



FERN BAY

seaside village

Fern Bay Estate



WINTEN
PROPERTY
GROUP



CVC Limited



Fern Bay Estate

Preliminary Assessment Report for a Project Plan Application

Winten Property Group

September 2006

0012720 Final

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Environmental Resources Management Australia Pty Ltd Quality System

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1.1 BACKGROUND

This preliminary assessment is intended to provide enough information to enable the Director General of the Department of Planning (DoP) to issue the environmental assessment requirements for a Project Plan pursuant to Part 3A of the Environmental Planning and Assessment Act 1979. This proposed development has already been the subject of a Master Plan which was approved by the Minister under State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71).

1.1.1 Site Context

The site is approximately 205 hectares in area and comprises 16.4 hectares zoned 1 (a) Rural Agriculture, 136.4 hectares zoned 2 (a) Residential, and 52.2 hectares zoned 7 (a) Environmental Protection under Port Stephens Local Environmental Plan 2000. The land is immediately adjacent to Nelson Bay Road, midway between Stockton Beach and Fullerton Cove. A locality plan is provided as *Figure 1* and an aerial photograph as *Figure 2* shows the first stage of the approved subdivision.

1.1.2 Description of Proposal

The objective of the proposed development is to create a seaside village nestled within a natural setting that sets a new benchmark in the Hunter region for quality and innovation in the standard of urban design, construction and environmental management.

Fern Bay Estate (see *Figure 3*) is proposed to comprise:

- approximately 950 residential lots (an existing valid development consent has been granted for 208 lots);
- open space lots which will include formal parks, an Aboriginal heritage reserve, asset protection zones, managed reserves and bushland open space. These areas of open space are designed to provide opportunities for passive and active recreation, stormwater management and the protection of sites both for Aboriginal heritage significance and ecological corridors;
- a community nursery which will be used for the propagation of plants for use in the landscape areas of the estate;
- recreational and community facilities;
- new public roads, fire trails and pedestrian trails; and

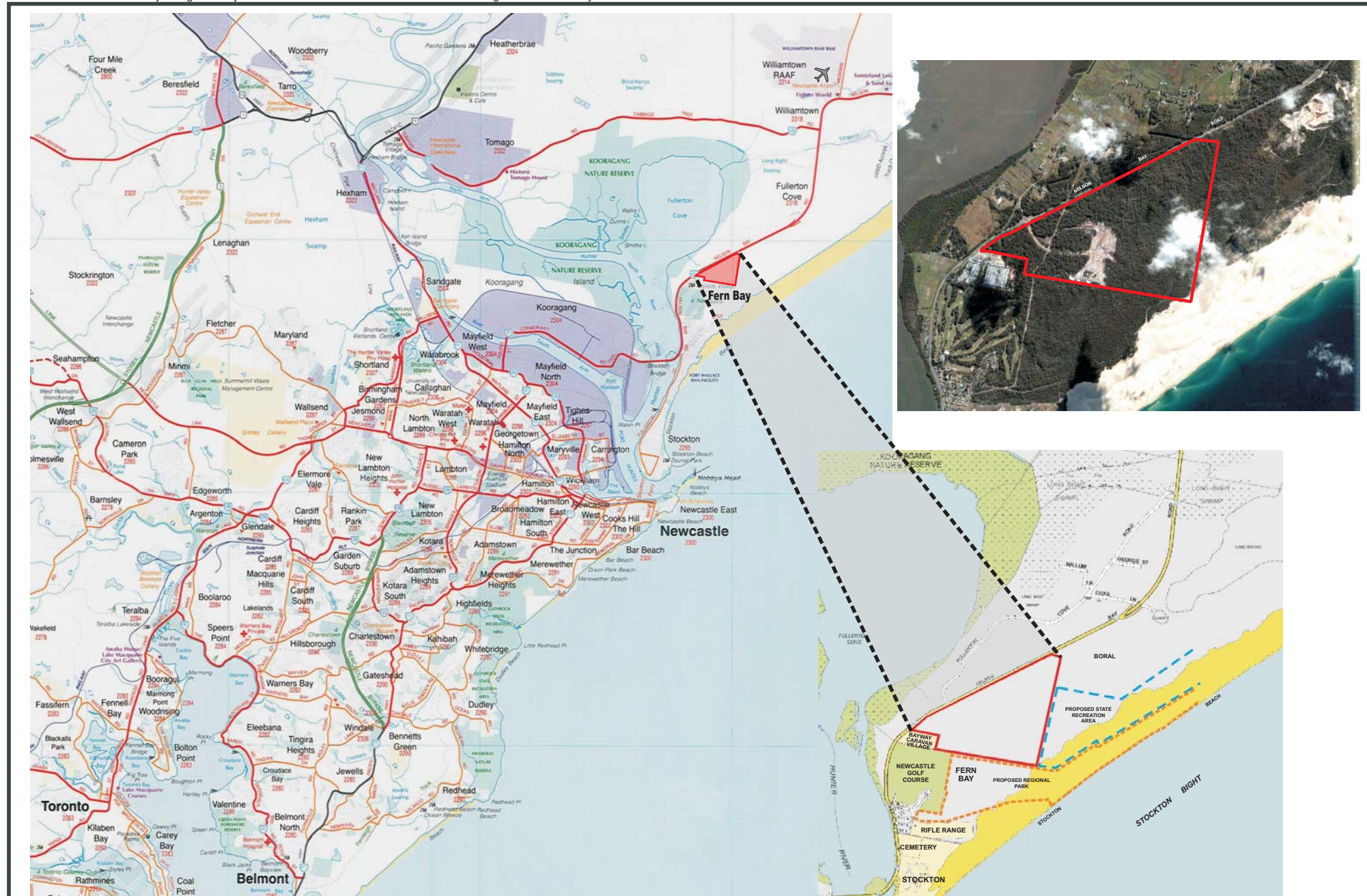


Figure 1 Locality Plan

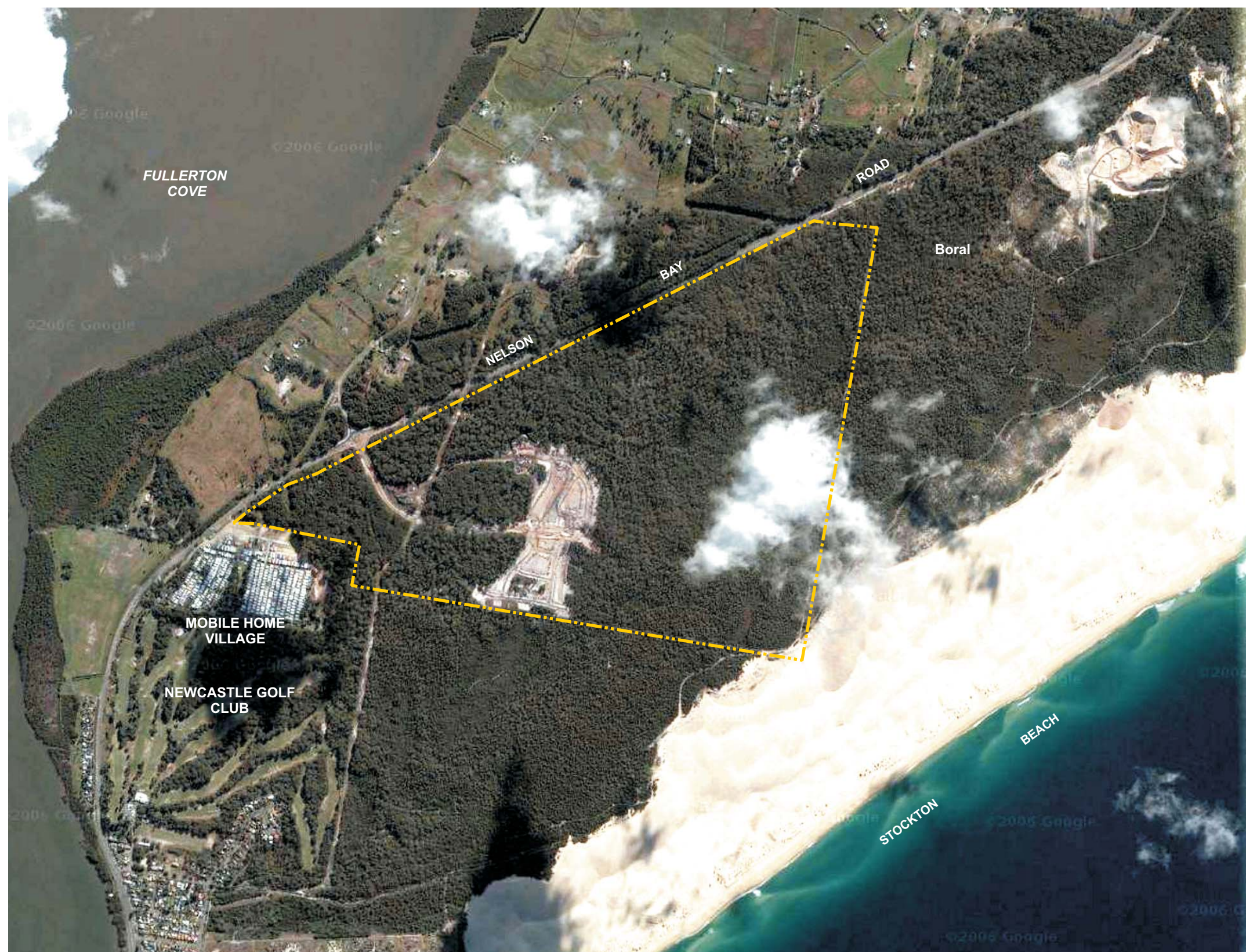


Figure 2 Aerial Photograph



Figure 3 **Project Plan**

- bushfire buffers (asset protection zones) and approved fire trails.

The site is intended to be developed to provide a range of housing products to accommodate the needs of future residents having regards to the changing demographics expected over the coming decades.

The development will be staged over a period of approximately ten years although, this will be influenced by market demand. Construction for the first stage of approved subdivision has been completed and 105 lots have been released. The next stage will contain 44 lots and is currently under construction.

This chapter addresses planning instruments and other statutory requirements that are relevant to the proposal.

2.1***PLANNING CONTEXT***

The provisions of the Environmental Planning and Assessment Act 1979 (EP &A Act) enable the preparation of local environmental plans, development control plans, regional environmental plans and State environmental planning policies to control development at the local, regional and State level. Those planning instruments and policies that are applicable to the proposed development, along with other relevant statutory considerations, are addressed in this chapter.

2.2***MASTER PLAN***

A detailed Master Plan has been prepared in accordance with Part 5 of State Environmental Planning Policy No.71 Coastal Protection. This Master Plan was adopted by the Minister for Planning on 8 August 2006. The impacts associated with the development proposed in the Project Plan are identical to the impacts addressed in the approved Master Plan.

2.3***PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000***

Port Stephens Local Environmental Plan 2000 (LEP 2000) is the principal local environmental planning instrument governing land use in the Port Stephens local government area. LEP 2000 zones the site 1 (a) Rural Agriculture, 2 (a) Residential, and 7 (a) Environmental Protection.

Permissibility

The majority of development is proposed to be located within the 2 (a) Residential zone. Minor sections of roads and associated infrastructure and pedestrian/ fire trails are proposed within those parts of the site zoned 1 (a) Rural Agriculture and 7 (a) Environmental Protection.

Both the Department of Planning and Council have indicated that the land which is currently zoned 2 (a) residential shown as managed bushland should be rezoned to 7 (a) Environmental Protection. The Winten Property Group have no objections to such a zoning change.

2.4 *LOCAL PLANNING STRATEGIES*

Council's strategic direction for future urban development within Port Stephens LGA is provided in the Port Stephens Urban Settlement Strategy (October 2002). The Strategy identifies the site as a future neighbourhood centre.

2.5 *REGIONAL PLANNING*

2.5.1 *Hunter Regional Environmental Plan 1989*

The existing adopted regional planning instrument applying to the Hunter region is the Hunter Regional Environmental Plan 1989 (HREO 1989). The main aims of the HREP 1989 are to promote balanced development and to bring about optimum use of land and other resources consistent with the needs and aspiration of the local community. The HREP 1989 identifies the site as being part of an "Investigation Area" for future urban development.

2.5.2 *Draft Lower Hunter Regional Strategy*

The draft plan is proposed to ensure the region develops in a strong and sustainable way. The primary purpose of the Regional Strategy is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing, employment and environmental needs of the Region's population over the next 25 years. The site is shown on the draft housing map as future urban footprint. The proposed development is therefore consistent with the Draft Strategy.

3.1 SUMMARY

The Project Plan will require the preparation of an environmental assessment report (EAR) assessing the key potential impacts. The following are the key issues to be addressed through the Project Plan preparation process:

- bushfire hazard (see *Section 3.4*);
- ecology (see *Section 3.2*); and
- archaeology (see *Section 3.4*).

The above is not intended to be a comprehensive list of all relevant matters but has been provided to highlight the key issues which will be addressed in the environmental assessment report.

3.2 ECOLOGY

The site forms part of a local corridor of native vegetation that extends along Stockton Bight and also from Stockton Bight to the estuarine habitats in Fullerton Cove. In a regional context, the site is adjacent to a corridor that links the Tomago coastal plain with the lower Hunter plain, west to the Sugarloaf Range.

The proposed residential estate (excluding the approved residential subdivision over part of the site) will result in the disturbance/removal of approximately 70 hectares of existing vegetation. Approximately 107 hectares of existing vegetation (52% of the site) is proposed to be retained.

The *Fern Bay Estate Species Impact Statement* (ERM 2005) concluded that the proposed development has the potential to affect a number of threatened species and communities. The most significant impact will be the loss of habitat and habitat resources such as hollow-bearing trees and winter-flowering trees. However, the proposed design strategically conserves habitat for affected species and communities within ecological corridors and in areas that will maintain connectivity to surrounding land. Management of native vegetation on site will involve the rehabilitation of disturbed areas and management of the bushfire regime in order to increase floristic diversity in the area.

A number of conservation measures have been incorporated into the design of the estate to minimise impacts on flora and fauna including:

- retaining a minimum 200 metre ecological corridor along the northern boundary of the site. This area will provide a movement corridor for fauna

through swamp forest and will prevent threatened species becoming isolated from the currently interconnecting areas of the habitat to the south and to the north. Approval for this corridor will override the existing development consent for residential development thereby enabling retention for biodiversity values;

- retaining an ecological corridor along the eastern boundary of the site to provide a movement corridor for fauna through dry sclerophyll open forest; and
- retaining the majority of vegetation within 7(a) Environment Protection and 1(a) Rural Agriculture zoned areas of the site.

Various management initiatives are also proposed to minimise impacts on fauna and flora within Fern Bay Estate. These include, amongst others:

- community title subdivision to ensure that a high standard of amenity and environmental protection is maintained;
- implementing a vegetation management plan for the site;
- using only native plants indigenous to the area for landscaping/rehabilitation; and
- the proposed off site compensation package formulated with Department of Environment and Conservation forms part of the approved Master Plan. It includes the construction of a four wheel drive access to Stockton Beach, rehabilitation of wet heath areas on adjoining land to the south, closure of numerous unauthorised access tracks and the provision of funding to maintain these improvements over the long term.

3.3

ARCHAEOLOGY

The Fern Bay Estate site is situated in a region rich in Aboriginal culture heritage. Numerous archaeological sites have been recorded on the site and in the surrounding areas. These sites are of particular value to the local Aboriginal community as well as to the broader community.

The *Fern Bay Estate Aboriginal Heritage Assessment Report* (ERM 2005) includes recommendations for the management of Aboriginal heritage within the site. Those recommendations have influenced the design of the estate and will effect how construction will be managed. In summary, it is proposed to:

- conserve the western part of the site that has been identified as having a high archaeological significance sites within a dedicated Aboriginal Heritage reserve; and

- ongoing consultation with the local Aboriginal community during excavation work to ensure that Aboriginal burials and Artefacts, if present, can be identified and appropriate management regimes put in place.

3.4

BUSHFIRE

Given the existing vegetation, the site is regarded as having a high bushfire hazard potential. Therefore various bushfire management measures, including the provisions of appropriate asset protection zones around any future residential areas, will be established and maintained in accordance with the requirements of the Planning for Bushfire Protection Guidelines.

These bushfire management mitigation measures were reviewed by the NSW Rural Service (RFS) during the Master Plan assessment process. The RFS formally acknowledged in its letter dated 14 November 2005 that it was satisfied with these proposed measures.

4.1

CONSULTATION

The key consultation carried out to date in relation to the preparation of a Project Plan has been with Department of Planning, the Department of Conservation and Environment and Port Stephens Council. An extensive consultation program was undertaken during the preparation of the Master Plan which was recently approved by the Minister for Planning pursuant to SEPP 71.

During the consultation process a number of issues were raised and addressed to the satisfaction of the Department of Planning. Amongst these issues were the key issues discussed in the previous chapter and other issues such as the most appropriate location for a local activity centre, effective pedestrian and cycle links to Fern Bay and the capacity adequacy of infrastructure in the locality. The local activity centre has been strategically located in the middle of the estate to provide a focal point for future residents. It will be serviced by a comprehensive network of pedestrian trails linking residential areas to open space and community and commercial facilities, thereby enhancing "walkability".

Following the meeting with the Department of Planning on 17 August 2006 where it was agreed that further consultation with Council and the Department of Environment and Conservation should take place, a meeting was convened with Council on 23 August 2006 to discuss the proposed Project Plan. Council officers advised that they would expect the key issues which had been raised in the Master Plan to be addressed in the Project Plan. Liaison with the Department of Environment and Conservation on 25 August 2006 prompted a similar response. Undertakings have been given to these two agencies that any issues they wish to see addressed will be incorporated into the Environmental Assessment Report.

During the preparation of the Project Plan any statutory authorities who have made changes to their guidelines/ requirements since the preparation of the Master Plan will be consulted to ensure that current guidelines are being addressed. An outline of the matters for assessment which could be incorporated in the Directors General's (DG) Requirements has been prepared to assist the Department of Planning and is provided at *Annex A*.

Annex A

Matters for Assessment

KEY MATTERS FOR ASSESSMENT

<p>Key Matters for Assessment</p>	<p>Matters for Consideration</p> <ul style="list-style-type: none"> • suitability of the site for the proposed land use; • identification of significant environmental constraints and opportunities; • likely environmental, social and economic impacts; • proposed measures to mitigate impacts; • justification for the project taking into consideration social, economic and environmental issues, the consistency with strategic land use planning policy, infrastructure plans and sustainability principles; and • the public interest. <p>Relevant EPIs and Guidelines</p> <ul style="list-style-type: none"> • consistency of project with following EPIs and Strategies: <ul style="list-style-type: none"> ○ SEPP 11; ○ SEPP 71; ○ Port Stephens Comprehensive Koala Plan of Management; ○ Hunter Regional Environmental Plan 1998; ○ Port Stephens Local Environmental Plan 2000; ○ Coastal Design Guidelines for NSW; ○ Draft Lower Hunter Regional Strategy • Land Use - statutory requirements, existing land uses, site linkages, potential impacts on adjoining lands; • Biodiversity Heritage – a flora and fauna assessment should be carried out in accordance with DEC’s draft <i>Guideline for Threatened Species Assessment</i>; • Cultural Heritage - an <i>Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> report should be prepared in accordance with DEC’s draft guidelines for Part 3A matters; • Transport and Access – existing and future transport networks, pedestrian and cycle access, compliance with relevant RTA, Council & AMCORD requirements; • Bushfire – a report in accordance with <i>Design Guidelines for Planning for Bushfires</i> and the <i>Port Stephens Bush Fire Prone Land Map</i>; • Urban Design – proposed layout including active and passive open space, environmental protection areas and road hierarchy; • Visual Impact – visual impact assessment in respect of the sites impact on views from Nelson Bay Road and surrounding open space and public areas;
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	<p>Matters for Consideration <i>cont</i></p> <ul style="list-style-type: none"> • Utilities & Infrastructure – existing infrastructure in the locality, future roads, water, sewerage and communications; • Hydrology and Water Management – site hydrology, and hydrogeology, detailed management of stormwater infiltration and quality and quantity; • Social and Community – housing diversity and affordability, access to retail facilities, employment, transport, and recreation and community facilities; and • Section 94 – description of current Section 94 requirements and consideration of developer agreements for monetary payments or land, services or facilities to be provided.
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