

LIVEABLE COMMUNITIES

ATTACHMENT 6

NORTH TUNCURRY URBAN RELEASE AREA

ORDINARY MEETING

29 JUNE 2022

29 June 2022

Director, Central Coast and Hunter
Newcastle Regional Office
NSW Department of Planning, Industry and
Environment
PO Box 1226
NEWCASTLE NSW 2300

Ref: SP-PP-01
Your ref: IRF20/1717
Enquiries: A Macvean

Dear Mr Simpkins

North Tuncurry Urban Release Area and Biodiversity Certification exhibition

Thank you for the opportunity to provide comment on the recent exhibition of the North Tuncurry Urban Release Area Explanation of Intended Effect, Biodiversity Certification Assessment Report and Strategy and associated documentation. MidCoast Council recognises the opportunity such a proposal creates for the region and the community of Tuncurry.

Council supports the concept of developing certain areas of the North Tuncurry site in an environmentally sensitive manner and establishing what would be a significant release of residential and employment land on the MidCoast. Council strongly supports the initiatives for the future housing supply to include:

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

While Council supports the housing initiatives identified above, a number of unresolved concerns remain regarding the proposal. These have been summarised at a high-level below:

- how the proposal reflects the expectations and aspirations of the MidCoast community in 2022 (hopefully the community consultation process undertaken during the exhibition period will shed light on these views);
- 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.



Excluding these factors, Council continues to support the vision and desired outcomes of the Master Plan. Therefore, in order to accelerate the release of housing supply within the Master Plan Council requests that the Department of Planning & Environment 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 is of the view that these areas of the Masterplan represent a range of development outcomes consistent with the vision and desired outcomes of the Master Plan. This smaller, less complicated development footprint can achieve immediate outcomes for the provision of a diverse and affordable housing supply, while also demonstrating:

- sufficient biodiversity offsets for the extent of land to be rezoned and released;
- opportunities for the provision of viable and cost-effective services and infrastructure;
- stimulation of employment opportunities, expansion of community services and revitalisation of business activity in Tuncurry; and
- a precautionary approach to the identified impacts of climate change on the site and future development.

Council would support the Department, State agencies and applicant in progressing completion of the rezoning, biodiversity certification and establishment of land management mechanisms for conservation lands through a collaborative process to ensure the North Tuncurry Urban Release Area provides equitable economic, social and environmental outcomes for existing and future residents of Tuncurry and the MidCoast.

Should you require additional information or wish to discuss the content of this letter and supplementary attachment with the MidCoast Council Project Team, please contact Alex Macvean, Senior Land Use Planner on alexandra.macvean@midcoast.nsw.gov.au or (02) 7955 7320 who will be able to assist.

Yours sincerely

Paul De Szell
Director Liveable Communities

Attachment: MidCoast Council Project Team detailed submission table



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General Comments

The Department of Planning & Environment's North Tuncurry Urban Release Area and Biodiversity Certification application exhibition documents have been grouped based on themes, and the MidCoast Council Project Team comments are provided in detail within the following sections of this report. However, it is critical to note that one of the recurring and fundamental concerns with the proposal is the reliance on out-dated and 'anecdotal' population, economic, employment and environmental information to support the proposal.

It is noted within the Explanation of Intended Effect that *"In 2011, the site was declared a State Significant Precinct under Part 3A of the Environmental Planning and Assessment Act 1979 and State Significant Study (SSS) requirements were issued by the Department. However, when Part 3A was repealed in June 2011 the Part 3A North Tuncurry Urban Release Area Concept Plan was revoked."*

In March 2020, the Department approved a request by Landcom to allow the potential rezoning of the site to be considered under a State-led self-repealing State Environmental Planning Policy. Through that process it was agreed the previous SSS study requirements issued in 2011 would be used as a guide for the study requirements to support the proposed rezoning."

Many of the studies used to support the current proposal, as publicly exhibited, appear to have been prepared to support the original application for a Part 3A approval, or shortly after the State Significant Study requirements were issued in 2011. As a result, most technical reports, findings and recommendations were substantially prepared before 2015.

In comparison, planning proposals for site-specific and generally less complex rezoning applications, are required to be supported by technical reports and studies that have been prepared within five (5) years of the application being submitted.

It is acknowledged that the applicant has undertaken additional work in recent years, evidenced by the "review" and "addendum" documents on exhibition. However, during this assessment process it has become clear that the amendments have primarily been in response to errors and inconsistencies identified during the adequacy of assessment process, i.e. removing out-dated references to Great Lakes Council and MidCoast Water; rather than having undertaken a thorough re-examination of the underlying assumptions or extensive changes to legislative requirements that have occurred since 2014.

A summary of the currency and relevance of the exhibited documents provided below, to support these concerns.

Appendix	Title	Author	Report Date	Age (yrs)	Revision
	Explanation of Intended Effect and Test of Adequacy Report	Department of Planning & Environment	2021		
	Statement of Intent (for a future Planning Agreement)	Department of Planning & Environment	Draft PA 2014	8	SOI 2021
	Rezoning Study	JBA Draft SEPP amendment and maps	2014	8	Ethos Urban 2019
	Independent Stormwater Management System Review	DHI for Department of Planning & Environment	2021		
A	Draft Development Control Plan	<i>Not identified</i>	2014	8	2019
B	<i>Urban Design Report (noted in Explanation of Intended Effect, but not available on DPE exhibition website)</i>				<i>Roberts Day 2019</i>
C	Landscape Plan Report	Context Landscape Design	2014	8	March 2019
D	Visual Assessment	Roberts Day Planning design place	2014	8	November 2020
E	Community and Community Engagement Report	KJA	2015	7	April 2021
F	Soil contamination investigation	WorleyParsons Resources & Energy	2010	12	

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Appendix	Title	Author	Report Date	Age (yrs)	Revision
G	Report on Geotechnical Investigation – Southern Precinct	DJ Douglas & Partners Pty Ltd	1988	34	
H	Technical Note No. 4/2011 - Potential mineral resources	Peter H. Stitt & Associates Pty Ltd	2012	10	
I1	Coastal Processes, Hazards and Planning Study	Worley Parsons resource & energy	2010	12	March 2019
I2	Coast Management – Addendum to Coastal Processes, Hazards and Planning Study	EMM			March 2021
J	Groundwater Modelling Technical Report	SMEC	2014	8	
K	Lower Wallamba River Flood Study	WMAwater	2014	8	
L	Traffic Management & Accessibility	AECOM	2019	2	November 2020
M	Aboriginal Cultural Heritage Assessment Report Addendum	RPS	2011	11	16 March 2021
N	Bonhomme Archaeological Survey	Theresa Bonhomme	1988	34	
O	European Cultural Heritage Assessment	RPS	2014	8	
P1	Integrated Water Cycle Management Strategy	SMEC	2014	8	April 2019
P2	Addendum report to the Integrated Water Cycle Management Strategy	EMM Newcastle			October 2021
Q	Biodiversity Certification Assessment Report & Biodiversity Certification Strategy	Ecological Australia	2011	11	May 2022
R	Road Noise Assessment	Muller Acoustic Consulting	2014	8	February 2019
S	Bush Fire Assessment Report	RPS		1	August 2021
T	Social Planning Report	Elton Consulting	2019	2	November 2020
U	Aged Care and Retirement Housing Study	Elton Consulting	2019	2	November 2020
V	Market and Economic Assessment Report	SGS Economics & Planning	2013	9	January 2019
W	Acid Sulfate Soil Investigation	SMEC	2014	8	
X	Review of Water and Wastewater Servicing Strategies	SMEC	2014	8	March 2019
Y	Review of Water and Wastewater Servicing Strategies	SMEC	2014	8	March 2019
Z	Copy of correspondence regarding electricity supply	Essential Energy	2015	7	

The age of the documents and lack of comprehensive reviews and amendments, particularly in response to the assessment of adequacy report provided by Council in 2020, and the subject of extensive consultation with the proponent prior to the commencement of public exhibition, are of concern to the Project Team.

The primary concern is that the rezoning study, planning controls and biodiversity certification application provisions, which were substantially prepared before 2015, do not adequately or appropriately reflect current environmental conditions, community expectations, demographic projections, or changes in the employment, health, education and social circumstances of residents across the MidCoast, particularly within the last 5 years as a result of fires, flood and the Covid pandemic.

Planning Framework, Master Plan and Pre-exhibition Consultation Processes

Explanation of Intended Effect

Note: that additional comments on the proposed planning provisions and controls are included in the Rezoning Study section.

1.0 Introduction

This section of the EIE includes a statement that *“The masterplan was informed by community engagement undertaken in 2013-14, which identified the site’s guiding principles and community outcomes as discussed in the Urban Design Report (Appendix B).”*

The Urban Design Report was not provided on the DPE exhibition website and therefore any guideline principles or outcomes detailed in that document cannot be commented within this submission or public exhibition process. Council therefore requests that the Department consider the previous comments provided during the Assessment of Adequacy process.

The document also states that *“Landcom and MidCoast Council have worked together to identify local infrastructure needs” and that “Landcom has responded to submissions from Council and Government agencies in relation to the technical studies throughout 2020-2.” “that has been reflected in the development of the final Rezoning Study for North Tuncurry.”*

While MidCoast Council have provided in-principle support to the Statement of Intent documented in the public exhibition material, it must be noted that throughout this report that Council’s previous concerns out-dated information and incorrect assumptions in the technical reports appear to have been given little regard or consideration in the ‘reviews’ and ‘addendums’ undertaken by Landcom prior to public exhibition.

The significance and ongoing relevance of these concerns are reflected in the “Register of remaining issues to be resolved”; and confirmation that neither the Rezoning Study or Draft DCP were amended prior to exhibition, but are noted as “will be updated” in the “Appendices Technical Reports” table provided by the Department.

The EIE includes inconsistent information regarding the proposed staged release of the residential development areas. Within the text (p.3) the statement is made that *“NTURA is proposed to be delivered in 18 stages which reflect the likely development sequence”* while the Staging Plan itself (Figure 3) identifies 21 Stages of residential land release.

In comparison, no clear staging or priority is allocated to the “Employment lands and a new local centre” other than the broad undertaking to deliver these facilities *“in the latter stages of the development pipeline, unless market demand supports the acceleration of these uses”*.

1.2 Purpose, 1.3 Proposed Planning Instruments and 1.4 Objectives or intended outcomes

The EIE confirms that a self-repealing SEPP is proposed to amend the zones, development standards and relevant local clauses of Great Lakes Local Environmental Plan (LEP) 2014, to enable the North Tuncurry subdivision and development to occur.

It is noted that the proposed zones, development standards and amendments to local clauses do not reflect the recommendations of the recently adopted MidCoast Council Housing Strategy or Employment Zone Review, recently exhibited Draft Rural Strategy, or the Department’s Employment Zone Reform program that is currently on exhibition (May-June 2022). These issues are discussed in detail in response to the Rezoning Study.

The EIE goes on to state that *“Should the rezoning occur... the project will deliver a range of quality housing products... including affordable diverse housing typologies. Local employment opportunities... in the local centre and industrial area...”* However, the technical studies do not demonstrate how these outcomes will be achieved. This broad statement also fails to identify the potential for education, health

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or employment opportunities that may be achieved through development partnerships to activate the employment land at the intersection of The Lakes Way and The Northern Parkway.

Noting these concerns, the planning instruments and intended outcomes will also be undermined if the North Tuncurry URA is not identified as exempt from the provisions contained within the State Environmental Planning Policy for Exempt and Complying Development (Codes SEPP). The Codes SEPP would apply to all proposed residential and employment lands within the NTURA site once land use zones are applied, and allow for a diverse range of buildings and structures, including but not limited to: garden sheds, dwelling houses, low-rise medium density residential buildings, commercial and industrial development.

Biodiversity and Conservation

The Biodiversity Certification Assessment Report and Strategy has been reviewed and discussed in detail later in this report. However, there are concerns with the statements contained within the EIE, regarding the lack of certainty about ecosystem credits required to offset the development:

- The 327 hectares of Crown land at North Tuncurry to be submitted for registration will only generate enough *“ecosystem and species credits required to offset the first 12 stages of residential development and the”* employment lands at the intersection of The Lakes Way and The Northern Parkway;
- The area of *“approximately 380-400 hectares at Nabiac, owned by Council (formerly Mid Coast Water)”*, or an equivalent area is required to *“meet the remaining offset requirements for Stages 13-22, the E2 Industrial Land, Village Centre and the redeveloped golf course”* but has only been the subject of *“preliminary ecological studies”*, is only identified as a *“possible Biodiversity Stewardship site”*, with *“in principle agreement”* to make this area available for the proposal *“if or when required”*.

The EIE does not acknowledge information from the Biodiversity Certification Report & Strategy that also notes that the coastal land between Nine Mile Beach and the proposed development area, is going to be affected by coastal hazards and erosion in the future and therefore cannot provide for the permanent protection of ecological and species credits within this area. In addition, the western conservation area is not an ideal offset for the claiming of species credits given its high edge to area ratio and associated risks.

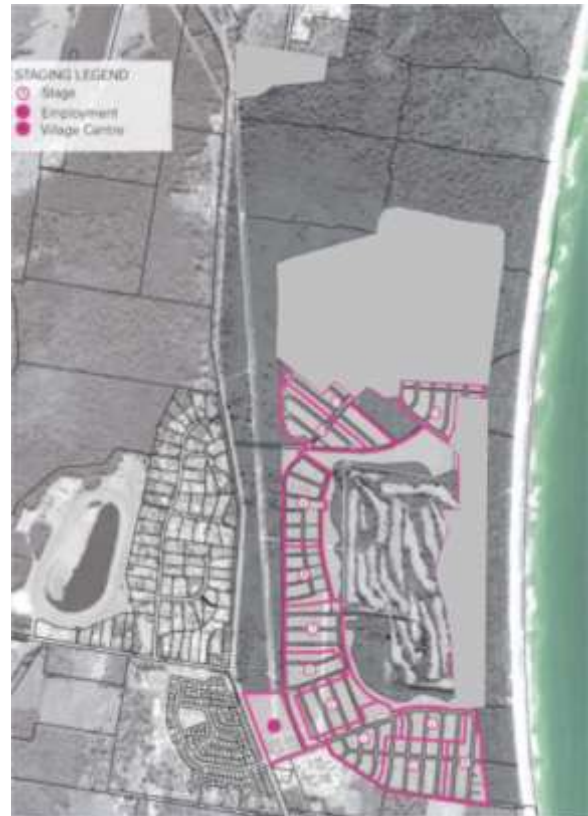
The Commonwealth have not yet, approved the management and mitigation measures proposed for the Tuncurry Midge orchid. This is a risk to the project particularly in the later stages. Ideally this would have been addressed to give more certainty to the rezoning proposal.

Based on this information, the NTURA proposal only has sufficient ecological and species credits at the time of this report, to offset the impact of development for the employment lands at the intersection of The Lakes Way and The Northern Parkway, and up to Stage 12 of the residential release, unless all other required credits are satisfied by payment of funds to the Biodiversity Conservation Fund.

The comparison the existing proposal versus the proposal with on-site biodiversity credits is provided below:



North Tuncurry URA Proposal as exhibited.



North Tuncurry URA Proposal based on existing Biodiversity Offset Credits, including credits from the coastal land between Nine Mile Beach and the proposed development area.

Provision of local infrastructure

While Council has provided in-principle support for the Statement of Intent (for a future planning agreement), the completion of an IPART Special Rate Variation and the transition of the SOI into a detailed planning agreement remain reliant on the proponent:

- demonstrating efficient and effective methods of constructing, operating and maintaining the proposed infrastructure, and
- determining the ownership, in-perpetuity conservation and management mechanisms for those conservation and environmentally sensitive lands not subject to any future Biodiversity Certification agreement.

2.0 Explanation of Provisions

2.1 Land Use Zones and 2.2 Maximum height, floor space and minimum lot size

The recommendations in this section do not consider MidCoast Council's recently adopted Housing Strategy, Employment Zones Review, Council's Draft Recreation Zones Review or Rural Strategy, the Department's amendments to environmental zone classifications or the Department's Employment Zones Reform program, that is currently on exhibition.

The following amendments to the land use zone and development standards are recommended, and discussed in more detail within the Rezoning Study comments:

Changes to environmental zone classifications environmental zone classifications based on the DPE reform program:

- E2 Environmental Conservation to C2 Environmental Conservation

- E3 Environmental Management to C3 Environmental Management
- The purpose and intent of applying the C3 Environmental management zone instead of the current C2 Environmental Conservation zone to certain sections of the coastal dunes is not sufficiently justified given the environmental values of these areas.

Changes to Residential zones based on the adopted MidCoast Housing Strategy:

The future R2 Low Density Residential will not accommodate the diversity of housing proposed within the NTURA site. These areas are to be included within the R1 General Residential zone, incorporating the zone objectives and land use table provisions from the Housing Strategy.

The R3 Medium Density Residential zone is to be identified on the Minimum Dwelling Density Map with an intended outcome of a minimum of 35 dwellings per hectare. Recent consultation on the Housing Strategy indicates that this density is not sought by local residents and is considered to reflect 'metropolitan' development, not found in towns or villages of the MidCoast. Recent development patterns have achieved a maximum density of 25 dwellings per hectare.

It is noted that the intention for new residential development typologies definitions cannot be realised without an amendment to the Standard Instrument Principal Local Environmental Plan and cannot be included within a development control plan.

Changes to Recreation zones based on the Recreation zones review:

The RE2 Private Recreation areas should have a reduced Height of Building control of 8.5m and a Minimum Lot Size (for subdivision) of 20ha, to reflect community expectations of development within these areas.

The inclusion of 'Tourist and visitor accommodation' as a land use permitted with consent within the RE2 Private Recreation zone is not consistent with the draft land use table above and should only be considered as an Additional Permitted Use in the zone within the NTURA site at this time.

Changes to Business and Industrial zones based on the adopted MidCoast Employment Zones Review and Department's Employment Zones Reform program:

- the B2 Local Centre zone should be replaced with the E1 Local Centre zone, zone objectives and land use table provisions for Great Lakes LEP 2014, retaining a Height of Building control of 8.5m.
- the B5 Business Development zone should be replaced with the E3 Productivity Support zone, zone objectives and land use table provisions for Great Lakes LEP 2014, retaining a Height of Building control of 12m and increasing the Minimum Lot Size for subdivision to 1500sqm instead of 450sqm.
- The Department should also ensure appropriate amendments to the SEPP (Transport and Infrastructure) 2021 to ensure educational establishments and health care facilities are permitted with consent within the E3 Productivity Support.
- The statement that the B5 Business Development zone "would also allow for the expansion of the sports clubs and facilities immediately south of the site" is misleading and inappropriate, given the distance separating these two sites.
- the IN1 General Industrial zone should be replaced with the E5 Heavy Industrial zone, retaining a Height of Building control of 10m and applying a Minimum Lot Size that allows for this area to be subdivided from the conservation areas of the existing allotment i.e. 6ha instead of 40ha.

Other general amendments that should be applied to ensure constancy with the future MidCoast LEP provisions include:

- No Floor Space Ratio provisions in any zone
- No Height of Building controls in environmental zones
- The dwelling density map for identified areas of Medium Density Residential development are supported, however additional consideration may be given to other areas to ensure the anticipated yield is achieved across the development area

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- Business areas should be identified with a masterplan identifying future Minimum Lot Sizes of at least 1500sqm, to ensure larger sites are provided to accommodate the range of land uses to be permitted within these zones.
- The E2 land identified within the residential area must be provided with a Minimum Lot Size that allows for the creation of this allotment, which appears to be less than the 40ha MLS proposed.
- The purpose and intent of the Section 88B instrument is supported, however this may not be an appropriate mechanism to enforce the dwelling designs and requires further consideration, noting the development options already available through the SEPP for Exempt & Complying Development.

3.0 Next Steps

Council's Project Team acknowledge that the North Tuncurry URA proposal has the potential to create new housing, employment and social opportunities within Tuncurry and the MidCoast.

However, based on the information provided within the exhibition material and summarised within the Explanation of Intended Effect, Council is of the view that the existing masterplan is not supported by enough contemporary evidence and represents an over-development of the site.

To ensure the proposal can achieve an equitable social, economic, environmental and financially viable outcome for the community, region and State; it is recommended that the proposal progress with a reduced development footprint that can be rezoned and released in the short to medium term.

Explanation of Intended Effect – Attachment B Test of Adequacy (DPE)

The stated purpose of the DPE Adequacy Assessment report is to determine if the State's minimum requirements have been met by the proposal i.e. if a technical report has been provided to address traffic, biodiversity or socioeconomic requirements.

However, it is noted that Council's previous comments and concerns regarding the outdated and inadequate content within individual documents, were not addressed, amended or modified in any meaningful way by DPE or Landcom prior to exhibition.

As a result, the proposal the concerns and deficiencies that were raised during the assessment of adequacy process, and ongoing discussions between Landcom and Council throughout 2020-2021, have largely been identified again, through the exhibition process.

For example, within the Test of Adequacy Report, DPE have noted that the SOI document relies on "in part 2019 DPIE NSW population projections", while Council's review of the supporting technical studies reveal that population projections and other associated socio-economic data rely upon at the latest, 2016 Census information.

This alone is considered to represent a significant deficiency of the proposal.

Utilising population and employment data from 2016 and earlier; and land use audit and community consultation information sourced from 2013-2014, to inform the masterplan, rezoning and development controls for the North Tuncurry URA fails to reflect or acknowledge the significant changes that have occurred in the intervening decade, particularly as a result of natural disasters and the pandemic.

It is also noted that the masterplan, originally presented to Council in 2014, has not been reviewed, updated or amended to reflect any changes to any population, environmental or economic data, and is therefore outdated and inappropriate in its current form.

Other fundamental components of the proposal also remain unresolved and have the potential for significant impacts on the form and function of development across the NTURA site. Of note, are the:

- unresolved issues regarding the in-perpetuity management and protection mechanisms for conservation lands and ecologically significant flora and fauna; and

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- unresolved issues relating to the installation and management of effective integrated water management systems, particularly those required to manage stormwater.

Finally, the DPE comment that “*Government agencies and MidCoast Council were consulted in April 2020 and 2021. Consideration of these comments were taken into account in the technical studies and Rezoning Study*” is a significant overstatement of the level of review, consideration or amendment undertaken by the proponent prior to exhibition of the proposal.

This is reflected in the significant number of items identified in the “Register of remaining issues to be resolved” and confirmation that neither the Rezoning Study or Draft DCP were amended or updated prior to exhibition, but are noted as “will be updated” in the “Appendices Technical Reports” table provided by the DPE within this document.

Statement of Intent (for Future Planning Agreement)

It is noted that this document, facilitated and prepared by the DPE Planning Delivery Unit to provide a framework for ongoing discussions regarding a future planning agreement between Landcom and MidCoast Council, was given in-principle support by MidCoast Council at the 27 October 2021 Ordinary Meeting.

The following comments reflect changes to legislation and the Project Team’s assessment of technical reports that relate directly to the content of this Statement of Intent and therefore any future Planning Agreement:

Our Commitment (Statement)

Council needs to be referred to by its official legal name of Mid-Coast Council.

Parties to the Planning Agreement

Council needs to be referred to by its official legal name of Mid-Coast Council.

Description of the Subject Land and the Proposed Development

States that the Applicant will develop the Subject Land generally in accordance with the Master Plan as shown in Attachment 1, which is not provided as an attachment to the exhibited SOI.

What We Will Do Next

1. Drainage infrastructure

Last paragraph refers to *State Environmental Planning Policy – State and Regional Development 2011*. This SEPP no longer exists. Reference should be *State Environmental Planning Policy (Planning Systems) 2021*.

2. Drainage system maintenance (rates & IPART)

Water & Sewer infrastructure issues were identified most recently in 2019 and have not been recognised, acknowledged or included within the Statement of Intent.

Water and Sewer Developer Charges (contributions) are not to be included under "Monetary Contribution" provisions. Monetary contributions should include provisions for any infrastructure upgrades that may also be required directly as a result of the development i.e. components of Sewer Treatment Plant upgrade work.

Water and sewer assets including pipelines, pump stations, etc are to be included under "Carrying out of Works" and will include works-in-kind and payment of developer charges.

3. Short term and long-term location of the community centre (principles)

Council’s Project Team have had ongoing discussions regarding the permanent location of the community centre since the finalisation of the Statement of Intent.

The team have confirmed that the preferred location for a multi-functional community centre and associated facilities is within the areas identified as Stage 3 & 4 of the Masterplan, directly opposite the existing regional playing fields on the southern boundary of the North Tuncurry masterplan site.

This location has been identified to:

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- better service the future Tuncurry population as a whole;
- ensure the facility is provided at an earlier stage of development; and
- to assist in minimising the noise, lighting and traffic impacts that the region sporting fields will have on future NTURA residents, particularly during sporting and special events that occur regularly in the evening and on weekends.

During these discussions the team acknowledged that to accommodate a permanent multi-function centre of a size and location that provides services and facilities for the existing and future residents of Tuncurry (including North Tuncurry), the masterplan will need to be amended prior to finalisation of the rezoning proposal.

The amendments are likely to be minor but would involve the relocation of a limited number of “residential allotments” currently located opposite the regional sporting fields. The team confirmed that the relocation of affected residential allotments to the “Gateway Park” (Item 9.4 in the Landscaping Plan) would be supported to ensure an optimal outcome for future NTURA residents and the broader Tuncurry community, through the co-locating of a permanent multi-functional community centre and the regional sporting fields and associated facilities.

4. The Beach Street Extension (need and evidence base)

The applicant cannot make the statement that roads east of Manning Street have “spare capacity” while also acknowledging that the additional traffic will have a negative effect on the residents and businesses, without any plan to address these impacts.

Therefore, it will be important to assess the traffic impacts of each stage of the development’s release as additional vehicles are generated from North Tuncurry. This would enable timely and appropriate actions to be taken to address the impact of additional traffic through these areas, i.e. staged traffic calming plan, that will ensure the amenity of the area is not reduced by the additional traffic from North Tuncurry.

Rezoning Study

Overall comment.

While the vision and desired outcomes for the site are supported, the Project Team have unresolved concerns regarding the technical studies supporting this vision. Critically, the detail in the technical studies does not demonstrate environmental, social or economic sustainability for the extent of development proposed.

Executive Summary

The NTURA Site

Stating the site was “*bulldozed in the 1950’s and generally left unutilised*” ignores the significant contribution the area makes to the biodiversity of the local area and wider region. It also ignores constraints such as a high water table and being affected by future coastal processes.

NTURA Vision and Master Plan

“Environmentally sensitive urban design is a prominent feature of the Master Plan that underpins the NTURA with the creation of new conservation lands and incorporation of best practice coastal design.”

While the urban design and landscaping attributes are acknowledged, Council has raised significant concerns about the proposal’s long-term viability due to its sensitive coastal location, particularly the later stages of the release which include high-cost investments in areas that will be affected by coastal hazards.

It has been noted by Council’s Project Team that the State’s Coastal Management Manual requires Coastal Management Programs to demonstrate how Council, with State agencies, will manage current and future risks based on the likelihood of coastal hazards impacting development and infrastructure, at timeframes of immediate, 20 years, 50 years, 100 years and (if council considers it relevant based on expert advice) beyond.

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Given the rezoning provides for a subdivision that will exist well beyond the 78-year planning timeframe, Council's coastal expert considers a planning timeframe in excess of 2100 must be considered for the North Tuncurry URA.

Future Development Control Regime

The Rezoning Study states that the plan will introduce new land use zones and objectives: R2 Low Density Residential, R3 Medium Density Residential, B2 Local Centre, B5 Business Development, IN1 General Industrial, SP3 Tourist, RE2 Public Recreation, E2 Environmental Conservation and E3 Environmental Management.

It is noted that these zones, objectives and land use tables are already in the Great Lakes LEP 2014, and the proposal would only result in replacing the predominant RU2 Rural Landscape zone, with a combination of these zones.

It is also noted that while the SP3 Tourism zone is listed, it is not included in the proposed land use zone mapping for the site and should therefore, be disregarded.

Conclusion

The statement that "NTURA is the priority new urban release area to address the housing needs of the Mid North Coast Region" is incorrect. The MidCoast Urban Release Areas Report (July 2021) identifies several priority urban release areas across the MidCoast. The North Tuncurry site is noted within this report given its identification in the Mid North Coast Regional Strategy (2009).

1.0 Introduction

Planning Pathway

"The DPIE, which administers the functions of the Minister for Planning and Public Spaces will prepare a draft State Environmental Planning Policy (SEPP) and supporting maps containing the proposed new zoning and development controls. The draft SEPP and maps, when made, will amend the Great Lakes Local Environmental Plan 2014, and replace the current planning controls for the NTURA site with a range of land uses and development controls that are consistent with the NTURA Master Plan as outlined in Section 4.0. The NTURA DCP is expected to be subsequently adopted by Council and will amend the existing Great Lakes Development Control Plan 2014 to insert new site-specific provisions to guide future development on the NTURA Site."

While this is noted, the proposal does not include any proposed exemption to the State Environmental Planning Policy for Exempt and Complying Development (Codes SEPP) to ensure the intent of the masterplan and DCP are achieved.

It is also unclear why Council would have to separately and subsequently adopt the draft development control plan provisions.

As this document is included within the exhibited material and the Department of Planning & Environment is the planning authority (who will review and recommend any amendments to the planning instruments in response to submissions received during exhibition), there is an understanding that should the Minister support the zoning, the Minister would also be the appropriate authority to adopt the DCP amendment. Upon confirmation of this, Council would incorporate the amendment into the Great Lakes DCP as directed.

Consultation and Stakeholder Engagement

"A Community Reference Group (CRG) was established in June 2013 to facilitate an exchange of information between key stakeholders and Landcom."

It is noted that the CRG only "met twice (July 2013 and March 2014)" and consultation with this group ceased in 2015 and the proponent has incorrectly referenced MidCoast Council (created in May 2016) instead of Great Lakes Council.

"In the early phases of the project, Landcom and the project team engaged with former Great Lakes Representatives (most of which are now employed at MidCoast Council) to inform the site investigation and master planning phases, including meeting on a number of occasions to discuss the content and form of the proposed rezoning, development standards, Master Plan and Draft DCP. The documents, as submitted in this Study and several of the supporting technical studies, reflect the outcomes of these previous consultative processes."

While Council acknowledges that consultation was undertaken on the draft planning instruments in 2014-105, it is incorrect for Landcom to state that the personnel employed by Great lakes Council remain in the employ of MidCoast Council. The majority of representatives from the former Great Lakes Council and MidCoast Water organisations who were involved in discussions in 2014-2015, have in fact left these organisations either to retire or work elsewhere.

The statement that the *"documents submitted"* and publicly exhibited *"reflect the outcomes of these previous consultative processes"* is also incorrect. Based on the records available to the current MidCoast Council Project Team, and evidenced in the detailed assessment comments within this table, many of the issues identified in good faith in 2014-15 and during the consultation undertaken since the Assessment of Adequacy report was provided in 2020, remain unresolved, have not been addressed and represent significant constraints to the proposal, which retains the assumptions, Master Plan, Staging Plan and development concepts from 2014-2015.

In this regard it is acknowledged that while the Department's inter-agency working group established in 2012 may have identified and agreed upon the *"key directions in relation to the management of biodiversity assessment, coastal management, bush fire risk management and other development planning issues"* in 2014, Council's Assessment of Adequacy report provided in 2020 and the detailed assessment comments within this table, indicate that many of the issues identified 2014 remain unresolved.

Furthermore, the *"continued engagement with representatives of the DPIE established inter-agency working group and other key government agencies"* since October 2020, has not resulted in any significant amendments to the Master Plan, Staging Plan and development concepts originally provided to Council in 2014-2015.

Regarding consultation with Aboriginal community members, Councils and organisations, Council has similar concerns if the proposal is also reliant upon consultation processes and personnel from 2014-2015.

2.0 Strategic Justification

The Hunter Regional Plan is considered at a strategic level in the document and recognised as having *"focused goals to deliver thriving communities with greater housing choice and jobs within the region"*. The proponent goes on to state that *"The NTURA's potential to contribute to State and regional planning objectives (and thereby justifying the proposal) can be expressed in terms of the following key considerations"* two of which are not demonstrated within the exhibition material:

2. The NTURA will support the achievement of Government policy objectives, relating to increasing delivery of housing and jobs in the Hunter Region consistent with the HRP 2036.

The applicant acknowledges within the Rezoning Study that *"Australia faces a national housing affordability and supply crisis. Recent pronouncements by all levels of Government agree that the contributing causes of the housing affordability crisis are inadequate housing supply in the market, complex planning systems and high infrastructure levies. All levels of Government have developed policy framework to address housing affordability across Australia."*

However, details within the rezoning study and underlying technical studies, which were substantially prepared before 2015, do not adequately or appropriately reflect current community expectations, demographic projections, or changes in the employment, health, education and social circumstances of residents across the MidCoast, particularly within the last 5 years as a result of fires, flood and the Covid pandemic.

While Council supports the concept of developing certain areas of the North Tuncurry site in an environmentally sensitive manner and establishing what would be a significant release of residential land on the MidCoast, the following unresolved items in particular, are likely to impact on the release of that land and the provision of affordable housing within North Tuncurry:

- establishing enough ecological and species credits to justify the Biodiversity Certificate Report and Strategy, and confirmation of in-perpetuity protection and management provisions for other conservation lands;
- resolution of integrated water cycle management issues relating to the efficient and effective construction, management and maintenance of stormwater, water and waste water infrastructure; and
- the resolution of a planning agreement and IPART Special Rate Variation application requirements, particularly those associated with outstanding integrated water cycle management issues.

The statement that *“the NTURA Site has the potential to add up to 13.24 ha of industrial and business land to the region, contributing to economic growth and employment within the MidCoast LGA.”* Is also undermined by information provided by the proponent within the EIE and the Staging Plan that highlight the unresolved issues which may not only delay the release of these lands, but may not result in their release at all:

Within the EIE it is clear that there will be a staged release of residential land in either “18 stages” (p.3 text) or “21 Stages” (Figure 3. Staging Plan). In comparison, no clear staging or priority is allocated to the *“Employment lands and a new local centre”* other than the broad undertaking to deliver these facilities *“in the latter stages of the development pipeline, unless market demand supports the acceleration of these uses”*. The later stages being an estimated 20 to 30 years from commencement.

However, even this delayed release is uncertain based on the Market and Economic Assessment Report, which includes a caveat, *“...that full development of the northern industrial portion of the NTDP may require significant upgrades to the Lakes Way intersection, including slip lanes for turning. These works would add to the cost of industrial land (via development contributions) and **would affect feasibility of development on the site.**”*

The provision of suitable infrastructure and services to ensure both the residential and employment lands within North Tuncurry could be effectively and efficiently brought to market must be addressed prior to the finalisation of the rezoning and accommodated within the future Planning Agreement.

3. The NTURA is of State environmental and natural resource conservation importance as evidenced in the Biodiversity Certification Assessment supporting this Study.

Significant concerns are raised in response to the content of the Biodiversity report, particularly, as documented within the EIE, the fact that at the time of commencing public exhibition, the 327 hectares of Crown land at North Tuncurry to be submitted for registration will only generate enough *“ecosystem and species credits required to offset the first 12 stages of residential development and the”* employment lands at the intersection of The Lakes Way and The Northern Parkway.

All other ecological and species credits to offset proposed development in residential Stages 13-21 and other employment lands remain outstanding and unresolved. Further to this, when considering the Hunter Regional Plan in greater detail, the team have identified other inconsistencies with the Directions of this Plan:

*Direction 14: Protect and connect natural areas - **Investing in conservation** (including biodiversity offsets) that protects, and where possible, enhances habitat connections will deliver multiple benefits to the environment and the community.*

The proposal occupies an expansive, not compact footprint and the information provided within the Biodiversity assessment information does not reflect an *“avoid – minimise – offset”* biodiversity planning hierarchy for all residential Stages or employment lands identified in the master plan or staging plan.

The development footprint also has an extensive boundary between significant native vegetation/ threatened species habitats and residential allotments of between 200 and 800sqm. The landform and

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environmental modification associated with development on these allotments, including the provision of bushfire asset protection zones, are likely to have unintended impacts on these areas and create additional protection and management issues for these sensitive environments.

By reducing the development footprint of the NTURA to the 12 Stages and employment lands at the intersection of The Lakes Way and The Northern Parkway, and providing additional medium density areas and integrated development outcomes for small allotments, within these 12 Stages, the site would achieve not only a compact development footprint, reduce infrastructure and servicing requirements, but significantly reduce biodiversity and threatened species impacts across the site.

*“Direction 20: **Revitalise existing communities** – The region is home to diverse communities located throughout the Hunter’s urban areas, towns, villages and rural localities. These places have unique histories and a strong sense of identity. Concentrating development in existing areas will revitalise communities. It can reinforce and enhance the sense of community and belonging.”*

*Direction 21: Create a compact settlement - In locations with **good access to public transport and services**, it makes sense to identify new opportunities for redevelopment and renewal. Greater Newcastle, coastal areas including Nelson Bay and Forster-Tuncurry”*

The documentation acknowledges that “Forster-Tuncurry region has a highly seasonal economy that ultimately impacts the viability of the broader regional economy” and makes a broad assumption that “**By increasing the number of local residents, this development will boost the regional economy, making it less vulnerable to seasonal fluctuations in demand.**”

However, the evidence on how the proposal will boost the economy is not supported, noting previous observations about the intended release of employment lands “later”, and challenges for the industrial land as a result of inadequate and costly infrastructure.

The proposal demonstrates limited integration of community services and facilities with the existing urban and recreation areas of Tuncurry, while proposing community facilities for the future residents of NTURA in a relatively isolated location and at a “late” stage of the release (potentially Stage 21).

The NTURA proposal also does not consider the impacts a significant increase in the population (future residents of North Tuncurry) will have on existing medical, education and community services. As a State-led proposal, information on how the proponent has consulted with health and education providers/agencies was not only expected, but the identification of a collaborative approach to the release and development of additional facilities and services was requested.

*Direction 21: Create a compact settlement - Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on **sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values**”*

The proposal for at least an additional 2,100 dwellings and 4,500 residents does not adequately demonstrate how it achieves this Direction. The predominant form of low density residential development of lot sizes between 200sqm and 450sqm, with limited opportunities for medium density development across the masterplan reflects the traditional residential settlement pattern across Tuncurry, Forster and the MidCoast generally, not a contemporary or compact settlement pattern.

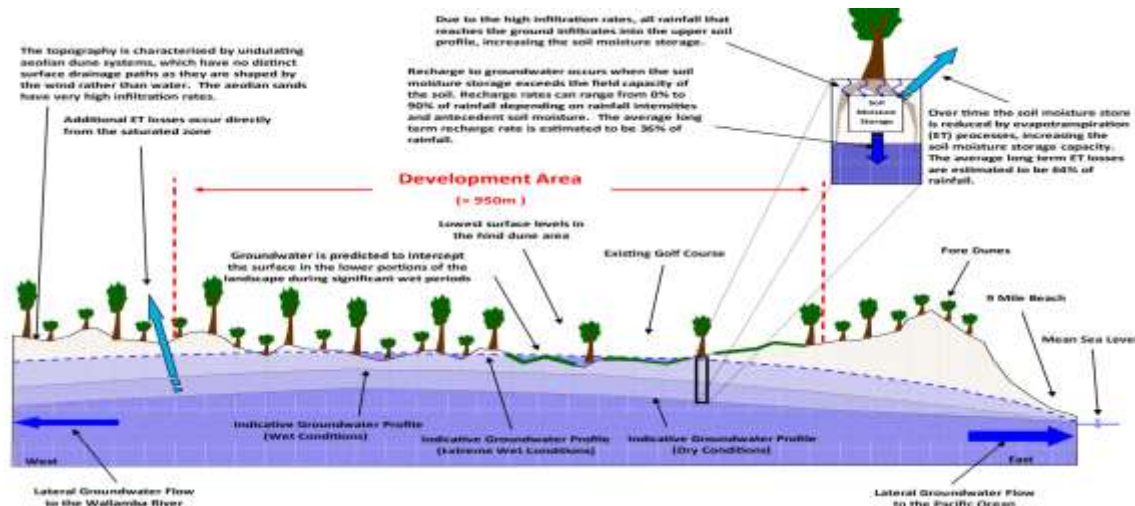
In considering how a well-planned, functional and compact settlement may be achieved, consideration should also be given to how the identified employment lands can be utilised to provide health, education and employment opportunities for new and existing residents. The current proposal does not demonstrate a collaborative or coordinated provision of these services and facilities, which would significantly contribute to the sustainability of North Tuncurry and integration of these areas with the existing Tuncurry community.

By proposing an extension of this traditional subdivision and development form, the proposal also fails to demonstrate how it does not encroach on sensitive land or land of high environmental values, or how it adequately responds to existing and future hazards, that are identified throughout the proposed development areas and surrounding environment.

3.0 Site Analysis

Topography, Slope and Stability; Subsurface and Groundwater Conditions; and Flooding and Stormwater Drainage

It is noted that the challenges associated with developing the site are summarised in the statement that *"The subsurface and groundwater conditions necessitate an innovative design solution to manage groundwater flooding."*



Based on the assessment comments about the Integrated Water Cycle Management, Stormwater Management Addendum, the Water Servicing Strategy and Wastewater Servicing Strategy, these challenges are significant, unresolved and require ongoing maintenance and management outside of the capacity of industry-standard funding levies.

It is noted that in other release areas of Forster-Tuncurry, where similar constraints may exist, developers have opted to import fill to site, to address challenges associated with servicing development in the coastal environment. It is unclear whether this option was considered by the proponent.

The Study notes that *"Landcom will be updating Appendix K to consider the revisions post exhibition when flooding investigations can be considered holistically in the context of any other feedback received during the consultation process, and in consultation with DPIE's Biodiversity Conservation Division (BCD)."*

As discussed in detail in the Integrated Water Cycle Management, Stormwater Management Addendum, the Water Servicing Strategy and Wastewater Servicing Strategy comments, it is critical that such a review be undertaken in a holistic manner.

Modelling and infrastructure design should consider not only the impact of extreme and convergence rainfall and flooding events, but the likelihood that these events are also going to be experienced with greater frequency and intensity in the future as a result of climate change. The review and updating of any of these technical studies must also acknowledge and consider the recent experiences across the NTURA site, where the existing golf course and undeveloped areas of the site were inundated for extended periods, after the 2021 and 2022 rain and flood events.

Ecological Characteristics and Values

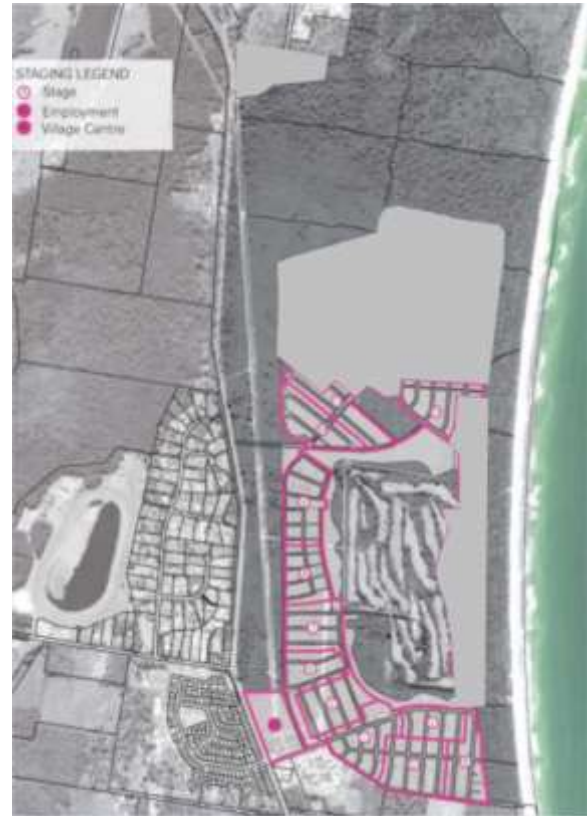
The Biodiversity Certification Assessment Report and Strategy has been reviewed and discussed in detail later in this report. However, there are concerns regarding the lack of certainty about ecosystem credits required to offset the development.

Based on the information provided, the NTURA proposal only has sufficient ecological and species credits at the time of this report, to offset the impact of development for the employment lands at the intersection of The Lakes Way and The Northern Parkway, unless all other required credits are satisfied by payment of funds to the Biodiversity Conservation Fund.

The comparison the existing proposal versus the proposal with on-site biodiversity credits is provided below:



North Tuncurry URA Proposal as exhibited.



Extent of North Tuncurry URA Proposal offset by existing ecological and species credits.

The Commonwealth have not yet, approved the management and mitigation measures proposed for the Tuncurry Midge orchid. This is a risk to the project particularly in the later stages. Ideally this would have been addressed to give more certainty to the rezoning proposal.

Transport, Traffic and Access

It is acknowledged that the "Traffic analysis undertaken by AECOM (Appendix L) indicate that The Lakes Way operates with spare capacity in the vicinity of the NTURA Site, with existing peak hour traffic volumes generally representing approximately 75-85% of existing capacity through Tuncurry south of Grey Gum Road. Additional road capacity is experienced north of Northern Parkway and to the south across the Wallis Lake Bridge."

However, ongoing discussions regarding the provision of suitable upgrades that would be required as a direct result of the North Tuncurry proposal are required to ensure the "spare capacity" identified, is not negatively impacted as the additional traffic created by each stage of the release.

The inclusion of references to "modelling specifically related to Wallis Lake Bridge" and the "*Draft Great Lakes Development Contribution Plan 2014...potential future road infrastructure upgrades*" including the "Duplication of the Wallis Lake Bridge" do not serve a clear purpose in the context of the proposal.

The Wallis Lake Bridge and The Lakes Way north of The Northern Parkway intersection, are classified as State infrastructure. Council has noted upgrades to intersections with The Lakes Way and Beach Street are likely to require upgrades as a result of increased traffic associated with the NTURA, but any contributions or works-in-kind that are proposed to these identified sections of State infrastructure, also require the agreement and endorsement of Transport for NSW.

The comments regarding limited cycleways and shared paths in the vicinity of the NTURA are acknowledged and Council is supportive of additional linkages along Beach Street (and extension), The

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Northern Parkway and within the development, around the reconfigured golf course. The provision of these facilities either as works-in-kind, contributions or funds associated with the future Planning Agreement are supported.

Aboriginal Cultural Heritage provisions are acknowledged. Additional opportunities for public art and representation of historic airstrip and prison camp activities are also discussed in response to the Draft DCP.

It is noted that the Urban Capability Land Analysis relies upon information in technical reports that has been identified as out-of-date and/or incomplete and potentially inconsistent with current (2022) legislative requirements.

4.0 The NTURA Master Plan

This section of the Study includes a reference to the *“Urban Design Report prepared by Roberts Day (Appendix B).”*

The Urban Design Report was not provided on the DPE exhibition website and therefore any information detailed in that document cannot be considered within this submission or public exhibition process. Council requests that the Department consider comments provided during the Assessment of Adequacy process.

As discussed above, in response to the EIE and other technical reports, the broad statement that *“the Master Plan provides an urban structure that addresses the manner in which site wide environmental issues and relationships including conservation, water cycle management, coastal erosion, infrastructure servicing and heritage protection have been resolved”* is not supported.

As stated in response to the EIE, the expectation that *“future applications will be required to be generally consistent with the relevant principles established within the Master Plan, but also comply with the zoning and development controls established for the NTURA Site”* is considered to be unfounded, without the identification of the North Tuncurry URA as an area that is exempt from the provisions of the State Environmental Planning Policy (SEPP) for Exempt and Complying Development.

The proposal promotes the ‘new village centre’ located in the north-eastern portion of the site as *“A centre designed to function as a ‘community hub’ with cafés, a neighbourhood supermarket and beach access is proposed in the eastern part of the site, and will also include a village green, mobile surf club, community centre and new golf clubhouse.”* However, the development of this centre as with other employment land, is not clearly identified in the Staging Plan and may not be provided until adjoining ocean-front stages are released (Stage 20 and 21), which would be in the final stages of development, potentially 20 to 30 years after commencement.

The Master Plan also promotes the concentration of *“denser urban forms in the vicinity of the B2 Local Centre Zone, and in proximity to higher amenity (e.g. adjacent to local open space and the water management basins)”* without acknowledging the proximity of the commercial centre and majority of medium density residential development to the area of coastal hazard identified within the gazetted Great Lakes CZMP.

This proximity and the delayed stages of development (Stages 21 & 22) create uncertainty as to the viability of this high-value investment in approximately 2040-2050, in a location that is likely to be directly impacted by coastal hazards in or shortly after, 2100.



NTURA Master Plan
Village centre/Community hub shown in red



Coastal Hazard Diagram (p.87)

Vision and Desired Outcomes, Sustainability

While the vision and desired outcomes for the site are supported, the Project Team have unresolved concerns regarding the technical studies supporting this vision. Critically, the detail in the technical studies does not demonstrate environmental, social or economic sustainability for the extent of development proposed.

The Project Team support the initiatives for the future housing supply to include:

- 7.5% affordable housing consistent with Landcom's Housing and Affordability and Diversity Policy, (rental properties managed by Community Housing Providers and costs less than 30% of residents gross household income);
- 20% of all dwellings are 'Design' and 'As-Built' Liveable Housing Australian Silver Certified, in addition to any State Environmental Planning Policy or legislative requirements;
- 10-15% of diverse housing across the Site consistent with Landcom's diverse housing policy.

Land Uses and Distribution

While achieving a range of housing across the site is supported, it is noted that the proposal promotes a new dwelling form – Studio dwelling" which is not defined within the Standard Instrument Local Environmental Plan, but is in the SEPP (Sydney Region Growth Centres) 2006:

studio dwelling means a dwelling that—

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on its own lot of land, and

(c) is erected above a garage that is on the same lot of land as the principal dwelling, whether the garage is attached to, or is separate from, the principal dwelling, but does not include a semi-detached dwelling.

While the initiative is supported, it would be appropriate for this State-led proposal, to have explored the opportunity to implement this definition as a new form of “residential Development” within Standard LEP, which also requires Ministerial approval. This new form of residential accommodation would be broadly supported within a range of residential zones, particularly the R1 General, R2 Low Density and R3 Medium Density Residential zones.

Without exclusions to the SEPP for Exempt & Complying Development the “*effective and efficient approval and delivery process for housing of all typologies can be achieved through well-conceived subdivision design and use of the DCP controls to guide housing design*” is also potentially undermined.



The statement that existing planning controls across the MidCoast do not provide for allotments smaller than 450sqm is incorrect. Within both the Great Lakes and Greater Taree planning controls there are provisions that allow for smaller allotments, through integrated development applications and other initiatives.

Initiatives to provide a more diverse mix of lot sizes and housing types is encouraged in existing urban areas close to services and facilities, however the market has not generally supported development at these smaller lot sizes and higher densities.

Within the information provided, it is also unclear how the predominant application of a 450sqm minimum lot size will achieve the mix of allotments anticipated across the development area, particularly the lots less than 450sqm.

Noting the R3 Medium Density Zone is to have a Dwelling Density map, which identifies a minimum 35 dwelling per hectare density outcome, it is recommended that the applicant consider additional provisions to ensure the desired Dwelling Density outcomes can be achieved across other residential areas.

A local clause could:

- Identify the objective of higher dwelling densities in locations adjoining parks and the golf course (as previously stated);
- Recommended dwelling density outcomes for the identified Stages in the Master Plan;
- Identify the minimum allocation of affordable and liveable housing with each Stage.

The initiatives for business and employment lands are supported, however the benefits and opportunities discussed within the Study do not acknowledge that these components of the proposal:

- do not have a confirmed Stage of release,
- for the northern industrial lands, the infrastructure requirements are not addressed in the proposal, or
- the likelihood that the Village centre/community hub may not be provided until at least half-way through the development release, or if developed in conjunction with other “beachfront” residential stages, at the final stages of the development i.e. Stages 21 & 22 in 20-30 years.

Detailed comments regarding ecological water cycle management are available in the section on Integrated Water Cycle Management, Water and Waste Water Servicing Strategies.

The successful integration of development, open space, the golf course, water basins and water quality management features would provide a unique development outcome, however it is noted that the ongoing management and maintenance of these areas, particularly the areas designed to provide dual water storage and quality management outcomes, will be reliant on additional funding, through the IPART Special Rate Variation.

Detailed comments regarding ecological management and conservation are available in the section on Biodiversity Certification and Landscaping.

The alternative transport initiatives provided within the development are generally supported. Council would welcome ongoing review and consultation as Stages are progressed, to ensure these features provide a high level of connectivity to existing urban areas of Tuncurry, and accommodate the safety and mobility needs, particularly of an aging and less mobile community.

5.0 Development Contributions Framework

The Study acknowledges that *“There is no doubt that the NTURA will create a new community that will require the investment of social and community infrastructure to cater for the projected worker and resident population. While many of these services and higher order services currently exist in the existing Forster-Tuncurry communities, including schools, child care, aged care, sports complexes, emergency services and cultural and social facilities, Landcom recognises there will be insufficient capacity to accommodate the needs of the new population.*

A Voluntary Planning Agreement (VPA) is therefore proposed to be entered into by Landcom with Council in order to ensure that the local and regional infrastructure needs of the future NTURA population are adequately met.”

However, it is unclear how the short-falls in schools, child care, aged care and emergency services (excluding rural fire) will be provided and there is no information to indicate how Landcom, the NSW Government development organisation, has consulted with other State agencies, regional representatives or local operators of these services.

This section also references outdated 2007 Great Lakes Contributions Plans and exhibited amendments to these. The documentation should only refer to current (2014) and future plans that will be in place at time of subdivision and/or development.

This section also refers to Appendix AA as the Statement of Intent, and a letter from Council dated 23 November 2018 which has not been provided as part of the exhibition material.

Section 5 makes no mention of water and sewer construction, contribution or management of assets. Assets to be dedicated to council are expected to include water and sewer assets. However, there is little evidence within these documents of sustainable development options for water & sewer infrastructure. Additional comments on these issues are provided in the Water Servicing and Wastewater Servicing Strategy sections of this table.

6.0 Proposed SEPP Amendment to the Great Lakes LEP 2014

References to SEPPs are outdated and do not reflect the State's consolidation reform program in 2021. It is also noted that the applicant does indicate that the SEPP (Exempt and Complying Development Codes) 2008 will apply to the NTURA, despite the impact of this SEPP upon the masterplan vision and effective implementation of the draft DCP.

The recommendations in this section do not consider MidCoast Council's recently adopted Housing Strategy, Employment Zones Review, Council's Draft Recreation Zones Review or Rural Strategy, the Department's amendments to environmental zone classifications or the Department's Employment Zones Reform program, that is currently on exhibition.

The following amendments to the land use zone and development standards are therefore recommended:

Changes to Residential zones based on the adopted MidCoast Housing Strategy:

The future R2 Low Density Residential will not accommodate the diversity of housing proposed within the NTURA site. These areas are to be included within the R1 General Residential zone, incorporating the zone objectives and land use table provisions from the adopted Housing Strategy (2021) as shown below:

General Residential Zone - Proposed Land Use Table

Objectives

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To facilitate forms of low rise, medium density development that are compatible with the existing and desired future character and amenity of the surrounding neighbourhood.

Permitted without consent

Environmental protection works; Home Occupations; Roads

Permitted with Consent

Attached dwellings; Backpackers' accommodation, Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification sign; Caravan parks; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition village; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Medical centres; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewerage systems; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems.

Prohibited

Any other development not specified as permitted with or without consent

It is also noted that only a nominal portion of the development area is planned to provide increased residential allotment sizes of *** 800m² – on land capable of accommodating vegetation stands and where the lot size would contribute to the protection of environmental attributes. This would be limited to, the northern most portions of the land proposed to be rezoned to the R2 Low Density Residential Zone*", within Stages 17, 18 and 20.

The concept that 800sqm allotments can accommodate vegetation stands or protect environmental values is not supported. This concept is significantly undermined when the combined impacts of development and bushfire asset protection zones are applied to these allotments.

For these areas to retain mature native vegetation and habitat while also providing a transition between the ecologically significant bushland and surrounding residential development, these areas would have to be designed to accommodate rural residential style development, with recommended minimum lot sizes of 5,000sqm, consistent with other rural residential areas in the region.

Similar 'transitional' allotments have not been proposed along the entire perimeter of the development, where smaller residential allotments immediately adjoin significant environmental protection areas.

The R3 Medium Density Residential zone is to be identified on the Minimum Dwelling Density Map with an intended outcome of a minimum of 35 dwellings per hectare. Recent consultation on the Housing Strategy indicates that this density is not sought by residents and is considered to reflect 'metropolitan' development, not found in towns or villages of the MidCoast. Recent development patterns have achieved a maximum density of 25 dwellings per hectare.

The future R3 Medium Density Residential zone, should incorporate the zone objectives and land use table provisions from the adopted Housing Strategy (2021) as shown below:

Medium Density Residential Zone - Proposed Land Use Table

Objectives

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - o To achieve increased population density in locations that support the business centre.
- To provide opportunities for development for the purposes of tourist and visitor accommodation where this does not conflict with the residential environment.
- To facilitate forms of medium-density development that are compatible with the existing and desired future character and amenity of the surrounding neighbourhood.
- To encourage walking, cycling and the use of public transport.

Permitted without consent

Environmental protection works; Home Occupations; Roads

Permitted with Consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Building identification sign; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home Industries; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems

Prohibited

Pond-based aquaculture; Any other development not specified as permitted with or without consent.

Notes:

Dwelling houses would be permissible when utilising an integrated housing provision in this zone. This is where a dwelling is permitted, but only where approved at the time of subdivision and in accordance with particularly standards and controls. Lot sizes used would be smaller, and would be expected to create greater density of dwellings compared with outcomes in the Low Density or General Residential zones.

Dwelling houses would also be possible through existing use rights should an existing dwelling house already be located on the land. For example, a property owner can seek to demolish and rebuild their home if it has always existed at the site. New homes would not however be possible on vacant land where development of a greater density would be expected.

It is noted that previous Council initiatives to include new development definitions within a local environmental plan have not been supported by Parliamentary Counsel. While Council supports the purpose and intention of the proposed "Studio dwelling" definition in the General and Medium Density Residential zones, this may not be realised without an amendment to the Standard Instrument Principal Local Environmental Plan, and based on similar Parliamentary Counsel guidelines, such a definition cannot be separately included within a development control plan.

Changes to Business and Industrial zones based on the adopted MidCoast Employment Zones Review and Department's Employment Zones Reform program:

- the B2 Local Centre zone should be replaced with the E1 Local Centre zone, zone objectives and land use table provisions for Great Lakes LEP 2014 shown below and retain a Height of Building control of 8.5m.

Zone E1 Local Centre

1. Objective of zone

- To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure that traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage employment opportunities in accessible locations.

2. Permitted without consent

Home occupations

3. Permitted with consent

Amusement centres, Artisan food and drink industry, Boarding houses, Building identification signs, Business identification signs, Centre-based child care facilities, Commercial premises, Community facilities, Creative industry, Educational establishments, Entertainment facilities, Function centres, High technology industries, Home businesses, Home industries, Hostels, Hotel or motel accommodation, Information and education facilities, Local distribution premises, Medical centres, Oyster aquaculture, Places of public worship, Public administration buildings, Recreation areas, Recreation facilities (indoor), Respite day care centres, Roads, Seniors housing, Service stations, Shop top housing, Tank-based aquaculture, Vehicle repair stations, Veterinary hospitals, Any other development not specified in item 2 or 4

4. Prohibited

Agriculture, Air transport facilities, Airstrips, Animal boarding or training establishments, Camping grounds, Caravan parks, Cemeteries, Correctional centres, Crematoria, Depots, Eco-tourist facilities, Exhibition villages, Extractive industries, Farm buildings, Farm stay accommodation, Forestry, Freight transport facilities, Heavy industrial storage establishments, Highway service centres, Home occupations (sex services), Industrial retail

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outlets, Industrial training facilities, Industries, Mortuaries, Open cut mining, Residential accommodation, Resource recovery facilities, Rural industries, Sex services premises, Storage premises, Transport depots, Truck depots, Vehicle body repair workshops, Warehouse or distribution centres, Waste or resource management facilities

- the B5 Business Development zone should be replaced with the E3 Productivity Support zone, zone objectives and land use table provisions for Great Lakes LEP 2014, retaining a Height of Building control of 12m and increasing the Minimum Lot Size for subdivision to 1500sqm instead of 450sqm.

Zone E3 Productivity Support

1. Objective of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To provide for residential uses, but only as part of a mixed use development.

2. Permitted without consent

Home occupations

3. Permitted with consent

Animal boarding or training establishments, Boat building and repair facilities, Backpackers' accommodation, Boarding Houses, Building identification signs, Business identification signs, Business premises, Cellar door premises, Centre-based child care facilities, Community facilities, Depots, Food & drink premises, Function centres, Garden centres, Group homes, Hardware and building supplies, Home industries, Hostels, Hotel or motel accommodation, Industrial retail outlets, Industrial training facilities, Information and education facilities, Kiosks, Landscaping material supplies, Light industries, Local Distribution premises, Markets, Mortuaries, Neighbourhood shops, Office premises, Oyster aquaculture, Passenger transport facilities, Places of public worship, Plant nurseries, Recreation areas, Recreation facilities (indoor), Recreation facilities (major), Recreation facilities (outdoor), Research stations, Respite day care centres, Roads, Roadside stalls, Rural supplies, Service stations, Shop top housing, Specialised retail premises, Storage premises, Take away food and drink premises, Tank-based aquaculture, Timber yards, Vehicle body repair workshops, Vehicle repair stations, Vehicle sales or hire premises, Veterinary hospitals, Warehouse or distribution centres, Wholesale supplies, Any other development not specified in item 2 or 4

4. Prohibited

Agriculture, Air transport facilities, Airstrips, Boat launching ramps, Camping grounds, Caravan parks, Cemeteries, Commercial premises, Correctional centres, Crematoria, Eco-tourist facilities, Exhibition homes, Exhibition villages, Extractive industries, Farm buildings, Forestry, Freight transport facilities, Heavy industrial storage establishments, Highway service centres, Industries, Marinas, Mooring pens, Moorings, Open cut mining, Residential accommodation, Rural industries, Sex services premises, Tourist and visitor accommodation, Transport depots, Truck depots

- The Department should also ensure appropriate amendments to the SEPP (Transport and Infrastructure) 2021 to ensure educational establishments and health care facilities are permitted with consent within the E3 Productivity Support.
- The statement that the B5 Business Development zone "would also allow for the expansion of the sports clubs and facilities immediately south of the site" is misleading and inappropriate, given the distance separating these two sites.
- the IN1 General Industrial zone should be replaced with the E5 Heavy Industrial zone, retaining a Height of Building control of 10m and applying a Minimum Lot Size that allows for this area to be subdivided from the conservation areas of the existing allotment i.e. 6ha instead of 40ha.

Zone E5 Heavy Industrial**1. Objective of zone**

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities
- To support and create opportunities for heavy industrial development with access to transport and infrastructure networks

2. Permitted without consent

Nil

3. Permitted with consent

Boat building and repair facilities, Building identification signs, Business identification signs, Car parks, Crematoria, Data centres, Depots, Electricity generating works, Emergency services facilities, Environmental protection works, Extractive industries, Flood mitigation works, Food and drink premises, Freight transport facilities, General industries, Goods repair and reuse premises, Hazardous storage establishments, Heavy industrial storage establishments, Heavy industries, Helipads, Industrial training facilities, Industries, Mortuary, Offensive storage establishments, Oyster aquaculture, Port facility, Research station, Roads, Rural industries, Service stations, Sewerage systems, Signage, Tank-based aquaculture, Transport depots, Truck depots, Vehicle body repair workshops, Vehicle repair stations, Warehouse or distribution centres, Waste or resource management facilities, Water supply systems

4. Prohibited

Pond-based aquaculture, Any other development not specified in item 2 or 3

Changes to Recreation zones based on the Recreation zones review:

The RE2 Private Recreation areas should have the zone objectives and land use table as shown below, a reduced Height of Building control of 8.5m and a Minimum Lot Size (for subdivision) of 20ha, to reflect community expectations of development within these areas.

RE2 Private Recreation Zone**Permitted without consent**

Nil

Permitted with consent

Amusement centres; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bee keeping; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Hotel or motel accommodation; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Resource recovery facilities; Respite day care centres; Roads; Serviced apartments; Sewage systems; Veterinary hospitals; Waste or resource transfer stations; Water recreation structures, Water supply systems; Wharf or boating facilities

Prohibited

Any development not specified in item 2 or 3

The inclusion of 'Tourist and visitor accommodation' as a land use permitted with consent within the RE2 Private Recreation zone is not consistent with the draft land use table above and should only be considered as an Additional Permitted Use in the zone within the NTURA site at this time.

Changes to environmental zone classifications based on the DPE reform program:

- E2 Environmental Conservation to C2 Environmental Conservation
- E3 Environmental Management to C3 Environmental Management
- The purpose and intent of applying the C3 Environmental management zone instead of the current C2 Environmental Conservation zone to certain sections of the coastal dunes is not sufficiently justified given the environmental values of these areas.

Other general amendments that should be applied to ensure constancy with the future MidCoast LEP provisions include:

- No Floor Space Ratio provisions are being applied in any zone in the new MidCoast LEP
- Height of Building controls are being replaced with a local clause for environmental zones in the new MidCoast LEP, a draft clause is included in the Draft Rural Strategy but has not been finalised at the time of preparing this report
- The variations to Clause 4.1A Exemptions to Minimum Lot Sizes for Certain Residential Development, to allow higher density development adjoining recreation and the E1 Local Centre zone (noting recommended amendments above) areas are generally supported.
- The proposed DCP provisions for residential lots less than 250sqm or between 250-450sqm, should also be reflected in additional provisions within Clause 4.1A, or separate local clauses, that can then be supported by the supplementary information within the DCP.
- The dwelling density map for identified areas of Medium Density Residential development are supported, however additional consideration may be given to other areas to ensure the anticipated yield is achieved across the development area
- Business areas should be identified with a masterplan identifying future Minimum Lot Sizes of at least 1500sqm, to ensure larger sites are provided to accommodate the range of land uses to be permitted within these zones.
- The E2 land identified within the residential area must be provided with a Minimum Lot Size that allows for the creation of this allotment, which appears to be less than the 40ha MLS proposed.
- The purpose and intent of the Section 88B instrument is supported, however this may not be an appropriate mechanism to enforce the dwelling designs and requires further consideration, noting the development options already available through the SEPP for Exempt & Complying Development.

7.0 Environmental Assessment

The Rezoning Study refers to various supporting technical studies and reports, the detailed comments regarding these documents are provided elsewhere within the submission table.

Strategic Planning Framework and Biodiversity, Flora and Fauna

It is acknowledged that the North Tuncurry Site is mentioned in the Forster-Tuncurry Conservation and Development Strategy, Forster Housing Strategy, Mid North Coast Regional Strategy and subsequent Hunter Regional Plan. Inconsistencies with the Directions of the Hunter Regional Plan have been discussed previously and are not repeated here.

Within the strategy documents listed above and in the Rezoning Study, the site is also identified as having significant environmental constraints and as discussed elsewhere in this report, based on the information provided, there is significant uncertainty as to whether the environmental and infrastructure constraints can be fully addressed or resolved for the complete Master Plan, as submitted.

Based on the information provided, the Project Team are confident that a collaborative approach between Council, the Department of Planning, State agencies and Landcom could resolve the

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outstanding issues to enable the immediate rezoning and timely release of the residential Stages 1 to 12 inclusive and employment lands at the intersection of The Lakes Way and The Northern Parkway.

The resolution of outstanding environmental and infrastructure issues for the remaining sections of the Master Plan may take considerable time and resources, based on the time and resources expended to date.

The proposal's consistency with State Environmental Planning Policies is addressed within the relevant technical reports and are not repeated here. It is noted that the Draft Design and Place SEPP has been repealed by the Minister.

Detailed review of the ecological information is provided in response to the Biodiversity Certification Report & Strategy and is not repeated here. The critical issue of Commonwealth approval for impacts on the Tuncurry Midge Orchid are not discussed in detail within the Rezoning Study and may remain unknown until after resolution of this rezoning proposal by the State.

Visual Analysis

A detailed review of the Visual Analysis Report is provided elsewhere and notes the visual impact of an extended area of development, the prominence of 5 storey buildings, the proposed Norfolk Pines and cleared 'boulevard' from Bennetts Head lookout. The visual prominence of these areas from Nine Mile Beach are also illustrated within the Rezoning Study, as shown below.



Transport and Accessibility and Site Access and Network Capacity are discussed in detail in the technical studies and Landcom have made commitments to intersection upgrades, the Beach Street extension and other infrastructure improvements within the Statement of Intent.

References and projected timelines for infrastructure upgrades within the aged contribution plans of the former Great Lakes Council are unlikely to have considered the extent of development proposed within the NTURA and therefore should be considered with caution. MidCoast Council has committed to the preparation of new contribution plans that reflect recent legislative provisions and the expectations of the current State government.

Noting the discrepancies between the TMAP report and Transport for NSW reports identified within the Rezoning Study, additional and ongoing consultation will be required as various stages of the NTURA are developed to ensure the surrounding infrastructure can accommodate the additional traffic that will be generated.

Intersection improvements to The Lakes Way and any consideration of improvements to Wallis Lake Bridge require additional consultation between Landcom and Transport for NSW, as these are State classified pieces of infrastructure.

Coastal Processes, Sea Level Rise and Fluvial Flooding

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The Study includes consideration of coastal processes and sea level rise and states that hazard lines should not necessarily exclude all development, and there is the potential to locate some facilities and development within the following areas:

Immediate to 2060 hazard line: this area should be maintained as a vegetated buffer, however, limited commercial activities could be contemplated such as learn to surf schools and fitness training and beach hire (surf boards, beach chairs etc.) and kiosks associated with surf lifesaving club facilities.

2060 to 2100 hazard line: only demountable structures or permanent structures with a lifecycle consistent with the timeframe for coastal risk (i.e. 50 years) should be contemplated within this zone, as well as uses and structures which are not as sensitive such as passive recreation areas, sporting fields, walking trails etc.

2100 hazard line landward: no immediate limitations, however the urban structure should allow retreat from this line if required in the future.

These guidelines are noted. However, as a State-led greenfield release area in an identified sensitive coastal environment, proposing development of the greatest density and highest infrastructure costs immediately landward of the 2100 coastal hazard line, without consideration of the projected impact of coastal hazards on this development beyond 2100, is considered to be inconsistent with the precautionary principle and will create a legacy issue for both land owners and Council.

Fluvial Flooding, Water Quality Management and Water Management are discussed previously in this report and discussed in detail in the relevant Integrated Water Cycle Management, Stormwater Management, Water management and Wastewater management sections.

Heritage assessment and provisions are noted, by require further review and assessment by the Heritage team of the Department of Planning & Environment.

The geotechnical and contamination reports are noted as being in excess of 10 years old and as a result, may not be an accurate reflection of current site conditions, particularly with regards to contamination and any remediation actions that be required, across the site.

The acoustic and bushfire reports have been accepted by the Project Team, noting these reports may require review and updating in response to changes of legislative requirements as stages of the development are released.

Social and Economic Assessment

The opportunities that the North Tuncurry URA represent for existing and future residents of North Tuncurry are acknowledged. The additional impact of this significant release area on employment, education, community services, health and medical are noted but not addressed within the proposal.

The provision of a permanent and multifunction community centre in the early stages of the residential release and in a location adjoining the existing regional playing fields continues to be an item of discussion and negotiation between Landcom and Council and is identified for resolution in the Statement of Intent.

Concern has been raised that the statements made by the Department of Education indicating that existing school facilities in Tuncurry have *"sufficient capacity to accommodate enrolment growth resulting from North Tuncurry"* are dated, and do not reflect current circumstances.

Furthermore, the statement that *"The Catholic Education Office have also confirmed enrolments at schools within this diocese have been stable over time and there is no indication that there is demand for an additional Catholic school"* may also be out of date, when it is noted that there is a current

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development application that has been lodged for a new school complex on The Southern Parkway, South Forster, with an anticipated commencement of operations in 2024.

The initiatives to make housing within NTURA attractive *“to older people, with a view to delivering a seniors-friendly development. This includes providing a safe and attractive public domain, easy walkability, access to good recreation facilities, and ‘mainstream’ housing options that suit older people (preferably including some homes that offer adaptable/ universal design standards)”* is considered to be an unrealised opportunity to provide family-friendly housing, where people can buy and age-in-place.

Retail Economic Impact issues identified within the Rezoning Study are discussed elsewhere, but it is noted that the provision and staging of the employment and industrial lands remain uncertain based on the information provided. Council is supportive of employment lands being provided in conjunction with the release of residential land to assist in the establishment of sustainable communities wherever possible. The identification of transitional zones from the DPE Employment Zones Reform is considered appropriate to ensure the new employment lands reflect the desired hierarchy across the Forster-Tuncurry region of the MidCoast.

Conclusion

While the broad concept plan, vision and initiatives documented within the Rezoning Study are supported, there is ongoing uncertainty that all of the proposed residential and employment lands within the Master Plan can be serviced and off-set in a timely and efficient manner, based on the information provided.

The Project Team are however, confident that a collaborative approach between Council, the Department of Planning, State agencies and Landcom could resolve the outstanding issues to enable the immediate rezoning and timely release of the residential Stages 1 to 12 inclusive and employment lands at the intersection of The Lakes Way and The Northern Parkway.

This would not remove future opportunities to rezone and develop the remaining areas of the site, but reflects the current situation where the resolution of outstanding environmental and infrastructure issues for the remaining sections of the Master Plan, may take considerable time and resources, based on the time and resources expended to date to exhibit the current proposal and associated technical reports.

Appendix E Communication and Community Engagement

The document states that the proponent has been developed in *“consultation with a range of stakeholders”*. However, this engagement occurred between 2012 and 2015 with:

- organisations that no longer exist;
- personnel from these organisations that have largely retired or relocated; and
- a fundamentally different community, affected by the creation of the MidCoast local government area, reflected in contemporary social and economic strategies and programs, and impacted by natural disasters and a pandemic.

In particular it is noted that while the Lakkari organisation may have been involved in the consultation (2021-2015), it is not clear that this organisation is representative of the current Local Aboriginal Land Councils, or that its involvement in the (2012-2015) consultation was effectively communicated to broader Aboriginal community.

The ongoing reliance of the exhibited proposal on consultation processes and assumptions based on data and information obtained a decade ago, fails to acknowledge, consider and accommodate the needs and expectations of both the current and future communities of Tuncurry and the MidCoast.

Social and Economic Development Matters

T. Social Planning Report

Overall comments:

The document references profile.id 2016 census data which does not consider the impact of the NTURA proposal. The proponent, in relying on this data, has not acknowledged or sufficiently considered the current socio-economic issues across the MidCoast, particularly the significant increases in homelessness or the severe and chronic shortages in permanent and temporary forms of accommodation.

While the new development may be attractive to young families, the impacts of housing demand, construction costs and employment opportunities may create challenges for this target market. Should the development progress as an affordable housing option, the demographic impact could result in a significant growth in young people (0-16) and people of working age (25 – 45), which would be a positive and welcome outcome. However, the proponent has not adequately considered the impacts that this change would have on the limited health, social and educational services and facilities that are available.

Throughout the report there are reference to facilities in Forster that “would serve” the proposed residents of the North Tuncurry development.

Given the socio economic characteristics of our population, there is likely to be a proportion of NTURA residents who either don’t own a car or can’t drive (teenagers, older people who have surrendered their licence). The development is a significant distance from Tuncurry CBD (3km) so unless public transport is greatly improved, the development is likely to contribute to instances of social isolation and further restrict community access to a wide range of services and facilities.

Detailed comments:

p 5. “Local schools and the Tuncurry TAFE will be able to absorb the increase in demand likely to be generated by the development”

This statement is not supported by evidence of consultation with the schools, TAFE or State education departments. The statement also appears to be based on out-dated population and demographic information, that does not consider or acknowledge the more recent impacts of natural disasters and the pandemic on the MidCoast community.

p 7 “a community development strategy and a community consultation program will be implemented to help build social networks and community cohesion within the project”

Implementing a community development strategy is not a one-time or overnight activity and little evidence (p.67) is provided on how the developer will undertake this work, for example:

- What time, personnel and/or funding resources is the developer allocating to this work;
- Will the developer consult with Council’s Community Development team;
- How will the developer partner with existing local community groups;
- Is the developer prepared to provide ongoing ‘implementation’ throughout every Stage of the development that is identified in the masterplan and staging plan i.e. 20-30 years?

P 13 “Council’s Community Profile and forecasts prepared by .id”

It is important to note that the current forecasts within Council’s community profile.id software:

- does not take the North Tuncurry development into account i.e. an additional 4,750 people in the Tuncurry catchment over the next 20 years will change existing assumptions and analysis of the population; and
- is currently being updated to reflect 2021 census data that will provide contemporary information and reflect the impact of natural disasters and the pandemic on the current and projected future community of the MidCoast.

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P16 “propensity of young adults in rural and regional areas to leave to pursue further education and employment opportunities”.

This statement is a broad generalisation, which may not be true for the whole population. The MidCoast LGA is the 24th most disadvantaged local government area in NSW (out of 130 councils) and this means that for most residents of the MidCoast, leaving the area for study is out of reach because most families cannot afford to support a young person living in another area while they study.

The proponent also does not appear to have considered (p.34) the potential opportunities created by the new Taree University Campus, which was recently established to help young people access tertiary study without leaving the area.

P21 Housing issues, P23 – 30 and the whole of Chapter 5 – population forecasts.

The document references 2016 census data which as noted above, does not consider the impact of the NTURA proposal. The proponent in relying on this data has not acknowledged or sufficiently considered the current socio-economic issues across the MidCoast, particularly the significant increases in homelessness and severe, chronic accommodation shortages.

While the new development may be attractive to young families, the impacts of housing demand, construction costs and employment opportunities may create challenges for this target market. Should the development progress as an affordable housing option, the demographic impact could result in a significant growth in young people (0-16) and people of working age (25 – 45), which would be a positive and welcome outcome.

P 32 of the report states that school “enrolment data for 2020 is currently not available”.

It is now 2022 and the proponent has failed to address the concerns of Council in the assessment of adequacy report that highlighted the need for additional review and consideration of existing educational facilities, their operating capacity, anticipated shortfalls and future requirements.

P34 The document is out of date and fails to recognise the establishment of the Taree University Campus, which already assists with delivery of tertiary education options.

P 36 The document has not been updated to address errors identified in the assessment of adequacy report. Tuncurry Memorial Hall is not owned by Council, it is owned and managed by the Tuncurry Memorial Hall Trust. The report also identifies the “MidCoast Council office” as a facility available for community use, which is not true:

- the one existing Council building in Breese Parade Forster is not available for community group use, is for sale, and cannot be considered a community facility; and
- the future Civic Precinct building remains under construction and when complete, will provide limited community use compared to built-for-purpose multi-function community facilities.

P 36 and P37 The document is out of date and fails to recognise the sale and current construction of an ambulance station on a former Council site in Breese Parade Forster.

P 40 Aged care and support services.

The ‘Minter of Health’ should be corrected to read the “Minister of Health”

There is no mention of the MidCoast LGA’s (8.2%) higher than State (5.4%) and National (5.1%) average of people with disability, the NDIS or service providers in the MidCoast. In the Forster Tuncurry area alone, 9.5% of residents identified as needing assistance with day to day tasks in the 2016 census.

P 46 onwards. These sections of the report are also out of date and refer to now obsolete, Great Lakes Council documents and strategies. The proposal therefore does not reflect contemporary strategies that have been produced by Council with broad input from the community of the MidCoast. Examples include, but are not limited to – the Housing Strategy, Draft Rural Strategy, Disability Inclusion Action Plan, Cultural Plan and Ageing Strategy.

P 59 “the proportion of children and young people will be relatively low.” The documents assume high numbers of older people (retirees) and this may be the target market given current socio-economic trends and the lack of identified affordable housing within the proposal. However, even with this market young people can be expected to both visit and live within the development area in the future. The

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proposal does not adequately consider the needs of young people in terms of health, education, social interaction or recreation.

U. Aged Care and Retirement Housing Study

The report does not accurately reflect the current amended proposal for development within the Civic Precinct (Sections 1.2 and 1.3) which incorporates accommodation for over 55's, not 'aged care accommodation' as described, and incorrectly identifies "Evermore" as the developer of this site.

Demographic information across New South Wales and the MidCoast has been changed significantly as a result of the Covid pandemic. Reliance on historic and out-of-date population projections that do not account for these changes, undermine the assumptions within the proposal.

The release of 2021 Census data commences this month (June 2022) and Council recommends a reassessment of any reports that underpin the social, economic and market recommendations for this proposal, particularly with regards to projected population and employment changes within the MidCoast.

Based on the information provided, insufficient consultation has been undertaken with existing and new service providers within the MidCoast and broader Hunter health district. In depth consultation with people working with older people so that they can age-in-place and remain in their homes is required.

Broad consultation with Council's MidCoast Assist service providers, Residential Aged Care developers and Operators and the providers of housing for aged and disabled persons is required. The focus in this report on Residential Aged Care only, is deficient as this sector primarily deals with older people who need a higher level of care, who have already had to leave their home.

Given the potential target market of retirees for the NTURA development, the report should give consideration to the provision of support services for older people, the incorporation of Liveable Housing Design Guidelines (p.15) within the planning controls to actively provide for ageing-in-place as mentioned in Chapter 4 and provide for independent housing options (section 5.2).

While Sections 4.5 and 5.4 discuss health services, the proposal does not adequately acknowledge or address the likely impact the development will have on existing general practice, specialist services or medical facilities. Any increase in residents (whatever their age) will continue to put pressure on the health system in this area and this increased pressure could in turn, adversely affect the health of older people.

V. Market and Economic Assessment Report

Summary of comments:

The information on population trends, commercial and industrial land and floorspace audits, factors and trends driving demand and underlying assumptions are significantly out of date and would not be relied upon for a planning proposal.

The floorspace audit (including assessment of vacancy rates) and information underpinning the recommendations, rely on studies from 2013 and at a minimum, an updated land use and floor space audit is recommended to provide current and accurate information to support the recommendations within this report.

While the substantial investigations for the Project were undertaken in 2013, the 2018 work has been acknowledged as comprising only "a review of the initial findings, updating data and make changes as necessary". This additional work appears to primarily acknowledge the MidCoast Regional Economic Development Strategy, Hunter Regional Plan 2036, and amalgamation of Gloucester, Great Lakes and Greater Taree Councils.

The review also relies upon, but does not justify inconsistencies with the existing and supporting local information i.e. Forster Tuncurry Employment Land Implementation Strategy (2009), which makes specific recommendations for a future Local Centre within the proposed North Tuncurry development of 400sqm in the short term, up to a max of around 1,500sqm in the longer term. Whilst the age of the data in the Land Strategy means it may not represent current or future expectations, the proposal has

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identified an additional 2,292sqm of commercial land, which is well in excess of the Strategy recommendations.

Noting the Department of Planning Employment Zones Reform program and proposed repeal of existing business and industrial zones, the proposed employment zones should be amended to reflect the new suite of zones:

- The IN1 General Industrial lands are recommended for inclusion in the E5 Heavy Industrial zone, given the relative isolation of this industrial area to residential land uses; and direct access to the Pacific Highway to the north and west, the site would provide new opportunities complementary hazardous or offensive industrial activities that may be co-located with the existing waste transfer station;
- The B5 Business Development land adjoining the existing high school and TAFE is to be included in the new E3 Productivity Support zone, to accommodate a new diverse range of commercial activities to existing and future residents of Tuncurry and North Tuncurry, including the potential expansion of education and medical/health facilities in this location; and
- The B2 Local Centre in the north-east is to be included in the new E1 Local Centre zone, to ensure the services and facilities in this future commercial precinct, are complementary and secondary to the existing Tuncurry town centre which is identified within the new E2 Commercial Centre zone.

In this regard it is also noted that the “*mixed-use precinct at Manning Street/Northern Parkway (6.7 ha)*” is located adjacent to the existing High School and TAFE campus and as discussed above, this has the potential to create an expanded or complementary education and employment hub in this location.

However, there is little information on how this can be activated or effectively implemented within the short to medium stages of the release area program, or whether the proponent has actively collaborated with other State agencies to facilitate such an outcome.

This is important given the increasing demand for medical services and higher education in the area. The proposal should take into account updated, current and relevant census data, and give appropriate consideration to the potential impacts a development of this size and scale are likely to have on health and aged care, education services and facilities within the region.

The proposal does not provide clear information on how these “industry gaps” could be targeted and addressed by the proposal, either through the development of the employment lands, or the provision of affordable housing to attract a diverse and skilled labour force to support these industries.

The report includes a caveat, “...that full development of the northern industrial portion of the NTDP may require significant upgrades to the Lakes Way intersection, including slip lanes for turning. These works would add to the cost of industrial land (via development contributions) and **would affect feasibility of development on the site.**”

This caveat and deferring consideration and provision of the infrastructure requirements should be referred to for comment to Transport for NSW.

The provision of suitable infrastructure and services to ensure both the residential and employment lands within North Tuncurry could be effectively and efficiently brought to market must be addressed prior to the finalisation of the rezoning and accommodated within the future Planning Agreement.

This is particularly critical given the proponent also identified within this report, that a significant number of developments within the region have been delayed or abandoned, potentially due to limited economic viability.

Contemporary educational and employment trends do not appear to have been considered or reflected within the proposal, and there is no clear demonstration of how “new employment” opportunities will be

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provided or how the development will attract a more diverse, population/work force of low to middle income families.

As a significant land release, the future employment, education, health and community needs of new and existing Tuncurry residents would be supported by providing a sustainable community development model that provides:

- high-speed technology and secure power supplies are available within the proposal to facilitate work-from-home education and employment opportunities;
- expanded education and training facilities within the business area adjoining the existing high school and TAFE to provide social and employment benefits to young people who live in the region and future development;
- a diverse and affordable range of housing that will accommodate low to middle income households or students looking to stay in the region while realising further education and training opportunities;
- acknowledgement of opportunities to connect educational and training facilities in Tuncurry with the new Taree University campus (not identified or acknowledged within the report).

Consideration could be given to relocating the future permanent community centre to be adjacent to the existing North Tuncurry Sporting Complex. This will allow a buffer to residents in relation to noise and lighting from the existing playing fields, which is critical given the number of local sporting events and anticipated increases in the number of major sporting and cultural events that will utilise this area.

This location would also create additional opportunities for the construction of a multipurpose function centre, with shared car parking and associated facilities given the proximity to the existing playing fields.

Detailed comments are provided below:

The floorspace audit (including assessment of vacancy rates) and information underpinning the recommendations rely on studies from 2013, produced almost 10 years ago. An accurate and current land use and floor space audit should be undertaken to support the recommendation in this report.

p.iv "The retail and tourist markets are presently performing well, driven by a strong regional economy and buoyant regional visitation. Anecdotally, vacancy rates in both the Tuncurry and Forster Town Centres (TCs) are low relative to previous years."

COVID impacts has shown an increase demand for housing in this area. Further, tourism and retail sectors gained from border closures due to this being a region that stayed open longer.

Evidence is not provided regarding vacancy rates and there is a reliance on anecdotal information. A land audit would be recommended to verify vacancy rates.

p.iv "Based on the industry targeting analysis there is a requirement for 12,000sqm of freight and logistics industrial land"

It is noted that the draft Hunter Regional Plan indicates that land east of the Pacific Highway is not identified for industry growth.

Details of the industry targeting analysis referred to in the report has not been provided within the exhibition materials.

Noting the Department of Planning Employment Zones Reform program and proposed repeal of existing business and industrial zones, the proposed IN1 General Industrial lands are recommended for inclusion in the E5 Heavy Industrial zone, given the relative isolation of this industrial area to residential land uses; and direct access to the Pacific Highway to the north and west, the site would provide new opportunities complementary hazardous or offensive industrial activities that may be co-located with the existing waste transfer station.

p.v “The proposed retail floorspace at the NTDP site will be in the form of a B2 Local Centre, which **will provide convenience and food retailing, rather than comparison retail**. The proposed retail component would not negatively affect the health of existing retail centres in Forster Tuncurry. It would complement, rather than compete with other centres.”

It is important that the retail floorspace at North Tuncurry is not identified as a new town centre. It should not contradict what currently occurs in the Tuncurry town centre and must compliment and not detract from this location which has struggled to attract and retain general retail and specialised dining.

Noting the Department of Planning Employment Zones Reform program and proposed repeal of existing business and industrial zones, the proposed business lands are recommended for inclusion in the following zones:

The B5 Business Development land adjoining the existing high school and TAFE is to be included in the new E3 Productivity Support zone, to accommodate a new diverse range of commercial activities to existing and future residents of Tuncurry and North Tuncurry, including the potential expansion of education and medical/health facilities in this location; and

The B2 Local Centre in the north-east is to be included in the new E1 Local Centre zone, to ensure the services and facilities in this future commercial precinct, are complementary and secondary to the existing Tuncurry town centre which is identified within the new E2 Commercial Centre zone.

p.9 “A floorspace audit was carried out in 2013 at four major employment areas within Forster Tuncurry.”

Given the outdated data used and being relied upon an accurate and current land use and floor space audit is advisable to support the recommendation in this report. For example, the consolidation of Council administrative services at South Taree, sale, lease and/or redevelopment of former Council premises in the Forster Stocklands precinct is not factored into the report.

p.11-16 “The focus for the analysis was commercial (industrial and retail), and mixed-use developments. These developments within Great Lakes SA3 are detailed in Table 4, Table 5, and Table 6. There are a number of **projects which have been identified as abandoned or deferred**”

The information provided does not acknowledge the high number of developments abandoned or deferred in the region. The locational and development relevance of some proposals is questionable, and the status of more relevant projects is not up to date, for example:

- the Pindimar Abalone Farm, is located over an hour away from the North Tuncurry precinct, does not appear to be of relevance to the proposal, and was withdrawn after several years of assessment by the Department;
- the Forster Civic Precinct proposal has been substantially amended in response to the economic impacts of COVID and associated lockdowns and this is not reflected in the report;
- Pacific Highway Nursery & Boutique Winery relevance is questionable, particularly given location outside of Forster-Tuncurry;
- Poultry Shed proposals at Warraba Road, Alderley and Markwell Road are not considered relevant;
- Riverside at Tea Gardens is over an hour away from the North Tuncurry site which raises a question around the relevance to the proposal other than also providing a predominantly residential development outcome;
- The Down Under Brewery Resort, proposed at Bulahdelah and the Seven Mile Beach eco-living proposals are listed and identified as abandoned.

p.19 “Broader changes in the economy and the growth of new technologies have **seen a shift towards decentralised office locations in business park developments and the location of commercial activities within industrial zones**. These industrial zone-based business park developments offer a number of advantages”

The report does not reflect the recent initiatives identified in the MidCoast Employment Zone Review and subsequent Department of Planning Employment Zone Reform program, which recommend a clear separation of “business” and “industrial” activities in our employment lands. To this end, changes are

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recommended for all the business and industrial zones proposed in the North Tuncurry URA to reflect these reports.

There does not appear to be consideration of co-workspaces, virtual offices or work from home arrangements that have significantly changed traditional work-life arrangements since the pandemic and are expected to continue to increase, particularly across regional areas.

p.20 “Engagement with local stakeholders reveals that the future growth of Forster-Tuncurry may be constrained by a lack of available supply of residential land”

p.21 “Consultation reveals that there is **significant buoyancy within the market for commercial and retail floorspace, with strong demand for floorspace** – particularly that located in prominent locations. In recent times, when retail or commercial floorspace has become available it has in general been snapped up relatively quickly. This contrasts sharply with the situation that prevailed a number of years ago, when demand for spaces was relatively low.”

p.21 “Expenditure relating to **tourism and visitation has historically played an important role in underpinning the Forster-Tuncurry economy**. At present, the sector is performing relatively well, which in part explains the strong performance of the town’s retail and commercial precincts. This is in **contrast to the situation as recently as 2012**, when a combination of reduced local consumer spending and the high value of the Australian dollar (which made Australian tourism relatively expensive for both local and foreign tourists) combined to reduce the number of visitors to the Forster-Tuncurry region. **Whilst tourism is presently buoyant, the sector is vulnerable to external influences, including those mentioned above.**”

Several significant changes that have occurred since this time include the following examples:

- amalgamation and relocation of Council administrative services and facilities to South Taree;
- potential demographic and socio-economic changes within the community as a result of natural disasters of fires and floods and the COVID pandemic;
- the release and development of residential land, retirement villages and apartments throughout Forster-Tuncurry;
- the framework of the adopted MidCoast Council Urban Release Area Report; and
- new provisions of the draft Hunter Regional Plan.

It is recommended a review be considered to ensure this information is up to date.

p.28 Add demand to existing retail hierarchy

It is unclear why the report identifies Newcastle CBD as the likely location for additional retail floorspace, rather than other local and regional centres in closer proximity to the proposed development site.

p.31 “Between 2011 and 2016, the largest proportional growth in employment share by industry sector was experienced in health care and social assistance (+3.3 per cent), with the largest decline in share of total employment witnessed in manufacturing (-2.1 per cent) and construction (1.2 per cent). **The growth in health care and social assistance reflects the appeal of the region among elderly cohorts.**”

p.34 “The dearth of educated residents in the region, as well as the locational requirements of employers within those sectors mean that highly-skilled service jobs will continue to be relatively uncommon in the region, with **educated younger cohorts forced to leave the region** to find appropriate employment.”

p.36 “Table 22 – Hunter Regional Plan - Direction 6: Grow the economy of MidCoast and Port Stephens. The proposal will provide **new opportunities for employment outside of the tourism sector**. By supporting a **larger permanent population**, the **impact of seasonality on the region’s retailers and service providers will be reduced**, resulting in a more sustainable local economy.”

As a significant land release, the future employment, education, health and community needs of new and existing Tuncurry residents would be strongly supported by providing a sustainable community development model that provides:

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- high-speed technology and secure power supplies are available within the proposal to facilitate work-from-home education and employment opportunities;
- expanded education and training facilities within the business area adjoining the existing high school and TAFE to provide social and employment benefits to young people who live in the region and future development;
- a diverse and affordable range of housing that will accommodate low to middle income households or students looking to stay in the region while realising further education and training opportunities;
- acknowledgement of and opportunities to connect educational and training facilities in Tuncurry with the new Taree University campus (not identified or acknowledged within the report).

p.37 *"MCC REDS - Strengthening the region as a location of choice ▪ encourage other lifestyle and tourist developments that will increase the Region's attractiveness to sea/tree change professionals and other skilled workers.*

*The strategy discusses the importance of the **Northern Gateway development**, ensuring that there is "adequate infrastructure in place."*

This comment regarding the Northern Gateway development, located near Taree, does not seem relevance to the proposal.

p.37 *"MCC REDS - support development of the Region's workforce - This will be important in underpinning the viability of the region's existing retailers and service providers, as well as providing opportunities for an increasingly diverse offering. **New residents will provide a deeper, more diversely-skilled labour pool** that will help to underpin the viability of new and existing businesses across the region."*

While attracting a more diversely skilled labour pool would be a positive outcome, the evidence on how the proposal will achieved is not clear.

p.40 *"Industry Gap Analysis - General Practice Medical Services and Higher Education"*

It is noted that within the document (page v) there is an acknowledgement that *"The ability of our existing education facilities to accommodate a development of this size must be reviewed by the relevant State agency. There are existing enrolment restrictions at the Tuncurry Primary & High School campuses as both are at student capacity and have no land area to expand."*

However, there is no evidence to support that this has been undertaken during the preparation of the proposal or that the population and demographic information relied upon is up to date and can be relied upon to determine the level of additional medical and educational services and facilities that will be generated by the additional residents associated with the development.

It is recommended that the proposal be informed by updated, current and relevant census data given the potential impacts a development of this size and scale are likely to have on age care, employment and education. Reports have not been updated to take these impacts into account and the proposal itself does not provide clear information on how these "industry gaps" can be targeted and addressed by the proposal, either through the development of the employment lands, or provision of affordable housing to attract a diverse and skilled labour force.

p.45 *"As a caveat, it should be noted that full development of the northern industrial portion of the NTDP may require significant upgrades to the Lakes Way intersection, including slip lanes for turning. These works would add to the cost of industrial land (via development contributions) and **would affect feasibility of development on the site.**"*

The provision of suitable infrastructure and services to ensure both the residential and employment lands within North Tuncurry could be effectively and efficiently brought to market must be addressed prior to the finalisation of the rezoning and accommodated within the future Planning Agreement.

This is particularly critical given the proponent has already identified within this report, that a significant number of developments within the region have been delayed or abandoned, potentially in part due to limited economic viability.

p.46 “*The NTDP master plan proposes that the employment lands be located in two precincts, **a mixed-use precinct at Manning Street/Northern Parkway** (6.7 ha) and an isolated employment pocket on the Lakes Way (6.6 ha).*”

This employment land is located **adjacent to the existing High School and TAFE campus**. While this has the potential to create an expanded education and employment hub, there is little information on how this can be activated or effectively implemented within the short to medium stages of the release area program.

Biodiversity, Vegetation and Bushfire Matters

Q. Biodiversity Certification Assessment Report

These comments relate to the assessment of the NTURA proposal from a biodiversity perspective and the biodiversity certification exhibition. The material exhibited in the NTURA proposal and biodiversity certification exhibition has been referenced, including.

- EcoLogical Australia. 2021, *North Tuncurry Urban Release Area – biodiversity certification assessment report & biodiversity certification strategy*.
- Ethos Urban. 2021, *Rezoning study to support State Environmental Planning Policy amendment to the Great Lakes LEP 2014 – North Tuncurry Urban Release Area Rezoning Report*.

Findings of this Assessment

This assessment finds that:

1. **There are inadequate assessment processes and inadequate information on which to make reasonable conclusions,**
2. **It is likely that the proposal will result in significant and unreasonable biodiversity impacts and there is inadequate assurance that it will improve or maintain biodiversity outcomes,**
3. **These matters need to be considered by the State in finalising the NTURA proposal.**

This conclusion is drawn from the issues set out below:

1. **There is no certainty within the offset package and the biocertified (conserved) land is impacted by coastal hazards increasingly from 2060 onwards**

The application proposes a two-stage approach to secure ecosystem and species credits required under the Biodiversity Certification Assessment Methodology.

The first stage involves the reliance on credits attained through on-site conservation areas (sufficient for stages 1 – 12 and the south-west business park and registered within 12-months of the conferral of biocertification / prior to site works).

The second stage relies on Landcom securing enough credits for each stage of development stages 13 – 22 off the site. Off-site offsets have not been resolved and may involve establishment of a biodiversity stewardship site on Council owned land at Nabiac, an alternative site within the “region” or the purchasing of credits by payment to the Biodiversity Conservation Fund.

There is inadequate certainty in the proposed model that offset requirements will be delivered such that a maintain or improve biodiversity outcome is achieved.

Firstly, a large portion of the eastern conservation corridor does not provide an in-perpetuity solution for offsetting the loss of biodiversity values from the site and should not be biocertified. The biocertification assessment uses land at risk of erosion at 2060 and 2100 in order to meet offsetting requirements.

A significant portion of this land has either an almost certain or likely erosion likelihood in 2100 based on the projections undertaken in the Great Lakes CZMP (2015). A consequence of this likelihood of coastal recession in the next 78 years is that a significant portion of the biodiversity credits and values in this offset area would be completely lost.

In addition, beyond 2100 sea level rise and associated recession continues hence the use of the proposed coastal reserve is ultimately only a temporary offset. Whilst this may be permissible under the current biodiversity offsetting arrangements operating in NSW it falls well short of best practice and contradicts coastal planning requirements. For instance, a mandatory requirement of a Coastal Management Program is that Council must demonstrate how a council has considered:

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- current and future risks, at timeframes of immediate, 20 years, 50 years, 100 years and (if council considers it relevant based on expert advice) beyond;
- (if council considers it relevant) current and future risks of potentially high consequence, low probability events that may affect the relevant area;
- the effects of projected climate change and how it may affect the relevant area;

In this regard a CMP evaluates and considers mitigation options where possible for the impact of sea level rise and coastal recession on coastal ecosystems. This may include provision for coastal ecosystems to migrate.

It is therefore contradictory for Landcom to be proposing a biodiversity option over land which has either, an almost certain or likely, likelihood of erosion (loss) within the 2100 planning timeframe when the future CMP will be considering how to allow migration of coastal ecosystems.

Secondly, the western conservation area is uncertain as an in-perpetuity offset for Tuncurry midge orchid because of the likely negative effects from edge and related-effects of development and the high potential that such edge-effects will deplete habitat and cause the loss of Tuncurry midge orchid populations. As a Critically Endangered species, this orchid requires a suitably cautious approach.

These edge effect impacts on the western conservation area will most likely also render that habitat unsuitable for long-term occupation by species credit species, the brush-tailed phascogale and the eastern pygmy possum. The western conservation area should not generate offset credits for these species and the offset calculations should be revised and delivered elsewhere in this locality.

Thirdly, there is inadequate detail provided in the biocertification assessment for a consent authority to be certain that relevant and effective offsets will be delivered, because:

- the ownership of on-site conservation offsets has not been identified and there is a high likelihood that offset land retained in or transferred to unskilled or inappropriate ownership would not be effectively managed to ensure biodiversity outcomes,
- The Planning Agreement establishing land as biodiversity stewardship sites has not been drafted or executed, and
- The offset package has not been prescribed or detailed.

Fourthly, there is a lack of certainty that required offsets would be delivered locally. The Applicant suggests that off-site offsets may be delivered in the "region" or by payment to the Biodiversity Conservation Fund. The Great Lakes Development Control Plan 2014 (s4.1) requires that local offsets be provided for the impacts of local developments on biodiversity. There remains uncertainty that the offsite offsets required for the development are going to be realised in a geographically appropriate area to the disturbance. These offsite offsets should be secured within the locality and this should be clearly demonstrated in the material for the exhibition.

Due to the significant responsibilities and significant challenges in delivering biodiversity offsetting outcomes for the Critically Endangered Tuncurry Midge Orchid, species credit and other biodiversity values, there is a need for a final biodiversity package, including details of land ownership in order to be adequately certain that required land management actions are deliverable and offsetting goals can be delivered.

It is preferred that NSW National Parks and Wildlife Service take ownership of the northern conservation area as an extension to the Darawank National Park. Existing conservation lands owned by the Minister for the Environment and MidCoast Council on the western side of The Lakes Way could also be considered for inclusion in Darawank National Park, with management funding provided by Landcom as part of a local offset package.

If this was to occur, Council could be in a position to manage both the eastern and western conservation areas, with funding support from Landcom, but these edge-effected and sea level rise impacted fingers of land should not generate credits that are used to offset the biodiversity losses of the development. This would then provide a way forward and a financially viable environmental outcome for the community.

The full details of all offsets, the provision of local offsets and the avoidance of use of lands likely to be lost to shoreline recession in offsetting should all be resolved and re-exhibited prior to any biocertification and the finalisation of a rezoning.

2. NTURA unreasonably impacts the Tuncurry midge orchid, inadequate information has been compiled and offset measures are significantly uncertain

It is certain that the NTURA proposal will cause negative impacts to the Tuncurry midge orchid. However, it is uncertain whether the offset measures proposed will be satisfactory to achieve a neutral or beneficial long-term population survival outcome for this species. Impacts to the species include direct loss of habitat and known individuals, as well as impacts on habitat associated with edge-effects. **The Critically Endangered status of this species mandates a precautionary approach, which is not currently displayed in the proposal.**

The subject land contains most of the total known population of the Tuncurry midge orchid. The lifecycle and ecology of this species remains poorly known. While EcoLogical (2021) states that 97% of all known individuals of this species in the assessment area are retained and there is conservation of the residual population, there is uncertainty with respect to issues of edge-effects and pollution from development footprints that may deplete the habitat and exert population pressures and there is uncertainty with respect to whether the residual habitat conserved can be suitably managed and enhanced to safeguard the species; offsetting the substantial impacts of the proposal.

There remains uncertainty with regards to the genetics of the local *Genoplesium* species. The biodiversity documentation and biocertification proposal has not resolved these uncertainties. Botanist Isaac Mamott identified that Tuncurry midge orchid “co-occurs with *G. rufum* and *G. filiforme*” and “its core population would undoubtedly benefit from a genetic study”. Dr Stephen Griffith identifies that there is confusion with regards to the species and considers it likely that there may have been significant past misidentifications. Species uncertainties hinder scientifically credible judgments of the avoidance, mitigation and offsetting adequacies for this Critically Endangered species.

A genetic study of Tuncurry midge orchid is an essential prerequisite before a biocertification outcome for the land to ensure that Tuncurry midge orchid is conserved.

Further, the biocertification has focussed investigation and conservation of Tuncurry midge orchid on disturbed habitats, such as track edges, mine paths and transmission line easements. There has been an inadequate investigation and description of the “natural” habitat of this species, which is a critical understanding for in perpetuity conservation management and population recovery.

Dr Stephen Griffith has searched the locality of the Nabitac sand barriers (Minimbah). Dr Griffith advises that the consultancy reports for the NTURA fail to identify a ‘natural’ habitat with enough certainty, and instead focuses upon the conservation of populations in disturbed habitats.

Dr Griffith collections of Tuncurry midge orchid along random foot traverses on the Nabitac barriers have identified several native habitats. In this area, Tuncurry midge orchid has flowered where the Scribbly Gum dry sclerophyll woodland was burnt in 2019. This observation suggests that the species can persist in woodland or scrub / heath understorey during an inter-fire period. The natural habitats of NTURA may hold important seedbanks and individuals and impacts may be more substantial than predicted by EcoLogical (2021).

There remain uncertainties with regards to the habitat and ecology of the Tuncurry midge orchid. These uncertainties compromise an ability to fully determine that the Tuncurry midge orchid would not be harmed to such a degree that its long-term recovery is compromised and it, as a species, is more threatened and at risk of extinction. As a Critically Endangered species, this is not appropriate and additional targeted knowledge is required prior to biocertification and rezoning.

That the Tuncurry midge orchid pollinator corridor as proposed will be cleared, substantially physically modified and then revegetated / restored is inappropriate and is associated with significant uncertainty.

Firstly, there is complexity with respect to the restoration and re-creation of the floristic structure required for the corridors to maintain populations of fauna, including insects, and function as required. Re-constructed habitats are typically simple habitats.

Secondly, there is a significant time delay between clearing and modification of the landform and the attainment of satisfactory maturation for the effective functioning of the habitat of the new plantings.

The proposed Orchid Park is small and relatively isolated and will be subject to edge-effects that would likely harm any orchids and their habitats present therein. The Orchid Park and western corridor are unlikely to function in a manner that will ensure the protection of individuals of this species within the bounds of this edge-effected reserve.

The Wildlife and Threatened Species Bushfire Recovery Expert Panel, on 23 April 2020, released a list of 471 plant species identified as the highest priorities for urgent management intervention to support recovery from the 2019-20 bushfires. The Tuncurry midge orchid is on this list. The Australian Government report on the provisional list identifies that:

- Some species were considered threatened before the fires, and the fires have now likely increased their risk of extinction, and
- These species were all already listed as Critically Endangered or Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or equivalent state legislation, or had more than 80% of their range burnt, or were identified as at high risk under two or more prioritisation criteria requiring unique management actions, and
- To support protection and recovery of many of the fire-affected species, conservation action will be needed, and
- A suite of ground orchids from across the fire zone, such as the Tuncurry midge orchid (*Corunastylis littoralis*) ... are prioritised for immediate action to mitigate post-fire impacts, and
- The pattern and intensity of fire will vary within the fire affected areas. The fires will not have impacted all areas within the mapped extent equally. Some areas will have burnt at very high intensity whilst other areas may not have burnt at all. Although spatial analyses incorporate information about fire severity and impacts, field assessments may reveal areas assessed as burnt to be unburnt, and vice versa. Our understanding of the fire impacts on plant species will improve after information from on-ground surveys is gathered, and
- The suggested management actions for high priority plant species include:
 - **Field inspections – damage and threats**
 - *Germplasm collection*
 - **Field inspections - resprouting assessment**
 - **Field inspections - seedling emergence assessment**
 - *Disease – field assessments and emergency germplasm collection of cuttings where resprouting is affected*
 - *Exclude forestry/silvicultural impacts*
 - *Alleviate herbivory*
 - **Field inspections - recovery assessment**
 - *Irrigation*
 - *Carefully planned translocation*
 - *Weed control*
 - *Exclude prescribed fire*
 - *Rapid response to wildfire*
 - **Minimise development impacts**
 - *Alleviate pollinator competition from feral bees and European wasp*
 - *Prevent illegal collecting or over-collecting of germplasm or plants*
 - **Minimise habitat disturbance from human activities**

As such, there should be re-evaluation of the status and conservation needs of Tuncurry midge orchid because of the impacts of the 2019 bushfires prior to rezoning and biocertification.

The “Advice to the Minister for Sustainability, Environment, Water, Population and Communities from the Threatened Species Scientific Committee (the Committee) on Amendment to the list of Threatened Species under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for Tuncurry midge orchid” (22 February 2011) noted that:

- “this proposed development is expected to cause a future decline in the number of mature individuals and the area of occupancy of the species”,
- “the geographic distribution is precarious for the survival of the species”, and
- **“the main potential threat to the species is future residential development. The Tuncurry midge orchid has a very limited distribution and is found on Crown land currently being investigated for a possible future residential development (Paget, unpub. data., 2008). This development has the potential to eliminate the entire core population at North Tuncurry through clearing and habitat destruction. There is also the potential for edge effects (such as nutrient increase and weed invasion) from adjacent development to lead to habitat degradation or loss (Paget, unpub. data., 2008).”**

The scale, spatial extent and layout of the proposed development that would be facilitated by the rezoning has the potential to significantly harm the Tuncurry midge orchid (a critically endangered species), through direct and related effects and in ways that are impossible to offset.

On the totality of the evidence and the risks, biocertification should not be issued for the Tuncurry midge orchid and the red flag variation should be rejected. There is scientific uncertainty with genetics, population and life history studies and the effectiveness of protection measures. Avoidance measures are not suitably deployed. There is certainty however that the development facilitated by the rezoning will cause negative impacts on individuals and habitat. In the absence of more detailed knowledge, greater in-situ, precautionary protection is required.

3. The NTURA biocertification uses inadequate fauna surveys and causes unreasonable impacts on threatened fauna species

The fauna field surveys on which this rezoning rely are mostly outdated, inadequate and valuable observations are not recognised. The net effect is that the impacts on fauna, including threatened species, is under-estimated. The biocertification should not be conferred and the rezoning not approved until such time as comprehensive, contemporary fauna surveys are undertaken.

Firstly, EcoLogical (2021) asserts that koalas were “*not recorded on site during extensive surveys and has been assessed as not likely to occur due to the absence of suitable habitat containing preferred browse species*”.

There are occurrences of *Eucalyptus robusta* in the south and south-west, which is a preferred koala food tree species. *Eucalyptus pilularis* is a recognised browse tree species. There are additional koala records to those referenced in EcoLogical (2021). These records are recent and from the vicinity of Racecourse Estate, Chapmans Road and the Tuncurry urban area near the sporting fields.

There are also local records of site importance for the brush-tailed phascogale that are not referenced in the biocertification assessment. This species has been routinely observed in the golf course club house on the site (based on anecdotal accounts reported to Council from golf club members and local consultants). These records were reported on several occasions to the Applicant by MidCoast Council for reference in their biodiversity investigations. **Failing to identify these records leads to compromised conclusions as to the significance of the site for species such as the brush-tailed phascogale and koala.**

The field surveys on which the reports are based are mostly old and outdated (mostly at least seven years old) and contemporary data is required.

Recent surveys for koalas used inappropriate methodologies (camera trapping is not an effective koala survey method) and surveys for the eastern pygmy-possum and brush-tailed phascogale were

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undertaken outside the optimal fauna sampling season (surveys were conducted in winter). Further, the recent surveys were not spatially representative across proposed development and non-development areas and were focussed in the proposed conservation areas. Sampling in the development area is required.

Tracks attributed to a long-nosed potoroo have been identified to the immediate north of the site at Darawank by Council's Senior Ecologist and there is a resident population of this species on Pleistocene sands at Nabiac (based on the results of annual camera monitoring surveys by Council). There have been inadequate field surveys to detect the presence of the long-nosed potoroo on the site. A systematic, targeted camera trapping survey with truffle oil lures is required prior to biocertification to properly assess the potential presence of this species on the site.

4. NTURA is associated with a range of indirect and related biodiversity impacts due to poorly planned edges and do not comply with relevant guidelines

In s3.7 of the biocertification assessment of EcoLogical (2021), there is very simple and limited discussion provided on the type, nature and severity of indirect impacts. Given the expansiveness of the development and its high edge to area shape as well as the high likelihood of a range of edge-effects, this assessment is inadequate. None of these effects of development are properly described or considered in s3.7 of EcoLogical (2021).

The Director General Study Requirements identified the need to provide an ecological study and assessment which identifies existing native flora and fauna and their habitats, including identified threatened species, within and adjoining the site and assess the potential impact of development on identified populations and recommend measures to mitigate any impact in line with OEH threatened species and assessment guidelines including *Guidelines for Developments and Activities Working Draft November 2004*. The biodiversity information submitted in the NTURA state significant precinct rezoning proposal does not satisfy these guidelines because:

- The information does not adequately consider all the direct and indirect impacts of the development that is facilitated in this proposal on threatened species. Also, the following indirect impacts would be synergistic and act to degrade and harm the bushland and its biodiversity in the proximity of the development edge. These negative impacts may extend for tens or hundreds of metres:
 - the influence of the long interfaces of proposed development with native vegetation and threatened species habitats, and
 - the alterations of micro-climates and the effect of noise, lighting and disturbance, and
 - the likely significant increase in the presence of free-ranging domestic dogs and cats from occupied dwellings (and which are practically impossible to effectively regulate), and
 - the alterations of landforms, including possible changes to groundwater levels, and
 - the effects of altered fire regimes, and
 - the likelihood that there would be increased weed sources from the developed landscape, and
 - the damage caused by increased demands for authorised and unauthorised access.

The DECC (2007) define indirect impacts as: *Indirect impacts occur when project-related activities affect species, populations or ecological communities in a manner other than direct loss. Indirect impacts can include loss of individuals through starvation, exposure, predation by domestic and/or feral animals, loss of breeding opportunities, loss of shade/shelter, deleterious hydrological changes, increased soil salinity, erosion, inhibition of nitrogen fixation, weed invasion, fertiliser drift, or increased human activity within or directly adjacent to sensitive habitat areas. As with direct impacts, consideration must be given, when applying each factor, to all of the likely indirect impacts of the proposed activity or development.*

These indirect impacts are not adequately described and discussed in Ecological (2021) in the manner that is required pursuant to s3.1.3 of the Guidelines.

The development footprint is large and includes long fingers of proposed conservation lands. These fingers are the most heavily impacted by the indirect negative impacts of the development. A smaller,

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more compact settlement, with more sensitive and sympathetic edges of waterbodies and open spaces would assist manage and control indirect effects. Further and better details of the negative indirect impacts of the development is required.

- **The information does not adequately address the precautionary principle, as required in s3.1.14 of the Guidelines.** There are threats of serious or irreversible damage and there is a lack of full scientific certainty with regards to the Tuncurry midge orchid.
- There have been inadequate field surveys conducted on the site for certain species (pursuant to s3.1.19) and most field surveys are not of adequate currency. The field surveys on which the assessments are based are all now dated. **The field surveys reported in EcoLogical (2021) are circa 2005 – 2012. These surveys do not provide adequate currency for the site (being at least 7 and up to 15-years dated).**

5. NTURA potentially impacts sea-turtles and marine birds through light pollution effects and increased beach usage, which are under-evaluated and unmitigated

On page 77 in Urban Ethos (2020), Figure 26 visually represents the view of the future development from Nine Mile Beach and the nature of pedestrian walkways to Nine Mile Beach. Substantial lighting from development in the rezoning will be visible from the beach and near-shore. Also, general light spill from the developed area would alter the illumination of the sky in the site, which may negatively affect marine turtles. EcoLogical (2021) reported that the threatened green turtle has been recorded nesting on Nine Mile Beach, east of the proposed development

There is inadequate consideration, by a suitably qualified expert of the impact of lighting on threatened biodiversity, including the green turtle.

An expert should be engaged to assess the impact of lighting associated with the development that the rezoning facilitates to determine the type, nature and significance of impacts and devise avoidance and mitigation measures (colouration, brightness, warmth of lighting, light shields, directional lighting, etc), with particular reference to the green turtle.

Further, Urban Ethos also states that the eastern conservation corridor “will protect beach habitats, particularly the pied oystercatcher (provided beach activity does not increase)”.

Placing a new residential population of 4,500 people adjacent to the beach and providing beach pedestrian access points will increase substantially beach activity by people. The premise is incorrect and pied oystercatchers and marine turtles will be impacted by increased beach usage; perhaps significantly.

The proposed \$250,000 measure to monitor green turtles and pied oystercatchers does not alleviate the potential harm and the concern related to the expected impacts of increased beach use.

6. Matters raised in the Adequacy Assessment by MidCoast Council were not addressed – the exhibited material is inadequate for assessment

During the previous phase of consultation, being the Assessment of the Adequacy of the Information presented for the NTURA proposal, Council raised a series of biodiversity-related inadequacies of the exhibited material.

These matters were set out in previous correspondence to the Department of Planning. No meaningful response was provided to address these inadequacies and the constraints associated with inadequate information have not been rectified within the material exhibited.

7. In the absence of an approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 there is significant uncertainty with respect to the development of the land

The impacts of the development facilitated by the rezoning needs assessment and approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, particularly Tuncurry midge orchid as well as the grey-headed flying-fox (foraging) and new holland mouse.

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There is no evidence that the Commonwealth statutory assessment processes, including impact evaluation and avoidance and offsetting measures, have been satisfied. The Commonwealth assessment may have substantial influence on the final development and therefore, the absence of a Commonwealth approval is a significant risk to any NSW biocertification and approval of this project.

NSW and Commonwealth approvals for biodiversity should be delivered concurrently. The new holland mouse may need significant re-survey and assessment and all the genetic, population and conservation issues raised in this report should be resolved as part of the Commonwealth application.

C. Landscape Master Plan Report

The masterplan illustrates a lack of connectivity between southern boundary of the proposed development to the surrounding Council managed land. These lands are zoned RE1 Public Recreation and is a highly used regional sporting facility with parking, amenities and flood lighting to enable sporting and community events to occur at any time.

The existing operations of the regional fields have been identified for future refurbishment, improvements and expansion and will have a negative impact upon the proposed residential areas to the immediate north of these fields. The regional sporting facility and proposed residential areas are currently designed to be separated only by a road, extending between the existing western extent of The Northern Parkway and existing northern extent of Beach Street.

This demonstrates a lack of understanding of the existing and future operations of the regional sporting fields and fails to implement appropriate separation and mitigation of noise, traffic and lighting impacts the sporting fields will have on the future residents in this location.

Council's Project Team have had ongoing discussions regarding these issues and have recommended that the permanent community centre be relocated to not only address these future land use conflicts, but to also improve connectivity between Tuncurry and the North Tuncurry communities. These discussions are reflected in the in-principle agreement for further discussion between Landcom and Council about the permanent location of a community centre, as noted within the Statement of Intent.

The team have confirmed that the preferred location for a multi-functional community centre and associated facilities is within the areas identified as Stage 3 & 4 of the Masterplan, directly opposite the existing regional playing fields on the southern boundary of the North Tuncurry masterplan site.

This location has been identified not only to better service the future Tuncurry population as a whole and be provided at an earlier stage of development; but to assist in minimising the noise, lighting and traffic impacts that the region sporting fields will have on future NTURA residents, particularly during sporting and special events that occur regularly in the evening and on weekends.

During these discussions the team have also acknowledged that to accommodate a permanent multi-function centre of a size and location that provides services and facilities for the existing and future residents of Tuncurry (including North Tuncurry), the masterplan will need to be amended prior to finalisation of the rezoning proposal.

The amendments are likely to be minor but would involve the relocation of a limited number of "residential allotments" currently located opposite the regional sporting fields. The team confirmed that the relocation of affected residential allotments to the "Gateway Park" (Item 9.4 in the Landscaping Plan) would be supported to ensure an optimal outcome for future NTURA residents and the broader Tuncurry community, through the co-locating of a permanent multi-functional community centre and the regional sporting fields and associated facilities.

S. Bush Fire Threat Assessment

The updated documents provided for the public exhibition are aligned with the latest version of the NSW Rural Fire Service Planning for Bushfire Protection 2019 and prepared by suitable practitioner.

The bushfire assessment identifies a 15-metre bushfire Asset Protection Zone to tall heath and 24-metre bushfire Asset Protection Zone to forest around the periphery of the development footprint. The

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APZs proposed are adequate and the lots within the proposed layout have been designed to limit the BAL impacts to the building envelopes in accordance with current requirements.

It is noted that the local experience of the 2019 bushfires which threatened parts of Tuncurry and Black Head were a significant emergency. It demonstrated the flammability and potential consequences of wildfire in this coastal landscape. Should the Planning for Bushfire Protection requirements and recommendations be amended in the future; this may require further consideration of the asset protection zones and methods of construction employed within the later stages of the proposed development.

Integrated Water Management, Coastal and Flooding Hazard Matters

I1 Coastal Processes, Hazards and Planning Study

Unresolved concerns:

Council's pre-exhibition adequacy assessment comments in terms of coastal impacts have not been addressed or even meaningfully discussed. Council's original concerns included, but were not limited to:

- The original report was created in September 2010. With the *North Tuncurry Coastal Processes, Hazards and Planning Study* Worley Parsons March 2019 (*Report*) only being a review.
- The report is outdated and does not address the Coastal Management Act 2016, Coastal Management Manual/s or associated the Coastal Management SEPP (Coastal environmental area, Coastal use area, coastal vulnerability area, coastal wetlands and littoral rainforests area).
- It is noted that Part 3 Division 2 Section 15 (e) of the CM Act states: if the local council's local government area contains land within the coastal vulnerability area and beach erosion, coastal inundation or cliff instability is occurring on that land, include a coastal zone emergency action subplan
- The Study indicates beach erosion (1m recession rate – sect 5.3.1) will impact the site. Part 3 Division 2 Section 15 (e) of the CM Act states: if the local council's local government area contains land within the coastal vulnerability area and beach erosion, coastal inundation or cliff instability is occurring on that land, a coastal zone emergency action sub-plan is required. This does not form part of the proposal.
- The Coastal Management Manual/s requires a review on population increase within affected areas and the *Report* does not comment on this aspect of coastal management in the *Report*
- The *Report* does not comment on the Marine Estate Management Strategy (MEMS) and associated Threat And Risk Assessment (TARA).
- The *Report* states that stormwater (sect - 5.3.6) at present is not an issue. It is proposed that stormwater from the development will be discharged into the sand. The report comments no direct overland flow paths are in existence. The report does not comment on a future scenario with higher rainfall events and elevated SLR combined with an eroding coast.

Therefore, the *Report* has not been prepared in consideration of other studies provided with the proposal that do review and make comment on ground water, stormwater, flooding or other management requirements, that will be affected by coastal management issues. The only statement is that stormwater (sect - 5.3.6) *at present* is not an issue, with no regard to future scenarios.

- In Section 7 of the *Report* recommends that land seaward if the 2100 hazard line be retained in public ownership. i.e. dedicated to Council. Further consideration must be given to this recommendation given existing risk, liability, social and economic costs associated with beach-front development in the MidCoast, notably Jimmys Beach, Old Bar, Seal Rocks, Boomerang and Blueys beaches.
- The *Report* does not comment on the current beach use, 4WD. Nor does the report comment on how this activity will continue with additional pedestrian access from this development using the beach. There is no comment on how public recreation and access will be managed as the beach recedes although the report acknowledges that Surf lifesaving towers and public access paths should be designed to be able to be removed.
- The study references the certified and gazetted Great Lakes Coastal Zone Management Plan August 2016 and associated Options Study in Section 5.2. These documents included a risk assessment of the coast and where development was established the risk consequence was raised. A similar risk assessment is recommended for the proposal to assist in determining the long-term viability, risks and potential costs associated with maintaining of 'beachfront' development, services and infrastructure

I2 Coastal Process Addendum

Unresolved concerns:

None of Council's pre-exhibition adequacy assessment comments, particularly in terms of direct coastal hazard impacts on the proposed development have been addressed or even meaningfully discussed within the addendum. For example:

"5.6 Stormwater Erosion Hazard" in "North Tuncurry, Coastal Processes, Hazards and Planning Study":

There is no assessment of coastal management being affected by the stormwater runoff due to a high groundwater table preventing stormwater from infiltration, after or during a period of significant rainfalls.

This situation took place in March 2021, but has not been accounted for, and there has been no regard given to future climate change scenarios, which may result in coastal impacts.

"6.3 Wave overtopping risks" in "Coastal Management - Tuncurry - Addendum to Coastal Processes, Hazards and Planning Study, EMM 3 March 2021":

- The provided reference to a 1-in-1000-year storm event (which is mentioned in SMEC, 2013 only once in the Table 5 title) is not correct;
- "5.4 Inundation" in the Great Lakes Coastal Hazard Study (SMEC, 2013) talks about 1% AEP events only and does not mention any 0.1% events.

The scope of that study was limited by 2100, so the text of the document takes clear precedence over the erroneous table title.

The Coastal Management Manual states that a CMP must demonstrate how a council has considered current and future risks, at timeframes of immediate, 20 years, 50 years, 100 years and (if council considers it relevant based on expert advice) beyond.

Given the rezoning provides for a subdivision that will exist well beyond the 78 planning timeframe, Council's coastal expert considers a planning timeframe in excess of 2100 is required.

The 2100 maximum run up of 5.9 m AHD provided in Table 5 is also in accord with 6.2 m AHD run up value provided in "4.3 Wave Runup" and "5.5 Coastal Inundation Hazard" from "North Tuncurry Coastal Processes, Hazards and Planning Study" (WorleyParsons, 2019):

- "For planning purposes, it is considered that a runup level of 6.2 m AHD should be adopted for the study area, which includes the predicted sea level rise of 0.9 m over a planning period up to 2100."

Considering that the minimum dune height along frontage for Nine Mile Beach Golf Course is 4.8 m AHD (SMEC, 2013), it is likely then that dune overtopping will be "possible and likely during a coastal storm by 2100".

Therefore, a risk assessment considering overtopping events combined with beach recession, and probable consequences of such events, is recommended for the proposal to assist in determining the long-term viability and potential costs associated with maintaining any beachfront development, services and infrastructure.

J. Groundwater Modelling Report

Site geology

Groundwater modelling appears to assume a homogenous geology for the site. While the limited number of recent monitoring bore drill logs indicate deep layers of homogenous sand, the original Geotechnical Investigation from 1988 showed evidence of clay layers and concreted sands. This

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heterogeneity could see localised differences in infiltration and some localised flooding/inundation and more complicated groundwater dynamics when considering antecedent groundwater conditions.

Localised inundation

Consideration of potential flood levels seem to concentrate on minimum building levels (i.e. habitable level of 5.0 m AHD). However, as we have experienced over the last 2 years, localised inundation can quickly overwhelm our sewer network as yard gullies are located below floor level (minimum 150mm), and only just above finished ground level (minimum 100mm) and can be subject to high inflow. If we see even pockets of localised inundation in the development, we could see far reaching impacts on flows hitting the proposed 7 new pump stations and the existing Tuncurry/Hallidays Point Sewer Scheme.

Vacuum/Gravity

Vacuum sewer, while highlighted as the least favourable option, is also more prone to service outages if inundated. Gravity is the quickest to recover after flooding/high rain events and is the preferred option. Council's experience with vacuum systems in other similar development areas is not positive.

Overland flow

There is suggestion that, due to the high permeability of the in-situ soils, the site would not receive surface flow in wet conditions. Our experience in other similar sand landscapes is that with high antecedent groundwater conditions overland flow can be experienced. High overland flow can see high levels of inflow to the sewer network due to localised landforms (e.g. swales, depressions). In other areas we have experienced failure of the sewer system due to this impact.

K. Wallamba Flood Study

Levels are aligned with those from other Council/DPE funded studies. The site is not impacted even in the PMF event so is best described as not flood prone. However, tailwater levels for stormwater discharge may be adversely affected in large events.

The flood study and the Groundwater Modelling Report/Integrated Water Cycle Management Plan are siloed with no consideration of combined events which are likely considering that historically the major groundwater events align with major riverine flooding events.

It is noted that such an event occurred in March 2021 and created significant areas of sustained inundation across the site, including the existing golf course. This was repeated during the major and sustained rain event in May 2022.

There is an increasing likelihood of these events occurring more frequently in the future as ground water levels rise and storm frequency and intensity increase as a result of climate change. These factors, coupled with the challenges associated with removing and treating stormwater from the site, indicate that without significant levels of fill being applied to the site, ongoing water management will be a challenging and costly component of the proposed development.

Independent Stormwater Management System Review

Council was party to and supported the outcomes of the independent review of the stormwater management system.

However, the documentation provided as part of the public exhibition, including the addendum to the IWCMP, indicates that **despite the independent review the applicant has included information in the addendum that contradicts the agreed outcomes in the letter of intent which are drawn from the independent review.**

P1. Integrated Water Cycle Management Plan

Water & Sewer Systems

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Due to the low topographical nature of the area, the primary focus in the applicant's documentation is on stormwater management. However, consideration for maintaining the water and sewer systems in potentially water-charged ground also needs to be addressed.

Council is in the process of reviewing and updating its IWCM (due June 2023) with the draft IWCM Issues Paper only recently completed.

Until such time as our IWCM is finalised it would be premature for Council staff to respond on issues and/or provide options related to Water & Sewer. Given that both the Water & Wastewater (Sewer) Servicing Strategies require a comprehensive revision to incorporate earlier responses submitted from Council staff it would be prudent to ensure that all relevant IWCM outcomes are addressed at that time.

Water Quality

The water quality treatment document titled "North Tuncurry Development Project Integrated Water Cycle Management Strategy" (April 2019) by SMEC consulting has been reviewed, with the following comments:

The Integrated Water Cycle Management Strategy proposes that the treated water from the bioretention and high flows that are not treated by the bioretention are directed to water management basins within the development. The water management basins are proposed to cover 18.1ha and will be a combination of open water and ephemeral areas and form a central focus for the development. It is anticipated that some lowering of water quality conditions in the water management basins will occur over time as the nutrient loads retained by the basins will increase. Increased nutrient loads can result in unsightly and potentially toxic algal blooms and as such, measures need to be put in place to reduce the risk of water quality decline.

Water bodies in urban settings are susceptible to overgrowth of undesirable aquatic plants and aquatic weeds. Aquatic weeds (often escapees from garden ponds) present biosecurity risks which are expensive to remove and require intensive ongoing maintenance. Comprehensive monitoring and maintenance are required to ensure the risk of such outbreaks are minimised.

Interventions over and above the water quality treatment systems (bioretention) that will provide water quality protection for these basins will need to be identified in the detailed designs and a maintenance, monitoring and adaptive management plan will be required. The maintenance, monitoring and adaptive management plan must identify preventative measures, routine maintenance and monitoring and contingency actions for both water quality and weed management.

Action: Prior to approval of the first development application provide:

- **Detailed designs for the water management basins that will assist with optimising water quality**
- **Maintenance and monitoring and adaptive management plan to address water quality issues and the management of weeds and biosecurity threats.**

Maintaining water quality and managing weeds within the water management basins present a lot of unknowns for Council. Even with a comprehensive maintenance and monitoring plan, the quality of water and abundance of weeds in the water management basins cannot be guaranteed. While the risk of these systems failing is low, there is residual biosecurity risk and risk of water quality decline. These risks can be addressed by ensuring that the maintenance, monitoring and adaptive management plan is implemented, and the water management basins are:

- well maintained,
- water quality is monitored,
- community are educated about reducing their impact on stormwater quality and weeds, and
- the approach to management is adaptive and water quality improvement measures are installed in response to changing water quality conditions.

Dedicated funding will reduce these residual risks. This funding will need to include a reserve fund to address major maintenance issues and cover the cost of ongoing maintenance when the development has not reached its development potential and as such rates / special rates do not cover the ongoing

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cost of maintenance. Note: these water management basins will be constructed prior to any development lots being released thus limiting rate revenue for maintenance.

Actions:

- **Developer to maintain the water management basins for 2 years following the release of the first subdivision certificate.**
- **Include a developer funded 'reserve fund' in the planning agreement to cover major maintenance of water management basins and ongoing maintenance (to address the shortfall in funds available from rate revenue while the development is released) - \$1,700,000 Reserve fund based on maintenance costs for 8 years (see Table 1 calculations).** Note a summary of costs for both the water management basins and water quality treatment are included in Table 3.
- **Include the cost of ongoing maintenance of water management basins in an application to IPART so that ongoing maintenance costs are funded by rate revenue (\$100 per year per dwelling).** Note a summary of costs for both the water management basins and water quality treatment are included in Table 3.

Water Management Basins Activity	Cost per year \$2022
Water Management Basin maintenance ~	\$52,000
Water Management Basin major maintenance ^	\$100,000
Water Management Basin monitoring #	\$20,000
Community education	\$5,000
Cost per year in 2022	\$177,500
Contingency for regional contractors 10%	\$17,750
General contingency 10%	\$17,750
TOTAL COST PER YEAR	\$213,000
8 year developer reserve fund	\$1,704,200
Cost per household in 2022	\$100.33

Table 1: Estimated cost to maintain Water Management Basins

~ Calculated based on 50% of the cost to maintain wetlands >10,000m² from *Water Sensitive Urban Design Lifecycle Costing data, Melbourne Water, 2013* (\$0.29/m² in \$2022)

Calculated based on the costs for water quality sampling at 6 sites, 12 times a year in \$2022.

^ Calculated based on a one off cost (over 40 years) of 25% of the cost for constructing a wetland >10,000m² from *Water Sensitive Urban Design Lifecycle Costing data, Melbourne Water, 2013* (\$22/m² in \$2022)

The water quality management strategy proposes 8,300m² of bioretention swales within the road reserve (distributed throughout the development). Council supports the construction of bioretention systems are our preferred approach to water quality treatment and represent a key feature of the water quality management strategy for this development.

Research has shown that bioretention swales within the road reserve are significantly more expensive to maintain than centralised bioretention systems, this is largely due to the costs of traffic control during maintenance and the impacts of residents' activities on swales in front of their property (\$11.50/m² compared to \$5.75/m² in \$2022) (*Water Sensitive Urban Design Lifecycle Costing data, Melbourne Water, 2013*).

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These figures equate to a range between \$109 - \$135 per household per year). Further investigation of design options for centralised systems is required to determine if it is feasible to centralise the bioretention thereby reducing the ongoing costs for maintenance.

Action: Include the need to identify a water quality treatment option that will minimise the ongoing operational and maintenance liability to Council in the planning agreement. This should include an independent review of water quality treatment design options for a centralised water quality treatment, the final approach to be agreed with Council.

Significant areas of bioretention are proposed for this development. Without dedicated funding for their maintenance there is the risk that they won't be maintained effectively contributing to reduced water quality within the water management basins, the Wallamba River and the receiving groundwater ecosystems. If bioretention are not effectively maintained the risk of algal blooms within the 18.1ha water management basins resulting in ongoing customer dissatisfaction. Estimated costs for maintaining bioretention range from \$112 per dwelling per year (centralised bioretention) to \$139 per dwelling per year (centralised bioretention) in 2022 (*Water Sensitive Urban Design Lifecycle Costing data, Melbourne Water, 2013*). These costs include the lifecycle costs of ongoing maintenance and resetting bio-filter every 20 years (Table 2). The necessary maintenance costs represent a significant shortfall from the \$12.50 per household collected by Council for water quality management through the stormwater maintenance charge (the charge is capped by the State Government).

Given this shortfall in funding and the uncertainty around the cost estimates, the risk can only be reduced by establishing dedicated funding for maintenance. This funding will need to include a developer reserve fund to address ongoing maintenance when, at the beginning of the development the rate base is low as development potential has not been reached.

Actions:

- **Developer to maintain the bioretention during the establishment phase (2 years following the release of the first subdivision certificate).**
- **Include a developer funded 'reserve fund' in the planning agreement to cover ongoing maintenance of bioretention (to address the shortfall in funds available from rate revenue while the development is released) – Total \$2.95M Reserve fund based on maintenance costs for 8 years (see Table 2 calculations) to be paid proportionally at the release of each stage of the development.** Note a summary of costs for both the water management basins and water quality treatment are included in Table 3.
- **Include the cost of ongoing maintenance of bioretention in an application to IPART so that ongoing maintenance costs are funded by rate revenue (\$123 per dwelling per year).** Note: this figure accounts for the cost of maintaining the bioretention swale presented in the exhibition documents and takes into account funding available from the stormwater services charge. A summary of costs for both the water management basins and water quality treatment are included in Table 3.

Bioretention Activity	Low (Centralised Bioretention) Cost per year in 2022	High (bioretention swale) Cost per year in 2022
Routine maintenance ~	\$150,000	\$197,000
Major maintenance ^	\$42,000	\$42,000
Cost per year in 2022	\$192,000	\$239,000
Contingency for regional contractors 10%	\$19,200	\$23,900
General contingency 10%	\$19,200	\$23,900
TOTAL COST PER YEAR	\$230,400	\$286,800

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8 year developer reserve fund	\$1,843,400	\$2,294,400
Cost per household in 2022	\$108.53	\$135.09
Shortfall in funding +	\$96.03	\$122.59

Table 2: Estimated cost to maintain bioretention (centralised and distributed)

~ Calculated based on cost to maintain on street bioretention > 250m² / centralised basins >500m² from *Water Sensitive Urban Design Lifecycle Costing data, Melbourne Water, 2013* (\$11.50/m² and \$5.75in \$2022)

^ Calculated based on a resetting bioretention twice in 40 years from *Water Sensitive Urban Design Lifecycle Costing data, Melbourne Water, 2013* (\$100/m²)

+ This figure takes into account \$12.50 per household that will be used for the maintenance of water quality treatments (representing 50% of the \$25 charged). Note that the stormwater services charge has was set by the State Government in 2005 and has not increased with CPI.

- Summary of anticipated maintenance costs for all aspects of the water quality and water management basin management and maintenance are summarised in Table 3 below. This table outlines the household and developer contributions required. Assumptions for the figures summarised here are include in Tables 1 and 2.

Include a developer funded 'reserve fund' in the planning agreement to cover ongoing maintenance of bioretention (to address the Activities	Water Management basins and low estimate for centralised bioretention - cost per year in 2022	Water Management basins and higher estimate for bioretention swale - cost per year in 2022
Routine maintenance bioretention	\$150,000	\$197,000
Major maintenance bioretention	\$42,000	\$42,000
Water Management basins maintenance	\$52,500	\$52,500
Major maintenance of water management basins	\$100,000	\$100,000
Water management basin monitoring	\$20,000	\$20,000
Community education	\$5,000	\$5,000
Cost per year in 2022	\$369,500	\$416,500
Contingency for regional contractors 10%	\$36,950	\$41,650
Contingency 10%	\$36,950	\$41,650
TOTAL COST PER YEAR	\$443,400	\$499,800
8 year developer reserve fund	\$3,547,200	\$3,998,400
Cost per household in 2022	\$209	\$235
Shortfall in funding	\$196.50	\$222.50

Table 3: Summary, anticipated maintenance cost for water management basins and bioretention.

The water quality management strategy proposes the installation of 5KL rainwater tanks on each dwelling plumbed to laundry, toilets, hot water and outdoor use. As this is a critical component of the stormwater strategy, these requirements will be included in the development application conditions of consent.

Action: Council to include rainwater tank requirements on the 88B instrument during development assessment

If bioretention swales distributed throughout the development are the preferred approach to water quality treatment the typical street raingarden configuration proposed in the Integrated Water Cycle Management Plan will need to be modified to be more practical. It is considered that 1(v):3(h) raingarden batters would be too steep and should be reduced, consideration for safety when stepping out of vehicles when parked on the side of the road will need to be considered.

The DCP refers to street parking, as such this should be considered carefully. Based on the typical cross section provided, the current planned extended detention depth of 0.3m would result in stormwater ponding into the road pavement area. It is considered that an extended detention depth of 0.15 to 0.2m is likely to be more practical within the streetscape.

Whilst these details can be resolved at a later stage of the development, it is important that sufficient space is allocated in the road reserve for water quality treatment without having to compromise on design standards (or require higher cost designs) due to road reserve widths being insufficient.

Action: Include the need for further assessment of the constructability of bioretention swales and size of the road reserve in the planning agreement (if bioretention swales are the chosen approach to stormwater management).

P2. Integrated Water Cycle Management Plan Addendum

Unresolved stormwater management concerns:

It is noted that the applicant has not provided any examples where similar pipelines have been built and operate effectively with such small grades, over such a distance (2km).

The pipe grades proposed are unmanageable from a siltation perspective. The surcharge pit type outlet will contribute further to siltation issues. Relying completely on inlet protection is not enough to manage silt as clearing this inlet will be a difficult activity during a flood and it could potentially be running for weeks during an elevated ground water event.

The pipe will not be self- flushing.

Pits will be required at 100-150m intervals to enable cleaning.

The phrase '*the pipe will be constructed as shallow as possible*' is redundant as the concept depths are defined by the inlet and outlet levels (low tide level for the outlet). The information is unclear and creates an additional level of concern as the proposal appears to propose numerous different grades rather than a constant grade for the proposed pipe's construction.

The low tide level for the tidal flap outlet does not seem to consider sea level rise. It will be permanently underwater by the year 2100 and will be very difficult to maintain. Pumping the quantity of potentially contaminated water involved would need considerable environmental controls and the water may need treatment before it can be discharged to the environment.

Currently Council has numerous assets in Tuncurry with serious sand infiltration issues and these assets have steeper grades than what is being proposed.

The viability of using poly pipes will also need to be assessed based on other factors such as available pipe cover. Noting the proposal is to have the pipe as shallow as possible these two aspects appear to be incompatible.

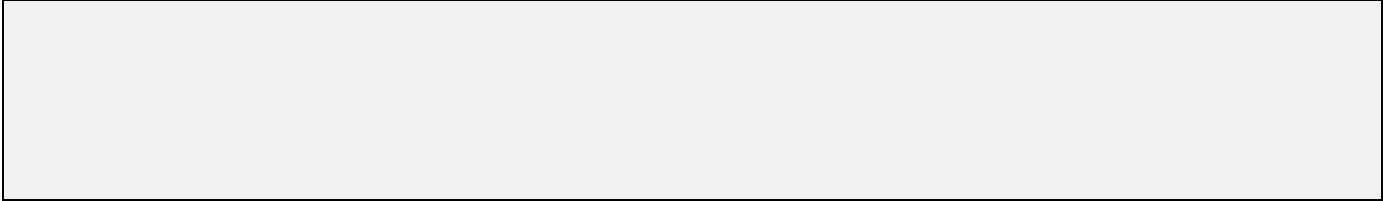
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It is very unlikely that blockages could be addressed within a 24 hour period. This creates operational issues - by the time it became obvious there was a blockage, the water would be beyond the basins and it would depend on where the blockage was on how long it would take to clear. In addition, the blockage was located at the inlet, this could create a safety risk to clear if there are elevated water levels.

Council's Project Team have undertaken preliminary estimates of maintenance and replacement costs for the gravity-drain pipe as proposed for the NTURA development, which are in excess of the costs required to maintain conventional stormwater infrastructure associated with the development, normally covered by the general fund and stormwater levy.

Based on industry standards and \$2020 cost estimates, approximately \$80 per lot per year, will be required for maintenance and replacement costs for the gravity-drain pipe, and these costs are accounted for in the Statement of Intent, to be addressed either through the future Planning Agreement or IPART Special Rate Variation.

Item	Cost (2020)	Annualised cost		
Annual draining and clear out of outlet (assumes inlet clearing is part of basin maintenance)	\$25,000.00	\$25,000.00	includes disposal of fetid water and small amount of sediment	
Annual survey of full length	\$40,000.00	\$40,000.00	based on current rates for large pipes	
10 yearly removal of sediment from full length (vacuum truck)	\$500,000.00	\$50,000.00	based on 10% blockage and does not include disposal costs of material removed	
10 yearly sediment disposal (10% blockage and \$200/tonne disposal fee)	\$38,760.96	\$3,876.10	see calculation below	
	Total annual maintenance	\$118,876.10	This is considered a total shortfall due to the fact that it is a bespoke piece of infrastructure and Council will have to maintain conventional stormwater infrastructure associated with the development out of the general fund and stormwater levy.	
Sediment estimate				
10% blockage area (m2)	length (m)	Volume (m3)	Mass (kg)	Mass (tonne)
0.0672	2000	134.4	193804.8	193.8048
Replacement estimate for gravity pipe for NTURA development				
Replacement cost 2020	\$2,450,000.00	\$49,000.00		
Useful life based on potential acid sulphate bedding environment	50			
Total maintenance and replacement (annual) 2020 value		\$167,876.10		
Lots		2100		
	Cost/lot/year	\$79.94		



Services and Infrastructure matters

L. Traffic Management and Access Plan

Northern Access arrangements

The new access onto The Lakes Way (1.2km north of Chapmans Road) is proposed to be a roundabout. However, The Lakes Way at this location has a speed limit of 100km/h and roundabouts are not allowed on roads with speeds higher than 80km/h.

The speed at the roundabout could be reduced to 80km/h if the agreement of TfNSW is provided (given the Lakes Way is a state road). A reduction in speed limit would be best addressed through subsequent stages of design, and more specifically post rezoning when development commences.

Furthermore, the intersection is configured with one lane in each direction to match the proposed upgrades identified in Council's Forster District Development Contributions Plan (still titled as a Section 94 Plan on Council's website but construed to be a Section 7.11 Contributions Plan in line with amendments to the Environmental Planning and Assessment Act, 1979 and herein referred to as the Contribution Plan (Section 94).

Note: the Contributions Plan refers to The Lakes Way as Tuncurry Road.

Council's existing Contributions Plan (Section 94) indicates that the duplication of The Lakes Way is only proposed from between 250 metres north of Chapmans Road and Grey Gum Road. As such, The Lakes Way is modelled with one lane in each direction 250m north of Chapmans Road and the TMAP adopts the design assumed by Council's existing Contributions Plan.

In addition, the midblock has been assessed based on the 1,200 vph as it is anticipated the speed would be 100km/h at the midblock location, noting that the speed would only reduce to 80km/h closer to the roundabout. In any case, the intersection capacity and performance are based on SIDRA modelling. As such, the performance of this roundabout is not dependent on speed.

The Lakes Way is to be considered for two lanes each way between the new northern access and Chapmans Road to maximise capacity and flow along this section. The report is assuming 100km/h capacity (1,200) but as the speed limit will have to be reduced for the roundabout then the capacity will be reduced creating delays on the (existing) single lane road.

The existing traffic signals at The Northern Parkway also create queues for southbound traffic into Tuncurry during the morning peak and the queue can be a significant distance north of the Chapmans Road intersection. The installation of a two lane carriageway southbound will provide additional storage from the northern access should it be needed.

Southern Access arrangements

The NTURA proposal nominates The Lakes Way/New access road intersection, located approximately 1.2km north of Chapmans Road, as the primary access point into the site. This access point would connect to the north-west of the site and is proposed to provide the most direct route for those within the site to travel north to connect to the Pacific Highway and beyond.

However, the document also states that *"The majority of NTURA residents wishing to access Manning Street, Forster and areas to the south are not expected to use the Beach Street access. This is evidenced by Council's Contributions Plan which forecasts a 2027 opening date, suggesting that this is not a strong path of travel. The extension is proposed primarily to facilitate staging and provide permeability."*

The TMAP assessment of the future scenarios also *"indicates there is good network performance along The Lakes Way to accommodate future traffic movements from the NTURA and there is currently spare capacity on Beach Street during typical weekday peak hours"*.

The applicant cannot make the statement that roads east of Manning Street have "spare capacity" while also acknowledging that the additional traffic will have a negative effect on the residents and businesses, without any plan to address these impacts.

Therefore, while the statement is acceptable in assessing pure traffic volumes it will be important to assess the traffic impacts of each stage of the development's release as additional vehicles are generated from North Tuncurry.

This would enable timely and appropriate actions to be taken to address the impact of additional traffic through these areas, i.e. staged traffic calming plan, that will ensure the amenity of the area is not reduced by the additional traffic from North Tuncurry.

Other comments

Section 6.2.2 of the TMAP (street hierarchy in the proposed development section) has been revised to acknowledge the future need to install traffic calming measures along the north-south road to reduce speeds.

Examples of measures that could be delivered during construction include speed cushions, speed humps, narrowing traffic lanes and kerb extensions, noting that any devices proposed for this route must be bus friendly as it is also an identified bus route. These initiatives are all matters of detail that would be best addressed as part of future development applications, however there is nothing at this stage of the rezoning proposal to preclude those initiatives from being implemented.

The proposed infrastructure upgrades listed in Section 10.1 Conclusions and recommendations, Paragraph 4 are supported and should be installed well before the NTDP traffic as an effect on the existing road network.

X. Water Servicing Strategy

General Comment:

Previous comments provided in 2019 have not been incorporated into the Servicing Strategy. The Servicing Strategy requires a comprehensive review to address comments provided and revised option analysis conducted and supported with financial values representative of current and future costs.

It is further noted that the Test of Adequacy document states that both;

"Water Servicing Strategy and Wastewater Servicing Strategy Appendices X and Y conceptually demonstrate that the NTURA is able to be serviced. Specific infrastructure design matters will be considered as part of future development applications"

What is unclear is how many Development Application stages are envisaged and the likelihood that the future development will be completed by unknown parties. Staging of the development will dictate the timing of major infrastructure works.

It is essential that the Servicing Strategies are revised to provide an integrated approach for the delivery of water and sewer services and associated infrastructure that will address the potential impact of multiple Development Applications associated with NTURA along with demands from other competing future developments.

The Servicing Strategy requires clear identification of NTURA's lead in infrastructure requirements and a staging plan for the upgrades, construction and servicing of water & sewer infrastructure at the various development stages.

Based on the information publicly available more specific comments are provided below. However, Council's Water Department request further engagement to assess strategic options and analyse detailed proposals at key triggers in the Development Application process.

Detailed Comments:

Section 5 – Water Demands

Table 5-2 summarises water demands based on figures from MCW Design Manual, which is now no longer relevant. Calculated water design flows are too conservative. MidCoast Council's current draft Water Supply Design Guidelines specify the following demand figures:

- Peak Day Demand (future development), PDD = 2,000 Litres/day/Equivalent Tenement

Peak Instantaneous Demand, PID = 0.05 Litres/second/Equivalent Tenement (based on Peak Hour Factor of 2.2 for future residential development) Preliminary water main sizing to be re-designed based on the new demand figures.

Section 6 – Water Servicing – Trunk

The water servicing strategy correctly states that the NTURA shall be supplied by the Rainbow Flat Reservoir within the Manning Water Supply Scheme. However, this report section contains several errors. Summary of corrections below:

- Rainbow Flat Reservoir capacity = 5.6 Mega Litres (not 4.5 Mega Litres)
- Rainbow Flat Reservoir Top Water Level = 78.8 m, Bottom Water Level = 69.6 m, two-thirds Top Water Level = 75.8 m (all figures in mAHD)
- The NTURA shall NOT be serviced from the Diameter Nominal 600 Ductile Iron Cement Lined water main. This is a dedicated trunk main that supplies Forster Reservoir from the Lantana Water Pumping Station (and Darawank Water Pumping Station). There are no customer connections on the Diameter Nominal 600 due to high pressure fluctuations resulting from pump operations.
- The NTURA shall be serviced from the existing Diameter Nominal 375 Steel water distribution main (parallel to the Diameter Nominal 600 on The Lakes Way). Council's hydraulic modelling indicates the Diameter Nominal 375 main currently has capacity to service the NTURA.
- Estimated head loss gradient of 3 m/km is too conservative. Council's hydraulic modelling indicates maximum head loss gradient of less than 1 m/km in the Diameter Nominal 375 distribution main based on current peak day demands.
- Residual pressure is much higher than 30m. Council's hydraulic modelling indicates the supply pressure at the proposed connection points ranges from approximately 55m (minimum) to 70m (maximum) on a peak day with the NTURA future demand.
- Residual pressures will satisfy Council's minimum pressure requirements. However, maximum pressures will likely exceed Council's ideal maximum supply pressures. It is recommended that supply pressure to the NTURA be reduced using Pressure Reducing Valves (PRVs).
- The strategy suggests the NTURA supply to initially connect from the existing Diameter Nominal 250 water main on the Northern Parkway. However, Council requests a separate supply main (Diameter Nominal 375, parallel to the Diameter Nominal 250) be installed to supply the southern portion of the NTURA.
- The Strategy suggests two Diameter Nominal 450 connection mains to supply the NTURA. Council recommends these two supply mains be reduced to Diameter Nominal 375, to feed from the existing Diameter Nominal 375 distribution main.
- Council requests that a dual feed be established early to provide reliability of supply to the NTURA. It is recommended that a second water connection to the Diameter Nominal 375 be installed before the NTURA reaches 400 Equivalent Tenements. Staging to be confirmed in the concept design.

Section 7 – Water Servicing – Internal

Concept design for internal water mains are to be amended to use new MidCoast Council's Water Supply Design Guidelines (less conservative than MCW Design Manual).

Additional review comments

There is an opportunity for the NTURA to be zoned as a District Metered Area (DMA) with advanced pressure control using bulk flow meters and Pressure Reducing Valves, installed on each of the two Diameter Nominal 375 trunk supply feeds. This will assist with leakage detection and prevention.

Y. Wastewater Servicing Strategy

General comment:

Previous comments provided in 2019 have not been incorporated into the Strategy. The Strategy requires a comprehensive review to address comments provided and revised option analysis conducted and financial values representative of current and future costs.

It is further noted that the Test of Adequacy document states that both;

“Water Servicing Strategy and Wastewater Servicing Strategy Appendices X and Y conceptually demonstrate that the NTURA is able to be serviced. Specific infrastructure design matters will be considered as part of future development applications”

What is unclear is how many Development Application stages are envisaged and the likelihood that the future development will be completed by unknown parties. Staging of the development will dictate the timing of major infrastructure works.

It is essential that the Servicing Strategies are revised to provide an integrated approach for the delivery of water and sewer services and associated infrastructure that will address the potential impact of multiple DAs associated with NTURA, along with demands from other competing future developments.

The Servicing Strategy requires clear identification of NTURA’s lead in infrastructure requirements and a staging plan for the upgrades, construction and servicing of water & sewer infrastructure at the various development stages.

Based on the information publicly available more specific comments are provided below. However, Council’s Water Department request further engagement to assess strategic options and analyse detailed proposals at key triggers in the Development Application process.

Assessment Summary:

Adding 2,303 Equivalent Tenements to the sewer system, treatment plant at Halliday’s point will need to be assessed. The options assessment 6.2 in appendix Y already states that Tuncurry 23 and Halliday’s Point Sewage Treatment Plant can accept the ultimate flows but upgrading Tuncurry 23 will be required.

Council’s Water Department noted that there are limitations with the Strategy proposed in Option 2A. There are concerns regarding the management of sewage flows to Tuncurry Sewage Pumping Station 23 should the development trigger an upgrade to the pump station that will require a pump station shut down. If Option 2A is pursued, the responsibility for managing and financing triggered upgrade works (civil/mech/electrical) will be borne by the developer, whilst ensuring sewer servicing capacity is maintained.

Council’s Water Department will require more detail for the operating and maintenance costs for Option 1A and Option 2A in order to make an accurate assessment. Council’s Water Department requires the inclusion and details for the Halliday’s Point Sewage Treatment Plant upgrade in the Wastewater Strategy. As there are also some concerns regarding the existing hydraulic capacity of the inlet works.

Detailed comments:

Where possible, the preference is to service new developments with a gravity sewer system. Vacuum sewer systems are only considered as a last resort. Options 1B and 2B are not supported.

Experience with vacuum sewer in similar developments indicates that the potential for infiltration is higher than design estimates. Yard gulley’s and swimming pool filter backwashing are primary contributors.

Council’s Water Department does not support the proposed common rising main with Tuncurry Sewage Pumping Station 23. Options 3A and 3B are not supported.

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Council's Water Department will require more detail into the operating and maintenance costs for Option 1A and Option 2A.

- An internal assessment has revealed that the costs estimated are not an accurate representation of the actual costs that would be expected.
- There does not appear to be any power consideration included in the operating and maintenance for Options 1A and 2A.
- We would also expect higher Sewage Pumping Station operating and maintenance costs with Option 2A due to the increase in overall pumping distance and additional wear of existing Tuncurry Sewage Pumping Station 23 infrastructure.

Council's Water Department have identified limitations with the Strategy proposed in Option 2A.

- There are concerns regarding the management of sewage flows to Tuncurry Sewage Pumping Station 23 should the development trigger an upgrade to the pump station that will require a pump station shut down. If Option 2A is pursued, the responsibility for managing and financing triggered upgrade works (civil/mech/electrical) will be borne by the developer, whilst ensuring sewer servicing capacity is maintained.
- Water staff have identified the advantage in sending flows to Tuncurry Sewage Pumping Station 23 as total flow to Halliday's Point Sewage Treatment Plant can be better controlled.
- Water Services requires the inclusion and details for the Halliday's Point Sewage Treatment Plant upgrade into the Wastewater Strategy. As there is some concern regarding the existing hydraulic capacity of the inlet works.

The concept presented for the gravity sewer network that includes 7 new sewage pump stations. While a gravity sewer is our preference, sewer pump stations are relatively high electricity consuming sites with little opportunity for onsite power generation (i.e. solar Photovoltaics) due to the small footprint of the site.

As Council works toward the zero carbon 2040 goal, we expect more efficient designs for sewer reticulation networks to offset emissions from running pump stations by purchasing green power. Consideration for a design with less pump stations should be considered.

The approach to service the first 180 Equivalent Tenement with existing pump station Tuncurry 22 is supported.

Z. Confirmation of electrical utilities infrastructure requirements

The letter from Essential Energy is from 2 March 2015 and the provision of electrical utilities infrastructure requirements to and within the North Tuncurry masterplan area does not appear to have been revisited since that time.

With changes in electricity requirements throughout Tuncurry and in particular, the residential development of land in the vicinity of the North Tuncurry site since 2015, **this correspondence is unlikely to reflect current requirements that may for example, include the provision of additional substations and easements to provide power to and within the proposed development.**

Major Assessment, Building Services and Heritage Matters

A. Draft Development Control Plan

General Comments:

An assessment of the draft amendment to the Great Lakes DCP for North Tuncurry Urban Release Area has been undertaken. These comments consider the previous assessment of adequacy comments provided in relation to the Draft DCP, some of which remain unresolved in the current exhibition documents.

It is also noted that, a lack of adequate information in some supporting studies makes it difficult to assess and comment on certain components of the draft DCP.

Significant concerns have not been addressed by the proponent in the Rezoning Study or the Department of Planning & Environment in the Explanation of Intended Effect, regarding the relevance of the housing controls proposed in the DCP, given the provisions of the State Environmental Planning Policy for Exempt and Complying Development (Codes SEPP) will apply unless a site-specific exemption is supported by the Minister.

Detailed Comments:

16.28.1 Vision and Desired Outcomes

Housing

Desired Outcome 10 states that:

“A proposed precinct of large lots provides a sensitive transition to conservation lands to the north”

This desired outcome is considered inconsistent with the intent of the Masterplan and lot size layout which illustrates that “large lots” are to range from a minimum lot size of 800 to 1,000 square metres.

No native vegetation or biodiversity values are capable of being retained on 800sqm allotments, particularly when considering the bushfire asset protection zones that will be required to habitable structures on these lots.

Statements indicating that allotments of this size in these areas will provide a “sensitive transition to conservation lands” or the “protection of environmental attributes” are considered inappropriate, false and misleading.

If the intent was to provide a sensitive transition to surrounding conservation land, the minimum lot size would be much larger to accommodate retention of mature trees, provide appropriate bushfire asset protection, and buffers between development structures to sensitive environmental areas.

As a guide, Council's Draft Rural Strategy, exhibited in late 2021 and early 2022, proposed a 20ha minimum lot size in new C4 Environmental Living Zone areas to allow for low-scale residential development in sensitive environmental areas.

Heritage

Desired Outcome 32 states that:

“References to the site's former use as a plantation forest are incorporated at appropriate locations in the public domain”

It is noted that the site's former use as an airfield is also relevant and opportunities also exist for this to be referenced in the public domain, up to and including the identification of the former runway with suitable interpretation, its location being the existing golf club access road.

16.28.2 Subdivision

Control 4 states that where subdivision would create lots less than 250sqm in area – a detailed dwelling design must be included with the Development Application. It notes that the design must be included with an 88B Instrument attaching to the land.

It is noted that the Codes SEPP Housing Code allows dwellings to be Complying Development on lots more than 200sqm. Questions remain as to the format of the DCP given the range of Exempt and Complying Development options available in the Codes SEPP. The Codes SEPP has the effect of negating and undermining any DCP requirement for dwellings unless an exemption to this SEPP is established.

It is considered problematic for the DCP to require a dwelling design to be included on a 88B Instrument, which only allows a description enforcing certain positive covenants over the land. An 88B Instrument would however be able to refer to Design Guidelines throughout the development. It is suggested this control be amended and /or reworked and/or guidelines be prepared.

Control 5 requires a building envelope plan (BEP) to be submitted for all lots in a subdivision development application.

It is not clear whether this BEP is to only for the dwelling house or will include other buildings and structures that would be exempt under the Codes SEPP, including but not limited to, garden sheds, gazebos, aviaries, barbeques and cubby houses.

Additionally, provisions for swimming pools under the Complying Development provisions of the Codes SEPP do not appear to have been considered.

Additional development controls for subdivision should also be provided:

- To address the Crime Prevention through Environmental Design (CPTED) guidelines
- To avoid the creation of battle-axe allotments and reliance on right-of-carriageway arrangements, or the like

Control 6 requires that a public domain plan (PDP) be submitted as part of an application for subdivision.

It is suggested that this control be reworked/reworded to avoid the onerous requirement for the submission of PDP for all subdivision applications. PDP information may be most appropriate when applications are provided for the subdivision of each Stage identified in the North Tuncurry masterplan.

Additionally, whilst it is agreed that information on landscape treatment in the PDP within private lots is not required, the DCP does not appear to provide for, accommodate or encourage any private tree planting on individual allotments.

Street furniture, as detailed in Control 7, shall also include the provision of public bicycle racks.

16.28.3 Streetscapes

Control 11 indicates that pram ramps are provided to all street corners. It is suggested this be reworded to include ramps suitable for motorised wheelchairs (gophers) used by less mobile residents and visitors. The footpaths and ramps must also be of a width that can accommodate these vehicles, without obstructing other pedestrian movement.

Control 18 indicates a level of on-street carparking is to be provided in each street block. It is suggested that this control be expanded to include additional detail in the PDP indicating the form and design of this on street carparking.

Figure 4, which demonstrates a reliance on linear parallel car parking is considered inadequate, in consideration of the size and extent of the development area, and the range of housing forms being considered, a diverse range of on-street car parking options should be provided. It is noted that grouped car parking, parking in medians and 45° angle parking for example, are not fully considered but may provide a more efficient parking layout in certain locations.

16.28.4 Dwelling Houses on Small Lots

Control 1 (which should continue the numbering format to 22) introduces development standards for dwelling houses as indicated through the differing types of dwelling lots in Tables 3 to 6 (not 4 to 7 as stated). These controls are very similar to those in the Codes SEPP and the following comments apply:

- a greater setback should be provided for the garage of the primary dwelling

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- corner lot setbacks need to be reconsidered, particularly for truncated corners, to maintain traffic sight distances
- The tables use definitions such as semi-detached house which are not standard definitions from the [Standard Instrument Principle Local Environmental Plan Dictionary](#). All dwelling types must be described using defined terms from the Standard LEP.

No DCP provisions appear to have been included for development that falls outside of the development standards prescribed in the Low-Rise Housing Diversity sections of the Code SEPP specific to manor houses, dual occupancies or terrace housing.

Furthermore, despite the higher densities proposed in Figure 2, and the indication of apartment living, no specific DCP provisions are provided for apartment or multi-unit housing specific to this urban release area which, from the EIE, Rezoning Study and other material provided with the proposal, should encourage high levels of design that exceed the development standards prescribed in the Code SEPP.

16.28.5 Special Character Precincts

16.28.5.1 Nine Mile Beach

Control 4 stipulates that fencing is to be of open design and construction to facilitate engagement between public and private domains. It is suggested that this control be expanded to include fencing that allows for the movement of wildlife.

Controls 5 and 6 seem to contradict each other in relation to the tenure of roads.

Control 8 needs to be reworded to clarify what this means. Presumably, it prohibits garages on the eastern boundary, but this is not clear.

Additional provisions should include provisions for the design and spacing of buildings in certain locations to maintain of views to the foreshore from the public north-south road.

Additional controls are also required to address the impacts of oceanfront development on nesting habitat and migratory species, particularly the potential effects of lighting, modified landform and vegetation.

16.28.5.2 B2 Local Centre Precinct

Additional controls are required to stipulate that loading bays, waste collection points etc. are to be located and designed so that they are not visible from the public domain, beach, or other outdoor recreation spaces.

16.28.6 Open Space Network

Additional development controls need to be included that:

- identify a park and open space hierarchy within the proposed open space network within Figure 10. Such a hierarchy should consider the existing open space and park hierarchy within the adjoining areas of Tuncurry, including a regional playground facility and the existing regional sports fields to the south.
- provide a range of age appropriate and all-ability play equipment associated with the corresponding space hierarchy, up to and including set-aside and quiet spaces
- the use of recycled water in recreation and open space areas
- the installation of water filling stations, rubbish receptacles etc.
- consider the provision of an “off leash” dog park
- provide space for community gardens, including one garden within the Mt Talawahl space
- bicycle and pedal-boat hire facilities

16.28.7 Movement Network

The following comments are made regarding these development controls:

- No details or preliminary concept designs are provided in relation to pedestrian crossing points on avenues or collector roads

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- Planted medians such as those detailed in Figure 21 and 22 act as an impenetrable barrier to pedestrians. In terms of the concept design for an Avenue, with pedestrian and cycle paths being provided on only one side of the street, but on-street car parking provided on both sides, provisions need to be made that ensure that people exiting their vehicles, can access a footpath safely
- the practicality of maintaining a grass strip in between the on-street carpark and footpath in all areas is unclear
- the parking network should be designed to accommodate electric car charging stations
- shared zones are to be clearly delineated from other street networks, using paving colour, material and textures.

16.28.8 Community and Cultural Facilities

Public art sites, meeting places, learning circles, camping sites and bush food trails should be determined in consultation with Local Aboriginal Land Council and community representatives, not the Lakkari Aboriginal Corporation.

16.28.9 Environmental Conservation

Specific comments relating to the Rezoning Study and Biodiversity Certification Assessment Report (Appendix Q) also highlight matters relating to this section, namely:

- the proposal does not adequately consider or address the existing environmental management and conservation provisions in the existing Great Lakes DCP, which require a higher level of assessment than proposed in the draft DCP
- there are significant unresolved issues with biodiversity conservation relating to the beach habitats and their buffers
- the impacts on Tuncurry Midge Orchids and habitat cannot be adequately addressed or compensated via a Development Control Plan
- there are significant unresolved issues with the development as it relates to the 2100 coastal; inundation hazard line which cannot be addressed via a Development Control Plan.

The matters raised elsewhere in this report must be addressed before appropriate development controls can be prescribed.

16.28.10 Flooding and Water Cycle Management

Specific comments relating to the Rezoning Study, proposed Stormwater Management System, Coastal Processes, Hazards and Planning Study (Appendix I1), Coastal Process Addendum (Appendix I2), Integrated Water Cycle Management Plan (Appendix P1) and Integrated Water Cycle Management Plan Addendum (Appendix P2) highlight matters relating to this section, namely:

- There are significant unresolved issues with the design, efficiency, effectiveness, cost, maintenance and operational viability of the proposed stormwater network system, water management basins, and infiltration as a drainage method given current high groundwater table levels.

The matters raised elsewhere in this report must be addressed before appropriate development controls can be prescribed.

D. Visual Assessment

A general comment regarding the proposal and its visual impact assessment, is that both the masterplan design, road layout and built form give the effect of "privatising" beach access and views. The urban design principles of 'view sharing', i.e. locating taller buildings landward and reducing heights closer to the primary view; and maintaining public foreshores, are not adequately reflected within this State-led proposal.

This, in addition to a masterplan design that locates the highest residential, commercial and infrastructure investments in the area most likely to be impacted by coastal hazards, should be reconsidered to ensure a more equitable outcome for future residents.

1. Visual prominence – the degree to which a place can be seen from other locations

The residential component of the proposed NTURA is most visible along the 9 Mile beach foreshore. The two areas proposed to be zoned R3 Medium Density, with a maximum height of 20 metres are particularly imposing, looking back from the main Tuncurry and Forster beaches. The bay-like curve of the coastline adds to this issue.

NOTE: the 20m maximum building height is discussed throughout the proposal as allowing buildings of up to 5 storeys. However, within a multi-storey building the standard height for each floor is usually calculated at approximately 3m; and the Standard Instrument LEP Clause 4.6 allows for up to a 10% variation to the height of building controls. Therefore, a 20m height limit would often allow buildings up to 7 storeys high.

The proposed B5 Business Development zone no longer exists following the Department's Employment Zone review. Council is recommending that this area, adjacent to the existing high school and TAFE be included in the E3 Productivity Support zone instead.

The E3 zone generally has a maximum height of buildings of 8.5m. NTURA is proposing a 12m maximum height of buildings, this compounds the visual impact along The Lakes Way. This will need careful screening and setbacks to soften the bulk of buildings that could be developed here.

The proposed IN1 General Industrial zone has also been recommended for inclusion in the E5 Heavy Industrial zone in response to the Department's Employment Zone Review. This area is identified as having a maximum height of buildings of 10m. There is less visual impact due to the distance from residential dwellings, however landscaping, screening and setbacks of any industrial buildings in this location will be important as this is the main access road into Forster and Tuncurry. It is also noted that this type of zoning will lead to an increase in heavy vehicle traffic along this main entrance road.

2. Visibility – the degree to which a place enjoys fore, mid and background views

Internal visual impacts from the perspective of looking outwards from the NTURA development have not been considered.

It is therefore not clear how the 20m high buildings that could be developed in the R3 Medium Density Residential zones impacts on the other, smaller scale residential development that surround these areas.

This comment also applies to the proposed employment zones, particularly the business zone at The Northern Parkway entrance to the NTURA site.

3. Areas where change in vegetation or appearance would be particularly noticeable and/or objectionable.

The proposed use of Norfolk Island pine trees to line the foreshore collector road behind the development, has a negative visual impact as it does not match the surrounding vegetation species.

The snapshots taken from the report show the trees are visually prominent and do not complement the existing vegetation. It is recommended that the proponent use an alternative native tree species, in keeping with the current ecology and visually sympathetic to the horizon line.



Current view from the Breakwall at 9 Mile Beach (p13)



View following proposed NTURA development (p13)

4. Results must be mapped at an appropriate scale.

Generally, it is difficult to gauge the true impact of the proposed development from the images used in the report. The limitations on converting the documents to PDF have created pixelated images of the proposed development. It is therefore very difficult to know what is being represented outside of the two prominent R3 Medium Density Residential sites, which have a proposed 5 storey height limit.

Below shows a comparison of images, one showing how the image appears in the report and another with the development enlarged. It is unclear what the coloured pixelated lines extending from the 2 prominent R3 medium density sites are, buildings, rooftops? However, it does show the development line extending for some distance along Nine Mile Beach.



Location 13 Tourist lookout at Bennetts Head as appears in the report on page 26.



Proposed development at an enlarged scale, showing the length of the beach line affected.

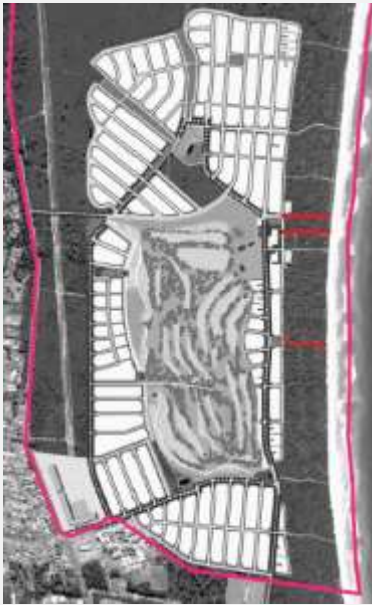


Location 12 Tourist Lookout at Second Head as it appears in the report on page 25



Proposed development at an enlarged scale, showing the length of the beach line affected.

5. Assessment should identify landscape or visual units with sufficient precision to allow council to consider the need for specific environmental protection zones or development controls.



Page 9 of visual assessment NTURA states:

Three new beach access trails are added to the existing six at key desire lines linking the development footprint to the beach to enhance public access. The trails linking the B2 Local Centre to the beach, two new and one existing, will be formalised to facilitate access for all ages and abilities. The existing trails will remain in their current form to minimise disturbance.

MidCoast Council does not recognise or maintain informal beach access points. If the NTURA proposal is relying on the six informal beach access points mentioned in the report, then this would need to be: recognised and addressed in the Biodiversity Certification Report and Strategy; and any arrangements for the ongoing management of this infrastructure recognised and addressed within the future Planning Agreement, noting the anticipated increased use and visitation to Nine Mile Beach that would occur with the addition of 4,500 residents within this location.

M. Addendum Aboriginal Cultural Heritage Assessment Report

This study was undertaken in March 2021 in response to the Bonhomme Archaeological Survey 1988. This study stated that “the foredunes and their back slopes are regarded as an area of potentially high archaeological sensitivity”.

It appears that consultation occurred with the local Aboriginal communities for this report. It states that two identified sites are not impacted by the proposed development. It provides a precautionary approach with 4 recommendations addressing minimising harm, Aboriginal cultural heritage induction, and unexpected finds procedures for Aboriginal objects and human remains.

Aboriginal Cultural Assessments are reviewed by the Department of Planning and Environment to ensure the approach meets their requirements.

Therefore, the assessment of this report should be undertaken by the Department of Planning and Environment.

N. Bonhomme Archaeological Survey

It is noted that statutory bodies have been consulted. Council does not have experts available to review the detail within this survey and Aboriginal Cultural Assessments are reviewed by the Department of Planning and Environment to ensure the approach meets their requirements.

Therefore, the assessment of this report should be undertaken by the Department of Planning and Environment.

O. European Cultural Heritage Assessment Report and Peer Review

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Based on the findings of the report, no historic heritage items were uncovered during the area inspection and the heritage report undertakes historical investigation that evidence remains of a former prison and forestry plantation at the subject location. An airfield was also located at the southern portion of the site. It is noted that the relevant authorities have been consulted.

Recommendation: Where future works uncover significant historic heritage items, works are to cease in that vicinity immediately. A significance assessment is then required to be undertaken by a suitably qualified cultural heritage specialist in accordance with NSW Heritage Office requirements to determine future action.

Environmental Health and Physical Site Analysis Matters

F. Soil Contamination Investigation

General comment:

Council has reviewed the report and while detailed feedback and comments are provided below, the fundamental concern relates to the age of the report, which was prepared in 2010.

The report is out-dated and as detailed below, not only has the site been subject to illegal dumping which may have resulted in additional areas of environmental concern to those identified in the report; the report fails to address contemporary requirements relating to contaminated land identification, remediation or management.

Therefore, the contaminated land information provided with the North Tuncurry Development Project is not adequate to determine if the land is suitable for proposed residential or commercial land use.

Detailed comments:

A review of the Soil Contamination Investigation has revealed:

- The report was prepared in 2010 following limited soil sampling carried out at the site on 12 and 13 January 2010. The report is out-dated and as shown, the site is subject to illegal dumping, which may have resulted in additional areas of environmental concern to those identified in the report.
- The nature and purpose of the Soil Contamination Investigation is unclear as it does not reference relevant NSW Environment Protection Authority (EPA) Guidelines, in particular 'Guidelines for Consultants Reporting on Contaminated Sites'.
- The Soil Contamination Investigation does not appear to follow the contaminated land process. Although previous reports prepared Environmental Resources Management (ERM) identified areas of contamination and potential contamination, the Soil Contamination Investigation appears to be preliminary in nature.
- Section 1.2 Objectives supports this and provides that an objective was to 'conduct a preliminary assessment of the risk'.
- Current Contaminated Land Guidelines do not form part of the Soil Contamination Investigation are not considered. Current contaminated land guidelines (including but not limited to) are:
 - a. Council's Contaminated Land Policy,
 - b. Managing Land Contamination Planning Guidelines (1998),
 - c. Relevant EPA Guidelines, in particular NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites,
 - d. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).
- The Soil Contamination Investigation provides that intrusive investigation comprised of hand auguring 16 boreholes to a maximum depth of 1.0m below ground level. 54 samples were collected of which 44 were sampled. The investigation report does not provide justification or rationale for the sampling program. The report did not identify the location of potentially contaminating activities on the site such as the airfield runway or area used for sand mining.
- Potential groundwater contamination/impacts have not been adequately addressed;
- References two previous environmental reports have been referred to in the Soil Contamination Investigation including:
 - a) Phase 1 Environmental Site Assessment – Landcom, North Tuncurry, NSW (Draft Report) (January 2006), Environmental Resources Management (ERM) Australia (ESA Phase 1); and

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b) Preliminary Phase 2 Environmental Site Assessment – North Tuncurry, NSW (Draft) (June 2006), ERM Australia (ESA Phase 2).

- The two reports referenced in the Soil Contamination Investigation have not been provided and have not been reviewed by Council. However, points of note provided in relation to each report as presented in the Soil Contamination Investigation are summarised below.

ESA Phase 1

- Suggested contamination to soils and possible groundwater may have occurred. No groundwater testing.
- Recommended Phase 2 contamination be conducted.

ESA Phase 2

- 'Preliminary intrusive site assessment' and does not appear to satisfy current Stage 2 Detailed Site Investigation requirements.
- Targeted soil sampling based on findings of Phase 1.
- Total petroleum hydrocarbons (TPH) and polycyclic aromatic hydrocarbons (PAH) including benzo(a)pyrene exceeded selected site assessment guidelines in shallow soils in the vicinity of the former runway and electricity easement. **Note:** selected site assessment guidelines are not provided.
- A significant amount of asbestos containing materials (ACM) was observed across the site.
- Only inferred that landfill leachate is not expected to impact groundwater. Should be confirmed as many residential premises in Tuncurry access groundwater and it is likely to occur in this subdivision.
- Identifies potential exposure to low-level radiation (Naturally Occurring Radioactive Materials (NORMs)); however, limited not additional information is provided other than activities were not 'expected' to pose a significant risk.

Potential Containing Activities and Contamination

1. Domestic waste, construction and demolition waste, pieces of scrap metal and abandoned cars;
2. Significant amount of fibrous material fragments on the ground at various locations (confirmed as containing asbestos);
3. Former airfield runway;
4. Engine oil released to ground;
5. Strip sand mining, associated dam and access tracks;
6. Former pine plantation across the whole site (herbicides and pesticides).

Findings

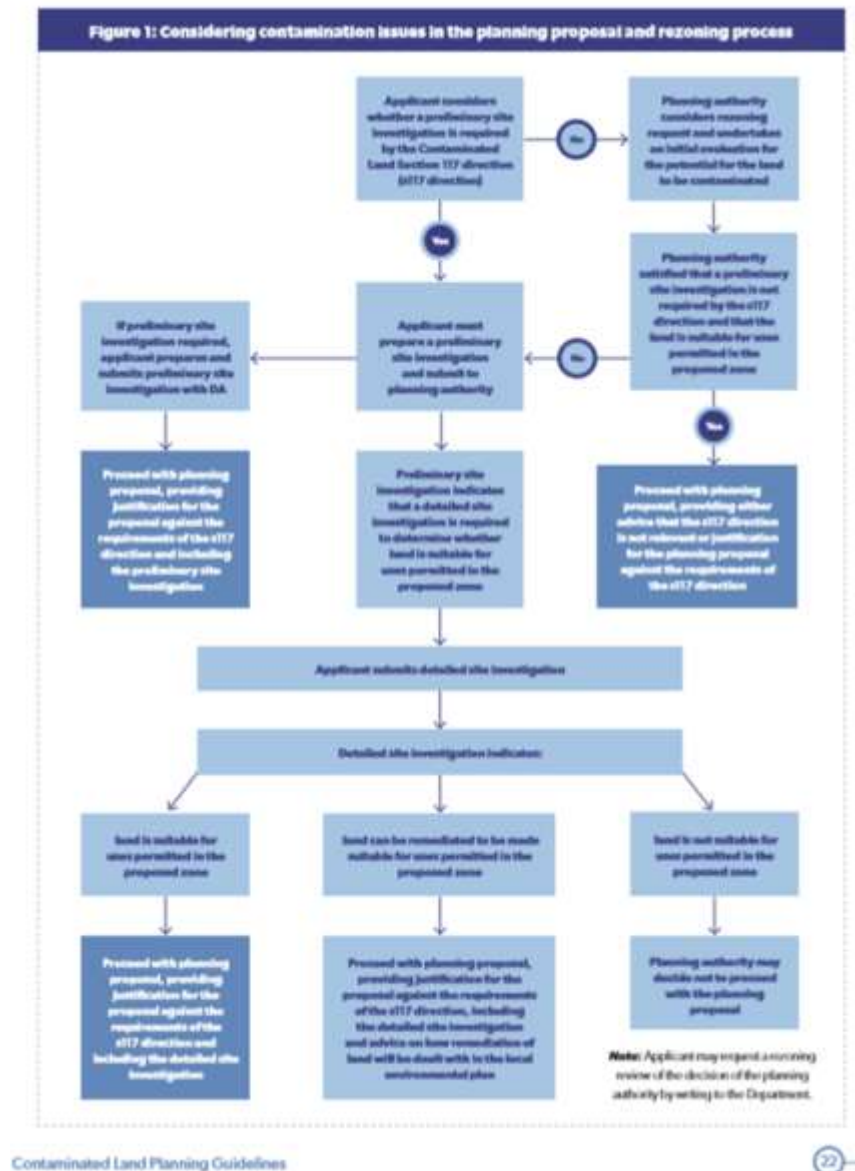
When considering a planning proposal to rezone land, Council must ensure that decisions are based on adequate and appropriate information relating to the contamination or potential contamination of the land. Changes of use on contaminated or potentially contaminated land should only proceed if Council is satisfied that:

- the land is suitable for the proposed use; or
- the land can be remediated to a level that would make it suitable for the proposed use

The contaminated land information provided with the North Tuncurry Development Project is not adequate to determine if the land is suitable for proposed residential or commercial land use.

To date, only what can be considered as preliminary investigations and contaminated land information has been provided.

Based upon 'Figure 1: Considering contamination issues in the planning and rezoning process' of the NSW Department of Planning, Industry and Environment Draft 'Contaminated Land Planning Guidelines' below, and Council's Contaminated Land Policy, a complete Detailed Site Investigation is required.



Policy Statement 14 of Council's Contaminated Land Policy requires:

14. A Detailed Site Investigation is required:

- Where the Preliminary Site Investigation indicates that the land is, or may be contaminated
- When the site is, or was, formally used for an activity listed in Table 1 of the Managing Land Contamination Planning Guidelines (refer Attachment B), or other potentially contaminating activities known to Council, and a land use change is proposed that has the potential to increase the risk of exposure to contamination
- To accompany a remediation proposal or notification

Requirements

A Detailed Site Investigation is required to be prepared. The Detailed Site Investigation must be carried out by a duly qualified contaminated land consultant in accordance with:

- a. Council's Contaminated Land Policy,**
- b. Managing Land Contamination Planning Guidelines (1998),**
- c. Relevant EPA Guidelines, in particular NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites,**
- d. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013).**

A Remedial Action Plan based upon the findings of the Detailed Site Investigation must also be prepared to demonstrate how the land can be made suitable for the proposed use.

The Detailed Site Investigation and Remedial Action Plan must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant, certified by one of the schemes identified in Council's Contaminated Land Policy.

Additionally, considering the scale of the North Tuncurry Development project, the incomplete information provided, the identified previous potentially contaminating land uses, and the proposed sensitive land use, a site auditor accredited by the NSW Environment Protection Authority should be engaged to review the contaminated land assessment, remediation and validation process.

A Site Audit Statement and Site Audit report should be obtained prior to use of the land as proposed by the development.

G. Geotechnical Investigation

Report by DL Douglas and Partners – 1988

Although the report is quite old, there would be very little differences from a geotechnical sense today, unless there was significant works undertaken at the site in the interim. Some of the highlights of the report are noted as follows:

- Site generally underlain by sand
- Groundwater encountered at the site at between 1 and 2m depth, but expected to rise in extreme rainfall events which could affect lower lying areas of the site
- Infiltration rates were considered, and further work is required if infiltration basins are to be used to deal with stormwater

Therefore, while areas of the site may be generally suitable for residential development, stormwater disposal methodology requires further consideration given the geotechnical investigation report findings.

The groundwater and infiltration issues noted above were demonstrated during the rain and flood events in March 2021 and again in May 2022 when significant areas of the site remained inundated for extended periods of time after the weather event.

Appropriate methods of stormwater disposal must be resolved prior to the rezoning of the site given the risk of inundation across the site is likely to increase as a result of rising ground water tables associated with the impacts of climate change and vegetation clearing. Evidence that proposed approaches to stormwater treatment will not be impacted by groundwater ingress are also required.

H. Heavy Mineral Resource Investigation Technical Note

Council does not have expertise available to comment on the analysis however the mineral resource investigation finding that an extractive industry proposal would not be viable, is noted.

R. Road Noise Assessment Report

Muller Acoustics Consulting prepared a Road Noise Assessment for the North Tuncurry Development Project (NTDP) (dated 20 February 2019, MAC180772RP1) (the Acoustic Assessment).

The primary purpose of the Acoustic Assessment was to:

- Evaluate if road noise intrusion from The Lakes Way has the potential to adversely affect areas in the subdivision; and
- Review potential construction noise impacts on the surrounding community.

Road Noise Intrusion

The impacts of road noise from The Lakes Way on the development was assessed in accordance with the State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) and the NSW Department of Planning 'Development near Rail Corridors and Busy Roads' (2008).

Clause 102(3) 'Impact of road noise or vibration on non-road development' of the SEPP (Infrastructure) (now [Clause 2.119 of State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#)) states the following:

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded-

- (a) in any bedroom in the residential accommodation – 35 dB(A) at any time between 10pm and 7am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40dB(A) at any time.*

Section 3.5.2 of the NSW Department of Planning 'Development near Rail Corridors and Busy Roads' (2008) provides screen tests for single dwelling development to determine if acoustic treatment will need to be provided for the proposed dwelling based upon the requirements of the SEPP Infrastructure. The screen tests apply a range of direct line of sight distances from 10m to 300m from the road kerb to the proposed dwelling.

The Acoustic Assessment includes the following figures/assumptions in the assessment:

- The Lakes Way has an Annual Average Daily Traffic flow of 12 000;
- The closest distance of exposed residential façade (single & dual occupancy) to the 60km/h to 70km/h section of road is 215 metres; and
- The closest distance of exposed residential façade (single & dual occupancy) to the 100km/h to 110km/h section of road is 250 metres.

Based upon NSW Department of Planning 'Development near Rail Corridors and Busy Roads' (2008) guidelines, the Acoustic Assessment provides that the single and dual occupancy residential dwellings in the development would not require noise control treatment.

Note: Should the development proposal alter to include other forms of residential development (i.e. flat buildings and other sensitive receivers) or the proposed layout alter, further assessment of noise impacts and potential attenuation treatments must be undertaken.

Screen Test 1(a) – Habitable Areas

60/70 km/h

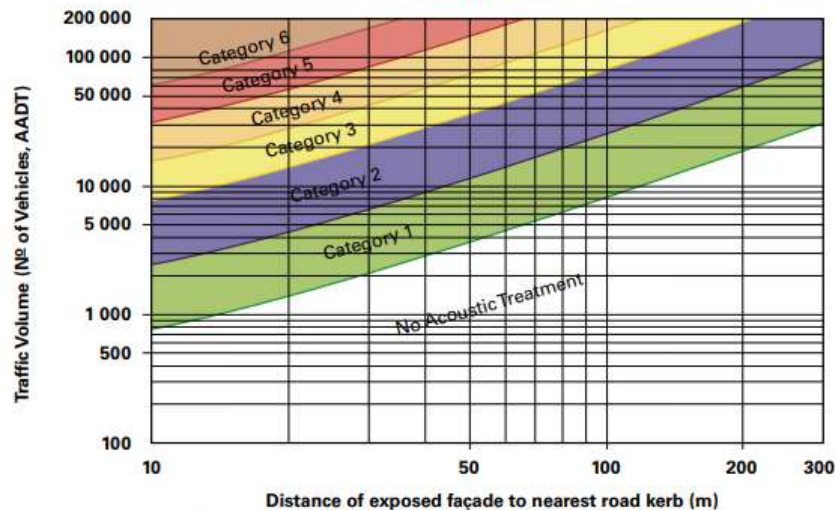


Figure 3.3(a): Screen tests for habitable areas of single/dual occupancy dwellings (if any exposed façade is direct line-of-sight)

Screen Test 1(b) – Habitable Areas

100/110 km/h

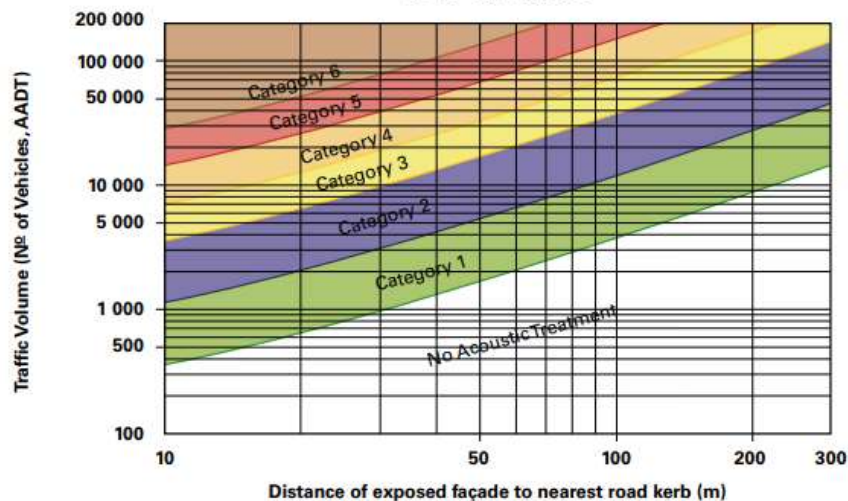


Figure 3.3(b): Screen tests for habitable areas of single/dual occupancy dwellings (if any exposed façade is direct line-of-sight)

Potential construction noise impact on the surrounding

Construction noise was assessed in accordance with the Department of Environment and Climate Change Interim Construction Noise Guideline (2009).

A quantitative assessment was undertaken.

The nearest residential receivers were identified as being located to the west of The Lakes Way, with the near point approx. 50m from Manning St & the Lakes Way and other sensitive receptors – The Great Lakes College at 70m to the south of the development.

A standard hours assessment criteria of 50dB Leq(15min) was used for the Lakes Way residential receptors located 50m from the development. It appears that this may be a typographical error, as the Interim Construction Noise Guideline recommends standard hours should be RBL +10dB resulting in noise criterion being 49dBA (i.e. the most sensitive RBL of 39dB(A) plus 10dBA). The Acoustic Assessment also identifies in parts that the criteria is 49dB(A).

The predicted worst case LAeq(15min) dB(A) noise level for the Manning Street and The Lakes Way residential receptors was 71 dB(A) and 58 dB(A) for the College (educational receptor). This worst case scenario included the use of 2 road trucks, dozer, loader and an excavator.

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As stated in the Acoustic Assessment, construction noise criteria for standard house of construction are not likely to be satisfied considering the minimum off set distance to residential or educational receptors. It is recommended that a detailed assessment for construction traffic noise and construction noise is undertaken by an acoustic engineer and mitigation measures provided to ensure development does not exceed the above mentioned assessment criteria. This requirement could be achieved through the preparation of a detailed construction and vibration noise management plan, prior to the commencement of any physical site works.

W. Acid Sulfate Soil Investigation

The Project Objectives established for the report (prepared in 2014) were:

- Conduct systematic investigative drilling at designated locations and subsequent collection/analysis of soil at designated depth increments through the soil profile;
- Determine if ASS occurs within the site through screening and analysis of selected samples;
- Assist Urban Growth NSW in identifying risks associated with the development regarding the potential for ASS disturbance.

The assessment of ASS was carried out through NSW and QLD published guidelines, with references for assessment, management and technical information on ASS in carried out in accordance with NSW ASS Manual 1998.

A review of previous geotechnical investigations had been undertaken by SMEC (Douglas Partners and Worley Parsons in 2010 and by SMEC in 2012). These investigations describe that the area comprises relatively homogenous geological characteristics, with fine to medium Aeolian sands, with fine to medium marine sands at depths of great than 12m and marine clays at depths from 24m below ground level. This indicated that no barriers (low permeability material such as clay or indurated sands) to groundwater exist within the development area.

The subject site is located above an unconfined coastal aquifer, with precipitation in the area either lost to evaporation or draining vertically through the upper soil layer into the aquifer (recharge). Water was identified as leaving the aquifer through evaporation or lateral groundwater movement to the Pacific Ocean or Wallamba River.

Modelling and groundwater depths have suggested the following in relation to potential changes in groundwater levels as a result of the development:

- Typical developed groundwater levels will be at approx. 0.3 – 0.4m higher that existing conditions at all times, except in extreme wet weather conditions. The higher levels are predicted to increase recharge levels from 35% to 50%, due to increased impervious areas and reduced evapotranspiration losses.
- During extreme wet weather conditions, the proposed development groundwater levels will be lower than existing conditions levels due to the propose groundwater management controls. However, during extreme wet weather, the groundwater levels in the water management basins as a result of groundwater inflow.

Given that the groundwater table is expected to typically be 0.3 – 0.4m higher as a result of the proposed development, it is not likely to adversely impact on ASS conditions in either normal or high flow events.

Field screening results from the investigation indicate that there is generally no presence of ASS on site, with only two sites of the >100 field pH tests indicating the presence of actual ASS. However, these two samples were taken in the top 0.5m of the soil profile and it is considered the low pH is due to the presence of organic material induced acidity.

The investigations identified that low levels of acid soil have been detected across the site in the top 1.5m. No indication of PASS or ASS were identified at depths of 1.5m to 7.5m. Significant disturbance of ASS or PASS is not anticipated, and given the extent of the proposed fill operation, development of the site poses a low risk to receiving environments with proper management.

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It is recommended in the SMEC report that a high level Acid Sulphate Management Plan (ASSMP) be developed to manage contingent ASS conditions that could possibly occur in the future and to protect the environmentally sensitive receiving water bodies adjacent to the study area.

The ASSMP should manage the non-sulphidic acid soils and the non-sulphidic acidic water quality for existing and naturally occurring water bodies within the proposed development area.

The ASSMP should include details on how any ASS is to be managed on-site to prevent and manage potential oxidation of and exposed ASS. This should also include wetting procedures, keeping of records for timeframes exposed ASS have been excavated and any other requirements, as stipulated by part 4 of the Waste Classification Guidelines, published by the NSW Environmental Protection Authority.