River.

The overall vision for the NTURA Site is a low-medium density coastal community with approximately 2,123 dwellings centred around a new centre, reconfigured golf course and new open space areas. Providing new housing and neighbourhood supermarket and specialty stores to support local residents, will integrate NTURA's future development with the existing Tuncurry-Forster urban area.

The NTURA Rezoning proposes:

- rezoning of land by amending the Great Lakes Local Environmental Plan 2014 (GLLEP 2014); and
- amending the Great Lakes Development Control Plan 2014 (GLDCP 2014) to add site-specific design elements.

The NTURA Rezoning is supported by a concurrent Biocertification Assessment and offer by Landcom to enter into Planning Agreements with MidCoast Council and the State Government to make provision for local and regional infrastructure and facilities that will support the future NTURA community.

Since the project's inception in 2011, Landcom has sought to engage extensively with local authorities and relevant NSW Government agencies to prepare the proposal for exhibition. This has included initially engaging with MidCoast Council (Council) and its predecessors, Transport for NSW (and its predecessors), and the Department of Planning and Environment (DPE) and its various specialist ecological, heritage and hydrology subsidiaries.

There has also been extensive consultation with the community, Commonwealth Government agencies and indigenous stakeholders via the establishment of an inter-agency working group, community consultation during the master planning process including two community information days, establishment of a Community Reference Group (CRG) comprising individuals from the former Great Lakes Council and representatives of local community organisations; and consultation with local Aboriginal groups.

During the period between October 2020 and October 2021, Landcom continued to regularly engage with Council, the DPE's Biodiversity Conservation Division (BCD), Newcastle Regional Office and Project Delivery Unit (PDU) and Transport for NSW. Most recently, the DPE facilitated public exhibition of the NTURA Rezoning from 2 May 2022 to 17 June 2022, providing the community with an opportunity to review and provide feedback on the proposal.

A total of 125 written submissions were received by the DPE during the public exhibition period, comprising:

- 4 submissions from NSW Government agencies;
- 1 submission from Council;
- 1 submission from an organisation (Forster Tuncurry Golf Club); and
- 119 submissions from community members indicating a mix of support and objection for the proposal.

There was a range of views expressed in community submissions, with a number of land owners and residents supporting the proposal, particularly in relation to new housing that meets the needs of the population, affordable housing provision, job creation opportunities and proposed amenities. Other submitters raised concerns about the lack of supporting local and regional infrastructure (e.g.: hospitals, education facilities, etc), the need to duplicate the Wallis Lake Bridge and the potential ecological impacts associated with clearing the site to make way for future development.

Council provided a detailed submission, commenting on the NTURA Rezoning and all supporting appendices. Council supports the concept of partial development of the NTURA for residential and employment purposes in an environmentally sensitive manner. In particular, Council indicated it strongly supports the proposed future housing supply initiatives, including:

- Provision of 7.5% affordable housing consistent with Landcom’s Housing and Affordability and Diversity Policy;
- 20% of all dwellings to be ‘Design’ and ‘As-Built’ Liveable Housing Australian Silver Certified; and
- Provisions of 10-15% of diverse housing across the Site consistent with Landcom’s diverse housing policy.

Council did also raise a number of concerns including (but not limited to):

- how the proposal reflects the expectations and aspirations of the MidCoast community in 2022;
- resolution of local infrastructure delivery and timing;
- 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 would ensure the ongoing management and removal of the estimated quantity of stormwater;
- how the proposal considers and proposes to respond to climate change and coastal processes.

Agencies submissions received from TfNSW, Heritage NSW (HNSW) and BCD sought clarification in relation to specific technical matters associated with their respective disciplines.

On 30 June 2022, the DPE wrote to Landcom seeking the preparation of a Response to Submissions Report. This Report has been prepared in response to that request and includes:

- a summary of the number, type and issues raised;
- a description of amendments made to the Rezoning Proposal; and
- detailed responses to issues raised by the community, organisations, agencies and Council.

This Report concludes the NTURA Rezoning will have long-term positive economic, social, and environmental impacts for the local community, the MidCoast LGA and the Hunter Region. In this context, the NTURA Rezoning has strategic merit, is in the public interest and should proceed to finalisation.

1.0 Background

1.1 Overview

Landcom initially lodged a rezoning proposal with the NSW Department of Planning and Environment (DPE) on 22 April 2021 to introduce a new land use and development framework to the NTURA Site.

The NTURA Rezoning was placed on public exhibition between 2 May 2022 and 17 June 2022. The submissions received during the exhibition of the NTURA Rezoning form the subject of this Response to Submissions Report (Report).

This Report identifies and provides an assessment of each of the matters raised in the submissions received during the public exhibition period. It should be read in conjunction with exhibited NTURA Rezoning and all supporting information dated October 2021. It should also be read in conjunction with the appendices attached to this Report.

1.2 Purpose of this Report

The purpose of this Report is to respond to submissions raised by community, organisations and government stakeholders during the exhibition of the NTURA Rezoning. Each of the submissions received has been collated, analysed and the relevant issues have been addressed.

This Report also provides a description of the design amendments made to the master plan which informs the NTURA Rezoning, and the outcomes of the additional investigations which have been undertaken to address the feedback received. The amendments made to the master plan are in direct response to feedback provided by the DPE's Newcastle Regional Office and Rural Fire Service as detailed at Section 4 of this Report.

In addition, this Report provides further assessment to support the proposed rezoning and serves as an addendum to the technical specialist reporting provided within the exhibited NTURA Rezoning.

1.3 Background

The NSW State Government released the Hunter Regional Plan 2036 (HRP 2036) in October 2016. The Regional Plan provides the current blueprint for future growth in the Hunter, aligning land use planning priorities and decisions for the next 20 years. The HRP 2036's vision for the Hunter is to be the leading regional economy in Australia supported by a vibrant new metropolitan city at its heart. To achieve this, the HRP 2036 acknowledges the growing importance of Greater Newcastle and establishes the following regionally focused goals:

- the leading regional economy in Australia;
- a biodiversity-rich natural environment;
- thriving communities; and
- greater housing choice and jobs.

Strong population growth is anticipated over the coming years, and current projections suggest a continuing trend comprising affluent retirees and middle income retirees moving to the Region, local families trading up, and investors, second home and holiday home buyers being attracted to the area.

Under the HRP 2036, Forster-Tuncurry is nominated as a Strategic Centre (**Figure 1**). Managing environmental values and residential growth at North Tuncurry (i.e.: the Site) is identified as a key priority to ensure future housing and urban renewal opportunities are realised.



Figure 1 – Hunter 2036 and Forster-Tuncurry Strategic Centre

The draft Hunter Regional Plan 2041 (HRP 2041) was publicly exhibited by the DPE from 6 December 2021 until 4 March 2022. The exhibition was a key part of the HRP 2036's first 5-year review. While the DPE continues to finalise its assessment of that consultation process, the HRP 2041 mirrors the HRP 2036 specifically by:

- identifying Forster-Tuncurry as a Regionally Significant Growth Area;
- identifying the NTURA (Figure 2) as a suitable location to:
 - promote diversity of housing, integrated with commercial and recreational activities;
 - integrate into the sensitive environmental setting and the broader Tuncurry and Forster community; and
 - support services and infrastructure such as health and transportation networks.

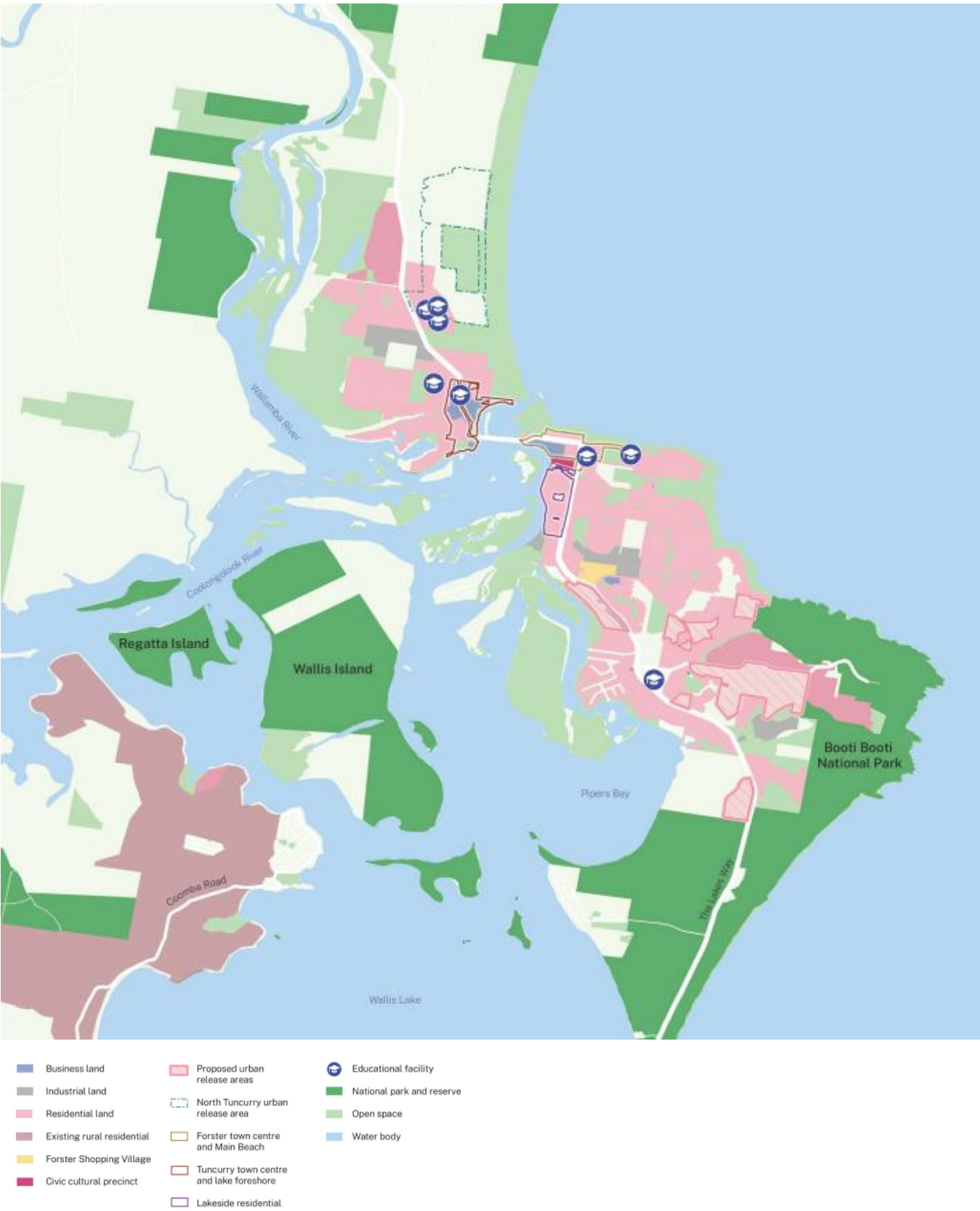


Figure 2 – Forster-Tuncurry regionally significant growth area and NTURA

The NTURA Rezoning was accordingly first prepared to respond to the HRP 2036 framework, vision and directions for strategic planning and land use, planning for future needs for housing, jobs, infrastructure, a healthy environment and connected communities set by the NSW Government for the Hunter Region. It was founded on a Project Delivery Agreement (PDA) Landcom entered into with the NSW Department of Industry - Crown Lands and Water to develop the NTURA Site in 2007.

The NTURA Rezoning was initially delayed while Landcom undertook additional ecological investigations to support a concurrent biodiversity certification process in parallel with the rezoning. In the intervening years, Landcom was requested to reconfirm the proposal is of State Significance (which also necessitated Ministerial consideration) and was required to update various supporting studies several times to address agency feedback.

The public exhibition of the NTURA Rezoning in 2022 represents a major milestone towards successful progression of the NTURA to achieve the strategic objectives of the HRP 2036, Council's adopted Housing Strategy (December 2020) and desired aspirations of the draft HRP 2041.

2. Consultation Overview

2.1 Introduction

Extensive consultation has been undertaken with the community, key local stakeholders, Council and government agencies during the formulation of the rezoning proposal for North Tuncurry since 2011 when the NTURA Site was first recognised as having potential State planning significance. The details of the consultation and the outcomes are summarised below.

2.2 Consultation and Engagement Activities Prior to Public Exhibition

The Communications and Engagement Report (KJA, April 2021) which forms Appendix E of the *exhibited* documentation summarises the extensive consultation and engagement activities undertaken by Landcom during the preparation of the NTURA Rezoning.

2.2.1 Community Engagement

These activities included a series of community information days (summarised in Table 1) which informed the master plan and consequently the NTURA Rezoning.

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

Table 1 – Engagement Activities

The Community Reference Group (CRG) was established in June 2013 to facilitate an exchange of information between key stakeholders and Landcom. To ensure different interests and views were considered an Expression of Interest process was advertised seeking representation from the community for participation in the CRG process. An independent chairperson was appointed and the CRG membership comprises:

- 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 Police; and
- 1 representative from Lakkari / Forster Local Aboriginal Land Council (FLALC).

The CRG met twice (July 2013 and March 2014) and provided feedback. CRG members have continued to receive project updates in the intervening period. The CRG will be re-engaged as the planning process progresses and will continue to be an important point of reference throughout the planning and delivery phases.

2.2.2 Council and NSW Government Agency Engagement

Landcom and its consultant team also undertook extensive engagement with Council (pre and post amalgamation) and relevant NSW Government agencies, which informed the specialist consultant reports supporting the NTURA Rezoning.

The project team has directly engaged with the relevant government agencies during the preparation of the Master Plan and the detailed technical studies.

The DPE established an inter-agency working group to progress planning and development of the proposal with Landcom in 2012. The working group met again in October 2014 following lodgement of the draft Rezoning Study to discuss the planning status and key issues to be resolved prior to public exhibition. That meeting provided key directions in relation to the management of biodiversity assessment, coastal management, bush fire risk management and other development planning issues.

Since October 2020, Landcom has continued to engage directly with representatives of the DPE's established interagency working group and other key government agencies, including:

- MidCoast Council;
- Department of Planning and Environment Newcastle Regional Team, Project Delivery Unit and Biodiversity Conservation Division (BCD);
- Transport for NSW (TfNSW); and
- NSW Rural Fire Service (RFS).

The project team has also engaged formally with a number of key local stakeholders, including the Forster Tuncurry Golf Club and the Forster Tuncurry Business Chamber.

2.3 Engagement with Indigenous Stakeholders

Indigenous representatives from the Government Architect's Office were involved in the early formulation of the Master Plan and Landscape Master Plan from 2011.

More recently, Aboriginal community stakeholders have been consulted in accordance with Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010), as part of the preparation of two Aboriginal Cultural Heritage Assessments by RPS in (March and August 2021).

These activities included:

- personalised notification letters to the DPE Newcastle Regional Office, The Registrar, Aboriginal Land Rights Act 1983, Native Title Services Corporation Limited, The National Native Title Tribunal, Council, Forster Local Aboriginal Land Council, and Hunter Local Land Services;
- notification via public notices placed in local newspapers inviting Aboriginal stakeholders to register their interest in the proposal; and
- opportunities to review progressive drafts of the ACHAR during their preparation.

Ongoing consultation with the Native Title Claim Group, the Lakkari Traditional Owner Aboriginal Corporation, continues through the implementation of the Native Title Agreement (Section 31 Deed). Under this agreement, Landcom meets with the Lakkari Traditional Owner Aboriginal Corporation on a quarterly basis to provide updates on the Master Plan and technical studies.

Further consultation with Aboriginal community stakeholders will occur on an ongoing basis.

2.4 Consultation and Engagement Activities During Public Exhibition

The NTURA Rezoning and associated technical studies was publicly exhibited by the DPE between 2 May 2022 to 17 June 2022.

At the DPE's request, Landcom hosted a 4-hour community drop in session during the public exhibition period on Sunday 5 June 2022 at Club Forster. Landcom also promoted the DPE-led public exhibition of the NTURA Rezoning and related technical documents in the following ways:

- letters posted to around 3,400 Tuncurry households;
- personalised letters emailed to key stakeholder groups, including Council, elected representatives and General Manager, Forster Tuncurry Golf Club, local Members of Parliament, Forster Tuncurry Business Chamber, Forster Local Aboriginal Land Council, Lakkari Native Title group, and a range of local community organisations;

- personalised letters emailed to members of the former Community Reference Group who were engaged during the project's initial consultation between 2012 and 2014;
- personalised letters emailed to people who registered interest in the project since 2013;
- information published on Landcom's project webpage;
- information provided by email to local radio station Great Lakes FM to promote on-air;
- advertisements placed in local newspapers Great Lakes Advocate (published Thursday 26 May 2022) and Forster Fortnightly (published Wednesday 1 June 2022); and
- 1 x pre-event social media post on Landcom's LinkedIn platform, plus 2 x post-event social media posts across Landcom's Facebook and LinkedIn platforms to thank attendees and promote final opportunity to provide a submission through the DPE planning portal.

The outcomes of that engagement process including the feedback received and Landcom's response are provided in the *Addendum to the Communication and Community Engagement Report (April 2021) - North Tuncurry Urban Release Area* (Landcom, September 2022) provided at **Attachment C**.

2.5 Action taken following Exhibition

Following public exhibition of the NTURA Rezoning:

- correspondence dated 30 June 2022 was received by Landcom from DPE, requesting further a response to the issues raised in the submissions;
- the project team has reviewed and responded to the issues raised in all submissions received to respond to this correspondence;
- Landcom has met with the DPE's Newcastle Regional Office to discuss the Rezoning Proposal particularly focussing on potential coastal hazards, application of the draft Coastal Design Guidelines (DPE 2022), and the proposed integrated water cycle management strategy, as well as to progress finalisation of the draft DCP;
- the master plan design has been amended to:
 - reflect Landcom's discussions with DPE; and
 - respond to RFS feedback regarding the need for permitter roads and access roads;
- updated plans have been prepared by Hatch Roberts Day, detailing the design amendments proposed;
- the draft DCP has been revised and updated to respond to feedback received from the DPE and Council, noting that the DPE has advised Landcom that it will prioritise the NTURA Rezoning and intends to finalise the DCP independently of the Rezoning Proposal;
- Landcom has continued to engage with BCD, PDU and Council regarding the proposed stormwater, flooding and groundwater issues to progress the outcomes of the DPE commissioned Peer Review undertaken by DHI Australia June 2021;
- Landcom has reached in principle agreement with TNSW on the terms of a State Planning Agreement and proposed local provision to be included in the Great Lakes LEP 2014 to ensure adequate provision is made for the regional traffic network before development of certain land proceeds;
- Landcom has submitted a letter of offer to the DPE to enter into a State Planning Agreement to make suitable provision for regional road network improvements;
- Landcom has commenced meeting with the PDU to discuss progression of the local Planning Agreement; and
- this Response to Submissions Report has been prepared.

3.0 Analysis of Submissions

Landcom understands that a total of 125 formal submissions were received during the exhibition period by the DPE. Submissions were received as follows:

- 5 submissions were received from government agencies, including:
 - Biodiversity Conservation Division (BCD);
 - Heritage NSW (HNSW);
 - MidCoast Council (Council);
 - Rural Fire Service (RFS); and
 - Transport for NSW (TfNSW);
- 1 submission was received from an organisation (Forster Tuncurry Golf Club); and
- 119 submissions were received from community members.

The DPE provided Landcom with copies of submissions received from Council, NSW Government agencies and the Forster Tuncurry Golf Club. Community submissions were provided to Landcom with all personal details redacted. Accordingly, Landcom has been unable to undertake an analysis of submissions by location as is typically required by the DPE as part of the Response to Submissions process.

The feedback represented in the 119 community submissions were varied, and can be summarised as follows:

- 24% (28) indicated support for the Rezoning Proposal;
- 61% (73) indicated objection to the Rezoning Proposal;
- 15% (18) indicated they were neutral about the Rezoning Proposal;
- Infrastructure provision including health and education facilities (23%) was the predominant issue, following by traffic and transport issues (20%), ecology and environment (15%), and coastal processes (5%);
- Feedback about housing including the height and density of new development and support for the provision of affordable and social housing were raised in under 10% of submissions; and
- The remainder of issues raised (visual impact, development of Crown lands, employment, stormwater, flooding and sea level rise, noise impacts, bushfire, and beach access) each individually comprised less than 2% of all submissions.

4.0 Amendments to the Proposal

As part of the actions taken since exhibition as described in Section 2.5 above, Landcom and the consultant team has revised the master plan which informs the Rezoning Proposal, necessitating amendments to the proposed LEP maps.

Each of the amendments is described below and should be read in conjunction with Figures 3 and 4 and **Appendix L** specifically. It should be noted that the Land Zoning Map provided in Appendix L labels environmental zones using the E(nvironmental)-nomenclature adopted by the Great Lakes LEP 2014, despite the instrument adopting the C(onservation) nomenclature consistent with the Standard Instrument.

4.1 Coastal Processes and draft Coastal Design Guidelines

The master plan has been amended to reflect a 100 year coastal hazard risk (i.e.: 2125 rather than 2100), and better align with the DPE's draft Coastal Design Guidelines (2022). This has resulted in lower density uses in the 30m zone between the 2100 and 2125 coastal hazard lines including the following land use and built form amendments:

- Removal of shop top housing from the B2 Local Centre on land located eastward of the 100 year coastal hazard line to limit densities in high hazard areas;
- Reduction in building heights along the foreshore to better align with the DPE's draft Coastal Design Guidelines (2022) which recommend building heights be limited to 3 storeys close to the foreshore in coastal cities;
- Redistribution of higher density building typologies across the NTURA to limit the number of houses between the 2100 and 2125 coastal hazard lines, while retaining the overall dwelling yield across the development footprint;
- Reduction in building heights across the entire NTURA earmarked for future apartments.

These amendments have necessitated amendments to the proposed Land Use Zoning Map, Height of Buildings Map and Minimum Lot Size Map. Revised LEP maps are provided at **Appendix L** and summarised as follows:

- To limit density eastwards of the 100 year coastal hazard line, the NTURA's eastern perimeter is proposed to be predominantly zoned R2 Low Density Residential and be subject to a maximum 8.5m building height and 450m² minimum lot size. In addition to traditional dwellings, 'four-packs' and rear loaded typologies are proposed to remain permissible eastward of the 100 year coastal hazard line under the revised master plan. Future DCP controls will prohibit access from the adjoining perimeter fire trail / foreshore fronting land and require future fire trails and shared walkways be designed to emphasise public ownership. Combined with the minimum lot size control, realisation of these design requirements will ensure any proliferation of separate tenancies along the foreshore will not result in private landowners overreaching the boundary with the foreshore. A conceptual section of the future fire trail/shared walkways is provided in Figure 4.
- Previously exhibited R3 Medium Density Residential zoned land which proposed to accommodate apartments has been relocated to the northwest of the repositioned B2 Local Centre, and to the NTURA's western and southern boundaries. A maximum 4 storeys and 1,000m² minimum lot size is proposed to ensure these future apartment sites are commercially viable. Building heights are proposed to range from 15m in the B2 Local Centre to 20m for proposed apartment sites.
- The local centre is proposed to retain its exhibited B2 Local Centre zoning. The building height has been reduced from 20m (exhibited) to 15m, consistent with the draft Coastal Design Guidelines recommendation to limit building heights to the equivalent of 3 storeys along the foreshore. A 1,000m² minimum lot size is proposed into the town centre, consistent with the exhibited NTURA Rezoning.

4.2 Stormwater, Flooding and Groundwater

Following the NTURA Rezoning's exhibition, Landcom has continued negotiations with BCD and Council to implement the recommendations from the DHI peer review and to resolve certain aspects of the flood risk management approach. These negotiations were successful in resolving numerous material concerns including the functionality of the gravity pipe and a flood emergency response plan.

At the time of writing, the following aspects remain unresolved:

- flood planning levels for the NTURA project could not be resolved due mainly to concerns from BCD and Council that the models developed in 2010-2012 as part of the original masterplan development are not suitable to establish final flood planning levels; and
- a request from BCD to include an overland flow path.

Accordingly, a new process is required to resolve the outstanding issues and to provide the following additional information that will be required prior to the commencement of detailed design:

- a precinct level concept design of earthworks, basins and other water management infrastructure;
- accepted flood model(s) that are linked to the concept design and can be adjusted; and
- a staging plan for stormwater water infrastructure.

These are detailed matters that do not preclude the NTURA Rezoning from proceeding, but will be required to be resolved prior to development proceeding. Landcom will continue to engage with BCD and Council to progress and finalise:

- development of new flood models (groundwater, hydrologic and hydraulic) using best available methods;
- independent peer review of any new models which are developed;
- development of flood planning levels (for groundwater and basin flooding) for 2100 conditions; and
- development of an updated conceptual civil design of the earthworks and basin system.

Resolution of these matters will be undertaken concurrently with the concept design process which will focus on identifying the optimal approach and configurations for the stormwater treatment and the basin systems (i.e.: a detailed design matter that is most appropriately progressed as part of the future development applications).

This approach is consistent with the recommendations from the DHI peer review which concluded that the water assessments completed for the NTURA Rezoning to date are suitable to support rezoning but recommended that additional design development and assessment is undertaken prior to detailed design to mitigate identified risks and to validate the proposed design and risk management measures.

The Integrated Water Management Cycle Addendum that supported the exhibited NTURA Rezoning (Appendix P2 of the exhibited NTURA Rezoning, EMM October 2021) remains valid in the context of the above summary. However during discussions with Council, PDU and BCD EMM prepared some content to address recent flooding events that occurred in 2021 and 2022. This content, provided at **Appendix E** of this Finalisation Report, is also referenced in **Appendix A** of this Finalisation Report.

4.3 Traffic and Transport

Since public exhibition of the NTURA Rezoning, Landcom has worked closely with TfNSW to ensure adequate provision is made for the regional traffic network before development of certain land proceeds.

Landcom and TfNSW have developed a draft local provision for inclusion in the Great Lakes Local Environmental Plan 2014 as part of the NTURA Rezoning. The local provision identifies the following regional road network improvements required to be in place and operation to accommodate the NTURA (unless the agreement of TfNSW has been provided):

- Two additional lanes 1.3km length on The Lakes Way (Manning Street) between 250 metres north of Chapmans Road to Grey Gum Road prior to subdivision of any land zoned R2 Low Density Residential; and
- Works to improve the capacity of the Wallis Lake Bridge prior to any development that results in the total number of lots on the Site exceeding 600 lots.

The local provision also proposes a concurrence role for TfNSW to enable Landcom to pursue development for any subdivision of land zoned B2 Local Centre, B5 Business Development or IN1 General Industrial (or equivalent zone following implementation of the Department's Employment Zones Reforms).

Clause 6.1 of the Great Lakes LEP 2014 requires satisfactory arrangements to be made for the provision of designated State public infrastructure (such as the The Lakes and Wallis Lake Bridge duplications) before the subdivision of the NTURA can occur. Landcom acknowledges it will be required to contribute to regional road network improvements and

has accordingly submitted a letter of offer to the DPE in relation to a State Planning Agreement (SPA) to ensure adequate provision is made for the regional traffic network before development of certain land proceeds. The letter of offer has been developed in consultation with TfNSW and is consistent with the principles proposed to be established within the draft local provision.

TfNSW has endorsed the draft local provision and draft letter of offer. A copy of both documents and TfNSW's endorsement are provided at **Appendix M**.

4.4 Development Control Plan

The draft DCP has been amended to:

- replace all plans and figures with the revised masterplan base plan which has been updated to identify new perimeter roads as detailed in Section 3.3 below;
- address the feedback provided by Council in its submission; and
- reflect additional changes requested by the DPE to date.

The DPE has advised Landcom that it will prioritise the NTURA Rezoning and intends to finalise the DCP independently of the Rezoning Proposal. Accordingly, the amended draft DCP is provided at **Appendix D**, however the plans will require further revision to reflect the Indicative Density Plan and other amendments as the assessment progresses. Landcom's detailed responses to Council's feedback are provided at **Appendix A**. It is noted that the draft DCP will undergo further revision.

4.5 Perimeter Roads and Access Trails

To respond to RFS feedback, the master plan has been revised to provide continuous perimeter roads at Avenue 2 and a new northern link road from the residential subdivision to The Lakes Way. This has necessitated some minor design refinements of the proposed residential super lots, as depicted in **Figure 3**.

The inclusion of the perimeter road and northern link road have necessitated amendments to the proposed Land Use Zoning Map, Height of Buildings Map, Minimum Lot Size Map, Key Sites Map and Dwelling Density Map primarily to reflect the revised development footprint. Revised LEP maps are provided at **Appendix L**.

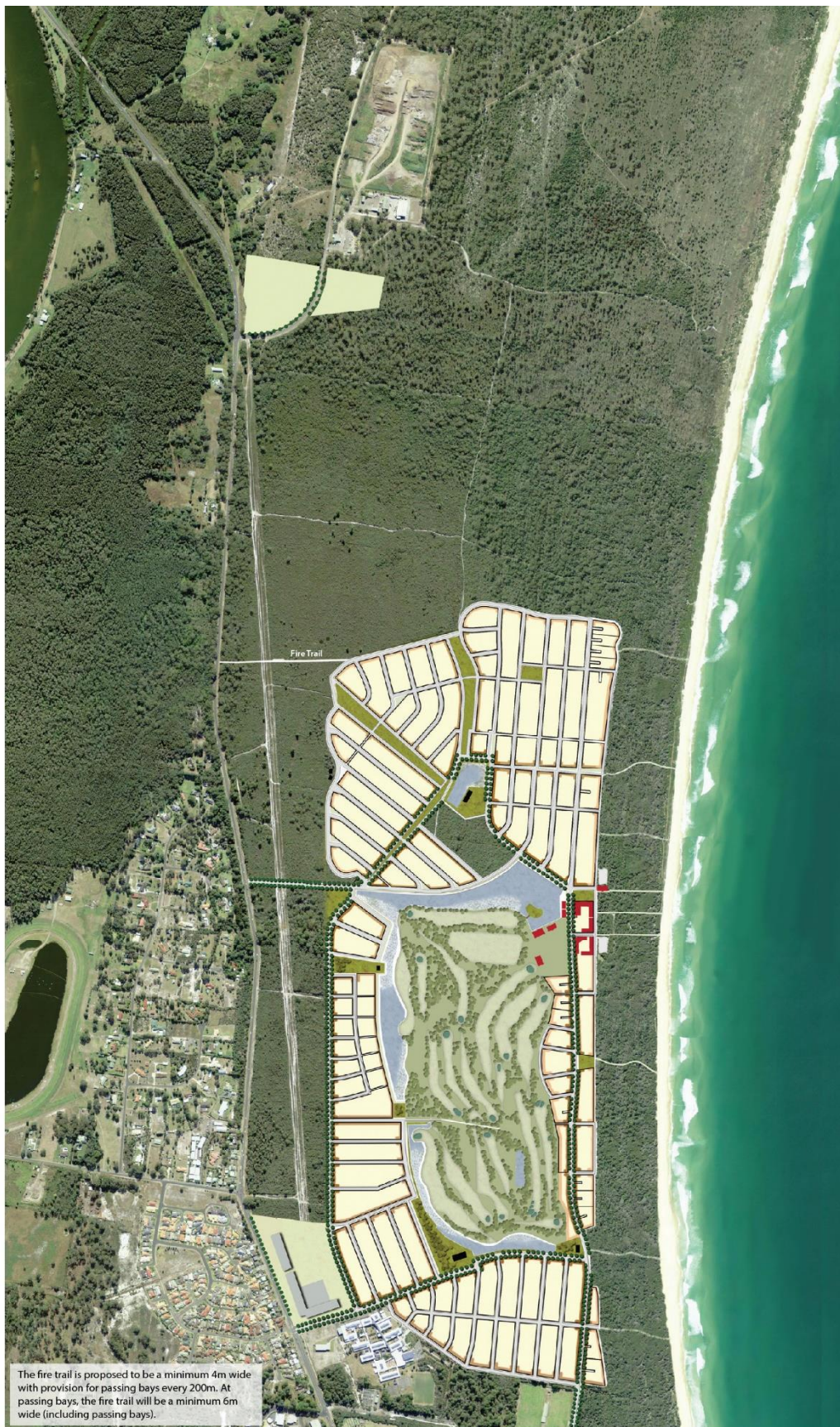


Figure 3 – Revised masterplan illustrating amendments to perimeter roads and new northern fire trail

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5.0 The Proposal

The amendments described in Section 4 do not alter the fundamental scope of the NTURA Rezoning. Landcom's vision seeks to deliver new homes, jobs, services, conservation land, park and recreation land close to the growing Tuncurry-Forster urban area to pave the way for:

- More than 2,100 dwellings to accommodate approximately 4,500 residents via a mix of low density and low rise medium density homes centred around a new local centre, reconfigured golf course and new open space areas that will integrate with the existing Tuncurry-Forster urban area;
- Approximately 13.24 hectares of employment lands for industrial and business development uses to generate 126 full time ongoing jobs on the site and more than 2,100 on-site jobs during construction;
- 327 hectares of land to be managed for biodiversity conservation (60% of site);
- Public access connections to Nine Mile Beach;
- New active transport connections linking with the Tuncurry town centre via new and improved walkways and cycling links;
- Improved transport options:
 - all collector roads will be capable of accommodating standard buses;
 - a network of cycling and pedestrian paths within the site and connecting to key destinations;
 - street and footpath layout to encourage pedestrian activity;
- Nine interconnecting parks providing 6.1 hectares of new open space;
- Reconfiguration of the existing golf course; and
- A new local centre, co-locating daily convenience services with the beach access, a new golf clubhouse, community centre, cultural centre, mobile surf club and public gathering places.

6.0 Response to Submissions

A response to the full text of submissions provided by or on behalf of public authorities/agencies and members of the community are provided at **Appendix A** – Agency and Organisation Submissions Response and **Appendix B** – Community Submissions Response respectively.

The full text of each submission is provided in the left-hand column, accompanied by the corresponding response in the right-hand column. It is emphasised that the responses provided in these tables have been authored with the technical consultant team and should be read in conjunction with:

- Appendix C – Communication and Community Engagement Report (April 2021);
- Appendix D – draft NTURA Development Control Plan (Landcom, November 2022);
- Appendix E – Flood Risk Workshop Notes (EMM, 2023);
- Appendix F – Response to Biodiversity Issues (Eco Logical Australia, September, 2022);
- Appendix G – Response to Statutory Planning Issues (Ethos Urban, November 2022);
- Appendix H – Technical Advisory Note Traffic and Transport (SCT Consulting, November, 2022);
- Appendix I – Supplementary Social Planning Report (Will Roden Consulting, November 2022);
- Appendix J – Response to Coastal Issues (EMM, November 2022);
- Appendix L – Revised LEP Maps (Ethos Urban, January 2023); and
- Appendix M – State Planning Agreement Letter of Offer, draft local provision and Transport for NSW endorsement letter.

This Report should also be read in conjunction with the response to biodiversity issues prepared by Eco Logical Australia provided at Appendix K in relation to the Biodiversity Certification Application.

7.0 Updated Project Justification

Consistent with the exhibited Rezoning Study, no residual adverse environmental, social, or economic impacts have been identified as a result of the proposed amendments.

In fact, the amendments directly address stakeholder feedback raised, resulting in an improved response to the Site's bushfire and hydrological attributes in particular.

The NTURA Rezoning as modified is considered to be justified on the grounds set out below.

The proposal has strategic merit

- The exhibited Rezoning Study demonstrated consistency with the Hunter Regional Plan 2036 (HRP 2036) (NSW Department of Planning and Environment, 2016).
- Forster-Tuncurry is identified in the Draft Hunter Region Plan 2041 (HRP 2041), exhibited in early 2022, as a Regionally Significant Growth Area, with the NTURA identified as an urban release area which should promote diversity of housing, integrated with commercial and recreational activities and integrate into the sensitive environmental setting and the broader Tuncurry and Forster community, the supporting services and infrastructure such as health and transportation networks.
- The NTURA Rezoning directly supports the HRP 2041's objectives, including:
 - accelerating growth and activation of a 'heart' at the B2 Local Centre Zone
 - co-locating daily convenience services and needs with the beach, a new golf clubhouse, community centre, cultural centre, mobile surf club and public gathering places, ensuring the daily needs of the NTURA population are met within the Site, whilst maintaining the importance of Forster Tuncurry as the strategic centre within the region
 - optimising densities within the NTURA Site to deliver outcomes that support community health, active transport, increased housing choice and diversity and the provision of sustainable local services
 - contributing to regional housing targets, including the provision of some smaller and more affordable dwelling types and diverse housing typologies, and the provision of 7.5% affordable housing within the Site consistent with Landcom's Housing and Affordability and Diversity Policy
 - embedding resilience into the proposed planning framework and DCP controls with respect to coastal processes, flooding, bushfire risk and climate change
 - contributing green infrastructure and quality public spaces through the provision of nine new local parks ranging from 2,000m² to 2.1 ha in size; this provision has been designed to meet the recreational open space needs of the future community and will accommodate a range of passive and informal active recreational uses, and
 - improving the natural environment through the permanent conservation of 327 hectares to protect the Site's biodiversity values.
- The Rezoning Study is consistent with the MidCoast Council Housing Strategy, adopted in December 2020. North Tuncurry is identified as one of two Major Release Areas, and the largest urban release area within the Forster Tuncurry Strategic Centre, which is identified in the Housing Strategy as 'critical to meeting longer-term housing needs.'

The NTURA Rezoning offers the opportunity to deliver significant biodiversity outcomes

The NTURA Site contains over 60% of the known plant stock of the Critically Endangered Tuncurry Midge Orchid (*Genoplesium littorale*). Almost 63% of the known plants within the Biodiversity Conservation Assessment Area (BCAA) are contained within the approximate 327.7ha (including 312.7ha of mapped vegetation) proposed for conservation and are concentrated in disturbed areas in the northern and western sectors of the NTURA Site, presenting an opportunity for an active conservation program.

The NTURA Rezoning would facilitate designation of 312.7ha of land for long term agreed conservation outcomes on-site. Additional off-site biodiversity conservation lands will also be provided to facilitate development on the NTURA Site, consistent with the HRP 2036 and the draft HRP 2041.

Indigenous heritage values will be supported

The NTURA Site is of cultural significance to the traditional landowners being the Worimi and Birpai People of Forster Tuncurry. The NTURA Rezoning and future development of the NTURA Site in a timely manner is important to the State in order to ensure that local Aboriginal community can benefit from the cultural and economic benefits of the delivery of the proposal through the executed Project Delivery Agreement.

No adverse environmental, social or economic Impacts

The Rezoning Study and supporting technical reports confirm residual adverse environmental, social, or economic impacts are unlikely. Residual environmental impacts which have been identified will be mitigated through the implementation of management measures via the DCP, future development applications and ultimately during the construction and operational phases of the NTURA.

More specifically:

- the proposal's traffic impacts can be appropriately managed and active transport will be promoted and encouraged, in accordance with the objectives of Transport for NSW
- the implementation of the proposed sustainable travel measures is expected to encourage a reduction of car dependency for the future residents of the NTURA, contributing to improved mode shifts towards public transport and walking and cycling modes, and
- the proposed response to social planning, community needs, and housing and economic studies demonstrate the future NTURA community will be satisfactorily supported with the required social infrastructure and community facilities.

State and Local Infrastructure Provision

Landcom's offer to enter into local and State Voluntary Planning Agreements, suitable arrangements can be put in place to ensure appropriate infrastructure is in place in line with the proposed development staging to meet the needs of the future NTURA community.

Conclusion

The suitability and capacity of the NTURA Site for the proposed range and intensity of uses taking into account regional context and environmental, economic and social opportunities and constraints has been addressed at the strategic level. The NTURA Rezoning Study, draft DCP, urban design report and suite of technical environmental studies and investigations have addressed the urban capability of the NTURA Site and provided appropriate strategic justification for rezoning to proceed.

Appendix A – Agency and Organisation Submissions Response

Appendix B – Community Submissions Response

Appendix C – Communication and Community Engagement Report

Landcom (April 2022)

Appendix D – draft NTURA Development Control Plan

Appendix E – Flood Risk Workshop Notes

EMM, November 2022

Appendix F – Response to Biodiversity Issues

Eco Logical Australia (September, 2022)

Appendix G – Response to Statutory Planning Issues

Ethos Urban, November 2022

Appendix H – Technical Advisory Note Traffic and Transport

SCT Consulting, November 2022

Appendix I – Supplementary Social Planning Report

Will Roden Consulting, November 2022

Appendix J – Response to Coastal Issues

EMM, November 2022

Appendix K – Response to Submissions: Biodiversity Certification Application

Eco Logical Australia (November, 2022)

Appendix L – LEP Maps

Ethos Urban (January, 2023)

Appendix M – State Planning Agreement Letter of Offer, Draft Local Provision and TfNSW Endorsement

Landcom/Transport for NSW (January, 2023)