ITEM-110  CCL 13/12/16 - ADOPTION OF HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN
Attachment A: Hunter Estuary Coastal Zone Management Plan
Attachment B: Summary of Government Agency Submissions

ITEM-113  CCL 13/12/16 - ADOPTION OF THE NEWCASTLE SAFE CITY PLAN 2017 - 2020
Attachment A: Newcastle Safe City Plan 2017 - 2020
Attachment B: Feedback received on the Plan from the public exhibition period.

ITEM-114  CCL 13/12/16 - AMENDMENT TO NEWCASTLE DCP 2012 - NEW SECTION RESIDENTIAL ACCOMMODATION
Attachment A: Draft Section 3.03 Residential Accommodation
Attachment A: Planning Proposal to amend Newcastle LEP 2012 - reclassification and rezoning of land at 162A Newcastle Road, Wallsend.

*Note: The planning proposal includes a discussion on the public hearing and attaches a report prepared by the independent facilitator.*

Attachment B: Checklist for reclassifying public land.

Attachment C: Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan.

Attached Correspondence: Original and amended gateway determination.
CCL 13/12/16
ADOPTION OF HUNTER ESTUARY COASTAL ZONE
MANAGEMENT PLAN

Attachment A: Hunter Estuary Coastal Zone Management Plan
Draft Hunter Estuary Coastal Zone Management Plan

Revised September 2016
Original Final Report September 2009
Hunter Estuary CZMP-2016-v4.5.docx
Draft Hunter Estuary Coastal Zone Management Plan

Prepared For: Newcastle City Council, Port Stephens Council, Maitland City Council and NSW Department of Environment and Climate Change

Prepared By: BMT WBM Pty Ltd (Member of the BMT group of companies)

Revised by: Newcastle City Council, Port Stephens Council, Maitland City Council and NSW Office of Environment and Heritage
Title: Hunter Estuary Coastal Zone Management Plan (Hunter Estuary Management Plan)

Author: Michelle Fletcher and Dr Philip Haines

Synopsis: This document is an Estuary Management Plan for the Hunter Estuary prepared under the NSW Government's Estuary Management Program. It outlines a series of management strategies aimed at maintaining the environmental values of the estuary and improving the condition of the estuary into the future.

REVISION/CHECKING HISTORY

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**REVISED DOCUMENT CONTROL SHEET**

**Title:** Draft Hunter Estuary Coastal Zone Management Plan

**Revised by:** Newcastle City Council, Port Stephens Council, Maitland City Council and Office of Environment & Heritage

**Purpose of Revision:** This document has been revised from the original report prepared by BMT WBM to reflect the status of the management strategies, the current planning context, and to meet the updated requirements for the preparation of Coastal Zone Management Plans outlined in Part 4A of the *Coastal Protection Act 1979* and the supporting NSW Guidelines for Preparing Coastal Zone Management Plans (OEH, 2013).

### REVISION/CHECKING HISTORY

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# Hunter Estuary Coastal Zone Management Plan: Executive Summary

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<tr>
<th>Purpose</th>
<th>This Coastal Zone Management Plan is to guide future decision making regarding short and long term management of the Hunter Estuary, its foreshores and its broader catchment area.</th>
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<tr>
<td>Context</td>
<td>This Coastal Zone Management Plan was originally developed under the NSW Government’s Estuary Management Program and adopted by the three councils in 2009. A 2016 review of the Plan was undertaken in preparation for submission to the Minister for Planning for certification. The 2016 review ensured that the Plan met the requirement of the Coastal Protection Act 1979 and the Guidelines for Preparing Coastal Zone Management Plans (2013) (demonstrated in Appendix B). The Plan is supported by an Estuary Processes Study (MHL, 2003), which describes the environmental processes of the estuary and their interactions, and an Estuary Management Study (BMT WBM, 2009), which outlines in detail a prioritised a range of potential management options for the estuary.</td>
</tr>
<tr>
<td>Status</td>
<td>This document was originally adopted by Newcastle City Council on 6/10/09, and by Port Stephens Council and Maitland City Council on 13/10/09.</td>
</tr>
<tr>
<td>Relationship to other plans</td>
<td>This Plan is to be read in conjunction with other relevant strategic environmental management plans, including the LLS Strategic Plan, the regional Biodiversity Strategy, and the Plan of Management for Hunter Wetlands National Park. This Plan should also be consulted when reviewing and amending Councils’ Local Environmental Plans (LEPs), Development Control Plans (DCPs), and other Council Management Plans.</td>
</tr>
<tr>
<td>Vision</td>
<td>“The community, industry and government working together towards a productive, economically viable and ecologically sustainable Hunter Estuary, recognising social, cultural and environmental values”</td>
</tr>
</tbody>
</table>
| Principles | A. Natural Environment and Processes - To protect, enhance, maintain and restore the environment of the Hunter Estuary, its associated ecosystems, ecological processes and biological diversity, and its water quality  
B. Heritage - To protect and conserve the Aboriginal and European heritage of the Hunter Estuary  
C. ESD and Integrated Planning - To provide for integrated planning and management of the Hunter Estuary in accordance with the principles of ecologically sustainable development  
D. Aesthetics and Access - To ensure continuing public access and preservation of the amenity of the Hunter Estuary  
E. Community involvement - To recognise the role of the community, as a partner with the government, in resolving issues relating to the protection and effective management of the Hunter Estuary |
| Objective | 1. To protect and enhance estuarine biodiversity, particularly Endangered Ecological Communities (as listed under the NSW Threatened Species Conservation Act 1995) and other key habitats  
2. To increase appropriate native riparian vegetation along the Hunter Estuary  
3. To prevent catchment and point source pollutants from compromising social, environmental and economic values of the Hunter Estuary  
4. To optimise management of flood mitigation works and other flow control structures to enhance environmental values without compromising intended function  
5. To minimise further bank erosion throughout the Hunter Estuary and remediate existing erosion sites, where appropriate |
<table>
<thead>
<tr>
<th>Objectives cont’d.</th>
<th>6. To provide opportunity for effective and inclusive stakeholder involvement in the management of the Hunter Estuary environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7. To acquire knowledge relevant to environmental management about the Hunter Estuary, on a priority basis</td>
</tr>
<tr>
<td></td>
<td>8. To achieve consistency and integration between the Hunter Coastal Zone Management Plan and other strategic environmental planning and natural resource management instruments and programs</td>
</tr>
<tr>
<td></td>
<td>9. To adopt catchment wide development assessment practices that consider and address cumulative impacts on the Hunter Estuary</td>
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<td></td>
<td>10. To ascertain the impacts of past works and activities on the tidal hydraulics of the Hunter Estuary</td>
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<td></td>
<td>11. To encourage development that maintains and enhances landscape values, opportunities for recreation, and ecological functions of the Hunter Estuary</td>
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<td></td>
<td>12. To prevent mobilisation of contaminated sediment and groundwater contamination from impacting on environmental processes within the Hunter Estuary</td>
</tr>
<tr>
<td></td>
<td>13. To reduce the catchment sediment load to the Hunter Estuary</td>
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<td></td>
<td>14. To fulfil all requirements of international environmental management treaties and relevant conservation legislation in regard to the Hunter Estuary</td>
</tr>
<tr>
<td></td>
<td>15. To prevent environmental weeds and pests from compromising the social, ecological and economic values of the Hunter Estuary</td>
</tr>
<tr>
<td></td>
<td>16. To facilitate the adaptation of estuarine communities to projected climate change</td>
</tr>
<tr>
<td></td>
<td>17. To adopt a consistent approach to foreshore land rehabilitation and conservation along the Hunter Estuary</td>
</tr>
<tr>
<td></td>
<td>18. To minimise environmental consequences of changes to flow and salinity regimes from upstream activities</td>
</tr>
<tr>
<td></td>
<td>19. To reduce the environmental impacts of the accumulation and migration of recent sediments within the Hunter Estuary</td>
</tr>
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<td></td>
<td>20. To prevent further exposure of Potential Acid Sulfate Soils and to reduce the extent of actual acid sulfate soils around the Hunter Estuary</td>
</tr>
<tr>
<td></td>
<td>21. To increase appropriate public access and amenity to the Hunter Estuary and wetlands, recognising sensitive habitats</td>
</tr>
<tr>
<td></td>
<td>22. To enhance the scenic quality of the Hunter Estuary</td>
</tr>
<tr>
<td></td>
<td>23. To facilitate appropriate reuse of sediment dredged from the Estuary</td>
</tr>
<tr>
<td></td>
<td>24. To minimise the environmental impacts of commercial sand and gravel extraction on the Hunter Estuary</td>
</tr>
<tr>
<td></td>
<td>25. To protect and conserve Aboriginal and European heritage objects, places and landscapes</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Strategies</th>
<th>24 individual strategies have been developed to help to achieve stated objectives for the Hunter Estuary. A summary of the strategies is provided in Summary Table A.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Strategies have been defined in terms of relative timeframe for implementation as: Immediate (start within 12 - 18 months); Short Term (start within 3 - 5 years); Medium Term (start within 5 - 10 years) and on-going. These timeframes are indicative only and are subject to available funding and resources held by the responsible authorities.</td>
</tr>
<tr>
<td></td>
<td>The proposed order of implementation for the different strategies takes into consideration the priority of the strategy as well as the relative timeframe in which it should be undertaken.</td>
</tr>
</tbody>
</table>

| Meeting the Objectives | The 25 objectives are to be addressed through a combination of works in undertaking the strategies, along with compliance to the guiding principles for all future development, initiatives and planning instruments throughout the Hunter Estuary and surrounding lands. The manner in which the management objectives are to be addressed by the strategies and the manner in which the objectives meet the principles, is presented in Summary Table B. |

<table>
<thead>
<tr>
<th>Implementation responsibilities</th>
<th>Responsibilities for implementation have been defined. Primary responsibility for the majority of strategies rests with Newcastle City Council, Port Stephens Council and Maitland City Council.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Assistance to Council, and implementation of some ancillary strategies and tasks, is to be provided by key stakeholders and relevant government agencies including: Hunter Local Land Services (HLLS), Office of Environment and Heritage (OEH), DPI-Fisheries, NSW Roads and Maritime Service (RMS), and Dept. of Primary Industries - Lands. Implementation is also to be</td>
</tr>
</tbody>
</table>
## Costs and funding

Indicative costs have been provided in the Implementation Tables. Costs to individual Councils and other stakeholders will depend on prioritised requirements for funding of individual strategies against significant existing stakeholder activities. Significant in-kind contributions are required by all responsible authorities. A range of external funding opportunities will also be available to support the implementation of this Plan. These are discussed in Section 3.5.

## Indicators for success

The ultimate success of the CZMP is to be gauged by how well the Plan objectives have been met. Given that the objectives are broad and likely to be measurable over long timescales only, a series of Performance Measures have been incorporated into the Implementation Tables for each strategy to facilitate short term successes.

## Consultation

Community and stakeholder consultation has underpinned the development of this Plan. The community have reviewed this Plan during a public exhibition period.

## Review and amendment provisions

This Revised Plan has an indicative 5 year timeframe. Progress with implementation should be formally reviewed annually, with a thorough audit of implementation after 5 years. Contingency measures should be activated if progress is slow. A complete review and amendment of the Plan should be completed within 5 years, and should redress outstanding issues, new environmental management practices, new scientific data, and changed governance and administrative arrangements.
### Summary Table A  Proposed Management Strategies

<table>
<thead>
<tr>
<th>Strategy #</th>
<th>Strategy Name</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>1</td>
<td>Establish and/or modify local planning guidelines and controls to allow appropriate assessment and consideration of estuarine habitats and biodiversity as a part of any future development within the estuary and its surrounds</td>
<td>Ongoing</td>
</tr>
<tr>
<td>2</td>
<td>Investigate opportunities to protect key habitats and significant existing vegetation stands through rezoning to a more appropriate conservation zone</td>
<td>Ongoing</td>
</tr>
<tr>
<td>3</td>
<td>Map estuarine and riparian vegetation to determine habitat potential, health and location, and extents of estuary-related Endangered Ecological Communities</td>
<td>Ongoing</td>
</tr>
<tr>
<td>4</td>
<td>Develop an integrated predictive numerical model of the Hunter Estuary, incorporating hydrodynamics, water quality and sediment transport processes, as necessary</td>
<td>Ongoing</td>
</tr>
<tr>
<td>5</td>
<td>Identify all structures within the estuary that are interfering with fish passage, and then replace and rehabilitate on a priority basis</td>
<td>Ongoing</td>
</tr>
<tr>
<td>6</td>
<td>Develop a Hunter Estuary Conservation and Rehabilitation Masterplan that provides clear priorities for implementation for future conservation and rehabilitation</td>
<td>Ongoing</td>
</tr>
<tr>
<td>7</td>
<td>Incorporate the objectives of the CZMP into the Plan of Management for the newly created Hunter Wetlands National Park (incorporating the former Hexham Swamp and Kooragang Nature Reserves) and assist with support to implementation</td>
<td>Ongoing</td>
</tr>
<tr>
<td>8</td>
<td>Prioritise bank erosion sites with consideration to assets (built and natural), infrastructure, River Styles condition and recovery potential, rates of recession, land tenure / use and vegetation, and implement strategies to redress erosion, on a priority basis</td>
<td>Ongoing</td>
</tr>
<tr>
<td>9</td>
<td>Support volunteers and environmental group participation, including Aboriginal Land Management Teams, in revegetation of riparian zones—where appropriate include opportunities to improve public access.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>10</td>
<td>Build on existing riparian vegetation guidelines to encourage consistency across the estuary landscape and differing land tenures</td>
<td>Ongoing</td>
</tr>
<tr>
<td>11</td>
<td>Introduce an environmental planning requirement for all new development to achieve no net increase in pollutant runoff loads, through best practice stormwater management</td>
<td>Ongoing</td>
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<tr>
<td>12</td>
<td>Through the Hunter Coast and Estuary Management Committee (or similar), host an on a needs basis inter-governmental panel / forum with senior administrators and agency staff to stream-line co-ordinated and integrated decision-making</td>
<td>Ongoing</td>
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<tr>
<td>13</td>
<td>Raise public awareness of the values of the Hunter Estuary and sustainable use of the estuary through targeted community education</td>
<td>Ongoing</td>
</tr>
<tr>
<td>14</td>
<td>Improve land use practices throughout the catchment to minimise soil erosion and improve water quality</td>
<td>Ongoing</td>
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<td>15</td>
<td>Develop incentive mechanisms to promote and facilitate the adoption of sustainable agricultural practices that generate a commercial and environmental benefit</td>
<td>Ongoing</td>
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<td>16</td>
<td>Conservation of key habitat and significant vegetation should be undertaken through the Biobanking scheme or through preparation and implementation of individual conservation agreements</td>
<td>Ongoing</td>
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<tr>
<td>17</td>
<td>Undertake estuarine and related habitat restoration through physical works, revegetation and or alternative management practices of assets and infrastructure</td>
<td>Ongoing</td>
</tr>
<tr>
<td>18</td>
<td>Develop a plan of all public access points along the Hunter Estuary, review those which coincide with sensitive habitats, and formalising those with highest recreational usage / value (where appropriate), to provide on-going and undiminished access to the river</td>
<td>Ongoing</td>
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<td>19</td>
<td>Support and participate in research programs and run these programs in partnership with major stakeholders on a case by case basis</td>
<td>Ongoing</td>
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<td>20</td>
<td>Investigate impacts arising from climate change and potential adaptations</td>
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<td>21</td>
<td>Undertake a critical review of the salinity trading scheme, the Hunter River Water Sharing Plan and upstream activities in terms of environmental consequences of water discharges and offtakes</td>
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<td>Undertake assessments for contaminated sediments in the Lower Hunter Estuary</td>
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<td>Where appropriate, reuse sediment dredged from the Estuary</td>
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<td>To identify and conserve heritage objects, places and landscapes in the Hunter Estuary</td>
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### Summary Table B  Manner in which Objectives meet Principles, and are satisfied by Strategies

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<td>A</td>
<td>2. Native vegetation</td>
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<td>3. Catchment pollutants</td>
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<td>4. Flood mitigation works</td>
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<td>5. Bank erosion</td>
<td>8, 13, 14, 17, 18</td>
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<td>E</td>
<td>6. Stakeholder involvement</td>
<td>6, 9, 10, 12, 14, 15, 16, 17</td>
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<td>C</td>
<td>7. Acquire knowledge</td>
<td>3, 4, 19, 21, 22</td>
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<td>C</td>
<td>8. Planning consistency</td>
<td>1, 2, 6, 7, 11, 12, 16, 17, 20</td>
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<td>9. Catchment-wide DA practices</td>
<td>3, 11, 20</td>
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<td>10. Impacts of past works</td>
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<td>11. Encourage eco-development</td>
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<td>13. Catchment sediment load</td>
<td>6, 8, 11, 14, 15, 17</td>
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<td>14. International treaties</td>
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<td>17. Consistent rehab. approach</td>
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<td>18. Flow and salinity regimes</td>
<td>4, 18, 20, 21</td>
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<td>A</td>
<td>19. Recent sedimentation</td>
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<td>C</td>
<td>20. Acid sulfate soils</td>
<td>4, 5, 6, 13, 17</td>
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<td>D</td>
<td>21. Public access</td>
<td>3, 9, 10, 15, 18</td>
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<td>22. Scenic quality</td>
<td>2, 3, 5, 6, 13, 17</td>
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<td>C</td>
<td>23. Port sediments reuse</td>
<td>23</td>
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<td>A</td>
<td>24. Sand/gravel extraction</td>
<td>8</td>
</tr>
<tr>
<td>B</td>
<td>25. Heritage conservation</td>
<td>24</td>
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<td>1.2 Planning Context</td>
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<td>1.3 Coastal Zone Management Plans</td>
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<td>1.3.1 Previous Reports</td>
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<td>1.6 Status of the Plan</td>
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<td>1.8.2 Hunter Regional Plan 2036</td>
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<td>1.8.3 Council Strategic Plan</td>
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<td><strong>2 VISION, PRINCIPLES AND OBJECTIVES FOR THE ESTUARY</strong></td>
<td>12</td>
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<tr>
<td>2.1 Vision for the Estuary</td>
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## ABBREVIATIONS (TERMS AND AGENCY NAMES)

<table>
<thead>
<tr>
<th>Terms</th>
<th>Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG Australian Government</td>
<td>AQIS Australian Quarantine &amp; Inspection Service</td>
</tr>
<tr>
<td>APZ Asset Protection Zone</td>
<td>DCC ((former) Commonwealth) Department of Climate Change</td>
</tr>
<tr>
<td>BACI Before, After, Control, Impact</td>
<td>Dept of Industry - Lands Department of Industries - Lands</td>
</tr>
<tr>
<td>CAMBA China Australia Migratory Bird Agreement</td>
<td>DoPE Department of Planning &amp; Environment</td>
</tr>
<tr>
<td>CMA (Hunter Central-Rivers) Catchment Management Authority</td>
<td>DPI Department of Primary Industry</td>
</tr>
<tr>
<td>CRMHE Conservation and Rehabilitation Masterplan for the Hunter Estuary</td>
<td>EPA NSW Environmental Protection Authority</td>
</tr>
<tr>
<td>CSP Council Strategic Plan</td>
<td>HRC Healthy Rivers Commission</td>
</tr>
<tr>
<td>DCP Development Control Plan</td>
<td>HWC Hunter Water Corporation</td>
</tr>
<tr>
<td>DG Director General</td>
<td>HLLS Hunter Local Land Services (formerly Hunter Central Rivers Catchment Management Authority (HCRCMA))</td>
</tr>
<tr>
<td>DGR Director General Requirements</td>
<td>MCC Maitland City Council</td>
</tr>
<tr>
<td>EEC Endangered Ecological Community</td>
<td>MHL Manly Hydraulics Laboratory</td>
</tr>
<tr>
<td>EIS Environmental Impact Statement</td>
<td>NCC Newcastle City Council</td>
</tr>
<tr>
<td>EMP Estuary Management Plan</td>
<td>NOW NSW Office of Water</td>
</tr>
<tr>
<td>EMS Estuary Management Strategy</td>
<td>NPWS National Parks and Wildlife Service</td>
</tr>
<tr>
<td>EPI Environmental Planning Instrument (includes LEP, REP and SEPP)</td>
<td>NRC Natural Resources Commission</td>
</tr>
<tr>
<td>EPS Estuary Processes Study</td>
<td>OEH (NSW) Office of Environment &amp; Heritage</td>
</tr>
<tr>
<td>ESD Ecologically Sustainable Development</td>
<td>PSC Port Stephens Council</td>
</tr>
<tr>
<td>GGBF Green &amp; Golden Bell Frog</td>
<td>RMS Roads &amp; Maritime Services</td>
</tr>
<tr>
<td>HBOC Hunter Bird Observers Club</td>
<td></td>
</tr>
<tr>
<td>HCEMC Hunter Coast and Estuary Management Committee</td>
<td></td>
</tr>
<tr>
<td>Hunter Estuary CZMP Hunter Estuary Coastal Zone Management Plan</td>
<td></td>
</tr>
<tr>
<td>HRRP Hunter River Remediation Project</td>
<td></td>
</tr>
<tr>
<td>HWNP Hunter Wetlands National Park</td>
<td></td>
</tr>
<tr>
<td>ISQG Interim Sediment Quality Guidelines – see ANZECC</td>
<td></td>
</tr>
<tr>
<td>JAMBA Japan Australia Migratory Bird</td>
<td></td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Agreement</td>
<td></td>
</tr>
<tr>
<td>LEP</td>
<td>Local Environmental Plan</td>
</tr>
<tr>
<td>LGA</td>
<td>Local Government Area</td>
</tr>
<tr>
<td>LHRS</td>
<td>Lower Hunter Regional Strategy</td>
</tr>
<tr>
<td>LHRBS</td>
<td>Lower Hunter Regional Biodiversity Strategy</td>
</tr>
<tr>
<td>LMPMC</td>
<td>Lake Macquarie Project Management Committee</td>
</tr>
<tr>
<td>LWA</td>
<td>Land and Water Australia</td>
</tr>
<tr>
<td>MoU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MUSIC</td>
<td>Model for Urban Stormwater Improvement Conceptualisation</td>
</tr>
<tr>
<td>NIMPCG</td>
<td>National Introduced Marine Pest Coordination Group</td>
</tr>
<tr>
<td>POM</td>
<td>Plan of Management</td>
</tr>
<tr>
<td>REP</td>
<td>Regional Environmental Plan</td>
</tr>
<tr>
<td>ROKAMBA</td>
<td>Republic of Korea Australia Migratory Bird Agreement</td>
</tr>
<tr>
<td>SEPP</td>
<td>State Environmental Planning Policy</td>
</tr>
<tr>
<td>SoE</td>
<td>State of Environment</td>
</tr>
<tr>
<td>TN</td>
<td>Total Nitrogen</td>
</tr>
<tr>
<td>TP</td>
<td>Total Phosphorus</td>
</tr>
<tr>
<td>TSS</td>
<td>Total Suspended Solids</td>
</tr>
<tr>
<td>TWG</td>
<td>Technical Working Group</td>
</tr>
<tr>
<td>WSUD</td>
<td>Water Sensitive Urban Design</td>
</tr>
</tbody>
</table>
1 ABOUT THE HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN

1.1 Study Area

The Hunter Estuary is a barrier estuary, carved through Worimi, Wonnarua and Awabakal country, over millions of years. From the most inland tidal limit at Gostwyck, on the Paterson River, some 75km from the ocean, the estuary meanders through agricultural lands, some of the earliest developed townships in Australia and internationally important wetlands to the largest coal port in the southern hemisphere, the Port of Newcastle.

The term “Hunter Estuary” describes the waterway, bed and banks of the tidal section of the Hunter River and its tributaries (such as the Williams and Paterson Rivers, Wallis and Fishery Creeks, Ironbark Creek and Throsby, Styx and Cottage Creeks), and immediate riparian zones within approximately 1km of the waterways (refer Figure 1-1). The adopted tidal limit for the Hunter River is in the vicinity of Oakhampton, which is about 64km from the ocean. The study area is shown in Figure 1-1.

Strategies included in Section 3 of this report also relate to the wider catchment in the Newcastle City Council (NCC), Maitland City Council (MCC) and Port Stephens Council (PSC) LGA’s. This is essential as the estuary is the receiving water for a range of catchment activities that ultimately impact upon it. This includes agricultural, industrial, urban stormwater and catchment runoff.

The Hunter Estuary is a functioning ecosystem that is valued for a wide variety of reasons. Uses of the estuary include habitat to an internationally significant selection of resident and migratory animals, as a water source for agriculture, a recreational waterway, and a commercial resource for a number of industries (coal, fishing, tourism etc). The physical diversity and complexity of the estuary is reflected in the many interest groups that are connected to the estuary. These groups include government agencies, Aboriginal Land Councils and Aboriginal Elders groups, conservation organisations, researchers, recreational groups and large industry bodies.

Two centuries of rapid change within the catchment and estuary have had major impacts on environmental processes, resulting in a change to the condition of the estuary. Yet, the Hunter Estuary continues to support a diverse ecosystem with many ecological, economic and social values. In order to preserve these values, and to address the identified problems with the estuary, pro-active management is required. This management is required without further delay to ensure that the condition of the estuary does not continue to decline.

1.2 Planning Context

This Estuary Coastal Zone Management Plan was originally prepared on behalf of Newcastle City Council, Port Stephens Council and Maitland City Council, in co-operation with the NSW Office of Environment & Heritage (OEH), under the NSW Government’s Estuary Management Program. It complied with the requirements of the Coastal Protection Act 1979, NSW Estuary Management Manual (1992) and the NSW Estuary Management Policy 1992. The Plan was adopted by the three councils in 2009.
Since the original adoption of the Hunter Estuary Coastal Zone Management Plan, the NSW Government has introduced various reforms to coastal management, including the introduction of the Guidelines for Preparation of Coastal Zone Management Plans (OEH, 2013). In 2016, a review of the 2009 adopted Plan was undertaken to ensure that the Plan satisfies the intent and objectives of these new reforms (detailed in Appendix B), as well as the fundamental principles originally espoused in the Coastal Policy and the previous Estuary Management Policy.
This Hunter Estuary Coastal Zone Management Plan is a strategic and long-term plan developed through a specifically designed and legislated framework. It aims primarily to provide guidance for achieving a sustainable estuary in the future, giving balanced consideration to environmental, social and economic demands on the river system and its extensive catchment area.

The Plan is supported by an Estuary Processes Study (MHL, 2003), which describes the environmental processes of the estuary and their interactions, and an Estuary Management Study (BMT WBM, 2009), which outlines in detail and prioritised a range of potential management options for the estuary.

### 1.3 Coastal Zone Management Plans

The NSW Government’s Guidelines for Preparing Coastal Zone Management Plans (2013) was released to assist local councils in developing balanced management plans for their estuaries. The guidelines outline the steps to be followed in preparing an Estuary Coastal Zone Management Plan. Community input is a key component of this process.

The process of managing the estuary was initiated by the establishment of an Estuary Management Committee. The Hunter Estuary Management Committee was convened in 1997 and amalgamated with the already established Hunter Coast Management Committee to form the Hunter Coast and Estuary Management Committee (HCEMC). The membership on the committee comprised representatives from the organisations listed in Table 1-1.

This Committee was responsible for the development of an Estuary Processes Study, which outlined all the hydraulic, sedimentation, water quality and ecological processes within the estuary, and the impacts of human activities on these processes. The Hunter Estuary Processes Study was completed by Manly Hydraulics Laboratory (MHL) in 2003.

The next step was to undertake an Estuary Management Study. The study developed management objectives and considered all feasible management options that address the identified issues of concern that are affecting the estuary. This step was completed for the Hunter Estuary by BMT WBM with the assistance of Parsons Brinckerhoff in 2009.

From the findings of the Management Study, an Estuary Coastal Zone Management Plan was prepared. The Plan described how the estuary would be managed, gave recommended solutions to identified problems, and detailed a schedule of activities for the implementation of the recommendations. The Plan can be certified by the Minister for Planning, and implemented through planning controls, works programs, monitoring programs, and education services. Once certified, all strategies recommended in an Estuary Coastal Zone Management Plan are eligible for funding from the State Government.

The general Estuary Management process followed to develop this Plan is shown in Figure 1-2.
Table 1-1 Organisations on the Hunter Coast and Estuary Management Committee

<table>
<thead>
<tr>
<th>State Government</th>
<th>Industry Stakeholders</th>
<th>Community Stakeholders / Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Office of Environment &amp; Heritage (OEH)</td>
<td>• Port of Newcastle</td>
<td>• Commercial Fishermen’s Co-operative Ltd</td>
</tr>
<tr>
<td>• Environmental Protection Authority (EPA)</td>
<td>• Hunter Water Corporation (HWC)</td>
<td>• Newcastle District Anglers Association (Sec)</td>
</tr>
<tr>
<td>• Dept. Primary Industries (DPI)</td>
<td></td>
<td>• Hunter Surf Industry Cluster</td>
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<tr>
<td>• Dept. of Industries – Lands</td>
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<td>• Oceanwatch</td>
</tr>
<tr>
<td>• Dept. of the Premier and Cabinet</td>
<td></td>
<td>• Hunter Bird Observers Club (HBOC)</td>
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<td></td>
</tr>
<tr>
<td>• NSW Roads &amp; Maritime Authority, Waterways Authority</td>
<td>• Port Waratah Coal Services (PWCS)</td>
<td>• Community representative (coastal management specialist)</td>
</tr>
<tr>
<td>• Local Land Services Hunter (prev. Hunter-Central</td>
<td>• Hunter Development Corporation (HDC)</td>
<td>• Community representative (Newcastle)</td>
</tr>
<tr>
<td>Rivers Catchment Management Authority)</td>
<td></td>
<td>• Community representative (Stockton)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• University of Newcastle</td>
</tr>
<tr>
<td>• Dept. of Planning and Environment (DoPE)</td>
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<td></td>
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<tr>
<td>• NSW Roads &amp; Maritime Authority, Waterways Authority</td>
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<tr>
<td>• Local Land Services Hunter (prev. Hunter-Central</td>
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<tr>
<td>Rivers Catchment Management Authority)</td>
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<tr>
<td>• Dept. of Planning and Environment (DoPE)</td>
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</table>
1.3.1 Previous Reports

This report is the last in a series of documents that have been prepared in accordance with the provisions of the NSW Government's Guidelines for Preparing Coastal Zone Management Plans (refer to Section 1.3). Many other studies have been carried out on the Hunter River over the past 20 – 30 years and these have also been referred to where relevant, during the preparation of the present, and preceding reports. A reference list is provided in each of the reports, with the most detailed of these being the Estuary Processes Study (MHL, 2003).
1.3.1.1 Hunter Estuary Processes Study

The Hunter Estuary Processes Study (MHL, 2003) outlines the hydraulic, sedimentation, water quality and ecological processes within the estuary, and the impact of human activities on these processes. An understanding of these processes is an important aspect of developing an effective Estuary Coastal Zone Management Plan. This includes an assessment of the;

- health status of the estuary
- pressures affecting estuary health
- projected climate change impacts on estuary health
- current access arrangements and associated environmental impacts.

1.3.1.2 Hunter Estuary Management Study

The Hunter Estuary Management Study brings together the current scientific understanding of how the estuary works and an understanding of the aspirations for future management of the estuary. This information is then used to recommend a shortlist of strategies for future management of the Hunter Estuary.

This document identifies and assesses a range of potential future management options that aim to protect the values of the estuary (i.e. those aspects of the estuary that are good), and address the issues facing the estuary (i.e. those aspects of the estuary that require attention). This information is presented in a manner readily accessible to the community, thereby enabling informed community participation in the selection of appropriate management options.

For a brief discussion of this consultation, refer to Section 1.9.

For completeness and consistency, the Hunter Estuary Management Study was finalised concurrently with the Hunter Estuary Coastal Zone Management Plan.

1.4 Coastal Zone Management Planning Requirements

The Estuary Management Process in NSW was guided by the Estuary Management Policy (1992) and Estuary Management Manual (1992) at the time of preparing the original CZMP. The NSW Government’s Guidelines for Preparing Coastal Zone Management Plans (OEH, 2013) have now replaced the Estuary Management Manual and combines the former Coastal and Estuary Management processes. Appendix B outlines how this document meets the requirements of the new guidelines including the coastal management principles and the objects of the Coastal Protection Act 1979.

At the time of revising the Hunter Estuary CZMP the NSW Government is working to deliver further reforms with a new legislative and regulatory framework including the Coastal Management Act 2016, a coastal management manual and a Coastal Management State Environmental Planning Policy (SEPP). Future revisions of the Hunter Estuary CZMP will be made in accordance with these new requirements.
To be eligible for certification by the Minister for Planning, the Hunter Estuary CZMP must address the matters outlined in s55C of the Coastal Protection Act 1979, including:

a. protecting and preserving beach environments and beach amenity, and

b. emergency actions carried out during periods of beach erosion, including the carrying out of related works, such as works for the protection of property affected or likely to be affected by beach erosion, where beach erosion occurs through storm activity or an extreme or irregular event, and

c. ensuring continuing and undiminished public access to beaches, headlands and waterways, particularly where public access is threatened or affected by accretion, and

d. where the plan relates to a part of the coastline, the management of risks arising from coastal hazards, and

e. where the plan relates to an estuary, the management of estuary health and any risks to the estuary arising from coastal hazards, and

f. the impacts from climate change on risks arising from coastal hazards and on estuary health, as appropriate, and

g. where the plan proposes the construction of coastal protection works (other than temporary coastal protection works) that are to be funded by the council or a private landowner or both, the proposed arrangements for the adequate maintenance of the works and for managing associated impacts of such works (such as changed or increased beach erosion elsewhere or a restriction of public access to beaches or headlands).

The above points essentially relate to sections of the open coast, with the aim of ensuring public amenity of beaches and the coastline is maintained. For the open portion of the coast surrounding the mouth of the estuary the Newcastle Coastal Zone Management Plan will primarily provide guidelines on sustainable management and emergency response. Where considered relevant within the estuary, this Plan has also considered and addressed the abovementioned requirements. It is therefore proposed that this Hunter Estuary management plan be regarded as a Coastal Zone Management Plan (the Hunter Estuary Coastal Zone Management Plan).

In considering Approval, the Minister would consult with departments and stakeholders that are responsible for various aspects of this Plan.

### 1.5 Purpose of the Plan

The original Plan was developed to fulfil the requirements of the NSW Estuary Management Policy and the NSW Coastal Protection Act 1979. A 2016 review of the Plan was undertaken to ensure it also fulfils the requirements set out in the Guidelines for Preparing Coastal Zone Management Plans (OEH, 2013). The Plan links to other natural resource management strategies in the catchment and aims to protect and enhance the diverse range of values and assets associated with the Hunter Estuary. It contains a list of recommended strategies that have been designed and prioritised according to the ‘Vision’ and ‘Objectives’ for the future of the Hunter Estuary, as agreed by the Hunter Coast and Estuary Management Committee. The implementation process for these strategies is outlined in Section 3 and Section 4. Implementation tables include timeframes, responsibilities, measurables and other information related to each of the strategies.
1.6 Status of the Plan

This is an Estuary Coastal Zone Management Plan prepared in accordance with the Guidelines for Preparing Coastal Zone Management Plans (2013). This document is also considered a Coastal Zone Management Plan under the context of Part 4A of the Coastal Protection Act 1979.

The original Plan was adopted by Newcastle City Council on 6 October 2009.

The original Plan was adopted by Port Stephens Council on 13 October 2009.

The original Plan was adopted by Maitland City Council on 13 October 2009.

The revised Plan is to be submitted for certification in December 2016.

1.7 Duration of the Plan

From a management perspective, it is envisaged that the strategies and actions outlined within the Plan would remain relevant for a period of at least five (5) years. During this period, however, the Plan shall be reviewed on an annual basis and will undergo an audit of implementation. Formal revision is required in 5 years. For more information on the review schedule, please refer to Section 5.4.

1.8 Relationship to other Plans

The Hunter Estuary is subject to a wide range of existing plans and policies that have been prepared by both State Government agencies and local government. These Plans frame the planning and policy context that has been incorporated into the development of this Hunter Estuary Coastal Zone Management Plan. To facilitate this, a detailed review of existing plans and policy documents was undertaken during the Estuary Management Study phase (BMT WBM, 2009).

At a regional level, there are policies and plans prepared by the various State Government agencies. The most significant of these is the Hunter LLS Strategic Plan (refer Section 1.8.1) and the Hunter Regional Plan 2036 (refer Section 1.8.2). Other relevant plans are discussed in detail in the Hunter Estuary Management Study (BMT WBM, 2009).

There are also local management plans prepared by each of the local councils (refer Section 1.8.3). Finally, there are management plans prepared by the owners of adjoining land, such as National Parks Plans of Management (refer Section 1.8.4).

The Hunter Estuary Coastal Zone Management Plan has been prepared giving extensive consideration to these existing strategic and management planning documents. The objectives of this Plan are considered to be consistent with the objectives of other relevant natural resource management plans and strategic policies, while the principles and strategies have been developed to maximise opportunities for integration between the documents.
1.8.1 Hunter Local Strategic Plan

The Hunter Local Strategic Plan 2016-2021 (HLLS, 2016) outlines the priority strategies to improve natural resources over the next 5 years. The strategic plan for HLLS region applies to the area from Taree in the north to Lake Macquarie in the south, and from the Merriwa Plateau and Great Dividing Range in the west to Newcastle in the east. It will build on the work of the Hunter-Central Rivers Catchment Action Plan. The Plan outlines how HLLS will work with communities to better manage our water, land, soil, vegetation,

1.8.2 Hunter Regional Plan 2036

A Hunter Regional Plan 2036 and associated Implementation Plan 2016-2018 has been prepared by the Department of Planning & Environment. At the time of writing, the Hunter Regional Plan 2036 is the principal regional environmental planning document for the Hunter area. The four key goals of the Plan are a strong economy, protecting the natural environment, creating thriving communities, and greater housing choice and jobs.

1.8.3 Council Strategic Plan

The Local Government Act 1993 (LG Act) defines the powers, duties and functions of all local councils in New South Wales. Under sections 402-406 LG Act, a council must prepare and adopt an overall ‘strategic plan’ (CSP).

Council Management Plans relevant to the Hunter Estuary are:

- NCC, 2013, "Newcastle 2030: Newcastle Community Strategic Plan",
- MCC, "Maitland +10 Community Strategic Plan"
- PSC, "Community Strategic Plan – 2013-2023"

Councils are required under section 404 of the Act to provide the following:

- A council must have a Delivery Program, detailing the principal activities it will undertake to achieve the objectives established in the Community Strategic Plan, within the resources available under the Resourcing Strategy.

- The Delivery Program must include a method of assessment to determine the effectiveness of each principal activity detailed in the Delivery Program in achieving the objectives at which the activity is directed.

- A council must prepare a new Delivery Program after each ordinary election of councillors to cover the principal activities of the council for the 4 year period commencing on 1 July following the election.

A draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted by the council.

- The General Manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

- The council must review its Delivery Program each year when preparing the Operational Plan
The annual report in the year of the ordinary election must include a report (State of the Environment Report) as to the state of the environment in the local government area in relation to the objectives for the environment established by the Community Strategic Plan.

1.8.4 **Hunter Wetlands National Park Plan of Management**

The Hunter Wetlands National Park was created through the National Park Estate (Lower Hunter Region Reservations) Bill 2006. A Hunter Wetlands National Park: Draft Plan of Management has been completed and is in the final stage of the review process which includes information on important park values and provides directions for future management.

1.9 **Community and Stakeholder Consultation**

A draft of the Hunter Estuary CZMP will be publically exhibited by the councils for a minimum of 21 days with submissions reviewed before finalising and certifying the plan. In addition an extensive program of consultation has been undertaken in the development of this Hunter Estuary Coastal Zone Management Plan. This has been reported in detail in the Estuary Management Study (BMT WBM, 2009). A brief summary of the tasks undertaken is provided below.

- **Letters, brochures and fact sheets** mailed out to 182 organisations and individuals
- **Website** – A dedicated website was developed solely for the purposes of this study and for providing information directly to the community regarding the project (www.hunter-ems.com.au)
- **Community Workshops** held on four separate occasions, comprising Maitland Senior Citizens Centre (15/11/04); Port Stephens Council Administration Centre (17/11/04); Harbourview Function Centre, Newcastle (18/11/04); and Hexham Bowling Club (19/7/06).
- **Stakeholder Workshop with industry representatives** held at Hunter Business Chamber (22/9/05).
- **Individual workshops with Government Agencies** held on ten separate occasions, including:
  - NPWS (20/3/07)
  - RLMC (21/2/07)
  - DPI – Ag (27/2/07)
  - HCRCMA (16/2/07)
  - Hunter Water Corp. (16/2/07)
  - Newcastle Port Corporation (Now PON) / Maritime Authority (20/2/07)
  - DNR (15/3/07)
  - PSC (6/12/06)
  - MCC (7/12/06)
  - NCC (5/12/06)
• **Planners workshop with Councils’ Strategic Planners and Department of Planning** held at Port Stephens Council Administration Centre (23/2/07).

The plan was re-exhibited across the three council areas in November 2016 for a minimum of 21 days. No community submissions were received. A number of government agencies provided comment and minor amendments were consequently made.
2 VISION, PRINCIPLES AND OBJECTIVES FOR THE ESTUARY

2.1 Vision for the Estuary

The Hunter Coast and Estuary Management Committee has prepared the following vision statement for the Hunter Estuary to represent the overall goal of the Hunter Estuary Coastal Zone Management Plan.

“The community, industry and government working together towards a productive, economically viable and ecologically sustainable Hunter Estuary, recognising social, cultural and environmental values”

2.2 Management Principles

The Hunter Estuary Coastal Zone Management Plan is to maintain or improve the current environmental conditions of the Hunter Estuary. This is to be achieved firstly by remediating existing degrading influences within the estuary and the catchment, and secondly through limiting the potential for future environmental degradation. This approach is consistent the targets of the Natural Resources Commission (NRC) and the overall NSW State Plan.

A two part management framework has been developed for achieving the above aim, viz:

1. Recognising and protecting existing estuary values and functions (refer section below); and

2. Pro-active management strategies that redress existing issues and landuse conflicts (refer Section 3).

2.2.1 Estuary Values and Significance

The Hunter Estuary possesses a wide range of values and is considered locally, nationally and internationally significant for many reasons. The values are articulated within the Vision for the Estuary (refer Section 2.1), and are listed in greater detail below under the headings of Economic, Social, and Ecological.

2.2.1.1 Economic

- The deep water access and port-side activities of the Port of Newcastle act as a significant driver for local, regional and state economies.
- Agriculture around the Hunter Estuary contributes to local and regional economies.
- Fishing (commercial and recreational) and aquaculture within the Hunter Estuary contribute to the regional and local economies.
- The Hunter River Flood Mitigation Scheme has been developed to minimise damage, economic losses and risks to life during times of flood.
- The lower Hunter Estuary is considered a key attraction for tourists and recreational users to the area, with associated economic benefits.
- Wetlands within the Hunter Estuary provide habitat for prawns and fish, and thus are important to regional and local economics.
- Wetland rehabilitation works contribute to the local economy.

2.2.1.2 Social

- The Hunter River Estuary, wetlands and environs are of cultural significance to Aboriginal People.
- Newcastle and surrounds were one of the first sites of European settlement and the Hunter Estuary study area includes a unique variety of historical structures and sites of significance.
- The estuary is a significant landscape feature that determines the identity of regional communities and contributes to the amenity of the region.
- The Hunter Estuary is a focus for recreational activities in the region, including fishing, boating, water skiing, bird watching, swimming, cycling, sightseeing and walking.
- It is important to the local community that they continue to be consulted in management and protection of the Hunter Estuary.

2.2.1.3 Ecological

- The Hunter River Estuary and wetlands are of international significance, being listed under the Ramsar wetland convention, and utilised by 38 of the 66 species protected by the Japan-Australia Migratory Bird Agreement (JAMBA), China-Australia Migratory Bird Agreement (CAMBA), and Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).
- The Hunter River Estuary and wetlands are also of state and national significance, being utilised by a range of species protected under the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- The Hunter River Estuary encompasses a diversity of habitats, including several Endangered Ecological Communities listed under the NSW Threatened Species Conservation Act 1995, as well as habitats critical to migratory birds.
- Estuarine vegetation communities of the Hunter River Estuary play an important role in providing wildlife corridors of a landscape scale.
- Wetland rehabilitation works around the Hunter River Estuary (such as Kooragang, Shortland and Hexham Projects) are widely regarded and have produced notable positive results.

2.2.2 Guiding Principles for Estuary Conservation

The following guiding principles set out the context for future management of the estuary, taking into consideration the need to protect and conserve existing estuary values. This plan recommends all future developments, plans and actions within the estuary and associated study area consider these guiding principles.
A. **Natural Environment and Processes** - To protect, enhance, maintain and restore the environment of the Hunter Estuary, its associated ecosystems, ecological processes and biological diversity, and its water quality

B. **Heritage** - To protect and conserve the Aboriginal and European heritage of the Hunter Estuary

C. **ESD and Integrated Planning** - To provide for integrated planning and management of the Hunter Estuary in accordance with the principles of ecologically sustainable development

D. **Aesthetics and Access** – To ensure continuing public access and preservation of the amenity of the Hunter Estuary

E. **Community involvement** - To recognise the role of the community, as a partner with the government, in resolving issues relating to the protection and effective management of the Hunter Estuary

### 2.3 Key Estuary Issues

The key issues identified for the estuary are listed below. These issues were established through consultation with community and stakeholders, including government authorities, and a sound appreciation of the scientific processes occurring within the estuary.

- Habitat loss
- Bank erosion and sedimentation
- Impacts on native flora and fauna
- Lack of riparian vegetation
- Mangroves and noxious weeds invasion
- Estuary Management co-ordination
- Protecting estuary significance
- Development pressures and land management
- Estuary users and conflicts
- Heritage
- Scenic quality
- Changes to estuarine hydraulics
- Flood mitigation works
- Fishing
- Water quality
- Agricultural inputs
- Urban inputs
- Industrial inputs
- Water extraction
- Dredging and commercial sand and gravel extraction
- Need for foreshore reserves
- Port operations
- Climate change
- Condition of sea walls
- Coastal Inundation
The Processes Study identifies climate change as an information gap and outlines that further investigation into the local impact (including potential ecological, assets and access impacts) is required. This is reflected throughout the strategies within the plan.

All councils undertake flood assessments (Hunter River Floodplain Risk Management Study and Plan (MCC, 2015), the Williams River Flood Study (PSC, 2009) and the Newcastle Citywide Flood Risk Management Plan (NCC, 2012) which include climate change and coastal inundation and this will be an ongoing process. Flood assessment focus on impacts on infrastructure, however further investigation is required into the environmental impacts and this is reflected in the strategies.

2.4 Prioritised Management Objectives

The objectives define the specific focus of the Hunter Estuary Coastal Zone Management Plan, essentially defining the "goal posts" for which future management of the estuary should be targeted towards. The objectives provide a platform for actioning the Vision. With the exception of Objective 25, the objectives have been prioritised (ranked from most important to least important) by representatives of the Hunter Coast and Estuary Management Committee, as documented in the Hunter Estuary Management Study. Prioritisation of the objectives is used in the assessment of potential management options. The most important objectives are essentially the first to be addressed by management strategies included in the Hunter Estuary Coastal Zone Management Plan.

1. To protect and enhance estuarine biodiversity, particularly Endangered Ecological Communities (as listed under the NSW Threatened Species and Conservation Act 1995, NSW Fisheries Management Act 1994) and other key habitats

2. To increase appropriate native riparian vegetation along the Hunter Estuary

3. To prevent catchment and point source pollutants from compromising social, environmental and economic values of the Hunter Estuary

4. To optimise management of flood mitigation works and other flow control structures to enhance environmental values without compromising intended function

5. To minimise further bank erosion throughout the Hunter Estuary and remediate existing erosion sites, where appropriate

6. To provide opportunity for effective and inclusive stakeholder involvement in the management of the Hunter Estuary environment.

7. To acquire knowledge relevant to environmental management about the Hunter Estuary, on a priority basis

8. To achieve consistency and integration between the Hunter Estuary Coastal Zone Management Plan and other strategic environmental planning and Natural Resource Management instruments and programs
9. To adopt catchment wide development assessment practices that consider and address cumulative impacts on the Hunter Estuary

10. To ascertain the impacts of past works and activities on the tidal hydraulics of the Hunter Estuary

11. To encourage development that maintains and enhances landscape values, opportunities for recreation and ecological functions of the Hunter Estuary

12. To prevent mobilisation of contaminated sediment and groundwater contamination from impacting on environmental processes within the Hunter Estuary

13. To reduce the catchment sediment load to the Hunter Estuary

14. To fulfil all requirements of international environmental management treaties and relevant conservation legislation in regard to the Hunter Estuary

15. To prevent environmental weeds and pests from compromising the social, ecological and economic values of the Hunter Estuary

16. To facilitate the adaptation of estuarine communities to projected climate change

17. To adopt a consistent approach to foreshore land rehabilitation and conservation along the Hunter Estuary

18. To minimise environmental consequences of changes to flow and salinity regimes from upstream activities

19. To reduce the environmental impacts of the accumulation and migration of recent sediments within the Hunter Estuary

20. To prevent further exposure of Potential Acid Sulphate Soils and to reduce the extents of Actual Acid Sulfate Soils around the Hunter Estuary

21. To increase appropriate public access and amenity to the Hunter Estuary and wetlands, recognising sensitive habitats

22. To enhance the scenic quality of the Hunter Estuary

23. To facilitate appropriate reuse of sediment dredged from the Estuary

24. To minimise the environmental impacts of commercial sand and gravel extraction on the Hunter Estuary

25. "To protect and conserve Aboriginal and European heritage objects, places and landscapes

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This objective was added during the review process because heritage principles and strategies were included in the plan, however, there was not a corresponding objective. The objective has not been prioritised in relation to the other objectives and its number (25) does not reflect the relative importance given to this objective.
3 **MANAGEMENT STRATEGIES**

3.1 **Summary of Strategies**

A summary of the proposed management strategies is provided in Table 3-1, outlining a number of key characteristics, such as proposed priorities, implementation timeframes, applicable areas, costs and lead responsibilities. The inter-connection and relationship between these strategies is presented in Figure 3-1.

The strategies were prioritised and shortlisted by the study team according to the following criteria:

- The degree to which they address the agreed Estuary Management Plan objectives (represented by a "management objectives score").
- The benefit of the strategy (represented by a "benefit score").
- The implement costs (represented by a "cost score")

These three criteria and their associated scores are discussed further in 8.2 of the Hunter Estuary Management Study.

3.2 **Management Zones**

The management zones are geographic areas used to describe where each of the strategies apply. Two zones were defined by the Estuary Technical Subcommittee (TSC) of the HCEMC and the BMT WBM study team. Zone 1 covers the North Arm, Fullerton Cove and the South Arm including the Port and part of Throsby Creek (i.e. Lower Estuary) and Zone 2 covers all remaining upstream areas (i.e. Upper Estuary) within the NCC, MCC, and PSC LGA’s. The management zones are shown in Figure 3-2. The various management strategies are applicable to Zone 1, Zone 2, or both Zones 1 and 2.

3.3 **Addressing Management Objectives**

The proposed management strategies are designed to address the 24 Management Objectives that have been identified and prioritised for the Hunter Estuary. The relationship between the management objectives, the proposed management strategies, and the guiding principles, is expressed in Table 3-2.

3.4 **Implementation Details**

Schedules providing details on implementation of the individual management strategies are provided in Section 3.6.

3.4.1 **Suggested Actions**

A list of suggested actions, or steps to achieve each of the strategies is given for each of the strategies within the implementation schedules. This list is designed to be used as a guide for
implementation, allowing a degree of flexibility in undertaking works and actions to achieve the overall intent of the strategies.

3.4.2 Agency Responsibilities

A number of agencies have been assigned responsibilities for the implementation of actions within this Hunter Estuary Coastal Zone Management Plan. Table 3-3 lists each of the management agencies that hold some degree of statutory or implementation responsibility for the Hunter Estuary Coastal Zone Management Plan. Former agency names are included to assist the reader. The agencies' wider role in the management of the Hunter Estuary is also noted.
<table>
<thead>
<tr>
<th>Strategy #</th>
<th>Strategy Name</th>
<th>Relative Benefit / Cost (1)</th>
<th>Timeframe (2)</th>
<th>Lead Responsibility</th>
<th>Costs</th>
<th>Zones</th>
<th>Impl. tbl pg ref.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Establish and/or modify local planning guidelines and controls to allow appropriate assessment and consideration of estuarine habitats and biodiversity as a part of any future development within the estuary and its surrounds</td>
<td>Medium</td>
<td>Immediate and Ongoing</td>
<td>Councils</td>
<td>min.</td>
<td>1 &amp; 2</td>
<td>27</td>
</tr>
<tr>
<td>2</td>
<td>Investigate opportunities to protect key habitats and significant existing vegetation stands through rezoning to a more appropriate conservation zone</td>
<td>High</td>
<td>Ongoing</td>
<td>Councils</td>
<td>min.</td>
<td>1 &amp; 2</td>
<td>28</td>
</tr>
<tr>
<td>3</td>
<td>Map estuarine and riparian vegetation to determine habitat potential, health and location, and extents of estuary-related Endangered Ecological Communities</td>
<td>Very High</td>
<td>Ongoing</td>
<td>Councils, HLLS, OEH</td>
<td>$100k</td>
<td>1 &amp; 2</td>
<td>29</td>
</tr>
<tr>
<td>4</td>
<td>Develop an integrated predictive numerical model of the Hunter Estuary, incorporating hydrodynamics, water quality and sediment transport processes, as necessary</td>
<td>Medium</td>
<td>Ongoing</td>
<td>OEH, NOW, HWC</td>
<td>$1.3m</td>
<td>1 &amp; 2</td>
<td>30</td>
</tr>
<tr>
<td>5</td>
<td>Identify all structures within the estuary that are interfering with fish passage, and then replace and rehabilitate on a priority basis</td>
<td>Very High</td>
<td>Ongoing</td>
<td>DPI - Fisheries</td>
<td>$100k +</td>
<td>1 &amp; 2</td>
<td>31</td>
</tr>
<tr>
<td>6</td>
<td>Develop an estuary wide conservation Masterplan that provides clear priorities for implementation for future conservation and rehabilitation</td>
<td>Medium</td>
<td>Ongoing</td>
<td>HLLS, Councils</td>
<td>$100k</td>
<td>1 &amp; 2</td>
<td>32</td>
</tr>
<tr>
<td>7</td>
<td>Incorporate the objectives of the CZMP into the Plan of Management for the newly created Hunter Wetlands National Park (incorporating the former Hexham Swamp and Kooragang Nature Reserves) and assist with support to implementation</td>
<td>High</td>
<td>Ongoing</td>
<td>OEH (NPWS)</td>
<td>min.</td>
<td>1 only</td>
<td>33</td>
</tr>
<tr>
<td>8</td>
<td>Prioritise bank erosion sites with consideration to assets (built and natural), infrastructure, River Styles condition and recovery potential, rates of recession, land tenure / use and vegetation, and implement strategies to redress erosion, on a priority basis</td>
<td>High</td>
<td>Ongoing</td>
<td>Councils, HLLS, OEH, RMS</td>
<td>$1m +</td>
<td>1 &amp; 2</td>
<td>34</td>
</tr>
<tr>
<td>9</td>
<td>Support volunteers and environmental group participation, including Aboriginal Land Management, in revegetation of riparian zones-where appropriate include opportunities to improve public access.</td>
<td>High</td>
<td>Ongoing</td>
<td>HLLS, Councils</td>
<td>$100k</td>
<td>1 &amp; 2</td>
<td>35</td>
</tr>
<tr>
<td>10</td>
<td>Build on existing riparian vegetation guidelines to encourage consistency across the estuary landscape and differing land tenures</td>
<td>Medium</td>
<td>Ongoing</td>
<td>HLLS</td>
<td>$20k</td>
<td>1 &amp; 2</td>
<td>36</td>
</tr>
<tr>
<td>11</td>
<td>Introduce an environmental planning requirement for all new development to achieve no net increase in pollutant runoff loads, through best practice stormwater management</td>
<td>Very High</td>
<td>Ongoing</td>
<td>Councils, DoPE</td>
<td>min.</td>
<td>1 &amp; 2</td>
<td>37</td>
</tr>
<tr>
<td>12</td>
<td>Through the Hunter Coast and Estuary Management Committee (or similar), host an on a needs basis inter-governmental panel / forum with senior administrators and agency staff to stream-line co-ordinated and integrated decision-making</td>
<td>Medium</td>
<td>Ongoing</td>
<td>Councils, OEH</td>
<td>min.</td>
<td>1 &amp; 2</td>
<td>38</td>
</tr>
<tr>
<td>Strategy #</td>
<td>Strategy Name</td>
<td>Relative Benefit / Cost</td>
<td>Timeframe (2)</td>
<td>Lead Responsibility</td>
<td>Costs</td>
<td>Zones</td>
<td>Impl. tbl pg ref.</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
<td>---------------</td>
<td>---------------------</td>
<td>--------------------------</td>
<td>-------</td>
<td>------------------</td>
</tr>
<tr>
<td>13</td>
<td>Raise public awareness of the values of the Hunter Estuary and sustainable use of the estuary through targeted community education</td>
<td>High</td>
<td>Ongoing</td>
<td>Councils</td>
<td>$50k &amp; $10k/yr</td>
<td>1 &amp; 2</td>
<td>39</td>
</tr>
<tr>
<td>14</td>
<td>Improve land use practices throughout the catchment to minimise soil erosion and improve water quality</td>
<td>Medium</td>
<td>Ongoing</td>
<td>HLLS, DPI-Ag, Councils</td>
<td>var.</td>
<td>2 only</td>
<td>40</td>
</tr>
<tr>
<td>15</td>
<td>Develop incentive mechanisms to promote and facilitate the adoption of sustainable agricultural practices that generate a commercial and environmental benefit</td>
<td>Medium</td>
<td>Ongoing</td>
<td>HLLS, DPI-Ag</td>
<td>var.</td>
<td>2 only</td>
<td>41</td>
</tr>
<tr>
<td>16</td>
<td>Conservation of key habitat and significant vegetation should be undertaken through the Biobanking scheme or through preparation and implementation of individual conservation agreements</td>
<td>Very High</td>
<td>Ongoing</td>
<td>HLLS, EPA</td>
<td>min.</td>
<td>1 &amp; 2</td>
<td>42</td>
</tr>
<tr>
<td>17</td>
<td>Undertake estuarine and related habitat restoration through physical works, revegetation and or alternative management practices of assets and infrastructure</td>
<td>High</td>
<td>Ongoing</td>
<td>HLLS, EPA, OEH (NPWS), Councils</td>
<td>$10m +</td>
<td>1 &amp; 2</td>
<td>43</td>
</tr>
<tr>
<td>18</td>
<td>Develop a plan of all public access points along the Hunter Estuary, review those which coincide with sensitive habitats, and formalising those with highest recreational usage / value (where appropriate), to provide on-going and undiminished access to the river</td>
<td>Medium</td>
<td>Ongoing</td>
<td>Councils</td>
<td>min.</td>
<td>1 &amp; 2</td>
<td>44</td>
</tr>
<tr>
<td>19</td>
<td>Support and participate in research programs and run these programs in partnership with major stakeholders on a case by case basis</td>
<td>Medium</td>
<td>Ongoing</td>
<td>Councils, HLLS</td>
<td>$5k ea</td>
<td>1 &amp; 2</td>
<td>45</td>
</tr>
<tr>
<td>20</td>
<td>Investigate impacts arising from climate change and potential adaptations</td>
<td>Medium</td>
<td>Medium Term</td>
<td>Councils, OEH</td>
<td>min.</td>
<td>1 &amp; 2</td>
<td>46</td>
</tr>
<tr>
<td>21</td>
<td>Undertake a critical review of the salinity trading scheme, the Hunter River Water Sharing Plan and upstream activities in terms of environmental consequences of water discharges and offtakes</td>
<td>Medium</td>
<td>Medium Term</td>
<td>EPA, NOW</td>
<td>$50k</td>
<td>2 only</td>
<td>47</td>
</tr>
<tr>
<td>22</td>
<td>Undertake assessments for contaminated sediments in the Hunter Estuary</td>
<td>Medium</td>
<td>Ongoing</td>
<td>EPA, RMS</td>
<td>$50k</td>
<td>1 &amp; 2</td>
<td>48</td>
</tr>
<tr>
<td>23</td>
<td>Where appropriate, reuse sediment dredged from the Hunter Estuary</td>
<td>Medium</td>
<td>Ongoing</td>
<td>NCC</td>
<td>Millions?</td>
<td>1 &amp; 2</td>
<td>49</td>
</tr>
<tr>
<td>24</td>
<td>To identify and conserve heritage objects, places and landscapes in the Hunter Estuary</td>
<td>Medium</td>
<td>Ongoing</td>
<td>OEH</td>
<td>$50k</td>
<td>1 &amp; 2</td>
<td>50</td>
</tr>
</tbody>
</table>

(1) refer BMT WBM (2009) for details of relative benefit/cost assessment
Figure 3-1  Relationship between strategies of this Hunter Estuary Coastal Zone Management Plan
Figure 3-2  Management Zones for the Hunter Estuary

Note: zones include an approximate 1km riparian buffer around estuarine waters
<table>
<thead>
<tr>
<th>Principles</th>
<th>Objective</th>
<th>Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1. Estuarine biodiversity</td>
<td>1, 2, 3, 5, 6, 7, 8, 9, 10, 13, 16, 17, 18, 20</td>
</tr>
<tr>
<td>A</td>
<td>2. Native vegetation</td>
<td>1, 2, 3, 6, 7, 8, 9, 10, 14, 17</td>
</tr>
<tr>
<td>A</td>
<td>3. Catchment pollutants</td>
<td>11, 13, 15, 17</td>
</tr>
<tr>
<td>A</td>
<td>4. Flood mitigation works</td>
<td>4, 5, 8, 17, 19, 20</td>
</tr>
<tr>
<td>A</td>
<td>5. Bank erosion</td>
<td>8, 13, 14, 17, 18</td>
</tr>
<tr>
<td>E</td>
<td>6. Stakeholder involvement</td>
<td>6, 9, 10, 12, 14, 15, 16, 17</td>
</tr>
<tr>
<td>C</td>
<td>7. Acquire knowledge</td>
<td>3, 4, 19, 21, 22</td>
</tr>
<tr>
<td>C</td>
<td>8. Planning consistency</td>
<td>1, 2, 6, 7, 11, 12, 16, 17, 20</td>
</tr>
<tr>
<td>C</td>
<td>9. Catchment-wide DA practices</td>
<td>3, 11, 20</td>
</tr>
<tr>
<td>A</td>
<td>10. Impacts of past works</td>
<td>3, 4, 5, 17, 19</td>
</tr>
<tr>
<td>C</td>
<td>11. Encourage eco-development</td>
<td>1, 2, 11, 13, 16</td>
</tr>
<tr>
<td>A</td>
<td>12. Contaminated sediments</td>
<td>22</td>
</tr>
<tr>
<td>A</td>
<td>13. Catchment sediment load</td>
<td>6, 8, 11, 14, 15, 17</td>
</tr>
<tr>
<td>C</td>
<td>14. International treaties</td>
<td>3, 5, 6, 7, 16, 17, 20</td>
</tr>
<tr>
<td>A</td>
<td>15. Weeds and pests</td>
<td>3, 6, 7, 9, 10, 13, 15, 16, 17</td>
</tr>
<tr>
<td>C</td>
<td>16. Climate change adaptation</td>
<td>3, 4, 5, 6, 16, 17, 19, 20</td>
</tr>
<tr>
<td>A</td>
<td>17. Consistent rehab. approach</td>
<td>1, 2, 3, 6, 7, 9, 10, 13, 16, 17</td>
</tr>
<tr>
<td>A</td>
<td>18. Flow and salinity regimes</td>
<td>4, 18, 20, 21</td>
</tr>
<tr>
<td>A</td>
<td>19. Recent sedimentation</td>
<td>8</td>
</tr>
<tr>
<td>C</td>
<td>20. Acid sulfate soils</td>
<td>4, 5, 6, 13, 17</td>
</tr>
<tr>
<td>D</td>
<td>21. Public access</td>
<td>3, 9, 10, 15, 18</td>
</tr>
<tr>
<td>D</td>
<td>22. Scenic quality</td>
<td>2, 3, 5, 6, 13, 17</td>
</tr>
<tr>
<td>C</td>
<td>23. Estuary sediments reuse</td>
<td>23</td>
</tr>
<tr>
<td>A</td>
<td>24. Sand/gravel extraction</td>
<td>8</td>
</tr>
<tr>
<td>B</td>
<td>25. Heritage conservation</td>
<td>24</td>
</tr>
</tbody>
</table>
## Table 3-3 Agencies with Implementation Responsibilities

<table>
<thead>
<tr>
<th>Agency</th>
<th>Previous names</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newcastle City Council</td>
<td>n/a</td>
<td>Prepare Local Environmental Plans under Part 3 of the EP&amp;A Act, Development Control Plans and other Council policies. Councils are required to consult with their communities during the preparation of LEPs, DCPs and other policies and initiatives. Assess development under Part 4 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&amp;A Act) and provide essential local services including local infrastructure, rubbish removal, stormwater management and natural resource management.</td>
</tr>
<tr>
<td>Port Stephens Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maitland City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW Department of Primary Industries - Lands</td>
<td>Department of Lands</td>
<td>Manages state owned lands</td>
</tr>
<tr>
<td>NSW Roads &amp; Maritime</td>
<td>NSW Maritime, NSW Waterways Authority</td>
<td>Responsible for boating safety, licensing and mapping.</td>
</tr>
<tr>
<td>NSW Department of Primary Industries – Fisheries</td>
<td>NSW Fisheries</td>
<td>Fosters profitable and sustainable development of NSW fisheries including aquaculture.</td>
</tr>
<tr>
<td>NSW Department of Primary Industries - Agriculture</td>
<td>NSW Agriculture</td>
<td>Fosters profitable and sustainable development of agriculture in NSW, delivering a range of services to primary industries and rural communities, including horticulture, grazing, cropping, irrigation, and so on.</td>
</tr>
<tr>
<td>Hunter Local Land Services</td>
<td>Hunter Central Rivers Catchment Management Authority, Hunter Catchment Management Trust</td>
<td>Local Land Services bring together agricultural production advice, biosecurity, natural resource management and emergency management. It is responsible for involving regional communities in management of the NRM issues facing the region, and is the primary means for the delivery of funding from the NSW and Australian governments to help land managers improve and restore the natural resources of the state.</td>
</tr>
<tr>
<td>NSW Office of Environment &amp; Heritage</td>
<td>DECC – Coastal and Floodplain, Department of Natural Resources, Department of Infrastructure, Planning and Natural Resources.</td>
<td>Water management, soil and vegetation management, and coastal and floodplain management.</td>
</tr>
<tr>
<td>NSW Office of Environment &amp; Heritage – National Parks and Wildlife Services</td>
<td>DECC – Parks and Wildlife Group, NSW National Parks and Wildlife Service</td>
<td>Conserving the states biodiversity and aboriginal cultural heritage</td>
</tr>
<tr>
<td>NSW Environmental Protection Authority</td>
<td>DECC - Environment Protection &amp; Regulations Group, NSW Environmental Protection Authority</td>
<td>Regulation of potentially polluting activities</td>
</tr>
<tr>
<td>NSW Office of Water</td>
<td>NSW Department of Water and Energy, Department of Natural</td>
<td>Implementation of the Water Management Act (2000) including preparation and implementation of Water Sharing Plans</td>
</tr>
</tbody>
</table>
### Management Strategies

<table>
<thead>
<tr>
<th>Agency</th>
<th>Previous names</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Department of Planning and Environment</td>
<td>NSW Department of Planning, Department of Infrastructure, Planning and Natural Resources.</td>
<td>Assess development under Part 3A of the Environmental Planning and Assessment Act 1979 (NSW) (EP&amp;A Act), including projects that involve State Significant Sites (note Newcastle in a proposed State Significant Site under SEPP (Major Projects) 2005). Approve new and amended statutory planning instruments, including Local Environmental Plans (LEPs).</td>
</tr>
<tr>
<td>Hunter Water Corporation</td>
<td>n/a</td>
<td>Reticulated water supply and wastewater management across the Lower Hunter region, as well as management of major trunk stormwater drainage channels within Newcastle. Responsible for sewage discharges to the Hunter Estuary at a number of locations, including Morpeth, Raymond Terrace and Shortland, as well as discharges into Fisheries Creek upstream and downstream of Wentworth Swamp.</td>
</tr>
</tbody>
</table>
In the Implementation Tables for the strategies (refer Section 3.6) “Lead agency” represents the group(s) which is (are) best placed to undertake the actions of the strategy or facilitate these actions. This does not reflect that the group(s) necessarily has current funding or resources to undertake the strategy. It is, however, a directional tool to focus future management plans or give impetus for seeking funding through grants.

3.5 Funding Opportunities

Implementation of the Hunter Estuary Coastal Zone Management Plan is expected to be funded through a variety of mechanisms, including government and non-government grant schemes, and in-kind contributions. The availability of funds for the Plan will depend on relevant government programs. The identification, application and success of grants will be an important component of the implementation of this Plan.

Given the timeframe of this Plan (ie up to ten years), it is likely that specific opportunities for funding various elements of the Plan will change. As such, specific funding programs have not been detailed here. Provided below is an overview of the types of funding that could be pursued to help with implementation of this Plan.

Estuary Management Program

The NSW Estuary Management Program provides 50/50 funding for most strategies included in an adopted Estuary Coastal Zone Management Plan prepared according to the Guidelines for Preparing Coastal Zone Management Plans (eg. this Plan). Councils are required to submit funding applications to OEH, who administer the Estuary Management Program. All applications for grants across the state are assessed and approved subject to their merit (including consistency with an adopted Plan) and available annual funding.

HLLS

Funding may be available for some activities through the Hunter Local Land Services through its Hunter Estuary and incentive programs.

Local Government

Funding may be available through local government for environment-related projects, however, there is typically strong competition for the limited funds available. Councils have the ability to introduce levies for special funding under the provisions of the Local Government Act 1993. Historically, Councils have used this to collect monies for a range of purposes, including environmental works, sustainability works, stormwater management works and so on. These levies, however, are not perpetual, and therefore cannot be relied upon in the future for continued revenue.

Government Department and Organisation programs

A potential wide range of government and organisational funding programs are available from time to time that would cover some elements of the Hunter Estuary Coastal Zone Management Plan. Examples would include the Department of Primary Industries recreational fishing trusts, and the Department of Education, Employment and Workplace Relations initiatives in Indigenous placements.
Private Sector Grants

A number of private sector companies periodically offer environmental grants that could assist in implementing the Hunter Estuary Coastal Zone Management Plan. Opportunities should be explored now and in the future regarding potential private environmental/carbon offsetting programs. As government policies regarding carbon offsetting and trading become more established, there may be increased opportunity for implementation of targeted on-ground environmental restoration and conservation works, such as those captured within this Hunter Estuary Coastal Zone Management Plan.

Universities

Close collaboration with various universities may yield opportunities for further research, as outlined in this Plan, which could be covered by research grants through universities and other educational institutions.

3.6 Implementation Tables

The following pages contain the implementation tables for each of the strategies. A status report for the implementation of the plans strategies is contained within Appendix C.
**Strategy # 1**  
**Consistent approach to planning along the estuary**

Establish and/or modify local planning guidelines and controls to allow appropriate assessment and consideration of estuarine habitats and biodiversity as a part of any future development within the estuary and its surrounds.

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>NCC, MCC, PSC</td>
<td>The actions in this strategy have essentially been undertaken, and will be reviewed on a needs basis. All LGAs have completed their new LEPs. On-going Development adjacent to the estuary is directed by the Environment Planning and Assessment Act 1979 and the Coastal Management Act 2016 and the State Environment Planning Policies. SEPP (Infrastructure) 2007 and other State Policies have the authority to override LEPs for certain types of development. Existing landuse and values of the estuary are to be considered in planning processes. Councils will continue to use the best available data and planning resources at the time of rezoning and development applications.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>DoPE</td>
<td>1.1 Investigate opportunities to develop compatible landuse zonings and/or LEP mapping overlays (particularly near LGA boundaries) along the foreshore for each of the Local Government Areas in consultation with the community and government authorities.</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Minimal- staff time only</td>
<td>1.2 Investigate new LEP provisions relating to the protection of the estuary identified by LEP overlays.</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td></td>
<td>1.3 Organise a series of workshops to be attended by planning departments from each of the Council's aimed at establishing a unified and consistent approach to environmental planning on lands surrounding the Hunter Estuary.</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Compatible landuse zonings for estuarine environments and habitats across new LEPs</td>
<td>1.4 Investigate the creation of a “checklist of considerations” for all future development that allows assessing officers to identify and assess (via guidelines) potential impacts on estuarine processes (see Appendix A for example). In addition to statutory obligations, the checklist should make reference to scientific literature, as appropriate, to help with the assessment process. Seek DoP input during creation of the checklist and guidelines.</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Immediately and on-going</td>
<td>1.5 Continually update and improve the checklist and associated assessment guidelines following monitoring, benchmarking and ongoing research.</td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 2, 8, 9, 11, 17</td>
<td>1.6 Councils should identify the key estuary management issues that need to be addressed by the DG’s environmental assessment report which accompanies state significant listings, concept plans and project applications.</td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>2</td>
<td>1.7 Based on habitat mapping (Strategy 3) and the Conservation and Rehabilitation Masterplan (Strategy 6), along with other new information, update and/or prepare new DCPs (or similar) to introduce site specific, or estuary specific controls to restrict future development within the areas of the estuary and its surrounds. DCP documents should incorporate buffers, offsets and considerations, and numerical controls, such as boundary set-backs, which could minimise impacts on key habitats and biodiversity through development restrictions.</td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
</tbody>
</table>
| Strategy #2  
Rezone key habitats | Investigate opportunities to protect key habitats and significant existing vegetation stands through rezoning to a more appropriate conservation zone |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Implementation Details</strong></td>
<td><strong>Comments</strong></td>
</tr>
<tr>
<td><strong>Lead agency</strong></td>
<td>NCC, MCC, PSC</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>HLLS, OEH, DPI-Fisheries, DoPE</td>
</tr>
</tbody>
</table>
| **Cost estimate** | Minimal – staff time only | 2.1 Overlay the mapping undertaken in Strategy 3 with current zoning and land ownership maps.  
2.2 Identify locations where current zonings are inadequate for conservation of existing vegetation and habitat areas.  
2.3 Identify options for protection of key habitats and significant vegetation stands including voluntary conservation measures alongside zoning options.  
2.4 Coordinate among councils to establish a consistent approach.  
2.5 As appropriate, recommend alternative conservation agreements for areas of key habitat and existing vegetation in consultation with the community and government authorities. |
| **Funding opportunities** | | |
| **Measurable** | Conservation of key habitats and significant existing vegetation | |
| **Timing** | Ongoing | |
| **Objectives addressed** | 1, 2, 8, 11, 17, 22 | |
| **Related strategies** | 1, 3, 16 | |
| **Applicable Management Zones** | 1, 2 | |
### Strategy #3

**Estuarine/riparian habitat and EEC mapping**

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>NCC, PSC, MSC, HLLS, OEH, DPI Fisheries</td>
<td>HLLS should work closely with MCC, PSC and NCC, as well as other Hunter Councils and OEH (NPWS) to maximise the benefit to all parties of the vegetation mapping being incorporated into the broader Lower Hunter Central Coast Regional Biodiversity Conservation Strategy.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>Hunter Councils</td>
<td></td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>Australian Government Grants, HLLS, NSW Estuary Program</td>
<td></td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>GIS based ground-truthed maps of estuarine vegetation. Maps actively being used in Planning and management. Maps to include details of aspects such as habitat potential, community health and threats.</td>
<td>DPI Fisheries have undertaken extensive mapping of macrophytes within the Hunter Estuary.</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 2, 7, 9, 10, 14, 15, 16, 17, 21, 22</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>2, 6, 16, 17, 18</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
<tr>
<td>Strategy # 4</td>
<td>Predictive model of estuary</td>
<td>Develop an integrated predictive numerical model of the Hunter Estuary, incorporating hydrodynamics, water quality and sediment transport processes, as necessary</td>
</tr>
<tr>
<td>-------------</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Implementation Details</td>
<td>Comments</td>
<td>Suggested Actions for Implementation</td>
</tr>
<tr>
<td><strong>Lead agency</strong></td>
<td>OEH, NOW, HWC</td>
<td>There are currently a number of computer models simulating the Hunter River; however, most of these are limited in their functionality, depending on the intent for their development. Broad scale ecological models of the region also exist, but these are likely to be limited in their application. This strategy involves the development of a detailed model of the estuary that is capable of simulating flood and tidal conditions. The model should be used in a predictive manner to ascertain the likely changes to estuarine hydrodynamics associated with:</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>NCC, PSC, MCC</td>
<td>- Potential management strategies (e.g. opening of floodgates and removing other barriers to fish passage) - Past structural works - Future climate change scenarios</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>$1,300,000</td>
<td>4.1 Investigate existing data and models and consider engaging consultant for establishing/integrating a model (complete) 4.2 Oversee the model development, ensuring that it is calibrated to an appropriate standard 4.3 Determine a range of scenarios that need to be assessed by the model 4.4 Use the model to assess options / scenarios 4.5 Link outputs from the model to a conceptual or more detailed water quality, sediment transport and ecological model to evaluate consequences on the broader estuarine processes, including algal dynamics and more holistic ecological responses. 4.6 Maintain the model, updating as appropriate when new information and data becomes available. 4.7 Investigation, development, and implementation of water quality monitoring of the estuary and incorporating it into the model. 4.8 Develop Centralised database and open access website.</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>Hunter Water to fund the initial model build</td>
<td></td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Numerical model that is capable of simulating and assessing a range of scenarios for rehabilitation, works, and climate change</td>
<td></td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing Model to be completed by late 2018</td>
<td></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>4, 7, 10, 16, 18, 20</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>5, 11, 17, 19, 21, 22, 23</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
</tbody>
</table>
### Strategy # 5
**Remove barriers to fish passage**

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>DPI Fisheries</td>
<td>5.1 Conduct an audit of all estuarine waterways within the Hunter, and establish which barriers continue to impede fish passage. Refer to previous audits on barriers to fish passage conducted by DPI-Fisheries.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>HLLS, NCC, PSC, MCC, OEH</td>
<td>5.2 Establish a prioritisation for removal of barriers in the Hunter Estuary based on i) the potential value of rehabilitation (e.g., the extent of habitat restored), ii) the expected costs of removal / modification of the barrier, and iii) other consequences of the works (e.g., inundation of private lands etc).</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Potentially hundreds of thousands of dollars</td>
<td>5.3 Implement remediation measures at barriers on the basis of the priorities developed at Step 5.2, and through consideration of DPI-Fisheries’ NSW-wide audit and funding opportunities</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>NSW Estuary Program, Australian Government Grants, HLLS</td>
<td></td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Number of structures within the estuary rehabilitated</td>
<td></td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 4, 10, 14, 16, 20, 22</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>4, 6, 17, 19</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
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</tbody>
</table>
## Strategy # 6
### Conservation Masterplan for Estuary

**Develop a Hunter Estuary Conservation and Rehabilitation Masterplan that provides clear priorities for implementation for future conservation and rehabilitation.**

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>HLLS</td>
<td>At present, conservation and rehabilitation of the estuary and adjacent lands is somewhat fragmented between different land owners, management agencies and initiatives. Efforts under this current arrangement do not recognise and preserve the holistic and inter-related nature of ecological processes. Disparate management and unintegrated initiatives run the risk of concealing cumulative environmental degradation. The Masterplan would provide direction for conservation and rehabilitation efforts undertaken around the estuary. It should be based on existing values, as mapped by Strategy 3, as well as existing knowledge, incorporating for example:</td>
</tr>
</tbody>
</table>
| **Support agencies** | OEH, Dept Industry - Lands, DPI Fisheries, NCC, MSC, PSC | 6.1 Compiled, reviewed and collated conservation plans and initiatives (eg GGBF, LHRBS), along with current habitat and EEC mapping - convert to GIS format where required  
6.2 Summarised ecological values, conservation status and existing policy / legislation for the areas mapped  
6.3 Prepared a practical map based Masterplan showing current on-ground works and identifying priority areas for future works including areas that require further consultation with stakeholders.  
6.4 Use the agreed Masterplan to direct future conservation works (through HLLS initiatives and other avenues) as well as rehabilitation works. This would include specific habitat areas, as well as connections (green corridors) between habitats. |
| **Cost estimate** | $100,000 |  |
| **Funding opportunities** | NSW Estuary Program, Australian Government Grants, HLLS |  |
| **Measurable** | Adopted Masterplan used to direct conservation and rehabilitation actions and planning decisions |  |
| **Timing** | Complete. Ongoing review |  |
| **Objectives addressed** | 1, 2, 6, 8, 13, 14, 15, 16, 17, 20, 22 |  |
| **Related strategies** | 2, 3, 5, 7, 16, 17 |  |
| **Applicable Management Zones** | 1, 2 |  |
| **Measurable** | Adopted Masterplan used to direct conservation and rehabilitation actions and planning decisions |  |
| **Timing** | Complete. Ongoing review |  |
| **Objectives addressed** | 1, 2, 6, 8, 13, 14, 15, 16, 17, 20, 22 |  |
| **Related strategies** | 2, 3, 5, 7, 16, 17 |  |
| **Applicable Management Zones** | 1, 2 |  |

- Management Plan for the Green and Golden Bell Frog Key Populations in the Lower Hunter (DECC, 2007)
- Compiled data from the Hunter Bird Observers Club (HBOC, 2007)
- Lower Hunter Regional Biodiversity Strategy
- Mt Sugarloaf to Stockton Green Corridor
- HLLS Strategic Plan
Incorporate the objectives of the CZMP into the Plan of Management for the newly created Hunter Wetlands National Park (incorporating the former Hexham Swamp and Kooragang Nature Reserves) and assist with support to implementation.

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>OEH (National Parks and Wildlife Service) manage a large area of land in the Hunter Estuary. The HWNP includes the land previously included in Kooragang and Hexham Swamp Nature Reserves, as well as additional land now dedicated to National Park.</td>
<td>7.1 Stakeholders kept informed of progress in the development of a HWNP POM.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>HLLS, NCC, PSC, MCC, DPI-Fisheries</td>
<td>7.2 Encouraged relevant staff to review the draft Hunter Estuary Coastal Zone Management Plan and be familiar with the final document</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Minimal – Staff time only</td>
<td>7.3 Supplied relevant staff with a copy of the Hunter Estuary Coastal Zone Management Study and Plan once finalised</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>References to Hunter Estuary Coastal Zone Management Plan in the new HWNP POM and consistency between the documents</td>
<td>7.4 Ensured OEH staff were involved in development of the Conservation and Rehabilitation Masterplan for the hunter Estuary (Strategy 6) so that the HWNP can be included as appropriate.</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>The National Parks and Wildlife Act (1974) requires that a Plan of Management (POM) be prepared for each National Park. A POM is a legal document, which outlines how a National Park will be managed in the years ahead. Once a POM has been adopted by the Minister, operations undertaken within the National Park must be consistent with the POM.</td>
<td>7.5 Support the implementation of the HWNP POM.</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 2, 8, 14, 15, 17</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>5, 6, 12</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1</td>
<td></td>
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</tbody>
</table>
### Strategy # 8
Bank erosion remediation

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>NCC, MCC, PSC, (on council lands), OEH, HLLS, RMS</td>
<td>This strategy would apply a similar approach to that applied in the Williams Estuary using bank survey techniques in specific reaches to identify erosion hotspots (GHD, 2006). Previous mapping undertaken by MHL will be used to identify any additional mapping requirements.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>Dept. of Industry - Lands, NSW Office of Water, DPI Fisheries</td>
<td>For sites on private land, consideration needs to be given to the extent of private assets at risk. Landholder involvement and financial investment would generally be required for government projects to include bank stabilisation of private lands.</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>More than $1 million</td>
<td>This strategy is not intended to impact on specific emergency works that may be required following significant flood events. Whilst emergency stabilisation during a flood is generally not feasible, post-flood stabilisation may be required in order to protect critical assets and infrastructure that may have become threatened during the course of the event. Similar to the circumstances following the June 2007 Hunter River flood, such post-flood restoration and stabilisation work would continue to be the responsibility of OEH, NSW Office of Water, HLLS and others, as appropriate.</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>NSW Estuary Program, Australian Government Grants, HLLS</td>
<td>8.1 Collate all available mapping of erosion hotspots for the Hunter Estuary - sources will include mapping by MHL 2003 and GHD (2006). The MHL 2015/16 River bank condition assessment has been revised.</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Reduced erosion rates, reduction in dollar value of assets at risk</td>
<td>8.2 Undertake ground-truthing, survey, historical air photo review and aerial reconnaissance / surveillance to update/confirm mapping</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td>8.3 Identify built and environmental assets at risk from erosion at all individual hotspot locations and consideration of impacts on instream habitats</td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 2, 4, 5, 13</td>
<td>8.4 Work with RMS to establish signage and other mechanisms to manage and restrict ‘slow tow’ activities that cause excessive boat wash.</td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>6, 10, 17</td>
<td>8.5 Establish monitoring program to determine recession rates at hotspots, and calculate timeframes for expected compromise of asset.</td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td>8.6 Prioritise sites for rehabilitation works based on assets at risk, timeframe for expected asset compromise, costs of works, availability of alternative asset management options and land tenure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8.7 Undertake works on a prioritised basis with consideration to environmentally friendly design, subject to funding availability</td>
</tr>
</tbody>
</table>
**Strategy # 8**  
**Bank erosion remediation**

Prioritise bank erosion sites with consideration to assets (built and natural), infrastructure, River Styles condition and recovery potential, rates of recession, land tenure / use and vegetation, and implement strategies to redress erosion, on a priority basis.

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>RMS is currently in the process of developing erosion management plan for the Lower and Upper Williams River.</td>
<td>8.8 Monitor the impact of the migration of sediment slugs within the hunter estuary as it pertains to bank erosion and hydrology.</td>
<td></td>
</tr>
</tbody>
</table>
### Strategy # 9 Support Regeneration Teams

Support volunteers and environmental group participation, including Aboriginal Land Management Teams, in revegetation of riparian zones where appropriate include opportunities to improve public access.

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>HLLS, NCC, MCC, PSC (on council land)</td>
<td></td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>OEH (NPWS), DPI-Fisheries, Dept of Industry - Lands, Hunter Wetlands Centre</td>
<td></td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>$100,000 for works &amp; co-ordination</td>
<td></td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>NSW Estuary Program, Australian Government Grants, HLLS</td>
<td></td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Improved level of understanding of estuary by community</td>
<td></td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 2, 6, 14, 15, 17, 21</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>6, 18</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
</tbody>
</table>
### Strategy # 10
**Riparian revegetation guidelines**

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>HLLS</td>
<td></td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>DPI Fisheries, OEH, NCC, MCC, PSC</td>
<td>Two relevant guideline documents have recently been released. These are <em>Principles for riparian lands management</em> (LWA 2007), and <em>Where Land Meets Water - Resource Kit</em> (HCRCMA 2007). A challenge of riparian rehabilitation is the diversity of morphological, physiological and life history adaptations which enable plant species to persist in these variable and dynamic habitats. This highlights the need for a considered approach to rehabilitation across the estuary. The dynamic nature of vegetation communities in riparian habitats as a result of fluvial disturbance also needs to be considered. An overall strategy will better consider more holistic aspects, for example, the degree of shade created by riparian vegetation can influence the growth and development of aquatic plants and animals, implications for flood velocities (due to possible increases in roughness and flow resistance).</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>$20,000</td>
<td>10.1 Prepare riparian revegetation guidelines and fact sheets specific to the Hunter Estuary to promote optimum habitat, ecological corridor, erosion control and scenic amenity benefits through rehabilitation of riparian areas. Environmental weeds and pests should be considered as part of the guidelines.</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>HLLS</td>
<td>10.2 Implement revegetation programs using the riparian revegetation guidelines. Programs can be implemented through volunteer groups/ green teams and/or direct landholder involvement schemes</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Riparian vegetation rehabilitation undertaken consistently across all LGAs in accordance with the guidelines</td>
<td>10.3 Monitor and evaluate rehabilitation works implemented under the plans, and update / modify the guidelines as necessary based on practical outcomes of its application.</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 2, 6, 15, 17, 21</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>8, 9, 17</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
</tbody>
</table>
**Strategy # 11**
Pollutant control policy / requirements

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>NCC, MCC, PSC,</td>
<td>11.1 Organise a meeting/workshop for Council planners from each of the three Councils to determine the best way of introducing a consistent policy / development controls across all three LGAs aimed at controlling pollution from future development.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>EPA, HLLS, DoPE</td>
<td><strong>11.2 Assess existing Council stormwater runoff / WSUD guidelines, plans and policies.</strong> Modify guidelines (or prepare new as required) that requires new development to achieve either no net increase in pollutant loads, or a reduction in TSS / TP / TN of 80% / 60% / 45%, whichever is the more stringent, compared to existing development conditions (excluding exempt and complying development).</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Minimal – staff time only</td>
<td><strong>11.3 The Policies should use MUSIC or similar modelling by developers to demonstrate compliance.</strong> Councils should become familiar with MUSIC to help assess the development applications, or should outsource this review.</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>Percentage of new developments complying with no net increase (target 100%)</td>
<td><strong>11.4 Planning and implementation of water sensitive urban design (WSUD).</strong></td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td></td>
<td>****</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td>****</td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>3, 8, 9, 11, 13</td>
<td>****</td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>10</td>
<td>****</td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td>****</td>
</tr>
</tbody>
</table>

Introduce an environmental planning requirement for all new development to achieve no net increase in pollutant runoff loads, through best practice stormwater management

The guiding principles for a Pollutant Control Policy or DCP could be:

- To facilitate the installation and use of best management practices to improve water quality discharging from development sites of varying densities and scale within the City.
- To retain nutrients on site and/or to filter stormwater flows to remove nutrients prior to discharging of stormwater from development sites into any constructed drains or local waterways.
- The maintenance and use of vegetation on development sites be used to its best advantage in minimising pollutant generation and managing nutrients on site.

A marine debris program has been implemented to keep plastics and other floating debris out of waterways and the ocean.
<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>NCC, MCC, PSC, OEH</td>
<td>12.1 Identify relevant high level government department representatives</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>DPI Fisheries, NPWS HLLS, Dept of Industry - Lands, HWC, NOW, Dept of Premier and Cabinet</td>
<td>12.2 Arrange an inaugural meeting and establish meeting schedules, terms of reference etc.</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Minimal - Staff Time Only</td>
<td>12.3 Organise regular meetings to guide decisions related to the estuary.</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td></td>
<td>12.4 Keep minutes and publish an annual report.</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Regular attendance and decision making by regional directors</td>
<td></td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Short Term To Commence in 2011</td>
<td></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>6, 8</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>All strategies that require inter-governmental decision making</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
</tbody>
</table>

This strategy involves encouraging improved attendance of the existing Hunter Coast and Estuary Management Committee, and the establishment of a working sub-group or sub-committee that has representatives at higher levels within agencies.

A local example of high level state government departments actively participating in Estuary Management is the Lake Macquarie Project Management Committee. The Lake Macquarie Project Management Committee consists of community representatives, Regional Directors of the relevant State Government Departments and one councillor from both Wyong Shire Council and Lake Macquarie City Council. The committee oversees the work of the Lake and Catchment Coordinator in the implementation of action plans for the improvement of Lake Macquarie. The LMPMC was a successful avenue for obtaining funds for environmental works and initiative in Lake Macquarie.
### Strategy # 13
Community education program

<table>
<thead>
<tr>
<th>Lead agency</th>
<th>NCC, MCC, PSC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support agencies</td>
<td>HLLS, OEH, DPI, HWC</td>
</tr>
<tr>
<td>Cost estimate</td>
<td>$50,000 for program initiation. $10,000 per year continuing</td>
</tr>
<tr>
<td>Funding opportunities</td>
<td>NSW Estuary Program, Australian Government Grants, HLLS</td>
</tr>
<tr>
<td>Measurable</td>
<td>Improved level of understanding of estuary by community</td>
</tr>
<tr>
<td>Timing</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Objectives addressed</td>
<td>1, 3, 6, 11, 13, 15, 17, 20, 22</td>
</tr>
<tr>
<td>Related strategies</td>
<td>9, 14, 15</td>
</tr>
<tr>
<td>Applicable Management Zones</td>
<td>1, 2</td>
</tr>
</tbody>
</table>

Raise public awareness of the values of the Hunter Estuary including its international significance and sustainable use of the estuary through targeted community education.

There are a number of existing educational programs that should be further supported. This includes initiatives of Councils, Hunter Wetland Centre, and the LLS.

Community education should cover a wide range of topics, including:
- Heritage and cultural values
- Environmental values and significance
- Recreational values and opportunities
- Management of potential acid sulphate soils
- Economic importance of the estuary and the region
- Preservation of existing values in a sustainable manner.

Values and significance of the estuary are discussed in Section 2.2.1 of this Plan.

Separate education programs should be developed for different users of the estuary (eg, urban residents, rural landholders, recreationists, conservationists).

13.1 Consider developing a logo for the Hunter Estuary education program
13.2 Consider undertaking a survey to establish level of reference etc.
13.3 Compile existing resources for community consultation regarding the estuary. Sources will include DPI Fisheries, each council, RMS, OEH and HLLS.
13.4 Identify the target audience and key messages including international significance (Ramsar listing and Kushiro affiliation) and issue of marine debris
13.5 Develop a broad education program for the estuary and its catchments including a variety of communication mediums such as brochures, DVDs, guided tours and an interactive web site.
13.6 Deliver the education program
13.7 Monitor the success of the education program through follow-up surveys
13.8 Modify / update the program as necessary
13.9 Produce Hunter Estuary Report Card based on data from monitoring, modelling and research.
<table>
<thead>
<tr>
<th>Strategy # 14</th>
<th>Improve catchment landuse practices</th>
<th>Improve land use practices throughout the catchment to minimise soil erosion and improve water quality.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Implementation Details</strong></td>
<td><strong>Comments</strong></td>
<td><strong>Suggested Actions for Implementation</strong></td>
</tr>
<tr>
<td><strong>Lead agency</strong></td>
<td>HLLS, DPI (Ag), NCC, MCC, PSC, DPI Fisheries</td>
<td>The Estuary Processes Study (MHL, 2003) reports that the agricultural practices of the early settlers were unsustainable. RMS routinely support this strategy via education/signage/enforcement.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>OEH, RMS</td>
<td></td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Variable. Potentially hundreds of thousands of dollars for catchment-wide programs and remediation</td>
<td>14.1 Implement quick win erosion control strategies such as improved stock management practices and revegetation through existing initiatives and programs</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>NSW Estuary Program, Australian Government Grants, HLLS</td>
<td>14.2 Address creek and gully erosion within the catchments, through rehabilitation works</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Reductions in catchment based sediment supply</td>
<td>14.3 Research best practice sustainable farming practices and identify pilot farms for trials of more sustainable approaches</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td>14.4 Where pilot study sites show success in sustainable farming trials, provide incentives to encourage this approach on a wider scale.</td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>2, 5, 6, 13</td>
<td>14.5 Prevent and remediate soil erosion in areas that are affected by on-going recreational activities, particularly along riverbanks (e.g. boating)</td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>15</td>
<td>14.6 Prioritise compliance activities such as audits and corrective actions for development sites</td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>2</td>
<td>14.7 Undertake works to improve water quality</td>
</tr>
</tbody>
</table>
### Strategy #15
**Incentives for sustainable agriculture**

**Implementation Details**

<table>
<thead>
<tr>
<th>Lead agency</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>HLLS, DPI (Ag)</td>
<td>HLLS and DPI (Ag) runs a range of programs to encourage uptake of sustainable agriculture practices including education and a small project funding program.</td>
<td>15.1 Continue to support the vegetation conservation 15.2 Liaise with DPI (Agriculture) to initiate pilot sustainable farming trial sites 15.3 Promote sites that are shown to be working to encourage uptake at other sites.</td>
</tr>
<tr>
<td>Support agencies</td>
<td>NCC, MCC, PSC</td>
<td></td>
</tr>
<tr>
<td>Cost estimate</td>
<td>Variable. Potentially hundreds of thousands of dollars for catchment-wide programs and incentives</td>
<td></td>
</tr>
<tr>
<td>Funding opportunities</td>
<td>HLLS, Australian Government Grants</td>
<td></td>
</tr>
<tr>
<td>Measurable</td>
<td>Number of properties accredited under Property Planning Accreditation Program</td>
<td></td>
</tr>
<tr>
<td>Timing</td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td>Objectives addressed</td>
<td>3, 6, 13, 15, 20</td>
<td></td>
</tr>
<tr>
<td>Related strategies</td>
<td>13, 14</td>
<td></td>
</tr>
<tr>
<td>Applicable Management Zones</td>
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<td></td>
</tr>
<tr>
<td>Implementation Details</td>
<td>Comments</td>
<td>Suggested Actions for Implementation</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Strategy # 16</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biobanking &amp; PVPs for private conservation</td>
<td>Conservation of key habitat and significant vegetation should be undertaken through the Biobanking scheme or through preparation and implementation of individual conservation agreements</td>
<td></td>
</tr>
<tr>
<td><strong>Lead agency</strong></td>
<td>HLLS, OEH</td>
<td></td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>NCC, MCC, PSC, DPI-Fisheries, DPI - Lands</td>
<td>Biobanking enables 'biodiversity credits' to be generated by landowners who commit to enhance and protect biodiversity values on their land through a Biobanking agreement. These credits can then be sold, generating funds for the management of the site. Credits can be used to counterbalance (or offset) the impacts on biodiversity values that are likely to occur as a result of development. The credits can also be sold to those seeking to invest in conservation outcomes, including philanthropic organisations and government.</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Essentially market-based trading, but may require additional funding of potentially hundreds of thousands of dollars</td>
<td>16.1 Identify key habitats and significant vegetation stands under private ownership that would be suitable for conservation through Biobanking and conservation agreements.</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>Australian Government Grants, HLLS, NSW Estuary Program</td>
<td>16.2 Undertake an education program specifically targeting owners of identified lands promoting participation in the Biobanking scheme and preparation of voluntary conservation agreements.</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Area of land protected under agreement</td>
<td>16.3 Consult with potential support agencies and work towards developing a list of other possible incentive mechanisms as offsets for conservation of private lands, including rate exemptions, HLLS grants (for fencing etc), voluntary conservation agreements with HLLS and OEH, and Environmental Stewardship schemes.</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Medium Term</td>
<td>16.4 Implement agreements and incentives on a priority basis, subject to agreement by landholders.</td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 6, 8, 11, 14, 15, 16, 17</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>3, 8, 9</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
<tr>
<td>Implementation Details</td>
<td>Comments</td>
<td>Suggested Actions for Implementation</td>
</tr>
<tr>
<td>------------------------</td>
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</tr>
<tr>
<td><strong>Lead agency</strong></td>
<td>HLLS, EPA, OEH, NCC, MCC, PSC, DPI Fisheries</td>
<td>Specific and measurable ecological objectives should be developed for each area of potential rehabilitation. These objectives will determine the approach taken, expenditure and ultimately how the results of rehabilitation are measured. 17.1 Develop a data base of relevant information for potential sites, such as ownership, fauna species, vegetation communities etc 17.2 Ensure local, regional, national and international values are considered when undertaking estuarine rehabilitation. 17.3 Undertake a multi criteria assessment for prioritising rehabilitation sites utilise existing tools, and establish an agreed forward restoration works program. 17.4 Lobby NSW and Commonwealth Governments for funding of works, especially urgent restoration works. 17.5 Implement rehabilitation / restoration works on a priority basis, subject to funding availability, using volunteer groups / indigenous green teams, where appropriate. 17.6 Establish agreements (eg, under the NPW Act 1974 or Nature Conservation Trust Act 2001) over rehabilitated lands, as appropriate, to ensure long-term conservation of rehabilitation sites 17.7 Manage Ramsar sites in accordance with their international significance.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>HWC, NOW, OEH, Dept of Industry - Lands</td>
<td>In choosing potential rehabilitation sites, it is essential to consider recurrent funding demands. The best sites will be those that do not require long term active management. The rehabilitation potential for estuarine foreshores is indicatively mapped in the EPS. Economic incentives may be required for rehabilitation of private lands, such as Transferable Development Rights, Purchase of Development Rights, Density Bonuses. Outright property acquisition may be required to protect and enhance estuarine biodiversity and EECs. Restoration works would be guided by the conservation Masterplan (refer Strategy 6). Some of these works have been completed see status report.</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Potentially tens of millions</td>
<td></td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>NSW Estuary Program, Australian Government, Grants, HLLS</td>
<td></td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Areas of rehabilitated lands with ongoing management in place</td>
<td></td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 2, 3, 4, 5, 6, 8, 10, 13, 14, 15, 16, 17, 20, 22</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>3, 4, 5, 6, 8, 9, 10</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
</tbody>
</table>
### Strategy # 18
**Relocate/formalise public access**

Develop a plan of all public access points along the Hunter Estuary, review those which coincide with sensitive habitats, and formalising those with highest recreational usage / value (where appropriate), to provide on-going and undiminished access to the river.

**Implementation Details**

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>NCC, MCC, PSC</td>
<td>Sensitive habitats in the Hunter Estuary include, for example:</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>Dept of Industry - Lands, RMS, OEH</td>
<td>• mangroves adjacent to Fullerton Cove which provide roosting and breeding sites for red fruit bats and grey headed fruit bats, and</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Minimal – Staff time only for plan preparation. Potentially tens of thousands for on-ground access works.</td>
<td>The Hunter Estuary Processes Study reports that recreational activities may be disturbing birds from their roosts in some key habitat areas. Studies conducted within the Estuary have also identified that wave action from boats are a major contributing factor in bank erosion. This must be taken into consideration when planning future boating infrastructure.</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>NSW Estuary Program, Councils. Boating Now Program (RMS)</td>
<td>18.1 Refer to available existing habitat mapping (e.g. HBOC Avian Study) and mapping to be completed in Strategy 3 to identify important areas.</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Reduction in access routes through sensitive habitats, and formalised access to the waterway</td>
<td>18.2 Undertake a field-based audit of existing formal and informal access to the water throughout the estuary, on both public and private lands. Characterise the usage of each access location (i.e. volume, purpose, etc).</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td>18.3 Overlay access mapping with habitat mapping to determine critical points of conflict.</td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>1, 5, 21</td>
<td>18.4 Prepare and implement a plan that aims to relocate existing access points within important habitat areas to alternative sites, and formalises existing high usage locations that are not already formalised, providing that any environmental and social issues can be addressed.</td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>3, 6</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
<tr>
<td>Strategy # 19</td>
<td>Support and participate in research programs and run these programs in partnership with major stakeholders on a case by case basis</td>
<td></td>
</tr>
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<td>-------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Implementation Details</strong></td>
<td><strong>Comments</strong></td>
<td><strong>Suggested Actions for Implementation</strong></td>
</tr>
<tr>
<td><strong>Lead agency</strong></td>
<td>NCC, MCC, PSC, HLLS</td>
<td>Funding research programs (for example through universities) is a useful way of increasing the understanding of how the estuary works, getting future professionals interested in the estuary and increasing community interest.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>OEH, Universities, HWC</td>
<td>Relevant projects could involve climate change (particularly if complemented with the numerical model: Strategy 4), cultural aspects (eg impacts of climate change on preservation of sites), extent of potential acid sulphate soils, and biodiversity / rehabilitation.</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>Up to $5000 per project</td>
<td></td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>Local Government Grants, HLSS, Australian Research Council, and private industry</td>
<td></td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Results of research programs available to inform future management</td>
<td></td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Medium Term</td>
<td>To commence by 2013</td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>4, 7, 10, 16, 18, 20</td>
<td></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1, 2</td>
<td></td>
</tr>
<tr>
<td>Strategy # 20 Climate change policy</td>
<td>Investigate impacts arising from climate change and potential adaptations.</td>
<td></td>
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<td>-----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Implementation Details</strong></td>
<td><strong>Comments</strong></td>
<td><strong>Suggested Actions for Implementation</strong></td>
</tr>
<tr>
<td>Lead agency</td>
<td>NCC, MCC, PSC, OEH, DPI Fisheries</td>
<td>20.1 Review government policy, guidelines and legislation regarding climate change adaptation and appropriate strategic planning responses.</td>
</tr>
<tr>
<td>Support agencies</td>
<td>HLLS, HWC, DoPE</td>
<td>20.2 Based on the outcomes of existing research (eg federal Case Study) and further investigations (eg Strategy 4) into the impacts of climate change on the estuary and surrounding lands, investigate opportunities to cater for expected impacts through strategic planning and asset management initiative, including for example:</td>
</tr>
<tr>
<td>Cost estimate</td>
<td>Minimal – Staff Time Only for planning review and changes. Potentially tens of thousands to clarify potential impacts of climate change on the three LGAs.</td>
<td></td>
</tr>
<tr>
<td>Measurable</td>
<td>Review of current policy and research undertaken and consistent climate change provisions incorporated into the three Councils planning frameworks.</td>
<td></td>
</tr>
<tr>
<td>Funding opportunities</td>
<td>NSW Estuary Program, NSW Flood grants, Australian Government Grants, HLLS</td>
<td></td>
</tr>
<tr>
<td>Timing</td>
<td>Medium Term To commence by 2013</td>
<td></td>
</tr>
<tr>
<td>Objectives addressed</td>
<td>1, 4, 8, 9, 14, 16, 18</td>
<td></td>
</tr>
<tr>
<td>Related strategies</td>
<td>4, 1, 12</td>
<td></td>
</tr>
<tr>
<td>Applicable Management Zones</td>
<td>1, 2</td>
<td></td>
</tr>
</tbody>
</table>

Although the impacts of climate change are uncertain, new data and projections are being published frequently. Projected variables for sea level rise and changes to storm and drought intensity and frequency are available. Planning mechanisms to adapt to the environmental impacts of climate change will generally focus on ensuring migration space for estuarine habitat (e.g. saltmarsh in response to rising sea levels).

The Hunter Estuary was included within a Case Study for the federal Dept of Climate Change, which determined the likely impacts on estuarine processes of climate change scenarios (Hadwen et al, 2011). In addition to this Case Study, the proposed predictive numerical model (Strategy 4) is ideally suited to determine the potential impacts of climate change on the estuary.

The Department of Environment and Climate Change released a Draft Sea Level Rise Policy statement. The adoption of this Policy and subsequent preparation of planning guidelines will be considered by the relevant stakeholders for the Hunter Estuary. Also, Port Stephens Council is undertaking a risk-based assessment of the potential impacts of climate change on their assets and operations.

20.3 Organise a meeting/workshop for Council planners from each of the three Councils to determine a consistent approach incorporating climate change provisions into Council planning frameworks. It is recognised that while the approach should be consistent, individual responses by each Council may differ, given the differing expected impacts of climate change across the three LGAs.
<table>
<thead>
<tr>
<th>Strategy #21</th>
<th>Undertake a critical review of the salinity trading scheme, the Hunter River Water Sharing Plan and upstream activities in terms of environmental consequences of water discharges and offtakes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Implementation Details</strong></td>
<td><strong>Comments</strong></td>
</tr>
<tr>
<td><strong>Lead agency</strong></td>
<td>a) The Salinity Trading Scheme was introduced to mitigate the impacts of electricity production and mining on agriculture and the environment. The scheme involves a program of continuous monitoring to allow scheduling of saline discharges for periods of high river flow rates and low background salinity levels. During times of very low salinity levels, licensees are allowed to discharge into the river. There was some concern amongst the community that this is impacting on the environment.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>b) The Hunter Water Sharing Plan will be implemented by the NSW Office of Water. The purpose of the Plan is:</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>• to protect the fundamental environmental health of the water source</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>• to ensure that the water source is sustainable in the long-term</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>• to provide water users with a clear picture of when and how water will be available for extraction.</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td><strong>Objectives addressed</strong></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td><strong>Applicable Management Zones</strong></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>2</td>
</tr>
</tbody>
</table>
**Strategy #22**  
**Contaminated sediments assessment**

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>EPA, RMS</td>
<td><strong>22.1 Compile available sediment sampling results from sources including:</strong></td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>Dept of Industry - Lands, OEH, DPI (Fisheries), Industry groups</td>
<td><strong>- EIS Study by URS for BHP site on the south arm</strong></td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td>$50,000</td>
<td><strong>- Lower Throsby Creek Honors Study</strong></td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>NSW Estuary Program, DPI Fisheries</td>
<td><strong>22.2 Identify data gaps</strong></td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Prioritised list of treatment options</td>
<td><strong>22.3 Design monitoring and risk assessment program or call for proposals for suitable consultant</strong></td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td><strong>22.4 Undertake monitoring and include in the Hunter estuary model developed under strategy 4</strong></td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>7, 12</td>
<td><strong>22.5 Undertake risk assessment</strong></td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>4</td>
<td><strong>22.6 Recommend risk treatment options</strong></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1 &amp; 2</td>
<td><strong>22.7 Consider for inclusion in the estuary report card</strong></td>
</tr>
</tbody>
</table>

Undertake assessments for contaminated sediments in the Hunter Estuary

- RMS owns the seabed in Newcastle Harbour and issues a Port Safety Operating Licence to the Port of Newcastle (PoN). This assessment does not include recognized shipping channels in the Port of Newcastle as these are managed under state and federal approvals that are assessed and monitored in accordance with the National Assessment Guidelines for Dredging (NAGD) 2009. Maintenance dredging in the Port of Newcastle removes sediment loading from upstream sources to maintain depth and ensure safe navigation of the shipping channel and berth pockets. Works identified in Strategies 4, 8, 11, 14 and 17 to address sediment and erosion upstream will minimize the volume of material required to be dredged further downstream. Whilst capital dredging works in the Port area are separate to maintenance dredging they are still required to undergo rigorous testing under the NAGD to ensure that the material being removed is managed appropriately.

Areas to be targeted should be those where there is limited or no data available.

The computer model (Strategy 4) should be used to help ascertain the potential dispersion of contaminated sediments from specific sources, and also the potential zone of influence on water quality resulting from desorption of contaminants from the sediment.
<table>
<thead>
<tr>
<th>Strategy #23</th>
<th>Where appropriate, reuse sediment dredged from the Estuary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Implementation Details</strong></td>
<td><strong>Comments</strong></td>
</tr>
<tr>
<td>Lead agency</td>
<td>OEH, Dept of Industry - Lands, NCC</td>
</tr>
<tr>
<td>Support agencies</td>
<td>RMS</td>
</tr>
<tr>
<td>Cost estimate</td>
<td>Potentially millions</td>
</tr>
<tr>
<td>Funding opportunities</td>
<td>Commercial need</td>
</tr>
<tr>
<td>Measurable</td>
<td>Options for reuse investigated and implemented where practicable</td>
</tr>
<tr>
<td>Timing</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Objectives addressed</td>
<td>23</td>
</tr>
<tr>
<td>Related strategies</td>
<td>4, 22</td>
</tr>
<tr>
<td>Applicable Management Zones</td>
<td>1</td>
</tr>
</tbody>
</table>
### Strategy #24
**Heritage Management Plan**

**To identify and conserve heritage objects, places and landscapes in the Hunter Estuary.**

<table>
<thead>
<tr>
<th>Implementation Details</th>
<th>Comments</th>
<th>Suggested Actions for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lead agency</strong></td>
<td>OEH</td>
<td>a) The Hunter Estuary has a long history of Aboriginal occupation, with tribal groups believed to be living in the area for at least 30,000 years. Approximately 2000 Aboriginal sites have been recorded throughout the study area, including sites along the valley floors of the major tributaries, rock shelter sites in the sandstone areas and shell middens around the estuary. However due to large scale river works, land reclamation and urbanisation, many of the remnants of Aboriginal occupation in the Hunter Estuary may have been destroyed.</td>
</tr>
<tr>
<td><strong>Support agencies</strong></td>
<td>HLLS, MCC, NCC, PSC</td>
<td>24.1 Compile and review previous Aboriginal and European heritage studies within the Hunter Estuary and undertake searches of the relevant databases to identify site locations within the Hunter Estuary.</td>
</tr>
<tr>
<td><strong>Cost estimate</strong></td>
<td></td>
<td>24.2 Carry out a gap analysis of information from the previous studies and database searches and undertake additional studies if required to develop the predictive model (refer Action 24.3).</td>
</tr>
<tr>
<td><strong>Funding opportunities</strong></td>
<td>OEH</td>
<td>24.3 Develop a predictive model of Aboriginal site locations for the Hunter Estuary.</td>
</tr>
<tr>
<td><strong>Measurable</strong></td>
<td>Heritage Management Plan developed and management measures being implemented</td>
<td>24.4 Supported the development of the Hexham and Kooragang Cultural Heritage Management Plan</td>
</tr>
<tr>
<td><strong>Timing</strong></td>
<td>Ongoing</td>
<td>24.5 Based on the findings of the literature review and predictive model, develop an overarching strategic Heritage Management Plan for the Hunter Estuary. The management plan should identify areas of high heritage value and outline appropriate management measures to protect and conserve heritage values. Consultation will be undertaken with the Aboriginal community during the preparation of the plan.</td>
</tr>
<tr>
<td><strong>Objectives addressed</strong></td>
<td>25</td>
<td>24.6 Implement the management measures outlined in the plan and review the plan at the interval specified within the plan.</td>
</tr>
<tr>
<td><strong>Related strategies</strong></td>
<td>2, 4, 6, 7, 13</td>
<td></td>
</tr>
<tr>
<td><strong>Applicable Management Zones</strong></td>
<td>1,2</td>
<td></td>
</tr>
</tbody>
</table>

Note: Strategy 25 was removed from the document and encapsulated in strategy 8.
4 IMPLEMENTATION MECHANISMS

4.1 Collaborative Agreements

A Memorandum of Understanding (MoU) may be used to demonstrate agreement / endorsement on the management objectives and strategies and commitment to implementation of the CZMP. The signatories of this MoU would agree in principle to implement the CZMP according to the implementation tables contained within the document, to the best of their abilities (and funding availabilities).

The MoU would not be intended to create legally binding financial and resource commitments, nor would it intend to be inconsistent with, or limit the powers of, the legislation that the signatory parties operate under.

Example terms of a MoU may include:

- The parties agree with the process for the development of the Estuary Management Plan;
- The parties agree with the management issues identified for the estuary, and concur with prioritisation of the defined objectives, which is used to help direct future management works actions;
- The parties agree with the guiding principles that would potentially direct and limit future development and activities within and around the estuary;
- The parties accept the outcomes of the options assessment process, which have been used to develop a short-list of preferred strategic management actions;
- The parties accept the responsibilities for implementation of the strategic management actions, as outlined in the Implementation Tables;
- The parties agree to actively implement the strategies, to the best of their financial and resource capabilities, in accordance with assigned responsibilities within the Estuary Management Plan; and
- The parties agree to review the Estuary Management Plan on a periodic basis, as nominated in the Plan, and adopt specified contingency actions if implementation of the Plan is delayed or ineffective.

Memoranda of Understanding have been used successfully in the past to gain buy-in from agencies and other stakeholders for a range natural resource management plans and initiatives, including Coastal Action Plans in Victoria (through the various Coastal Boards), and waterway usage and bank rehabilitation in the Wallamba River (Wallis Lake).

4.2 Co-ordination

It is recommended that the Councils collaborate during the implementation of the Hunter Estuary Coastal Zone Management Plan, recognising their role in co-ordination for both coastal works (based on the Newcastle Coastal Zone Management Plan) and estuary works (based on this Plan).
It is recommended that a Technical Sub-Committee (TSC) of the Hunter Coast and Estuary Management Committee be used to oversee implementation and completion of projects and reviews in accordance with this Hunter Estuary Coastal Zone Management Plan. Membership on the TSC may change from time to time depending on the nature of the works that are being undertaken, or are proposed. The TSC should report back to represented organisations to provide a periodic update on implementation progress.

4.3 Community Involvement

On-going community involvement is crucial to the success of the Plan. Opportunities for community input will include contributions through the Hunter Coast and Estuary Management Committee and on-ground participation in rehabilitation works and education programs (facilitated through Environmental Educators from the Councils and various agencies). Changes to behaviours of the wider community are an essential ingredient to improve estuary condition. It is hoped that through periodic reporting of Plan progress, community understanding and commitment to the estuary will be improved.

4.4 Reporting

The Hunter Estuary Coastal Zone Management Plan will be subject to on-going review to ensure continuing validity and relevance. This review process will include annual performance reviews and a detailed review after five years.

The condition, scientific knowledge, planning frameworks and public aspirations specific to the Hunter Estuary are all expected to change with time. It is therefore essential that as these elements change, management decisions are adjusted or modified within an adaptive framework.

To gain a better appreciation for the relative success of the Plan, a series of performance measures can be assessed on a periodic basis. Different types of performance measures are discussed in Section 5.
5  "MONITORING, EVALUATION AND REVIEW OF MEASURES"

The success of the Hunter Estuary Coastal Zone Management Plan should be gauged through its ability to achieve the designated objectives and vision. Extensive environmental monitoring and specific performance measures have been identified to help determine how well the Plan has achieved its objectives.

5.1  Environmental Monitoring

A program of co-ordinated environmental monitoring should be implemented to complement this Hunter Estuary Coastal Zone Management Plan. There are numerous existing programs that are currently underway that investigate various aspects of the biophysical environment in one or more areas around the estuary. These are carried out by a range of organisations, including HLLS, Hunter Water, government departments, Councils and Universities. As an example, an extensive monitoring program is being undertaken by the HLLS as part of the Hexham Swamp Rehabilitation Project, in order to observe changes in environmental condition as a result of opening floodgates at the end of Ironbark Creek. Meanwhile, HWC measures water quality in the estuary in the vicinity of its treatment plants, while the Office of Water monitor flows and salinity at various locations within the upper non-tidal reaches of the Hunter River and some of its tributaries. Information should also be available regarding water extraction, as well as licenced discharges to the river (including salinity discharges in the upstream reaches of the Hunter, and industrial effluent discharges in the lower reaches).

It is recommended that a co-ordinated approach to future monitoring be instigated to ensure that all relevant monitoring programs are complementary and not repetitious. Monitoring should be used as a platform for gauging the future success of the Plan, and for drawing focus on particular issues or areas of concern, as appropriate.

Whilst not intended to impede existing initiatives in monitoring, it is recommended that the Hunter Coast and Estuary Management Technical Working Group be charged with co-ordinating monitoring efforts within the estuary, and that all monitoring data be reported back to represented organisations and the community so that current programs and outcomes can be utilised from a management perspective.

Ideally, environmental monitoring specifications should include at least:

- Flow: Tidal levels within the estuary and freshwater inflows to the estuary;
- Water quality: full range of physical, chemical and biological (including algae) parameters;
- Sediment quality: nutrients, pesticides and industrial pollutants;
- Ecology: vegetation, aquatic fauna (fish, invertebrates), birds, mosquitoes, amphibians;
- Bank condition: particularly after flood events;
- Groundwater: levels and quality;
- Waterway and foreshore usage: access locations, facility demands;
- Bathymetry: particularly after flood events to identify shoals and overall sediment slug movement
Frequency of monitoring should be sufficient to characterise the natural variations in the environmental parameters. This includes, for example, capturing flow and water quality data that typifies both low flow conditions and high flow conditions. It also includes capturing seasonality in environmental parameters (particularly ecological parameters).

The spatial distribution of monitoring also needs to be sufficient to capture variability within the river (e.g., the salinity gradient from upstream to downstream and all associated follow-on environmental effects) and needs to target locations of known problems or issues. Consideration also needs to be given to sufficient data capture in order to draw scientific conclusions from the data (e.g., designed using BACI or beyond BACI techniques). As well as sites within the estuary, data also needs to be collected from the catchment in order to characterise and quantify inputs to the estuary.

As part of the co-ordination process, the Hunter Estuary Technical Working Group (HETWG) should ensure that the minimum environmental monitoring requirements are met by at least one of the current monitoring programs. Where there are gaps in the overall monitoring of the estuary, the HETWG should make recommendations to the most appropriate authority for expanding existing programs to fill the gaps. If necessary, a new and supplementary environmental monitoring program should be established. Responsibilities for any additional monitoring would be established through discussions and negotiations with the relevant authorities.

5.2 Performance Evaluation

The Hunter Estuary Coastal Zone Management Plan has been developed with the provisions for evaluating its performance. Where performance is sub-optimal, contingencies should be implemented to remedy the situation. A series of performance measures applicable to the Plan outcomes are discussed below.

5.2.1 Primary Performance Measures

The first set of performance measures should ascertain whether the strategies are actually being implemented or not within the timeframe designated in the Plan. As such, the primary performance measures are simply a measure of project initiation.

Organisations responsible for implementation will need to review the Plan carefully and ensure that adequate resources are allocated to the various strategies to ensure that the timeframe for implementation of ten years is achieved.

Clearly, a high degree of co-ordination will be required to manage the successful implementation of all the strategies within the designated timeframe, particularly given the different jurisdictional boundaries that this Plan crosses. Co-ordination for implementation of the plan is to be facilitated by the Hunter Coast and Estuary Management Committee.

Specific questions to be answered are:

- What strategies have actually been implemented (regardless of outcome — see Secondary performance measure)?
- What strategies are outstanding, and should have been implemented within this nominated timeframe?
If it is determined that the strategies are not being implemented to the nominated timeframe then one or both of the following contingencies should be adopted:

- Determine the cause for the delay in implementation. If delays are funding based, then seek alternative sources of funding. If delays are resource-based, seek additional assistance from stakeholder agencies and/or consider using an external consultancy to coordinate implementation of the Plan; and

- Modify and update the Hunter Estuary Coastal Zone Management Plan to reflect a timeframe for implementation that is more achievable. The revised Plan would need to be endorsed by all relevant stakeholders and agencies responsible for implementation.

### 5.2.2 Secondary Performance Measures

Once a strategy has actually been implemented, the second set of performance measures relate to measuring specific outputs from the individual strategies, as appropriate. These “measurables” define what the specific outcome from each action should be. If these outputs are delivered as defined, then the action (or strategy) is considered to have been successful.

Outputs will vary according to the individual strategy and are identified as the “measurable” with the Implementation Tables.

The specific question to be asked here is:

- Of the strategies that have been implemented, has the nominated “measurable” been achieved?

If specific outputs, as defined by the “measurables”, are not generated from implementation of the Plan then the following contingencies need to be adopted:

- Determine the reason for not producing the specified output. If the reason involves a lack of funding or resources, then similar contingency measures to those described for the primary performance measures should be adopted. If the reason is of a technical nature, then expertise in the area should be consulted to overcome the technical problem. OEH and other government agencies should have the necessary in-house expertise to assist in most cases; and

- Review the appropriateness of the specific output of the management strategy, and if necessary, modify the output described in the Plan to define a more achievable product.

### 5.2.3 Tertiary Performance Measures

The third set of performance measures are aimed at measuring the overall outcomes of the Plan, and as such relate to the specific management objectives of the Plan (refer Section 2.4), and how implementation of the Plan has made a difference to the biophysical and social environments of Hunter Estuary (eg reduction in pollutant loads, increase in biodiversity etc). The main mechanism for gauging whether these objectives have been achieved, or not, is environmental monitoring (refer Section 5.1). Therefore, monitoring of various elements of the physical, biological and social environment is an essential component of assessing the overall success of the Hunter Estuary Coastal Zone Management Plan.

The specific question to be asked here is:

- Have the objectives been satisfied?
If, after a reasonable period of time, the specific objectives of the Plan are not being achieved by the strategies being implemented, then the following contingencies should be adopted:

- Carry out a formal review of the implemented management strategies, identifying possible avenues for increasing the effectiveness of the strategy in meeting the Plan objectives;
- Commence implementation of additional management strategies that may assist in meeting Plan objectives (possibly ‘fast-track’ some longer term strategies as necessary);
- Reconsider the objectives of the Plan to determine if they set impossible targets for future estuary conditions, and adjust the Plan, as necessary. Any such changes to the Plan would need to be endorsed by the stakeholders and relevant government agencies, as well as the public.

### 5.3 Factors for Success

The success of the Hunter Estuary Coastal Zone Management Plan can be improved by the following factors:

- Approval and certification by the Minister
- Agreement on the objectives, principles and strategies
- Agreement on implementation by all state and local government agencies, stakeholders and the general community;
- Understanding and acceptance of responsibilities for the implementation of the various aspects of the Plan;
- Commitment by those involved to dedicate appropriate time and resources to achieve the objectives and timeframe of the Plan; and
- Sourcing of appropriate funds, through grants, user contributions, and in-kind commitments from community.

An important aspect is the acceptance and agreement by the local community. Without significant support by the local community, Councils and the other agencies will not receive the pressure to ensure that the long-term sustainable management of Hunter Estuary remains a high priority.

The three Councils (Newcastle, Port Stephens and Maitland) are not responsible for all activities that occur within the estuary. Whilst the CZMP examines numerous areas and issues, implementation of the recommended strategies contained in the Plan relies heavily on an integrated approach by the relevant key stakeholder agencies, which have been, and will continue to be, involved in the development of the Plan.

Whilst some of the recommendations may identify other agencies as responsible for implementation, each Council will be responsible for encouraging and facilitating the Plan’s implementation and will champion its on-going implementation.
5.4 Plan Review

To facilitate review of the Hunter Estuary Coastal Zone Management Plan, it is recommended that a rolling four (4) year Estuary Action Plan (or Implementation Plan) be developed and reviewed/amended annually. A thorough audit of implementation of the Hunter Estuary Coastal Zone Management Plan should be carried out after 5 years, if considered necessary.

Development of an Estuary Action Plan will enable modifications/alterations to the management of the estuaries, on an as-needed basis, within the context of an adaptive management framework. The Development and maintenance of the Estuary Action Plan should be facilitated through the HETWG, taking into account rolling budget allocations for responsible agencies, anticipated grants, and in-kind contributions.

The periodic reviews of the Estuary Action Plan and Hunter Estuary Coastal Zone Management Plan should cover the topics described generally in Table 5-1. This table also outlines who is responsible for conducting the periodic reviews.

It is recommended that the review of the Plan be co-ordinated through the HETWG, as this Group has the representation of all authorities and agencies responsible for implementation. The Committee should reach agreement to any modifications to the Plan before formally amending the document. Whilst modifications to the Estuary Action Plan would be relatively straightforward (providing it remains consistent with the overall objectives and principles of the Hunter Estuary Coastal Zone Management Plan), changes to the Hunter Estuary Coastal Zone Management Plan, if gazetted, can only be effected by another gazetted document. Therefore, any required amendments to the Plan would also need to be gazetted by the Councils, following Approval and certification by the relevant Minister.
### Table 5-1 Framework for future review of the Hunter Estuary Coastal Zone Management Plan

<table>
<thead>
<tr>
<th>Review Period</th>
<th>Review tasks</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual – Estuary Action Plan</td>
<td>• Assess primary, secondary and tertiary performance measures, and determine appropriate contingencies if performance measures do not meet targets&lt;br&gt;• Review funding arrangements and allocations for current and future management strategies&lt;br&gt;• Review resourcing and staffing allocations for current and future management strategies&lt;br&gt;• Provide report on progress of the Hunter Estuary Coastal Zone Management Plan implementation, results of annual review, and any modifications required to the Plan coming out of the review&lt;br&gt;• Present and where possible, interpret any environmental monitoring/research undertaken as part of the CZMP&lt;br&gt;• Provide newsletter for posting on Council web sites, disseminated via email and other avenues to community and stakeholder contacts</td>
<td>Estuary Management Committee&lt;br&gt;To be coordinated through Council Officers and reported to Councils, relevant stakeholders and government agencies via the committee</td>
</tr>
<tr>
<td>5 Yearly - Hunter Estuary Coastal Zone Management Plan</td>
<td>• Consider appointing an external consultant to undertake review&lt;br&gt;• Review latest information to determine potential changes to the condition or understanding of the Estuary Processes;&lt;br&gt;• Determine changes to community values, issues and aspirations;&lt;br&gt;• Assess the consistency of the plan with contemporary government policies and plans;&lt;br&gt;• Assess the continuing relevance of the objectives;&lt;br&gt;• Determine the appropriateness of the implementation plan to meet these objectives;&lt;br&gt;• For strategies requiring on-going commitment, assess the value in maintaining implementation of those strategies;&lt;br&gt;• Assess the overall effectiveness of each management strategy implemented to date&lt;br&gt;• Reconsider the management options that were not short-listed and included in the original Plan&lt;br&gt;• Update the Hunter Estuary Coastal Zone Management Plan document to reflect proposed strategies for implementation over the next 5 year period, and seek endorsement by stakeholders, government agencies and the community.&lt;br&gt;• Consider either completely revising the document or simply updating some aspects of the existing CZMP</td>
<td>Estuary Management Committee&lt;br&gt;To be coordinated through Council Officers and reported to Councils, relevant stakeholders, government agencies and the general community</td>
</tr>
</tbody>
</table>
6 REFERENCES


Awabakal LALC, 2010 Aboriginal Cultural Heritage Management Plan for the Burralinban Estuary Wetlands incorporating Kooragang Wetland Rehabilitation Project and Hexham Swamp Rehabilitation Project

BMT WBM, 2009 Hunter Estuary Management Study

DECCW 2009, Lower Hunter Regional Conservation Plan, Department of Environment, Climate Change and Water NSW, Sydney.


HBOC, 2007 Distribution, Abundance and Status of Birds in the Hunter Estuary, Prepared by the Hunter Bird Observers Club

HCRCMA, 2007 Hunter Central Rivers Catchment Action Plan

HCRCMA, 2007 Where Land Meets Water – Resource Kit

HLLS, 2016, Hunter Local Strategic Plan

LWA, 2007 Principles for riparian lands management

MHL, 2003 Hunter Estuary Processes Study


OEH, 2013, Guidelines for Preparing Coastal Zone Management Plans, Office of Environment and Heritage, Sydney NSW

OEH, 2015 Legacies of a century of industrial pollution and its impact on the current condition of the lower Hunter River Estuary

**APPENDIX A: CHECKLIST OF CONSIDERATIONS FOR FUTURE DEVELOPMENT**

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Consideration</th>
<th>Yes / No / NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Is the proposed development compassionate to existing economic, social and environmental values of the estuary, and does not diminish the significance of any of these values unless equivalent compensatory provisions have been made?</td>
<td></td>
</tr>
</tbody>
</table>
| b)   | Does the proposed development improve or maintain the environmental condition of the Hunter River estuary and its tributaries compared to existing (2008) conditions, irrespective of social, recreational, tourism, industry or economic gains?  

*Note that future development may incorporate compensatory environmental offsets within the Hunter estuary and its catchment in order to improve or maintain the environmental conditions of the estuary, as per the Lower Hunter Regional Conservation Plan.*  

| c)   | Does the proposed development impact on Aboriginal or early European cultural values or degrade known sites of cultural significance?                                                                                                                                                                                                                   |              |
| d)   | Does the proposed development duly consider existing and future risk of flooding and inundation from the Hunter River and its tributaries, catering for future climate change (to a timescale that is commensurate with the proposed development)?                                                                                                      |              |
| e)   | Does the proposed development diminish fish and prawn stocks within the estuary?                                                                                                                                                                                                                                                                     |              |
| f)   | Does the proposed development diminish scenic values of the estuary and its catchment area?                                                                                                                                                                                                                                                           |              |
| g)   | Does the proposed development compromise any existing functionality of the Hunter Valley Flood Mitigation Scheme that is still considered important to the viability of the Scheme?                                                                                                                  |              |
| h)   | Does the proposed development increase pollutant loads to the estuary or its tributaries through catchment runoff or through direct discharges compared to existing (2008) conditions?                                                                                                                                                   |              |
| i)   | Does the proposed development exacerbate conflicts between the different user groups of the estuary or between the waterway and foreshore users?                                                                                                                                                                                                  |              |
| j)   | Does the proposed development disturb recognised shorebird roosting and breeding areas?                                                                                                                                                                                                                                                               |              |
| k)   | Does the proposed development potentially impact on any existing Endangered Ecological Communities (EECs), estuarine and floodplain wetlands, or other significant habitats (including areas utilised by birds protected under international migratory treaties, areas utilised as wildlife corridors across the landscape, and fish and prawn nursery areas)?  

| l)   | Does the proposed development require significant clearing of vegetation, including clearing within an Asset Protection Zone (APZ)?                                                                                                                                                                                                                   |              |

*Note that any significant vegetation clearing on private lands must be in accordance with an Approved Property Vegetation Plan (PVP), and is subject to the provision of revegetation and biodiversity offsets of local equivalent habitats, consistent with the Environmental Outcomes Methodology as per the Native Vegetation Conservation Act 2003 and as per the Lower Hunter Regional Conservation Plan.*
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Consideration</th>
<th>Yes / No / NA</th>
</tr>
</thead>
</table>
| m)   | Does the proposed development involve bank stabilisation, excavation or river engineering works?  
> *Soft engineering* bank stabilisation works, using natural products, revegetation, etc, should be used in preference to hardened (eg rock) structures, where possible | Yes / No / NA |
| n)   | Does the proposed development increase low flow extraction from the Hunter estuary or its tributaries                                                                                                                                                                                                                                           | Yes / No / NA |
| o)   | Does the proposed development involve extraction of sediment?  
> Where feasible, sediments extracted from dredging operations in the Lower Estuary be considered for reuse as general fill or similar, while sediments extracted from the upper estuary should target contemporary sediment deposits in order to counteract potential detrimental impacts on the river system associated with the deposition. | Yes / No / NA |

If “Yes” is answered to any of the above questions, then further investigations should be carried out to establish the degree of impact on existing estuary values, with preference for modification to the development to avoid or offset any apparent impacts.
APPENDIX B: REQUIREMENTS OF THE CZMP

The current requirements for the preparation of Coastal Zone Management Plans are outlined in Part 4A of the Coastal Protection Act 1979 and the supporting Guidelines for Preparing Coastal Zone Management Plans (OEH, 2013).

The minimum requirements for preparation of coastal zone management plans have been satisfied by this Hunter Estuary Coastal Zone Management Plan as outlined in Table B-1.

Table B-1  CZMP Minimum Requirements

<table>
<thead>
<tr>
<th>Minimum Requirement</th>
<th>Addressed by this CZMP</th>
</tr>
</thead>
<tbody>
<tr>
<td>A description of how the relevant Coastal Management Principles have been considered in preparing the plan</td>
<td>Table B-2 details how the Coastal Management Principles have been considered in the plan.</td>
</tr>
<tr>
<td>A description of the community and stakeholder consultation process, the key issues raised and how they have been considered</td>
<td>Refer to Section 1.9. Additional detail around the consultation process and how it informed the formation of the CZMP can be found in the Hunter Estuary Coastal Zone Management Study (BMT WBM, 2009). The key issues are documented in Section 2.3.</td>
</tr>
<tr>
<td>A description of how the proposed management options were identified, the process followed to evaluate management options, and the outcomes of the process</td>
<td>Refer to Section 8 of the Hunter Estuary Coastal Zone Management Study (BMT-WBM, 2009) for details of the process used to evaluate over 100 potential management options identified through community and stakeholder engagement, and the criteria used to prioritise the strategies. The outcome of this process is the 24 management strategies in Section 3.6 of the CZMP.</td>
</tr>
<tr>
<td>Proposed management actions over the CZMP’s implementation period in a prioritised implementation schedule which contains details of:</td>
<td></td>
</tr>
<tr>
<td>• proposed funding arrangements for all actions, including any private sector funding</td>
<td>Refer to Section 3.6 for the implementation tables for the 24 strategies.</td>
</tr>
<tr>
<td>• actions to be implemented through other statutory plans and processes</td>
<td>Refer to Section 5 for details of the monitoring, evaluation and review process.</td>
</tr>
<tr>
<td>• actions to be carried out by a public authority or relating to land or other assets it owns or manages, where the authority has agreed to these actions (section 55C(2) (b) of the Coastal Protection Act 1979)</td>
<td>Letters of support from public authorities have been sought where an authority is involved in an action.</td>
</tr>
<tr>
<td>• proposed actions to monitor and report to the community on the plan’s implementation, and a review timetable</td>
<td></td>
</tr>
<tr>
<td>Plan to be prepared using a process that includes:</td>
<td></td>
</tr>
<tr>
<td>• evaluating potential management options by considering social, economic and environmental factors, to identify realistic and affordable actions</td>
<td>Refer to Section 8 of the Hunter Estuary Coastal Zone Management Study (BMT WBM, 2009) for details of the process used to evaluate the management strategies.</td>
</tr>
<tr>
<td>• consulting with the local community and</td>
<td>A draft of this CZMP will be publically exhibited by Councils with all submissions considered in</td>
</tr>
<tr>
<td>Minimum Requirement</td>
<td>Addressed by this CZMP</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>other relevant stakeholders. The minimum consultation requirement is to publicly exhibit a draft plan for not less than 21 days, with notice of the exhibition arrangements included in a local newspaper (section 55E of the Coastal Protection Act 1979)</td>
<td>accordance with section 55E of the Coastal Protection Act 1979.</td>
</tr>
<tr>
<td>• considering all submissions made during the consultation period. The draft plan may be amended as a result of these submissions (section 55F of the Coastal Protection Act 1979)</td>
<td></td>
</tr>
<tr>
<td>CZMPs are to achieve a reasonable balance between any potentially conflicting uses of the coastal zone.</td>
<td>The extensive community and stakeholder consultation has led to the development of objectives and strategies that seek to balance the environmental, social and commercial interests in the Hunter Estuary.</td>
</tr>
<tr>
<td>Clause 3.1 Minimum requirements: Coastal Risk</td>
<td></td>
</tr>
<tr>
<td>A CZMP which addresses coastal risks should include</td>
<td></td>
</tr>
<tr>
<td>A description of:</td>
<td></td>
</tr>
<tr>
<td>• coastal processes within the plan’s area, to a level of detail sufficient to inform decision-making.</td>
<td></td>
</tr>
<tr>
<td>• the nature and extent of risks to public safety and built assets from coastal hazards.</td>
<td></td>
</tr>
<tr>
<td>• projected climate change impacts on risks from coastal hazards (section 55C (f) of the Coastal Protection Act 1979).</td>
<td></td>
</tr>
<tr>
<td>• suitable locations where landowners could construct coastal protection works (provided they pay for the maintenance of the works and manage any offsite impacts), subject to the requirements of the Environmental Planning and Assessment Act 1979, and</td>
<td></td>
</tr>
<tr>
<td>• property risk and response categories for all properties located in coastal hazard areas.</td>
<td></td>
</tr>
<tr>
<td>Proposed actions in the implementation schedule to manage current and projected future risks from coastal hazards, including risks in an estuary from coastal hazards. Actions are to focus on managing the highest risks (section 55C (d) and (e) of the Coastal Protection Act 1979).</td>
<td>The prioritisation of strategies is provided in section 3, this in associated with funding availability will dictate implementation.</td>
</tr>
<tr>
<td>Where the plan proposes the construction of coastal protection works (other than emergency coastal protection works) that are to be funded by the council or a private landowner or both, the proposed arrangements for the adequate maintenance of the works and for managing associated impacts of such works (section 55C(g) of the Coastal Protection Act 1979), and</td>
<td>Not applicable</td>
</tr>
<tr>
<td>an emergency action subplan, which is to</td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Requirement</td>
<td>Addressed by this CZMP</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>describe:</td>
<td></td>
</tr>
<tr>
<td>• intended emergency actions to be carried out during periods of beach erosion such as coastal protection works for property or asset protection, other than matters dealt with in any plan made under State Emergency and Rescue Management Act 1989 relating to emergency response (sections 55C(b) and (g) of the Coastal Protection Act 1979),</td>
<td></td>
</tr>
<tr>
<td>• any site-specific requirements for landowner emergency coastal protection works, and</td>
<td></td>
</tr>
<tr>
<td>• consultation carried out with owners of land affected by a subplan.</td>
<td></td>
</tr>
</tbody>
</table>

Clause 4.1 Minimum requirements for coastal ecosystems

A CZMP which addresses coastal ecosystem management is to include;

A description of:

• the health status of estuaries within the plan’s area.
• the pressures affecting estuary health status and their relative magnitude.
• projected climate change impacts on estuary health (section 55C(f) of the Coastal Protection Act 1979).

Section 1.3.1.1 makes reference to this information and further information is contained within the Refer to The Hunter Estuary Processes Study (MHL, 2003). It includes a detailed investigation of the estuary characteristics and processes along with the issues affecting the health of the estuary (including climate change). Management strategies 4 & 20 include actions to further understand pressures affecting estuary health including climate change.

Proposed actions in the implementation schedule to respond to estuary health pressures (section 55C(e) of the Coastal Protection Act 1979)

Refer to Section 3.6. The management strategies have been developed to manage the key issues (pressures) affecting the estuary.

An entrance management policy for intermittently closed and open lakes and lagoons (ICOLLLs).

Not applicable

An estuarine monitoring program, consistent with the NSW Natural Resources Monitoring, Evaluation and Reporting (MER) Strategy.

Refer to Section 5. In addition significant monitoring is being undertaken through actions in management strategy 4.

Clause 5.1 Minimum requirements for community uses

CZMPS are to contain:

Proposed actions in the implementation schedule that protect and preserve beach environments and beach amenity, and ensure continuing and undiminished public access to beaches, headlands and waterways, particularly where public access is threatened or affected by accretion (section 55C(c) of the Coastal Protection Act 1979). With a description of:

• the current access arrangements to beaches, headlands and waterways in the plan’s area, their adequacy and any associated environmental impacts.
• any potential impacts (e.g. erosion, accretion or inundation) on these access

Current access and associated impacts are recognized within 1.3.1.1 with further detail provided within The Hunter Estuary Processes Study. Refer to implementation tables in Section 3.8.

Management strategies 3, 9, 10, 15 and 18 contribute to objective 21: to increase appropriate public access and amenity to the Hunter Estuary and wetlands.

Strategy 24 contains actions to identify and conserve heritage objects, places and landscapes in the Hunter Estuary.
This Hunter Estuary Coastal Zone Management Plan addresses the coastal management principles, as espoused in the CZMP guidelines, as outlined in Table B-2.

Table B-2 Coastal Management Principles

<table>
<thead>
<tr>
<th>Coastal Management Principles</th>
<th>Addressed by the CZMP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle 1: Consider the objects of the Coastal Protection Act 1979 and the goals, objectives and principles of the NSW Coastal Policy 1997.</td>
<td>The guiding principles for the development of this CZMP are shown in Section 2.2 which include consideration of the Coastal Protection Act 1979 and the NSW Coastal Policy 1997. Table A-3 demonstrates how this CZMP meets the objects of the NSW Coastal Policy 1997.</td>
</tr>
<tr>
<td>Principle 2: Optimise links between plans relating to the management of the coastal zone.</td>
<td>This plan has been developed with due consideration of other management plans including the Newcastle Coastline Management Plan 2003, and numerous local flood studies.</td>
</tr>
<tr>
<td>Principle 3: Involve the community in decision making and make coastal information publically available</td>
<td>Refer to Section 4.3. An extensive community consultation process was undertaken throughout the development of this plan. The CZMP will be available on council websites. Actions in the plan include a public access website so that monitoring and modelling undertaken will be publically available.</td>
</tr>
<tr>
<td>Principle 4: Base decisions on the best available information and reasonable practice; acknowledge the interrelationship between catchment, estuarine and coastal processes; adopt a continuous improvement management approach.</td>
<td>An Estuary Process Study (MHL, 2003) and an Estuary Management Study (BMT WBM, 2009) were undertaken to form the basis for the CZMP.</td>
</tr>
<tr>
<td>Principle 5: The priority for public expenditure is public benefit; public expenditure should cost-effectively achieve the best practical long-term outcomes.</td>
<td>The management strategy prioritization process included a benefit/cost analysis of each option. Refer to the Hunter Estuary Management Study (BMT WBM, 2009).</td>
</tr>
<tr>
<td>Principle 6: Adopt a risk management approach to managing risks to public safety and assets; adopt a risk management hierarchy involving avoiding risks where feasible and mitigation where risks cannot be reasonably avoided; adopt interim actions to manage high risks while long-term options are implemented</td>
<td>Risks to public safety and assets are addressed by local flood studies, including the Hunter River Floodplain Risk Management Study and Plan (MCC, 2015) and the Williams river Flood Study (2009). The Newcastle Coastline Management Plan (2003) looks further at risks to public safety and assets related to the coast.</td>
</tr>
<tr>
<td>Principle 7: Adopt an adaptive risk management approach if risks are expected to increase over time, or to accommodate uncertainty in risk predictions</td>
<td>The adaptability of management options to future circumstances was considered in the selection of management strategies and actions. A triggered based approach has been applied to respond to risks that may increase over time.</td>
</tr>
<tr>
<td>Principle 8: Maintain the condition of high value coastal ecosystems; rehabilitate priority degraded</td>
<td>Actions in the implementation schedule to identify and protect high value ecosystems Eg Ramsar and for</td>
</tr>
</tbody>
</table>
The objects of the Coastal Protection Act 1979 are broadly to provide for the protection of the coastal environment of the State for the benefit of both present and future generations. The specific objects of the Act and how the Hunter Estuary CZMP addresses them are shown in Table B-3.

**Table B-3  Objects of the Coastal Protection Act 1979**

<table>
<thead>
<tr>
<th>Object</th>
<th>Addressed by the CZMP</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) to protect, enhance, maintain and restore the environment of the coastal region, its associated ecosystems, ecological processes and biological diversity, and its water quality</td>
<td>The first prioritized objective of this plan is to protect and enhance estuarine biodiversity, particularly EEC’s, and other key habitats. Numerous management strategies have been developed to meet this objective.</td>
</tr>
<tr>
<td>(b) to encourage, promote and secure the orderly and balanced utilisation and conservation of the coastal region and its natural and man-made resources, having regard to the principles of ecologically sustainable development</td>
<td>The extensive community and stakeholder consultation has led to the development of objectives and strategies that seek to balance the environmental, social and commercial interests in the Hunter Estuary.</td>
</tr>
<tr>
<td>(c) to recognise and foster the significant social and economic benefits to the State that result from a sustainable coastal environment, including: (i) benefits to the environment, and (ii) benefits to urban communities, fisheries, industry and recreation, and (iii) benefits to culture and heritage, and (iv) benefits to the Aboriginal people in relation to their spiritual, social, customary and economic use of land and water</td>
<td>Environmental, social and economic values for the Hunter Estuary have been considered. These values informed the management objectives which in turn informed the management strategies and actions to protect and enhance the values of the estuary.</td>
</tr>
<tr>
<td>(d) to promote public pedestrian access to the coastal region and recognise the public’s right to access</td>
<td>Objectives and supporting actions in the CZMP aim to increase appropriate public access and amenity to the Hunter Estuary and wetlands.</td>
</tr>
<tr>
<td>(e) to provide for the acquisition of land in the coastal region to promote the protection, enhancement, maintenance and restoration of the environment of the coastal region</td>
<td>Not applicable</td>
</tr>
<tr>
<td>(f) to recognise the role of the community, as a partner with government, in resolving issues relating to the protection of the coastal environment</td>
<td>Extensive consultation was undertaken in the development of this plan. Many of the actions provide for the continued engagement and involvement of the community.</td>
</tr>
<tr>
<td>(g) to ensure co-ordination of the policies and activities of the Government and public</td>
<td>An objective of the CZMP is to achieve consistency and integration between the CZMP and strategic...</td>
</tr>
<tr>
<td>Object</td>
<td>Addressed by the CZMP</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>authorities relating to the coastal region and to facilitate the proper integration of their management activities</td>
<td>planning and natural resource management instruments. Strategies 1, 2, 6, 7, 11, 17, 18, and 21 have actions towards meeting this objective.</td>
</tr>
<tr>
<td>(h) to encourage and promote plans and strategies for adaptation in response to coastal climate change impacts, including projected sea level rise</td>
<td>Climate change adaptation has been considered in the management actions.</td>
</tr>
<tr>
<td>(i) to promote beach amenity.</td>
<td>The study area does not include open coastal beaches. Amenity of beaches within the bounds of the estuary is preserved under the CZMP.</td>
</tr>
</tbody>
</table>
APPENDIX C: STATUS REPORT OF THE ESTUARY PLAN AT REVISION STAGE, 2016

Strategy 1: Consistent approach to planning along the estuary

1.1, 1.2, 1.3 and 1.4 – Local Environmental Plans developed for all three Councils using the standard instrument supplied by Department of Planning and Environment. Planning meeting held to discuss intention of zoning along estuary, appropriate zones applied as per decisions by each Council, guidelines/checklists developed as required for heads of consideration.

1.5, 1.6, 1.7 – Ongoing.

Strategy 2: Rezone key habitats

2.1 – Mapping of estuarine habitat undertaken in Newcastle City Council area, yet to be undertaken for whole of estuary.

2.2 – Zonings of estuarine area addressed as required when Local Environmental Plans developed by each Council.

2.3 – On-going as projects arise.

2.4 - Planning meeting held to discuss intention of zoning along estuary prior to development of Council’s Local Environmental Plans.

2.5 - On-going process as land becomes available for environmental project work or provided to National Parks and Wildlife to conserve. National park estate in the estuary was expanded in 2010 with gazettal of HWNP that included the Ash Island restoration site of the Kooragang Wetland Rehabilitation Project (KWRP).

Strategy 3: Estuarine/riparian habitat and EEC mapping

3.1 – 3.7 - Mapping undertaken for Newcastle City Council area, yet to be undertaken for whole of estuary, grant funding dependent. Vegetation mapping for Hunter Wetlands National Park and Hunter Wetlands Centre Australia covering Hunter Estuary Wetlands Ramsar site was completed with funding from HLLS.

Strategy 4: Predictive model of estuary

4.1-4.2 – Model being prepared by Hunter Water with direction from the technical sub-committee.

4.3 – 4.6 – Yet to be determined.

4.7 Lower Hunter River Health Monitoring Program which was carried out by OEH in 2014-15 and is pending release at the end of 2016

Strategy 5: Remove barriers to fish passage

5.1-5.3 – Structures/barriers to fish passages are all identified and replacement will be forthcoming as grant finances become available.
Strategy 6: Conservation Masterplan for Estuary

6.1 – 6.3 – Conservation and Rehabilitation Masterplan for the estuary was created by Hunter Local Land Services to compile relevant data layers and map works undertaken to date.

6.4 – 6.5 – Meetings held by Hunter Local Land Services with key estuary organisations. Masterplan being developed to serve as basis for prioritising future conservation works.

Strategy 7: HECZMP objectives into new National Park Plan of Management

7.1 – 7.4 – A Hunter Wetlands National Park: Draft Plan of Management has been completed and is in the final stage of the review process which includes information on important park values and provides direction for future management.

Strategy 8: Bank erosion remediation

8.1, 8.2 – Boating erosion targeted through a number of years of surveys in the Williams and a year in the Morpeth to Raymond Terrace reach of the Hunter. Works and improvements suggested for the Williams. Any future review of these sites or the rest of the estuary is grant funding dependent. RMS is currently in the process of developing an erosion management plan for the Lower & Upper Williams River. HLLS updated bank condition survey.

8.3 – OEH maintains flood mitigation works to protect built assets.

8.4 – 8.7 – Responsibility of these actions needs to be established. Works to be undertaken on a needs basis and in the main is grant funding dependent. Bank stabilisation works completed on Ash Island by KWRP with HLLS and OEH funded projects.

Strategy 9: Support Regeneration Teams

9.1 – HLLS documented groups working in estuary during the development of the Masterplan

9.2- 9.6 – HLLS established a landcare network which includes groups working in the estuary, distributed masterplan, held workshops, provided funding for restoration projects and incentives for volunteers. Support for volunteers is undertaken as part of projects, grant funding dependent.

Strategy 10: Riparian revegetation guidelines

10.1- 10.3 – State government best practice guidelines followed when undertaking works in riparian areas. Works are grant funding dependent. Volunteers and regeneration groups revegetated riparian zones on Ash Island and access to Stockton Sandspit planting over 200,000 local native plants following restoration guidelines; photographic record and vegetation database is maintained to document results.

Strategy 11: Pollutant control policy / requirements

11.1 – Meeting yet to be undertaken

11.2 – 11.3 – Each Council have requirements either under their manual of engineering standards or development control plans that require stormwater to meet this strategies guidelines. Councils require modelling either through MUSIC or similar to demonstrate compliance for development in discussion with Council engineers.

Strategy 12: Inter-governmental forum for decision-making

The Local Land Services – Hunter undertook an inter-governmental forum to discuss the progression of the Masterplan. Future meetings will be undertaken in accordance with this strategy on a needs basis as issues arise.
Strategy 13: Community education program

Education and community engagement program undertaken through HLLS KWRP and Newcastle program; activities include annual estuary family festival and shorebird events to raise awareness; schools program and community service days; Kooragang Wetlands website; supporting wetland affiliation with Kushiro Wetlands in Japan through exchanges and events; marine debris program. Further development of this strategy is to be undertaken and is grant funding dependent. Various education programs are currently undertaken through Councils including topics of stormwater quality, stream management, erosion, litter management and marine debris.

Strategy 14: Improve catchment landuse practices

14.1 – 14.5 – Projects undertaken in association with landholders by Local Land Services and advice from the Department of Primary Industries – Agriculture. Actions are dependent on grant funding.

14.6 – Discussions for assistance in management of boat erosion on going with Roads and Maritime Service.

14.7 – Action undertaken on needs basis particularly in relation to customer requests.

Strategy 15: Incentives for sustainable agriculture

This strategy is on-going.

Strategy 16: Biobanking and conservation agreements

To be undertaken following completion of the Masterplan.

Strategy 17: Habitat restoration

17.1 – 17.4 - Activities include data layers in masterplan of on ground works; vegetation database and species lists developed and maintained for KWRP restoration sites; species lists used for HWNP POM;

17.5 – Various projects are being undertaken subject to grant funding throughout the estuary, strategy 17.2 is considered when rehabilitation works are undertaken. Major projects include Hexham Swamp Rehabilitation Project (HSRP), Tomago Wetlands Restoration project, KWRP (three sites), restoration at Stockton Sandspit and Tomago Wetlands for shorebird habitat restoration by OEH NWPS and HBOC; modification of Kooragang Dykes for shorebird habitat (stages 1-4 completed) and Juncus acutus control in saltmarsh by OEH NPWS with HLLS and other funding; and monthly shorebird monitoring by HBOC.

17.6 – Considered as appropriate on a case by case basis.

Strategy 18: Relocate / formalise public access

Yet to be undertaken.

Strategy 19: Research projects and programs

19.1 – 19.5 – undertaken on an opportunistic basis. Current projects applicable include the model, bank erosion and estuary status report card.
Strategy 20: Climate change policy

20.1 – Council policy and plans guided by government legislation.

20.2 – Hunter Councils have undertaken climate change risk and adaptation reports for the region in 2009-10.

20.3 – Workshop essentially undertaken through Hunter Councils climate change risk and adaptation project. Further will be undertaken on a needs basis.

Strategy 21: Review salinity trading / water sharing

EPA is currently finalising the 10 year review of the Hunter salinity trading scheme, further information on this review is provided on the EPA website.

Strategy 22: Contaminated sediments assessment

Yet to be undertaken in a formal process, however some individual projects have been completed.

Strategy 23: Reuse of dredged sediments

On-going on a needs basis

Strategy 24: Heritage Management Plan

24.1 - OEH maintains the Aboriginal Heritage Information Management System, system can be accessed prior to undertaking works.

24.2 – 24.6 – *Aboriginal Cultural Heritage Management Plan for the Burralinban Estuary Wetlands (incorporating KWRP and HSRP)* produced by Awabakal LALC, 2010 for HLLS.

Features of European heritage significance on Ash Island were restored and estuary historical information compiled by KWRP.
CCL 13/12/16
ADOPTION OF HUNTER ESTUARY COASTAL ZONE MANAGEMENT PLAN

Attachment B: Summary of Government Agency Submissions
The following is an overview of the agency comments that were received as part of the 2016 review of the Hunter Estuary Coastal Zone Management Plan.

<table>
<thead>
<tr>
<th>Summary of Advice Received</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Roads &amp; Maritime Service</strong></td>
<td></td>
</tr>
<tr>
<td>Strategy 8</td>
<td></td>
</tr>
<tr>
<td>• An erosion management plan for the Lower &amp; Upper Williams River is currently underway.</td>
<td>Amendments to Strategy 8 and Appendix C (Status Report).</td>
</tr>
<tr>
<td>• An erosion management plan for the Hunter River is not being developed at this time however “management” through advisory &amp; regulatory signage has been installed at strategic locations to manage boating activity &amp; its impact.</td>
<td></td>
</tr>
<tr>
<td>Strategy 14</td>
<td></td>
</tr>
<tr>
<td>• RMS routinely support this strategy via education/signage/enforcement.</td>
<td>Amendments to Strategy 14 undertaken.</td>
</tr>
<tr>
<td>Strategy 18</td>
<td></td>
</tr>
<tr>
<td>• There is opportunity for RMS to provide financial assistance through “Boating Now” funding.</td>
<td>Amendments to Strategy 18 undertaken.</td>
</tr>
<tr>
<td>Strategy 22</td>
<td></td>
</tr>
<tr>
<td>• RMS owns the seabed in Newcastle Harbour and issues a Port Safety Operating Licence to the Port of Newcastle (PoN). The PoN routinely undertake maintenance dredging operations to ensure safe navigation. PoN is responsible for sampling etc within port boundaries. RMS is not responsible for assessing for contaminated sediment in the Hunter estuary.</td>
<td>Amendments to Strategy 22 undertaken.</td>
</tr>
<tr>
<td>Strategy 23</td>
<td></td>
</tr>
<tr>
<td>• The Port Safety Operating Licence issued to PoN details conditions for the disposal of dredge spoil.</td>
<td>Amendments to Strategy 23 undertaken.</td>
</tr>
<tr>
<td><strong>Department of Industry</strong></td>
<td></td>
</tr>
<tr>
<td>DPI- Suggests rationalising objectives into a manageable number that can be easily understood and considered concurrently in a balanced bit comprehensive manner.</td>
<td>Objectives were created through a comprehensive community consultation process it is not appropriate to make these changes at this time.</td>
</tr>
<tr>
<td>DPI suggests that the strategies and actions should have more quantifiable key performance indicators and due dates attached to each action in the table.</td>
<td>The plan is funding dependent and it is inappropriate to place restrictive timeframes for agencies to commit to at this time. Prioritisation is provided in section 3.</td>
</tr>
<tr>
<td>DPI recommends that monitoring of water quality impacts in poor water quality hotspots be investigated.</td>
<td>This is captured in strategy 4, action 4.7.</td>
</tr>
<tr>
<td>DPI recommends that there is some mention (addressing aspects such as costs, impacts, monitoring and mitigation) of the Williamtown RAAF issue in the plan.</td>
<td>This issue is being investigated and addressed separately to the estuary plan.</td>
</tr>
<tr>
<td>DPI requests to be added as a lead agency in Strategy 3 and noting instream mapping.</td>
<td>Amendments to Strategy 3 undertaken.</td>
</tr>
<tr>
<td>DPI requests that Strategy 5 comments be updated to note that Bringing back the Fish has been completed and requests Appendix C to reflect this work.</td>
<td>Amendments to Strategy 5 undertaken.</td>
</tr>
<tr>
<td>DPI requests that they be added as support agency to Strategy 8 as they have a significant role in conservation planning. They also requests noting that all works consider instream habitat and environmentally friendly design.</td>
<td>Amendments to Strategy 8 undertaken.</td>
</tr>
<tr>
<td>DPI requests that they be placed as a lead agency in Strategy 12 if this includes working in/with the Marine Estate Management Act/reforms.</td>
<td>This strategy is not specifically aimed at the Marine Estate Management Act/reforms and as a support agency DPI will be invited to any workshops undertaken.</td>
</tr>
<tr>
<td>DPI requests to be a lead agency in Strategy 14 as they have an important role assessing land use/catchment impacts from existing land management.</td>
<td>Amendments to Strategy 14 undertaken.</td>
</tr>
<tr>
<td>DPI requests to be a lead agency in Strategy 17 as they have a key role in estuarine habitat rehabilitation.</td>
<td>Amendments to Strategy 17 undertaken.</td>
</tr>
<tr>
<td>DPI requests to be a lead agency in Strategy 20 as they have a key role in assessing estuarine vegetation habitat impacts.</td>
<td>Amendments to Strategy 20 undertaken.</td>
</tr>
<tr>
<td>DPI requests consultation in regards to projects noted through the Hunter Estuary Working Group as funding for related actions becomes available.</td>
<td>Noted.</td>
</tr>
<tr>
<td><strong>Department of Planning &amp; Environment</strong></td>
<td></td>
</tr>
<tr>
<td>DoPE requests that the plan make reference to the new Hunter Regional Plan and that they be removed from Strategy 11 as a lead agency and be noted as a support agency.</td>
<td>Amendments to Strategy 11 undertaken.</td>
</tr>
<tr>
<td><strong>Environment Protection Authority</strong></td>
<td></td>
</tr>
<tr>
<td>EPA provided up date to the Lower Hunter River Health Monitoring Program which was carried out by OEH in 2014-15.</td>
<td>This has been added as a project in Appendix C.</td>
</tr>
<tr>
<td>EPA provides an update on the Hunter Salinity Trading Scheme for Strategy 21.</td>
<td>This is noted for future projects with estuary plan.</td>
</tr>
<tr>
<td>EPA requests that Strategy 22 and 4 be combined.</td>
<td>Strategy 22 updated to note that the model should be used to determine contamination dispersal and to include data collected be included into the model (strategy 4).</td>
</tr>
<tr>
<td>EPA notes that extraction under Strategy 23 would trigger a licence under the Protection of Environmental Operations Act if it exceeds 30,000 cubic metres.</td>
<td>Placed as a comment in Strategy 23.</td>
</tr>
</tbody>
</table>
Attachment A: Newcastle Safe City Plan 2017-2020

Attachment B: Feedback received on the Plan from the Public Exhibition
ORDINARY COUNCIL MEETING
13 DECEMBER 2016

CCL 13/12/16
NEWCASTLE SAFE CITY PLAN 2017-2020

Attachment A: Newcastle Safe City Plan 2017-2020

DISTRIBUTED UNDER SEPARATE COVER
Newcastle City Council
Safe City Plan
2017-2020 (Draft)
Newcastle City Council acknowledges the traditional country of the Awabakal and Worimi peoples. We recognise and respect their cultural heritage, beliefs and continuing relationship with the land, and that they are the proud survivors of more than two hundred years of dispossession.

Council reiterates its commitment to addressing disadvantages and attaining justice for Aboriginal and Torres Strait Islander peoples of this community.
OUR SAFE CITY

Newcastle is becoming an increasingly diverse community, with changes in patterns of immigration, age and education levels. Council’s Safe City Plan includes actions that account for this increasing diversity and contribute to a safer more inclusive community with increased opportunity and capacity for growth. These trends are indicative of an increasingly globalised and diverse population within the Newcastle LGA.

161,225 people (ABS ERP 2015)
Newcastle LGA population

An additional 32,000 people are expected by 2036

37 years old
The median age in Newcastle

$1,165 median household income

94.3% of the labour force in Newcastle was employed (2011)

46.6% of the population aged over 15 held educational qualifications

8.3% of young people aged 15 to 24 were not earning or learning

69.1% of people are religious

214 km² in area

We are ageing:

From 2006 - 2011:
• The empty nesters and retirees age group (60-69) grew by 2,069 people
• Young workforce (25 to 34) grew by 1,971 people
• Older workers and pre-retirees (50 to 59) grew by 1,316 people

We are diverse:

2.6% Aboriginal/Torres Strait Islander
12.4% of people born overseas
7.8% of people come from a non-English speaking country
8.3% of the population speak a language other than English

The most common languages spoken other than English include:
Macedonian, Italian, Mandarin and Greek

but emerging languages include:
Mandarin, Arabic, Korean and Filipino/Tagalog

Community safety is a complex issue and no one agency is able to tackle this issue alone. Council collaborates with a wide range of stakeholders to implement strategies for improving safety in our city and community. NSW Police have a leading role in crime prevention, detection and perceptions of safety within the community. Council works closely with NSW Police to align strategic priorities in this area to assist in the delivery of safer outcomes for the community.

Council acts as a leader, advocate, facilitator, capacity builder, partner and promoter in addressing identified community safety challenges.

Governments, communities and businesses at all levels need to be collaborative and actively engaged to create safe communities. Council utilises both situational and social crime prevention approaches to address community safety issues in the LGA. Council is responsible for a range of services related to community safety, including managing public space and building design, providing a range of community services and engaging in social planning and developing policies that assist local businesses and the wider community. Council is involved in developing and implementing a range of community safety initiatives and works closely with other stakeholders including NSW Police and other organisations and agencies to achieve safer outcomes for the community.
The Newcastle Safe City Plan supports Council's Newcastle 2030 Community Strategic Plan (CSP) for Safe and Vibrant Public Spaces and a Caring and Inclusive Community.

The Newcastle Safe City Plan (2017-2020) is a four year plan outlining the key relevant community safety issues occurring in the Newcastle Local Government Area (LGA) both during the day and at night. This Plan has been developed as an action arising from Newcastle City Council’s Social Strategy (2016-2019). The key challenges outlined in this plan have been determined through evidence based research, data analysis and consultation with the community and key stakeholders including NSW Police.

Strategies and actions outlined in the Safe City Plan are designed to decrease the prevalence of identified community safety issues within the Newcastle LGA and increase perceptions of safety amongst residents and visitors of Newcastle.

Council would like to thank the community groups, agencies and individuals that helped to shape the actions outlined in this strategy.

The Newcastle Safe City Plan (2017-2020) is a four year plan outlining the key relevant community safety issues occurring in the Newcastle Local Government Area (LGA) both during the day and at night. This Plan has been developed as an action arising from Newcastle City Council’s Social Strategy (2016-2019). The key challenges outlined in this plan have been determined through evidence based research, data analysis and consultation with the community and key stakeholders including NSW Police.

Strategies and actions outlined in the Safe City Plan are designed to decrease the prevalence of identified community safety issues within the Newcastle LGA and increase perceptions of safety amongst residents and visitors of Newcastle.

Council would like to thank the community groups, agencies and individuals that helped to shape the actions outlined in this strategy.
WHAT IS COUNCIL ALREADY DOING?

78,240 businesses in the Newcastle LGA

We have diverse venues with at least 264 licensed premises in the whole LGA amongst 1133 registered food premises.

We plan, design and manage public spaces

We provide safe and activated public spaces

Our Council Rangers and Outdoor Staff act as capable guardians of our public spaces

We partner with local organisations to deliver community events and place making initiatives

We facilitate public space lighting programs

We remove graffiti and repair damage to public property

In 2015, Council removed 3345m² of graffiti within the Newcastle LGA

We assess Development Applications with consideration given to Crime Prevention Through Environmental Design (CPTED)

We manage the Alcohol Free Zones and Alcohol Prohibited Areas in the LGA

STRATEGIC ALCOHOL MANAGEMENT

Council has a history of supporting the management of alcohol consumption with a focus on changing consumption patterns and the service of alcohol. Following a peak in community concerns around alcohol-related violence in Newcastle in 2007 and 2008 a range of State government agencies developed a suite of strategies - collectively called the ‘Newcastle Intervention’ focusing on restricting the supply of alcohol across late trading licensed premises in the Newcastle CBD. These interventions were then introduced in Hamilton in 2010 and were led by NSW Police and the then NSW Office of Liquor Gaming and Racing (OLGR).

Council adopted a central role in strategic alcohol management at this time, a relatively new phenomenon, however logical considering Local Government’s status as a regulatory body and owner and manager of public spaces and assets. Council developed The Safe Newcastle: Alcohol Management Strategy 2010-2013 to reduce alcohol-related harms and anti-social activities proposing 35 initiatives using a collaborative and holistic approach. This strategy was awarded some funding and a Certificate of Merit from the Australian Crime and Violence Prevention Awards in 2012. This Strategy had a notable impact on alcohol-related violence in Newcastle.

Council convenes the Licensed Premises Reference Group, a formal working group comprised of key stakeholders including Liquor and Gaming NSW (formerly OLGR), NSW Police, Hunter New England Health and representatives from Council. Together, all applications involving liquor licensing within the LGA are reviewed, and all development applications involving premises with liquor licenses are reviewed in relation to delivering integrated community safety outcomes.

WALK SMART

Council works closely with a range of stakeholders to deliver a number of programs with the aim of enhancing safety and perceptions of safety in the Newcastle Area. The Walk Smart Program which commenced in April 2011, delivered in partnership with NSW Police, has contributed to a total decrease of 62.1% in street offences (a cluster including assault, malicious damage, robbery, sexual offences and steal from persons) from 2011 to 2015, compared to the Newcastle Local Area Command as a whole which experienced a 44.9% drop, and the NSW state average experienced a 33.9% drop, according to NSW Police data. The Walk Smart Program was delivered within the Newcastle city centre on dedicated streets that had been evaluated using Crime Prevention Through Environmental Design (CPTED) principles and had additional monitoring by NSW Police.

STREET SAFE

Council works in partnership with the Salvation Army and the NSW Police to deliver the Salvation Army Streetsafe Pilot Program in 2015 / 16. Teams of Salvation Army volunteers engaged and assisted intoxicated young people in the city centre on Saturday nights, providing outreach including lollipops, water, thongs, first aid, a safe space to recover and referral to other services where necessary. This program had a positive impact on minimising drug and alcohol related harm in the Newcastle City Centre and will be continued in 2017.

EDUCATION

Council Libraries facilitate a number of programs designed to improve awareness of community safety issues and to build capacity within the community. For example ‘Books in the Books’, aimed at engaging young people and cyber-safety education for seniors. Libraries provide a range of educational and awareness resources, including but not limited to Domestic Violence information resources, and are registered Safe Places with ACON (Aids Council of NSW) as part of the Safe Spaces Program.

HOMELESSNESS

Council facilitates the Homelessness Working Group, attended by Newcastle service providers who are experts in this area, to develop coordinated strategies to address homelessness in Newcastle LGA. Our Libraries engage with Hunter Homeless Connect to link homeless people and people at risk of homelessness to vital services such as accommodation and housing, health and wellbeing, legal and financial assistance, employment, study, and other support services.

SAFETY IN THE PUBLIC DOMAIN

Council facilitates urban design through the use of Master Plans, Public Domain Plans and Plans of Management and incorporates Crime Prevention through Environmental Design (CPTED) throughout the planning stages. In the Newcastle 2030 Survey (2012), 82% of respondents indicated that public places that provide for diverse activity and strengthen our social connections are extremely or very important. Council assesses development applications for all developments within the Newcastle LGA. Through this process, relevant applications are referred to the Newcastle Local Area Command (LAC) for a Crime Prevention through Environmental Design (CPTED) assessment. Relevant Council staff members are qualified in CPTED and take this into consideration with all applications, along with a range of other factors.
In preparing this plan consultations were undertaken from December 2015 - July 2016 with external community stakeholders and agencies and Council staff. A broad cross section of the community and stakeholders were consulted in the development of the plan. Consultation involved semi structured interviews with targeted focus groups of community stakeholders, internal Council staff, a Safe City Community Survey distributed online and through Newcastle Voice, and the Public Exhibition of the Draft Document.

**SUMMARY OF CONSULTATION**

In preparing this plan consultations were undertaken from December 2015 - July 2016 with external community stakeholders and agencies and Council staff. A broad cross section of the community and stakeholders were consulted in the development of the plan.

Consultation involved semi structured interviews with targeted focus groups of community stakeholders, internal Council staff, a Safe City Community Survey distributed online and through Newcastle Voice, and the Public Exhibition of the Draft Document.

**RESEARCH**

**CONSULTATION**

**FOCUS GROUPS**

**INFORMATION INTEGRATION**

**DATA ANALYSIS**

**STRATEGIC FRAMEWORK DEVELOPED**

**FOCUS GROUPS**

**ANALYSIS**

A summary of the key findings from the Safe City Survey is featured in Appendix A. The full Safe City Survey report can be viewed on Council’s website.

**FOCUS GROUPS**

**FOCUS GROUPS**

**FOCUS GROUPS**

**FOCUS GROUPS**

**PEOPLE WE SPOKE TO**

Representatives from the following organisations were consulted during this plan:

- St Vincents de Paul (Ability Links)
- Multicultural Neighbourhood Centre
- Partners in Recovery
- Samaritans
- Police Citizens Youth Club
- Newcastle Youth Council
- Jenny’s Place
- Hunter Women’s Centre
- Aids Council of NSW (ACON)
- University of Newcastle Postgrad Student Association
- Headspace
- NSW Police (Newcastle LAC)
- Australian Drug Foundation (ADF)
- Newcastle Community Drug Action Team (CDAT)
- Laing Street Seniors Centre

Newcastle Safe City Plan 2017-2020 (Draft)
KEY MESSAGES IDENTIFIED IN CONSULTATION

DRUG AND ALCOHOL RELATED CRIME
Drugs and Alcohol related issues occurring in public spaces were identified as a significant issue. Alcohol was an identified contributor to a number of other challenges including assaults, robberies, people consuming alcohol in public spaces both during the day and at night and alcohol addiction.

Concerns were raised regarding the presence of drugs within the community; including people supplying drugs in public spaces, the prevalence of addiction and the impact that drug addiction has on both mental health outcomes and crime rates including but not limited to assault and theft.

DOMESTIC VIOLENCE
Domestic violence was raised as an issue across a broad range of stakeholders. A number of domestic violence issues were identified, including a lack of availability of services such as crisis and support accommodation, a lack of safety for victims in public spaces and the increase in vulnerability of women in becoming homeless due to leaving abusive home environments.

Additionally, domestic violence was identified as an issue among newly arrived families within the multicultural community. Particularly problematic is the lack of understanding around reporting issues of domestic violence to the police and what to expect during the criminal justice processes in Australia.

DISCRIMINATION
Discrimination based on race, gender and sexuality were identified as issues within the community of Newcastle. Stakeholders from the multicultural sector stated that race-based discrimination is problematic within Newcastle, and raised concerns regarding a rise in Islamaphobia. This was particularly an issue for newly-arrived people to Australia, and those that wear traditional cultural dress in public. These issues are addressed further in the Newcastle Multicultural Plan (2016-2019).

Stakeholders from the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community identified discrimination based on sexuality as a problem that was both overt and hidden within the community. This included the occurrence of verbal and physical abuse aimed at homosexual and transsexual people, and online harassment. Additionally, stakeholders identified the occurrence of exclusion from services and workplaces as a growing issue amongst the LGBTI community. Bullying in schools was an issue identified by stakeholders in relation to discrimination and a lack of LGBTI acceptance.

MALICIOUS DAMAGE AND THE BUILT ENVIRONMENT
Stakeholders stated that a significant factor contributing to fear of crime related to the built environment. These included the presence of graffiti, unrepaid damage to property, syringes in public spaces and a lack of adequate lighting at night.

HOMELESSNESS
Homeless people were also identified as a particular group of the community at heightened risk of victimisation, including; violence, abuse and other types of crime.1 Due to the complex nature of this issue, homelessness has been identified for further research and consultation, as an action in this plan. A 2005 UK study found that, compared with the public, homeless people were 15 times more likely to have experienced violence and 47 times more likely to have been victims of theft.2 Additionally, homelessness is considered to be a factor which influences perceptions of safety in public spaces, along with many other aspects such as lighting and the presence of anti-social behaviour.

According to the Australian Bureau of Statistics 2011 (ABS) at the census count in NSW in 2011, 7% of homeless people are sleeping rough on the streets. This is the most visible level of homelessness.3 Local specialist homelessness providers have anecdotally reported a increase in demand for services in 2016.

ANTI-SOCIAL BEHAVIOUR
Community stakeholders identified a range of activities which have been categorised as ‘anti-social’ for the purposes of this plan. These included verbal abuse, loitering, harassment and threatening behaviour, and public urination.

OTHER ISSUES
Other issues identified during focus group consultations included property theft (both steal from person and steal from motor vehicle), break and enter into commercial premises, cyber bullying, corruption within the Government, white collar crime, disengaged youth and under-reporting of crime.


KEY COMMUNITY SAFETY CHALLENGES
The issues identified in this section are challenges that the community of Newcastle currently face. These were identified through consultation. These challenges have a significant impact on crime and perceptions of safety within the Newcastle LGA.

These include;
• The presence of drugs and alcohol within the community
• Disengaged youth
• Discrimination and a lack of community inclusiveness
• Fear of crime
• Anti-social behaviour
• The homeless community are identified as being at heightened risk of becoming victims of crime and are therefore included in this list.
INCIDENTS

+9.4%
127
stable
-20
41
-13%
75
-17.4%
8
stable
712
+79
stable
Newcastle Safe City Plan 2017-2020 (Draft)

+68
60
+33
+9.4%
93
405
1103
+1094
52
62
-8.1%
+698
38
-72
stable
65
stable
+38
85
+21.6%
stable
12
stable
24
-622
67
17
13
-10.6%
80
stable
-10
50
49
+12%
-38
70
83
52
5

KEY CRIME DATA – Table 1 summarises crime data from the BOCSAR for the period April 2011 to March 2016.

<table>
<thead>
<tr>
<th>CRIME CATEGORY</th>
<th>INCIDENTS</th>
<th>YEAR TO</th>
<th>TREND</th>
<th>TREND</th>
<th>OUR LGA</th>
<th>RANKING</th>
<th>WHERE</th>
<th>WHERE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault (Domestic Violence-Related)</td>
<td>712</td>
<td>stable</td>
<td>stable</td>
<td>+</td>
<td>58</td>
<td>80</td>
<td>68</td>
<td>52</td>
</tr>
<tr>
<td>Assault (Non-Domestic Violence-Related)</td>
<td>1103</td>
<td>stable</td>
<td>-4.6%</td>
<td>+</td>
<td>17</td>
<td>68</td>
<td>58</td>
<td>52</td>
</tr>
<tr>
<td>Break and Enter (Dwelling)</td>
<td>800</td>
<td>stable</td>
<td>-8.3%</td>
<td>+</td>
<td>41</td>
<td>69</td>
<td>47</td>
<td>47</td>
</tr>
<tr>
<td>Break and Enter (Non-Dwelling)</td>
<td>342</td>
<td>-32.4%</td>
<td>-16.6%</td>
<td>+</td>
<td>49</td>
<td>65</td>
<td>93</td>
<td>93</td>
</tr>
<tr>
<td>Fraud</td>
<td>1320</td>
<td>stable</td>
<td>+9.4%</td>
<td>+</td>
<td>12</td>
<td>60</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Harassment, threatening behaviour and private nuisance</td>
<td>738</td>
<td>stable</td>
<td></td>
<td></td>
<td>62</td>
<td>82</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>127</td>
<td>stable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malicious damage to property</td>
<td>1938</td>
<td>stable</td>
<td>-10.6%</td>
<td>+</td>
<td>38</td>
<td>67</td>
<td>79</td>
<td>79</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>405</td>
<td>stable</td>
<td>-13%</td>
<td>+</td>
<td>31</td>
<td>50</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>Drug Offences</td>
<td>1075</td>
<td>stable</td>
<td>+12%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Robbery</td>
<td>94</td>
<td>stable</td>
<td>-17.4%</td>
<td>+</td>
<td>10</td>
<td>33</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Prohibited and regulated weapons offences</td>
<td>299</td>
<td>stable</td>
<td>+14.1%</td>
<td>+</td>
<td>75</td>
<td>83</td>
<td>85</td>
<td>85</td>
</tr>
<tr>
<td>Steal from Motor Vehicle</td>
<td>1529</td>
<td>stable</td>
<td>+21.6%</td>
<td>-</td>
<td>6</td>
<td>38</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>Steal from retail</td>
<td>622</td>
<td>stable</td>
<td></td>
<td></td>
<td>19</td>
<td>38</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Steal from dwelling</td>
<td>698</td>
<td>stable</td>
<td></td>
<td></td>
<td>34</td>
<td>52</td>
<td>72</td>
<td>72</td>
</tr>
<tr>
<td>Other theft</td>
<td>1094</td>
<td>stable</td>
<td></td>
<td></td>
<td>13</td>
<td>48</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Receiving / Handling stolen goods</td>
<td>251</td>
<td>stable</td>
<td>+9.4%</td>
<td>+</td>
<td>13</td>
<td>20</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

**NEWCASTLE LGA’S CRIME PROFILE**

**During the development of this plan, consideration was given to a range of areas to determine the key crime challenges for the community. These considerations included:**

- The crime issues ranked in the top 10 within the Newcastle LGA compared to 129 LGAs in NSW according to Bureau of Crime Statistics and Research (BOCSAR);
- The crime trends over the last 2 and 5 year periods in Newcastle LGA according to BOCSAR;
- The levels of crime in Newcastle as compared with New South Wales according to BOCSAR;
- Consultation with NSW Police (Newcastle Local Area Command);
- Consultations with key stakeholders within the Newcastle LGA;
- Consultation with residents and visitors of Newcastle LGA;
- The under-reporting of certain crimes according to the Australian Bureau of Statistics and the Australian Institute of Criminology and the Bureau of Crime Statistics and Research;

**Strategic actions developed in this plan took into consideration:**

- Social and demographic trends within the Newcastle LGA according to the Australian Bureau of Statistics;
- Global social and demographic trends as they are likely to impact on the future of Newcastle;
- Key crime and safety challenges in Newcastle;
- Evidence based research as to appropriate responses to crime and anti-social behaviour;
- Consultation with the community and key community stakeholders;
- Newcastle 2030 Community Strategic Plan (revised 2013);
- The scope of Council’s role in this area.
- Key Crime Challenges derived from these considerations can be found on page 13.


6 Source: NSW Bureau of Crime Statistics and Research
7 This is likely to have been influenced by NSW Police operations including Operation Talon, focusing on gun crime.

**SUMMARY OF CRIME DATA**

Most major crime categories are trending downwards or are stable over the 5 year period between July 2011 and June 2016 with the exception of fraud, drug offences, prohibited and regulated weapons offences and receiving and handling of stolen goods. With the exception of ‘Drug Offences’, in every offence category in Table 1, Newcastle experienced a higher rate of offending than that of NSW in 2015.

Offence categories of concern due to the upward trend over the 5 year period (2011 - 2016) and the 2 year period (2014 - 2016) include:

- Fraud
- Drug Offences
- Prohibited and Regulated Weapons Offences
- Steal from Motor Vehicle

It should be noted that categories including assault and sexual assault are commonly under reported.
Council's Priority Areas for 2017-20

Based on detailed analysis of the community consultations, community safety challenges and local crime data, Council can deliver on a range of actions that will improve community safety. These actions are clustered under four key objectives which aim to deliver a whole of Council approach to Community Safety. These actions will be monitored and evaluated over the life of the plan.

The four priority areas were developed through ongoing engagement with partner agencies; themes identified in the Newcastle Safe City Survey 2016 and are aligned with Council's strategic vision outlined in Newcastle 2030 Community Strategic Plan (CSP).

Objective 1: Safety through public domain design and the built environment

Objective 2: Developing and facilitating proactive partnerships and collaborations

Objective 3: Facilitating community inclusion, empowerment and capacity building

Objective 4: Integrated, innovative and evidence-based solutions
OBJECTIVE 1: SAFETY THROUGH PUBLIC DOMAIN DESIGN AND THE BUILT ENVIRONMENT

Crime Prevention through Environmental Design (CPTED) is a crime prevention philosophy based on the use of proper design and effective use of the built environment leading to a reduction in the incidence and fear of crime, which leads to an improvement in quality of life. CPTED principles are a set of situational crime prevention tools.

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Actions</th>
<th>Timeline</th>
<th>Target Issue</th>
<th>Lead</th>
<th>Partners</th>
</tr>
</thead>
</table>
| 1.1. Continuously improve internal policies and protocols around Crime Prevention through Environmental Design | a) Incorporate lighting into public domain plans and technical manuals prepared by Council  
b) Update Council’s Development Control Plan Guidelines Section 4.04 on Safety and Security and associated guidelines  
c) Develop an internal policy, service level agreement, systems and protocols around graffiti management and vandalism.  
d) Explore the capacity for outdoor staff to report on graffiti and malicious damage in the field into the central register as per 1.1.c.  
e) Develop a partnership between Council’s Regulatory Services and Police to investigate alleged breaches of development consent conditions of licensed premises.  
f) Ensure all Public Domain Plans are reviewed and assessed using CPTED Principles. | 2  
1  
1  
1  
2  
Ongoing | Fear of Crime, Assault, Malicious Damage, Anti-social behaviour, Strategic Alcohol Management | Council | |
| 1.2. Increase natural surveillance and perceptions of safety within the Newcastle Community | a) Develop and deliver a series of inclusive annual public space activations within our community  
b) Expand, enhance and promote the Walk Smart Network through seven city centre precincts with creative lighting and activation installations  
c) Facilitate opportunities for partnerships which provide place managers to increase perceptions of safety in public spaces, i.e. The Salvation Army Streetsafe Program or similar. | Planned and reviewed on an annual basis | Fear of Crime, Discrimination, Assault, Malicious Damage, Anti-social Behaviour | Council | |
| 1.3. Implementation of target-hardening measures in car parks in hot-spot areas to reduce theft from motor vehicles | a) Ensure that all car park development proposals are assessed using CPTED principles mandatorily  
b) Investigate opportunities for increased lighting in Council owned carparks in hot-spot areas.  
c) Participate in Hunter-wide partnership to produce a Steal from Motor Vehicle prevention campaign  
d) Implementation of park-smart signage at hotspot Steal from Motor Vehicle locations. | 1-2  
1-4  
1-2  
1-2 | Steal from Motor Vehicles, Malicious Damage | Council  
Hunter Councils | NSW Police  
NSW Department of Justice  
Surf Life Saving Australia |
| 1.4. Continue to manage public spaces and assets for community safety | a) Manage public spaces and assets through regular condition inspections of public assets to discourage opportunity for crime  
b) Ensure that CPTED Principles are applied for all new and replacement infrastructure.  
c) Continue to provide and manage syringe disposal units in identified public restroom facilities.  
d) Regularly review event licenses for outreach services to ensure that their placement in the public domain enhances public safety. | Ongoing  
Ongoing  
Ongoing  
Ongoing | Fear of crime, anti-social behaviour, malicious damage | Council  
ACON  
Newcastle Community Health Centre  
NSW Needle Clean Up Hotline  
Diabetes NSW Resource Centre  
NSW Health |
Objective 2: Developing and Facilitating Proactive Partnerships and Collaborations

Productive partnerships play a key role in delivering tangible social benefits programs to the community. These partnerships can facilitate social cohesion, raise awareness of community issues, encourage information sharing between services and provide direct service delivery to the community.

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Actions</th>
<th>Timeline</th>
<th>Target Issue</th>
<th>Lead</th>
<th>Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. Facilitate strategic and coordinated collaboration between Council and key local service providers to address issues of Homelessness in Newcastle</td>
<td>a) Continue to work with State Government agencies to address matters of homelessness and domestic violence within the Newcastle LGA. &lt;br&gt;b) Provide training and awareness to key Council staff on how to assist homeless people and people sleeping rough. &lt;br&gt;c) Assist in data collection to improve in coordinated service delivery to homeless people and people sleeping rough in Newcastle LGA. &lt;br&gt;d) Continue to provide programming and development practices that are inclusive for those experiencing homelessness.</td>
<td>Ongoing</td>
<td>Homelessness, Domestic Violence, Homelessness Sector</td>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>2.2. Continue to work closely with NSW Police</td>
<td>a) Continue to information share in order to appropriately task resources of both organisations to address matters of crime and anti-social behaviour. &lt;br&gt;b) Continue to work with NSW Police on matters relating to Licensed premises and strategic alcohol management. &lt;br&gt;c) Promote NSW Police’s multilingual information resources regarding relevant crime and safety issues within the Newcastle Community.</td>
<td>Ongoing</td>
<td>Anti-social behaviour, alcohol related violence, discrimination and lack of community inclusion</td>
<td>Council</td>
<td>NSW Police</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Actions</th>
<th>Timeline</th>
<th>Target Issue</th>
<th>Lead</th>
<th>Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.3. Collaborate with local groups and services to address current crime and safety issues within the Newcastle LGA</td>
<td>a) Participate in Newcastle’s Community Drug Action Team (CDAT) to support the delivery of information / educational resources to the community. &lt;br&gt;b) Collaborate with local Business Improvement Associations to address current issues of anti-social behaviour. &lt;br&gt;c) Continue to facilitate the Licensed Premises Reference Group to share information and align programs between relevant agencies including the local police and Office of Liquor Gaming and Racing (OLGR) (Social Strategy 2.5). &lt;br&gt;e) Continue to partner with Liquor Accords to deliver education programs to promote responsible behaviour in our key entertainment areas (Social Strategy 2.4).</td>
<td>Ongoing</td>
<td>Alcohol management, drugs, alcohol, anti-social behaviour</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.4. Work with NSW Department of Justice to re-engage offending youth</td>
<td>a) Engage Department of Justice Juveniles in Council’s Graffiti Removal Program through the Department of Justice. &lt;br&gt;b) Advocate for authorised street art programs in partnership with Department of Juvenile Justice in line with Council’s Cultural Strategy (8.3).</td>
<td>Ongoing</td>
<td>Disengaged youth, malicious damage, anti-social behaviour</td>
<td>Department of Justice NSW</td>
<td>Council PCYC, Local Business Improvement Associations</td>
</tr>
</tbody>
</table>

Newcastle City Council

Newcastle Safe City Plan 2017-2020 (Draft)
### OBJECTIVE 3: FACILITATING COMMUNITY INCLUSION, EMPOWERMENT AND CAPACITY BUILDING

Empowering the local community, groups and agencies to build capacity to meet demands is important to achieving safer outcomes for the community. Council will mentor and / or assist community groups to obtain the necessary resources to effectively deliver safety related services to the community.

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Actions</th>
<th>Timeline</th>
<th>Target Issue</th>
<th>Lead</th>
<th>Partner</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1. Provide Council facilities that are safe, welcoming and inclusive</td>
<td>a) Continue to Implement the Safe Space Program across Council facilities as part of participating in the Aids Council Of NSW (ACON) Safe Space Program and adopting the Safe Space Charter (Social Strategy 3.6)</td>
<td>Planned and reviewed on an annual basis</td>
<td>Discrimination, fear of crime</td>
<td>ACON Multicultural NSW</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Facilitate the coordinated provision of information sharing and engagement with Newcastle’s multicultural, seniors and disability communities on relevant community safety issues</td>
<td>1</td>
<td>All crime types, Disengaged / at-risk youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.2 Provide open space community assets that facilitate positive social interaction and wellbeing</td>
<td>a) Continue to provide and maintain appropriate recreational assets for community use.</td>
<td>Ongoing</td>
<td>Discrimination, fear of crime, disengaged young people</td>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>3.3. Improve perceptions of safety within the Newcastle LGA</td>
<td>a) Promote progress in safety outcomes in the Newcastle LGA using current evidence and supporting data.</td>
<td>2-3</td>
<td>Fear of Crime</td>
<td>CDAT BIA Newcastle Community</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) Develop and implement processes and tools for supporting residents to report and solve safety related issues in the LGA. For example, utilising resident-led workshops to analyse and problem-solve crime and safety-related issues, training of residents in CPTED, neighbourhood watch programs and available small grants.</td>
<td>1-4</td>
<td></td>
<td>NCC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Build awareness of using Council’s Make Your Place small grant program and Community Assistance Grants Program to achieve community safety outcomes</td>
<td>Ongoing</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Strategy

#### 3.4. Contribute to a reduction in malicious damage including vandalism, graffiti and illegal bill posters in the Newcastle LGA

- a) Continue to partner with local Business Improvement Associations to rapidly remove graffiti and malicious damage in the Newcastle LGA
- b) Explore the feasibility of the introduction of a graffiti education program in schools in the Newcastle LGA
- c) Incorporate consideration of public noticeboards in the local and neighbourhood centre Public Domain Plan Process.
- d) Work with local Business Improvement Associations to establish ownership and ongoing management of public noticeboards.

<table>
<thead>
<tr>
<th>Timeline</th>
<th>Target Issue</th>
<th>Lead</th>
<th>Partner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing</td>
<td>Malicious Damage, Fear of Crime</td>
<td>BIA Council</td>
<td>Department of Education NSW</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>As specified by Council’s Operational Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ongoing</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 3.5. Support local domestic and family violence organisations to build capacity within the sector

- a) Support the planning, proposal and submission of sector-based grants to funding bodies including Council grant and sponsorship programs.
- b) Provide in-kind advice and opportunities for domestic violence awareness campaigns or events
- c) Provide in-kind advice to domestic violence agencies within Newcastle where requested

<table>
<thead>
<tr>
<th>Timeline</th>
<th>Target Issue</th>
<th>Lead</th>
<th>Partner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing</td>
<td>Domestic Violence</td>
<td>Department of Premier and Cabinet working with Department of Health (Women) NSW Department of Family and Community Services NSW Police</td>
<td>Council Department of Justice NSW</td>
</tr>
<tr>
<td>Ongoing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ongoing</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Ongoing</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
OBJECTIVE 4: INTEGRATED, INNOVATIVE AND EVIDENCE-BASED SOLUTIONS

Technological advancements have impacted on the nature of crime and crime prevention in the modern world. It is important to utilising new and innovative opportunities to improve safety outcomes within the Newcastle community as the world becomes globalised and modernised. Integrating this approach with evidence-based solutions and establishing evaluation frameworks for modern technologies will assist in future crime prevention planning.

### Strategy 4.1: Utilise emerging technologies to engage, plan and encourage information sharing with all key stakeholders (Social strategy 3.2 and 4)

- **Actions:**
  - a) Implement smart analytic software to provide safety and resourcing solutions for the community
  - b) Pilot uses of smart technology for crime prevention in Newcastle i.e. Smart Crime Prevention Platform using cameras, sound sensors, motions sensors and analytic software
  - c) Use smart technology platforms to assist people in finding their way including help points
  - d) Implement smart parking and lighting applications for high density areas within the Newcastle LGA

- **Timeline:**
  - a) 1-2
  - b) 1-2
  - c) 1-4
  - d) Ongoing

- **Target Issue:**
  - a) Anti-social behaviour, Assault, Malicious Damage, Theft, Steal from Motor Vehicles
  - b) Fear of Crime, Anti-social behaviour, Malicious Damage

- **Lead:** Council

- **Partners:** Business Improvement Associations

### Strategy 4.2: Utilise emerging technologies to improve perceptions of safety and lighting

- **Actions:**
  - a) Implement innovative lighting including art lighting and smart lighting in identified locations within the city centre
  - b) Explore the feasibility of expanding art lighting and smart lighting to other urban centres within the LGA pending successful Pilot
  - c) Evaluate the benefits of existing smart toilets in Newcastle and explore the feasibility of expanding this program and operating within late night trading hours

- **Timeline:**
  - a) Ongoing
  - b) 2-4
  - c) 1-4

- **Target Issue:**
  - a) Fear of Crime, Anti-social behaviour, Malicious Damage

- **Lead:** Council

### Strategy 4.3: Improve engagement with disengaged or at-risk young people through innovative technology-based projects

- **Actions:**
  - a) Support the development of a program of workshops / events for disengaged young people in locations identified by demographic data of disengaged youth in the Newcastle LGA (Social Strategy 3.5)
  - b) Employ a youth specialist Library team leader to engage disengaged youth

- **Timeline:**
  - a) 1
  - b) 1

- **Target Issue:**
  - a) Disengaged youth, anti-social behaviour

- **Lead:** Newcastle City Youth Council, Business Improvement Associations, PCYC and relevant local service providers and businesses

- **Partners:** Council

### Strategy 4.4: Use evidence-based methods to measure and forecast the social and environmental value of targeted community projects

- **Actions:**
  - a) Investigate the Social Return On Investment (SROI) Framework as a measure of impact on safety and other community programs
  - b) Investigate the development of proxies to measure Social Return on Investment (SROI) in partnership with a research institute in Newcastle

- **Timeline:**
  - a) 1-2
  - b) 1-4

- **Target Issue:**
  - a) All identified issues

- **Lead:** Council

- **Partners:** Suitsly qualified research organisations

### Strategy 4.5: Encourage responsible use of alcohol within the Newcastle community

- **Actions:**
  - a) Develop a map of all licensed premises in Newcastle LGA including data on capacity, crime data, operating hours and DA requirements to
  - b) Encourage licensed premises to collect and aggregate data of sales, and share this data with relevant agencies to assist with research, planning and evidence-based policy approaches to alcohol harm minimisation
  - c) Continue to assist in the management of the appropriate type, location and number of licensed premises within the Newcastle LGA
  - d) Explore the feasibility of engaging research institutions to undertake research to improve understanding of the impacts of access to alcohol within the Newcastle community
  - e) Continue to prepare submissions as appropriate to respond to new key liquor licence applications assist with planning

- **Timeline:**
  - a) 1-2
  - b) 2-4
  - c) Ongoing
  - d) Ongoing
  - e) Ongoing

- **Target Issue:**
  - a) Alcohol related violence, drugs and alcohol within the community

- **Lead:** Council

- **Partners:** NSW Office of Liquor Gaming and Racing

### Strategy 4.6: Facilitate inclusive and interactive education campaigns about community safety

- **Actions:**
  - a) Facilitate the delivery of community-based, accessible, inclusive and interactive presentations on issues including;
    - Domestic Violence
    - Homelessness
    - Break and Enter - How to protect your home or business
    - Drug and Alcohol
    - Cyber Safety Talks
    - Anti-theft (focusing on break and enter and steal from motor-vehicle)
    - General community safety talks; assessed on a needs basis

- **Timeline:**
  - a) 1-2

- **Target Issue:**
  - a) Domestic Violence, Homelessness, Break and Enter, Drug and Alcohol, Steal from Motor Vehicle, Fear of Crime

- **Lead:** Council

- **Partners:** NSW Police

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Newcastle Safe City Plan 2017-2020 (Draft)
LOOKING TO THE FUTURE: AN EVALUATION FRAMEWORK

As we learn more, each action in this plan will be evaluated appropriately and contribute to the overall evaluation of the Newcastle Safe City Plan. Council will also measure our progress towards a safer Newcastle through the following key empirical and outcomes-based indicators:

• Perceptions of safety in public spaces (NCC annual omnibus Survey)
• Crime rates (NSW BOCSAR data)
• Number of external partnerships engaged in across Council with the aim of improving community safety
• Number of programs delivered across Council with the aim of improving social cohesion and community safety
• Number of educational programs delivered with the aim of improving safety and perceptions of safety
• Number of Development Assessments assessed using CPTED principles per annum
• Number of licensed premises development applications referred through the Licensed Premises Reference Group per annum
• Case studies from projects arising out of the Plan and their evaluation.

APPENDICES

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  Domestic Violence..............................................................................27
  Theft ......................................................................................................29
  Malicious Damage...........................................................................33
Non-Domestic Violence-related Assault.................................35
In the past 12 months:

36% of people said that they had not been affected by crime or known anyone affected by crime

28% of people were affected by dangerous or noisy driving

28% of people were affected by anti-social behaviours (including begging, loitering, public nuisance, drinking in public spaces, threatening behaviour)

16% of people were affected by break and enter, burglary or theft from homes

Older people (aged 70+) were less commonly affected by crime in the past 12 months than those aged 18-39 who were most commonly affected

25% of respondents felt that in the last 12 months crime had increased in the Newcastle LGA.

Given that most crime types are trending down in Newcastle, this indicates that perceptions of safety or fear of crime is an issue within Newcastle.

People were more likely to feel safe walking in their neighbourhood during the day (87%) rather than at night (37%)

People were more likely to feel safe being at home alone during the day (91%) than at night (78%)

Males rated higher levels of feelings of safety when walking in their local area at night than females.

When asked whether or not people felt safe in the Newcastle LGA, overall:

63% strongly agreed and agreed

Fear of crime has a tangible impact on people’s quality of life and sense of wellbeing.

Top 4 community safety issues in Newcastle as perceived by residents include:

1. Domestic Violence 47%
2. Break and enter, burglary or theft from homes 35%
3. Sale of illegal drugs 33%
4. Anti-social behaviours (including begging, loitering, public nuisance, drinking in public spaces, threatening behaviour) 33%

When asked what the perceived issues in their neighbourhood were participant’s responses as indicated in Table 1:

Anti-social behaviour, a lack of police presence and a lack of lighting were cited as being factors which influenced a change in routine / behaviours.**

* Dangerous or noisy driving was identified across all wards as a top 5 neighbourhood issue. Although this issue is not within the scope of this Plan, feedback has been passed on to the Police.

When asked what the perceived issues in their neighbourhood were participant’s responses as indicated in Table 1:

APPENDIX A

Key Findings from the Safe City Survey

The Safe City Survey was distributed to participants using online platforms including Newcastle Voice, Council’s website, Council’s Facebook and Twitter Pages and Council’s E-news site. Hard copies were distributed to Newcastle Voice members.

When asked whether or not people felt safe in the Newcastle LGA, overall:

63% strongly agreed and agreed

TOP ISSUES BY WARD

Dangerous or noisy driving
Breaking and entering, burglary or theft from homes
Vandalism or graffiti
Anti-social behaviours
Malicious damage to property
Sale of illegal drugs
Property stolen from motor vehicle

TABLE 4: TOP 5 ISSUES BY WARD

40% of participants indicated that they had changed their routine or behaviour to accommodate for concerns for their safety.

These changes included:

61% increased security measures at home

35% restricted their night time activities

22% increased security measures including carrying pepper spray, not having valuables on their person, being more aware of potential dangers, car security and other measures outside of the home.

- Participants living in Ward 1 felt safer at home by themselves during the day than those in Wards 2, 3 and 4, however respondents in Ward 1 were significantly more likely than those in Ward 3 to agree that public nuisance was a problem in their area. Interestingly, respondents in Ward 1 felt significantly safer overall than those in Ward 4.

Total of 841 participants completed the survey

53% female 45% male

Participants living in Ward 1 felt safer at home by themselves during the day than those in Wards 2, 3 and 4, however respondents in Ward 1 were significantly more likely than those in Ward 3 to agree that public nuisance was a problem in their area. Interestingly, respondents in Ward 1 felt significantly safer overall than those in Ward 4.
APPENDIX B

Council’s Key Crime Challenges – A Snapshot

DOMESTIC VIOLENCE

WHAT IS IT?
Whether an assault is classified as domestic violence related is determined by the relationship between the offender and the victim. Domestic violence refers to acts of violence that occur within intimate relationships and take place in domestic settings. This includes physical, sexual, emotional and psychological abuse. Family violence is a broader term that refers to violence between family members, partners, ex-partners and those who live in the same residence.

There is a significant social, emotional and economic cost to victims of domestic violence, their families and the broader community. Additionally, domestic violence is the most common factor contributing to homelessness among women and their children.

WHEN DOES IT OCCUR?
BOCSAR identifies a number of trends in relation to domestic violence-related assault in the Newcastle LGA from July 2015 to June 2016:

- **66.5%** of recorded domestic violence-related assaults do not involve alcohol
- **53.3%** occur during the day
- **59%** occur during weekdays as opposed to weekends

WHERE DOES IT OCCUR?
The home is the most common location for domestic violence to occur, followed by road / street / footpath (85.9% and 5.7% in 2015 respectively) in Newcastle.


DOMESTIC VIOLENCE INCIDENTS BY PREMISES IN NEWCASTLE LOCAL GOVERNMENT AREA, JULY 2015 TO JUNE 2016

<table>
<thead>
<tr>
<th>Premises</th>
<th>Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>85.9%</td>
</tr>
<tr>
<td>Road / Street / Footpath</td>
<td>5.7%</td>
</tr>
<tr>
<td>Licensed Premises</td>
<td>2.3%</td>
</tr>
<tr>
<td>Retail / Wholesale</td>
<td>1.3%</td>
</tr>
<tr>
<td>Park / Bushland / Garden</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>1%</td>
</tr>
<tr>
<td>Other Outdoor / Public Place</td>
<td>0.6%</td>
</tr>
<tr>
<td>Carpark</td>
<td>0.3%</td>
</tr>
<tr>
<td>Hospital</td>
<td>0.3%</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>0.3%</td>
</tr>
<tr>
<td>Other Health Premises</td>
<td>0.3%</td>
</tr>
<tr>
<td>Recreation</td>
<td>0.3%</td>
</tr>
<tr>
<td>School</td>
<td>0.3%</td>
</tr>
<tr>
<td>Other Education Premises</td>
<td>0.1%</td>
</tr>
<tr>
<td>Public Transport - Bus Premises</td>
<td>0.1%</td>
</tr>
<tr>
<td>Public Transport - Railway Premises</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

THEFT
STEAL FROM MOTOR VEHICLE

WHAT IS IT?
Stealing from motor-vehicles involves theft of items from cars, theft of interior car parts and theft of external car parts.

WHEN DOES IT OCCUR?
BOCSAR identifies a number of trends in relation to steal from motor vehicle in the Newcastle LGA from July 2015 to June 2016:

- 57% of theft from motor vehicles occurs at night
- 62.5% occur on a weekday

WHERE DOES IT OCCUR?
According to BOCSAR, in the year from July 2015 to June 2016, the road / street / footpath is the most common location for theft from motor vehicles to take place (46.3%), followed by residential premises (35.2%), and then in carparks (12.6%).

STEAL FROM MOTOR VEHICLE INCIDENTS BY PREMISES IN NEWCASTLE LOCAL GOVERNMENT AREA, JULY 2015 TO JUNE 2016 BY PREMISES

<table>
<thead>
<tr>
<th>Premises</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road / Street / Footpath</td>
<td>46.3%</td>
</tr>
<tr>
<td>Residential</td>
<td>35.2%</td>
</tr>
<tr>
<td>Carpark</td>
<td>12.6%</td>
</tr>
<tr>
<td>Retail / Wholesale</td>
<td>2.1%</td>
</tr>
<tr>
<td>Other</td>
<td>1.6%</td>
</tr>
<tr>
<td>Licensed Premises</td>
<td>0.6%</td>
</tr>
<tr>
<td>Other Outdoor / Public Place</td>
<td>0.5%</td>
</tr>
<tr>
<td>Other Education Premises</td>
<td>0.3%</td>
</tr>
<tr>
<td>Park / Bushland / Garden</td>
<td>0.3%</td>
</tr>
<tr>
<td>Recreation</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

BREAK AND ENTER DWELLING

WHAT IS IT?
Break and Enter Dwelling is defined as unlawful entry into residential premises such as houses, home units or villas for the purpose of committing a felony. The occurrence of break and enter into residential premises is commonly attributed to its opportunistic nature.

WHEN DOES IT OCCUR?
BOCSAR identifies a number of trends in relation to break and enter dwelling in the Newcastle LGA from July 2015 to June 2016:

- **54.2%** occurs during the day when people are often not at home
- **63.4%** occur on a weekday

WHERE DOES IT OCCUR?
As an opportunistic crime, break and enter (dwelling) usually occurs where there are elevated situational risk factors such as the presence of suitable cover for offenders i.e. overgrown shrubbery around the dwelling, unlocked doors or windows, dwellings within close proximity to pawn shops or public transport and dwellings that are unoccupied for significant periods of time i.e. during the day when people are at work.

BREAK & ENTER DWELLING THEFT BY PREMISES IN NEWCASTLE LOCAL GOVERNMENT AREA, JULY 2015 TO JUNE 2016

- **Day 54.2%**
- **Night 45.8%**


Incidents of Theft (Break and enter dwelling) from July 2015 to June 2016.
MALICIOUS DAMAGE

WHAT IS IT?
Malicious Damage is defined as the intentional ‘destruction or defacement of public, commercial and private property’. This commonly manifests as vandalism, i.e. breaking windows, knocking over letterboxes and bins, and graffiti. Most malicious damage offences go unreported to police. Apart from the associated monetary costs of repairing damaged property, malicious damage can contribute significantly to the community’s perceptions of safety, reducing the quality of life for residents.

Although Malicious Damage is trending down in Newcastle and NSW as a whole, the rate of malicious damage in Newcastle is still significantly above the NSW state average.

Further research suggests that alcohol is an important contributing factor to many malicious damage offences, with most offences occurring between 3pm and midnight with a spike in offences occurring between 6pm and 9pm.

WHEN DOES IT OCCUR?
It is difficult to ascertain accurate temporal trends for Malicious Damage, due to under-reporting and a lack of witnesses to these acts. However, BOCsAR identifies a number of trends in relation to Malicious Damage in the Newcastle LGA from July 2015 to June 2016:

- 51.3% of malicious damage events occur at night time
- 58.9% occur on a weekday

WHERE DOES IT OCCUR?
Importantly, 43.9% of malicious damage incidents occur at residential premises followed by 22.6% on the road, street or footpath in the period between July 2015 and June 2016. Research suggests that the presence of a high school and/or shopping centre was a significant predictor of high malicious damage offending rates.

- Residential: 43.9%
- Road / Street / Footpath: 22.6%
- Retail / Wholesale: 7.9%
- Public Transport - Railway Premises: 6%
- Other: 5.3%
- Carpark: 4.6%
- School: 2.2%
- Licensed Premises: 2.1%
- Other Education Premises: 0.9%
- Law Enforcement: 0.8%
- Other Health Premises: 0.8%
- Other Outdoor / Public Place: 0.8%
- Park / Bushland / Garden: 0.6%
- Recreation: 0.6%
- Financial Institution: 0.2%
- Hospital: 0.4%

NON-DOMESTIC VIOLENCE-RELATED ASSAULT

WHAT IS IT?
Assault is broadly defined as the direct and immediate/ confrontational infliction of force, injury or violence upon a person or persons or the direct immediate/ confrontational threat of force, injury or violence, where there is an apprehension that the threat could be enacted.

WHEN DOES IT OCCUR?
BOCSAR identifies a number of common trends in relation to non-domestic assault, including:

- **52.5%** Non-domestic assaults commonly occur at night time
- **47.5%** however a significant amount also occurs during the day
- **38.6%** A significant proportion assaults (non-domestic) are alcohol related

WHERE DOES IT OCCUR?
BOCSAR suggests that a high number of non-domestic violence-related assaults occur in outdoor / public spaces (32.4%) and residential areas (27.4%) in 2015.

INCIDENTS OF ASSAULT (NON-DOMESTIC ASSAULT) IN NEWCASTLE LOCAL GOVERNMENT AREA, JULY 2015 TO JUNE 2016 BY PREMISES

<table>
<thead>
<tr>
<th>Premises</th>
<th>Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road / Street / Footpath</td>
<td>27.7%</td>
</tr>
<tr>
<td>Residential</td>
<td>27.5%</td>
</tr>
<tr>
<td>Licensed Premises</td>
<td>13.5%</td>
</tr>
<tr>
<td>Retail / Wholesale</td>
<td>10.6%</td>
</tr>
<tr>
<td>Public Transport - Railway Premises</td>
<td>3.2%</td>
</tr>
<tr>
<td>Other</td>
<td>2.9%</td>
</tr>
<tr>
<td>Park / Bushland / Garden</td>
<td>2.1%</td>
</tr>
<tr>
<td>Carpark</td>
<td>1.8%</td>
</tr>
<tr>
<td>School</td>
<td>1.8%</td>
</tr>
<tr>
<td>Public Transport - Bus Premises</td>
<td>1.7%</td>
</tr>
<tr>
<td>Other Health Premises</td>
<td>1.6%</td>
</tr>
<tr>
<td>Hospital</td>
<td>1.4%</td>
</tr>
<tr>
<td>Other Outdoor / Public Place</td>
<td>1.1%</td>
</tr>
<tr>
<td>Recreation</td>
<td>1.1%</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>0.9%</td>
</tr>
<tr>
<td>Other Education Premises</td>
<td>0.5%</td>
</tr>
<tr>
<td>Other Public Transport Premises</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

ORDINARY COUNCIL MEETING
13 DECEMBER 2016

CCL 13/12/16
NEWCASTLE SAFE CITY PLAN 2017-2020

Attachment B: Feedback received on the Plan from the Public Exhibition
<table>
<thead>
<tr>
<th>No.</th>
<th>Reference</th>
<th>Summary of Submission</th>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ECM 5025945</td>
<td>Positive feedback received on overall document as 'very comprehensive'. Feedback provided in this submission focussed on alcohol-management, with a number of comments relating to data as provided by NSW State government agencies and research in regards to alcohol-related harm. Broadly requested increased Council focus on alcohol management.</td>
<td>Noted and supported in part</td>
<td>Noted. Alcohol management issues are addressed appropriately within the document, acknowledging that this Plan is designed to address wider range of community safety issues within the Newcastle LGA. The draft Newcastle After Dark Plan will address alcohol management as part of the night time economy. This Plan is scheduled for release in the first half of 2017.</td>
</tr>
</tbody>
</table>
| 2   | ECM 5023528 | 1. Noted that the document does not specifically mention the issue of homelessness at Hamilton and Wickham. Suggests a night-time safety audit of Islington Park to determine the presence of rough sleepers.  
2. Request mention of anti-social behaviour in specific locations of Hamilton, Wickham and Islington in order to gain funding from NSW Government.  
3. Notes the mention of homelessness strategies and actions developed by Council on pages 6-7 and 17-18 and commends Council on these actions.  
4. Requests specific mention of issue of illegal street sex workers in Islington, with actions dedicating resources to prevent the recurrence of these issues.  
5. Requests that the document address sexual health issues in the Hunter region including sexually transmitted disease, linked to illegal street sex workers.  
6. Requests that the planning of new developments be specifically mentioned to promote safety and surveillance for residents. | Noted and supported in part | 1. Noted. In October 2016, the annual Homelessness Registry Week took place, including Islington Park, to count rough sleepers across the Newcastle LGA. The survey did not record any rough sleepers in Islington Park, however there are variations in rough sleeper numbers and locations throughout the year. Islington Park is not a known hot-spot for Homeless people and Council continues to work closely with specialist homeless service providers to address issues as they arise and to assist with rough sleeper well-being and providing alternative accommodation where possible.  
2. Noted. Grant funding to assist with Plan implementation will be sought after endorsement of the Plan by Council through the Safer Community Compact program administered by the NSW Department of Justice.  
4. Noted. Illegal street sex work is a matter managed by NSW Police.  
5. Noted. Sexual health related matters are managed by NSW Health and non-government agencies working in this field.  
6. Noted. Community safety relating to new development is addressed though Objective 1 of the Plan. Community safety is directly addressed in the public domain planning and design process using Crime Prevention Through Environmental Design principles endorsed by NSW Police. |
CCL 13/12/16
EXHIBITION OF DRAFT AMENDMENT TO NEWCASTLE DCP 2012 - NEW SECTION RESIDENTIAL ACCOMMODATION

Attachment A: Draft Section 3.03 Residential Accommodation

CCL 13/12/16
EXHIBITION OF DRAFT AMENDMENT TO NEWCASTLE DCP 2012 - NEW SECTION RESIDENTIAL ACCOMMODATION

Attachment A: Draft Section 3.03 Residential Accommodation
3.03 Residential Accommodation

Amendment history

<table>
<thead>
<tr>
<th>Version Number</th>
<th>Date Adopted by Council</th>
<th>Commencement Date</th>
<th>Amendment Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>/</strong>/20__</td>
<td><strong>/</strong>/20__</td>
<td>New</td>
</tr>
</tbody>
</table>

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

Land to which this section applies

This section applies to all land to which residential accommodation is permissible with consent under the Newcastle Local Environmental Plan 2012.

Development (type/s) to which this section applies

This section applies to all development consisting of:

- attached dwellings
- boarding houses
- dual occupancies
- group homes
- hostels
- multi dwelling housing
- residential flat buildings
- semi-detached dwellings
- seniors housing

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012.
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.
Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 7.02 Landscape, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.06 Stormwater
- 7.08 Waste Management

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management - all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection - within a mapped bushfire area/zone
- 4.03 Mine Subsidence - within a mine subsidence area
- 4.04 Safety and Security
- 4.05 Social Impact
- 5.10 Soil Management - works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination - land on register/where risk from previous use
- 5.03 Tree Management - trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage - known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items - known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management - known/likely archaeological site or potential soil disturbance
- 5.07 Heritage Conservation Areas - known conservation area
- 6.01 Newcastle City Centre - if proposed development is located in this precinct
- 6.03 Wickham
- 6.04 Islington Renewal Corridor
- 6.05 Mayfield Renewal Corridor
- 6.06 Hamilton Renewal Corridor
- 6.07 Broadmeadow Renewal Corridor
- 6.08 Adamstown Renewal Corridor
- 6.12 Minmi
- 7.04 Movement Networks

Associated technical manual/s

- Nil

Additional information

This section of the DCP has performance criteria that explain the planning outcomes to be achieved. Accompanying the performance criteria are acceptable solutions that illustrate the preferred way of complying with the corresponding performance criterion. There may be other ways of complying with performance criteria and it is up to the applicant to demonstrate how an alternative solution achieves this.
Acceptable Solutions

The acceptable solutions provide a certain outcome of achieving compliance with Council controls for this section. To achieve the acceptable solution the applicant must demonstrate that they have satisfied the required control/s within each section. Any variation from the acceptable solution will mean the application will be required to meet the performance criteria for that section and the application will become a performance based assessment.

Performance Criteria

The performance criteria permit applicants to be flexible and innovative in responding to the DCP requirements. Applications which meet the performance criteria are assessed on merit and it is the applicant’s responsibility to demonstrate how the performance criteria have been met. Compliance with the performance criteria can be undertaken through the use of 3D montages, 3D models, constraints mapping and other forms of visual representation.

Note: Development application forms, checklists and other explanatory information are available on Council's website to assist with the use of this section of the Development Control Plan.

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan and include:

- **Row housing** - a form of multi dwelling housing consisting of three or more detached and/or semi-detached dwellings that are arranged in a lineal fashion with a single driveway along one side of the site or a central driveway with dwellings on each side.

Objectives of this section

1. To ensure the efficient use of land for residential purposes.
2. To encourage increased residential development in areas in proximity to services and transport.
3. To encourage innovation and diversification in the type and size of residential accommodation.
4. To ensure development respects the amenity and character of surrounding development.
5. To ensure new development is compatible with the scale and desired residential character.
6. To ensure dwellings provide their occupants with adequate levels of amenity, comfort and security.
7. To ensure new development is designed to complement the individual site conditions including slope, aspect, trees and existing buildings.
8. To ensure landscaping is in scale with the building and complements the desired character of the area and surrounding development.
3.03.01 Principal controls

This section applies to development for residential accommodation (except for single dwellings, secondary dwellings or shop top housing)

A. Front setbacks

Performance criteria

1. Setbacks are consistent with the existing or intended local streetscape.

2. Garages and carports are integrated into a development and do not dominate the streetscape.

3. Setbacks provide suitable space for site landscaping.

4. Setbacks provide suitable privacy and amenity for the building occupants.

Acceptable Solutions

1. Compliance with the locality specific controls in section 6 of this DCP. Where there are no locality specific controls front setbacks are:

   (a) In established areas the proposed building is setback the average distance of buildings within 40m either side of the lot on the same primary road (see Figure 1).

   (b) If there is no established building line, the front setback is:

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Front Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R2</td>
</tr>
<tr>
<td>Primary road</td>
<td>4.5m</td>
</tr>
<tr>
<td>Corner lot (secondary road)</td>
<td>2m</td>
</tr>
<tr>
<td>Classified road</td>
<td>As defined in any applicable Environmental Planning Instrument, or if none exists 9m.</td>
</tr>
</tbody>
</table>

2. Entries to a basement car park, garage or carport are setback at least 1m behind the front building line. Where the building line is less than 4.5m, the entry to the basement car park, garage or carport is setback at least of 5.5m from the primary road.

3. An articulation zone that extends 1.5m from the building line into the setback from the primary road may be provided where the setback from the primary road is 3m or greater. The articulation zone is a maximum 25% width of the lot at the building line. See Figure 2.
Articulation zone means an area within a lot where building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:

(a) the required front setback (building line), or
(b) a gable or roof parapet having a surface area of more than 10m².

The following building elements are permitted in an articulation zone:

(a) an entry feature or portico,
(b) a balcony, deck, patio, pergola, terrace or verandah,
(c) a window box treatment,
(d) a bay window or similar feature,
(e) an awning or other feature over a window,
(f) a sun shading feature.

**Figure 1: Front setbacks consistent with neighbouring buildings 40m either side**

**Figure 2: building articulation zone**
B. Side and rear setbacks

*Performance criteria*

1. Development is consistent with and complements the desired built form prevailing in the street and local area.

2. Setbacks maintain the amenity and privacy of public spaces and adjoining dwellings and their private open space.

3. Significant views from adjoining properties are maintained.

4. Sufficient landscape and deep soil areas are provided around the development to conserve existing trees and to accommodate intensive new landscaping.

*Acceptable solutions*

1. Compliance with the locality specific controls in section 6 of the DCP. Where there are no locality specific controls, side and rear setbacks are:

   (a) In the R2 Low Density Residential Zone:

      (i) Side setbacks are a minimum of 900mm from each boundary up to a height of 5.5m, then at an angle of 4:1 up to the maximum permitted height under Newcastle Local Environmental Plan 2012 (see Figure 3).

      (ii) Rear setbacks are a minimum of 3m for walls up to 4.5m in height and 6m for walls greater than 4.5m height.

   (b) In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones:

      | Wall height | Side and rear setbacks |
      |-------------|------------------------|
      | Up to 4.5   | 3m                     |
      | 4.5 - 12    | 6m                     |
      | Over 10m    | 12m                    |

Note: Dwellings should be orientated to the front and rear of the site. Orientation to a side boundary may be considered where it is necessary to achieve good solar access to living rooms and private open space. In these cases, greater side boundary setbacks will be required.

2. In the R3 Medium Density Residential, R4 High Density Residential and B4 Mixed Use zones side or rear boundary setbacks may be reduced/built to the boundary where:

   (a) the wall height and length match an existing or similarly constructed wall on the adjoining site;
(b) the proposed wall and the wall on the adjoining property do not contain any openings; and

(d) the wall will not impede the flow of stormwater or overland flow paths.

3. Where a rear boundary adjoins a lane that has a road reserve width of 5m or greater, development is setback 4.5m from the boundary with the lane.

4. On corner lots, the boundary opposite the primary road frontage is taken to be the rear boundary for the purposes of applying setbacks.

**Figure 3: Side setbacks in the R2 Low Density Residential Zone**

C. **Landscaped Area**

**Performance criteria**

1. New development integrates into established streetscapes and neighbourhoods.

2. Landscaped areas are sized and located so that the amenity and privacy of adjoining dwellings is maintained.

3. Landscaped areas are of usable size and proportions to add value and quality of life for occupants within a development in terms of privacy, outlook, views and recreational opportunities.

4. New development respects and incorporates existing established trees and provides appropriate sized places and soil depths for the planting of new medium and large sized trees.
Acceptable solutions

1. Landscaped areas are provided as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum landscaped area (% of site area)</th>
<th>Minimum deep soil zone (% of site area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R2 zone</td>
<td>30%</td>
<td>15%</td>
</tr>
<tr>
<td>R2 zone - Moderate Growth Precinct</td>
<td>25%</td>
<td>12%</td>
</tr>
<tr>
<td>R3 zone</td>
<td>25%</td>
<td>12%</td>
</tr>
<tr>
<td>R4 and B4 zones</td>
<td>20%</td>
<td>10%</td>
</tr>
</tbody>
</table>

Note: The moderate growth precinct covers areas within a SAFE 5 minute walk of local or neighbourhood centres and is considered suitable for increased residential density. While a wide range of housing is expected to be undertaken, residential flat buildings and multi dwelling housing are encouraged. This precinct also forms a transition between the limited and substantial precincts. Refer to Section 6.13 of the DCP for the Residential Growth Precinct Maps.

2. Landscaped areas have a minimum width of 1.5m and the following items are excluded from the landscaped area calculation:

   (a) Paving wider than 1m, impervious or otherwise

   (c) Structures such as air conditioning units, awnings, decks, patios, garden sheds, hot water systems, LPG storage tanks, water tanks and the like (see Figure 7).

3. A minimum 25% of the front setback is landscaped area.

4. A minimum 3m wide landscaped area is located along the rear boundary.

5. Landscaped areas are distributed throughout the site and incorporated into both private open space and communal open space areas.

6. Landscaped areas take advantage of existing site conditions and respond to significant site features such as:

   (a) significant landscape features including existing trees

   (b) change of levels

   (c) views.

7. One large tree or two medium sized trees are provided for every 90m² of landscaped area.

4. A medium sized tree with a minimum mature height of 5m is provided in the front setback, where the setback is greater than 3m.

5. Landscaping is consistent with Section 7.02 Landscape, Open Space and Visual Amenity of this DCP.

Further information about the Residential Growth Precincts and the SAFE criteria can be found in Newcastle Local Planning Strategy www.newcastle.nsw.gov.au
3.03.02 Siting the development

This section applies to development for residential accommodation (except for single dwellings, secondary dwellings or shop top housing)

A. Local character and context

Performance criteria

1. The built form, articulation and scale relate to the desired local character of the area and the context.

2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.

Acceptable solutions

1. For dual occupancy and attached dwellings a design statement describing how the built form of the development contributes to the character of the local area is submitted with the development application.

2. For all other residential accommodation, a detailed site analysis is undertaken to understand all issues and considerations including:
   (a) relationship to the public domain and surrounding development
   (b) existing vegetation and trees
   (c) boundary treatments
   (d) retaining walls, fences, overshadowing impacts and privacy considerations
   (e) orientation
   (f) slope
   (g) geology
   (h) contamination
   (i) infrastructure
   (j) access arrangements
   (k) stormwater management
   (l) views.

The following controls apply to development in the R2 Low Density Residential Zone, excluding the Moderate Growth Precinct.

3. For residential accommodation in the form of row housing the minimum site frontage is 18m.
4. For all development, other than dual occupancies, buildings are broken into a series of massing elements. Each massing element has a maximum wall length of 25m and is separated by a minimum 6m x 6m landscaped area. The landscaped area between each massing element may incorporate open car parking spaces and driveways, only where a minimum 3m wide deep soil zone is provided adjacent to the boundary. This clause does not apply in the moderate growth precinct.

B. Public Domain Interface

Performance criteria

1. Transition between the private and public domain is achieved without compromising security.
2. Front fences and walls do not dominate the public domain and compliment the context and character of the area.
3. Amenity of the public domain is retained and enhanced.

Acceptable solutions

1. Private open space is located behind the building line of the primary road frontage, but may be partially located within an articulation zone.
2. Windows and balconies overlook the public domain.
3. Direct visibility is provided along pathways and driveways from the public domain.
4. Fences and walls forward of the building line of the primary road frontage:
   (a) Have an average height of 1.2m, with a maximum height of 1.5m and are constructed using materials such as slats or pickets with at least 50% of the fence area open.
   (b) High solid acoustic fencing may be used to shield dwellings from the noise from classified roads. These walls may have a maximum height of 2.1m and a setback of at least 1.5m from the boundary. Landscape planting with a mature height of at least 1.5m is provided between the wall and the front boundary.
   (c) Unfinished timber paling and metal panel fences are not used forward of the building line.
   (d) Courtyard fences and walls to secondary street frontages align with the façade facing the street. Solid fencing components are finished with the same material as the building facade.
5. Retaining walls within the front setback that have a height greater than 600mm are softened by landscape planting with a minimum width of 600mm on the low side of the retaining wall.
6. Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface by:
   (a) street access, pedestrian paths and building entries which are clearly defined; or
   (b) paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space; or
(c) walls fronting the public spaces have openings that are at least 25% of the surface area of the wall.

C. Pedestrian and vehicle access

Performance criteria

1. Internal vehicle and pedestrian circulation functions like a street.
2. Adequate space is provided for vehicle circulation and the dominance of driveways within the site and to the streetscape is minimised.
3. Impacts on habitable spaces are minimised.
4. Visual and environmental impacts of car parking are minimised.

Acceptable solutions

1. Internal streets, lanes, parking spaces and circulation comply with AS 2890.1.
2. All internal streets and lanes are overlooked by windows from habitable rooms or private open space.
3. Internal streets, lanes and visitor car parking spaces are setback:
   (a) at least 1m from a fence;
   (b) at least 1m from another dwelling;
   (c) at least 2.5m from a window to a habitable room that has 1m² or larger in size.
4. Landscape planting is incorporated into the street and lane setbacks.
5. Open space or the window of a dwelling is provided at the termination point of an internal street or lane.
6. Where pedestrian circulation is separated from vehicle circulation, the paths still function like streets with pavement at least 1.5m wide, clearly identifiable dwelling entrances and clear lines of sight to create a legible and safe network.
7. Multi dwelling developments that contain 20 or more dwellings include pedestrian paths that are separated from the internal road or lane by a kerb or landscaped area.
8. Lighting is provided in accordance with AS 1158.3 to roads and pedestrian spaces and avoids light spill into private open space or habitable rooms.
9. The maximum length of a dead end lane or driveway is 40m and serves a maximum of 10 dwellings.
10. Lanes and driveways including pedestrian paths are straight and all parts have a clear line of sight from internal or public streets.
11. Basement car parking:
   (a) does not protrude more than 1m above finished ground level, except at the entrance to the car park
   (b) car park entrances have a maximum width of 3.5m where there are less than 10 dwellings served by the car park
   (c) the car park entry has a maximum height of 2.7m.

12. Driveways that are adjacent to a tree are located outside of the dripline or comply with the recommendations in a report prepared by a qualified arborist.

D. Orientation and siting

Performance criteria

1. Building types and layouts respond to the streetscape and site while optimising solar access within the development and maximise street surveillance and connectivity.

2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.

3. Overshadowing of neighbouring properties is minimised during mid-winter.

4. The development responds to the natural landform of the site, reducing the visual impact and minimising earthworks.

Acceptable solutions

1. Each dwelling has a frontage to a public street, internal street or lane.

2. Dwellings facing the street have a covered entry door and a window of a habitable room facing the street.

3. Dwellings are orientated to maximise solar and daylight access to living rooms and private open space.

4. The principal area of private open space and the window to a living room of an adjoining dwelling receives greater than 2 hours of solar access between 9am and 3pm on the winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not reduced by more than 20%.

5. On sloping sites the buildings respond to the topography with changes in floor level to minimise the need for cut and fill.

6. Ground floor levels are not more than 1.3m above existing ground level and not more than 1m below existing ground level.

7. Excavation does not exceed a depth measured from existing ground level of:
   (a) 600mm if located within 1m of a boundary and
   (b) 1m if located greater than 1m from a boundary.
8. Fill outside the building footprint does not exceed a height measured from existing ground level of:

(a) 600mm if located within 1m of a boundary and
(b) 1m if located greater than 1m from a boundary.

E. Building Separation

**Performance criteria**

1. Adequate space is provided between buildings to allow for landscape, daylight access between buildings, provide visual separation, reduce visual bulk.

**Acceptable solutions**

1. The minimum separation between two or more buildings on the same lot is:

(a) 3m where a wall height is less than 7.5m

(b) 6m where a wall height is 7.5m or greater.

2. The building length does not exceed 45m.

Note: Building separation may need to be increased to provide adequate privacy or solar access

3.03.03 Amenity

This section applies to development for residential accommodation (except for single dwellings, secondary dwellings or shop top housing)

A. Solar and daylight access

**Performance criteria**

1. The number of dwellings receiving sunlight to habitable rooms and private open space is maximised.

2. Solar access enables passive solar heating in winter and provides a healthy indoor environment.

3. Access to daylight is suited to the function of the room and artificial lighting is minimised.

**Acceptable solutions**

1. Compliance with the standards for ‘Solar and daylight access' detailed in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.

Note: State Environmental Planning Policy (SEPP) No. 65 - Design Quality of Residential Apartment Development requires some types of residential development to meet the requirements of The Apartment Design Guide.
SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

(a) the development consists of any of the following:

(i) the erection of a new building,

(ii) the substantial redevelopment or the substantial refurbishment of an existing building,

(iii) the conversion of an existing building,

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2m above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

2. Compliance with the standards for solar access in in State Environmental Planning Policy (Affordable Rental Housing) 2009 for all boarding houses.

3. For all other residential accommodation:

(a) The living room and private open space of 70% of dwellings receive a minimum of 2 hours direct sunlight between 9am and 3pm at the winter solstice.

Direct sunlight is achieved when 1m² of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy 2 hours direct sunlight, 8 periods of 15 minutes will need to be achieved - the periods do not need to be consecutive.

(b) Every habitable room has a window in an external wall with a total minimum glass area of at least 15% of the floor area of the room.

(c) Daylight is not borrowed from other rooms, except where a room has a frontage to a classified road.

(d) No part of a habitable room is more than 8m from a window.

(e) No part of a kitchen work surface is more than 6m from a window or skylight.

(f) Courtyards are fully open to the sky, have a minimum dimension of one third of the perimeter wall height and a minimum area of 3m².

B. Natural ventilation

Performance criteria

1. All habitable rooms are naturally ventilated.

Acceptable solutions

1. Compliance with the standards for 'Apartment size and layout' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential accommodation:
   (a) each habitable room is naturally ventilated
   (b) each dwelling is cross ventilated
   (c) the area of unobstructed window openings is equal to at least 5% of the floor area served.

C. Ceiling heights

Performance criteria
1. Ceiling height achieves sufficient natural ventilation and daylight access and provides spatial quality.

Acceptable solutions
1. Compliance with the standards for 'Ceiling heights' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. For all other residential accommodation the ceiling height measured between finished floor level and finished ceiling level are:
   (a) 2.7m to all ground floor habitable rooms
   (b) 2.7m to first floor living rooms
   (c) 2.4m to all first floor bedrooms.

D. Dwelling size and layout

Performance criteria
1. Dwellings are of a sufficient size to provide functional, well organised rooms with a high standard of amenity.
2. Dwelling layouts accommodate a variety of household activities and needs appropriate to the number of occupants.

Acceptable solutions
1. Compliance with the standards for 'Apartment size and layout' in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.
2. Compliance with the standards for 'accommodation size' in State Environmental Planning Policy (Affordable Rental Housing) 2009 for all boarding houses.
3. For all other residential accommodation:

(a) Dwellings have the following minimum internal areas:

<table>
<thead>
<tr>
<th>No. Bedrooms</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>65m²</td>
</tr>
<tr>
<td>2</td>
<td>90m²</td>
</tr>
<tr>
<td>3</td>
<td>115m²</td>
</tr>
</tbody>
</table>

(b) The minimum internal areas include only one bathroom. An additional 5m² floor area is provided for each additional bathroom.

(c) An additional 12m² is provided for any bedroom in excess of three.

(d) Kitchens are not part of the circulation space, except in 1 bedroom dwellings.

(e) A window is visible from any point in a habitable room.

(f) One bedroom is a minimum area of 10m² and other bedrooms are a minimum of 9m² (excluding wardrobe space) with a minimum dimension of 3m (excluding wardrobe space).

(g) Combined living/dining areas have a minimum dimension of 4m (excluding fixtures) and are a minimum of 24m² for dwelling with up to 2 bedrooms and 28m² for dwellings with 3 or more bedrooms.

E. Private Open Space

Performance criteria

1. Private open space and balconies are located and sized to enhance residential amenity and liveability.

Acceptable solutions

1. Compliance with the standards for ‘Private open space and balconies’ in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.

2. Compliance with the standards for ‘private open space’ in State Environmental Planning Policy (Affordable Rental Housing) 2009 for all boarding houses.

3. For all other residential accommodation:

(a) All dwellings have at least 16m² private open space.

(b) The minimum dimension of the included area is 3m, excluding any storage space.

(c) Primary private open space and balconies are located adjacent to the living room, dining room or kitchen.

(d) 50% of the private open space is covered to provide shade and protection from rain.
4. Multi-dwelling developments incorporate courtyards that are located and orientated away from side boundaries.

**F. Storage**

*Performance criteria*

1. Each dwelling has adequate, well designed storage.

*Acceptable solutions*

1. Compliance with the standards for ‘Storage’ in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.

2. For all other residential accommodation
   
   (a) In addition to storage in kitchens, bathrooms and bedrooms, storage is to be provided as follows:

<table>
<thead>
<tr>
<th>Dwelling size</th>
<th>Storage size volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>6m³</td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>8m³</td>
</tr>
<tr>
<td>3+ bedrooms</td>
<td>10m³</td>
</tr>
</tbody>
</table>

   (b) At least 50% of the required storage is located in the dwelling.

   (c) Storage not located in a dwelling is secure and clearly allocated to specific dwellings if located in a common area.

**G. Car and bicycle parking**

*Performance criteria*

1. Car and bicycle parking is appropriate for the scale of the development.

*Acceptable Solutions*

1. Car and bicycle parking comply with Section 7.03 Traffic, Parking and Access of this DCP.

2. Facilities for car washing are provided. A dedicated car wash bay is provided for developments containing 20 or more dwellings.

3. Entries to a basement car park, garage or carport are setback at least 1m behind the front building line. Where the building line is less than 4.5m, the entry to the basement car park, garage or carport is setback at least of 5.5m from the primary road.

4. The maximum aggregated garage door width that has a frontage to a primary road is:

<table>
<thead>
<tr>
<th>Lot width</th>
<th>Aggregate garage door width</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5 - 12.5m</td>
<td>3.2m</td>
</tr>
<tr>
<td>&gt;12m</td>
<td>6m</td>
</tr>
</tbody>
</table>
5. Where a lot width is less than 7.5m, car parking is provided from a secondary road, parallel road or lane.

H. Visual privacy

Performance criteria

1. Adequate building separation distances are shared equitably between neighbouring dwellings to achieve reasonable levels of external and internal visual privacy while retaining amenity for the dwelling.

2. Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.

Acceptable Solutions

1. Compliance with the standards for 'Visual privacy' detailed in the Apartment Design Guide, for all residential flat buildings required to comply with that standard.

2. For all other residential accommodation, new development is located and orientated to maximise visual privacy between buildings on site and for neighbouring buildings. This is to be achieved by:
   
   (a) Inclusion of privacy screens where the distance from the window of a habitable room to the boundary is:

      (i) less than 3m, and the habitable room has a finished floor level greater than 1m above existing ground level, or

      (ii) less than 6m, and the habitable room has a FFL greater than 3m above ground level.

   (b) A privacy screen is not required to:

      (i) a bedroom window with an area less than 2m²; or

      (ii) any window that has a sill height of 1.5m or greater, or

      (iii) any window that has a frontage to a road or public open space.

   (c) Provision of a privacy screen on the edge of a terrace, balcony or verandah, where the edge is:

      (i) less than 3m from the boundary, and the habitable room has a finished floor level greater than 1m above existing ground level, or

      (ii) less than 6m and the habitable room has a finished floor level greater than 2m above ground level.

   (d) A privacy screen is not required to a balcony or terrace that has an area less than 3m², or a balcony or terrace of any size that has a frontage to a road or public space.

   (e) Separation distances between windows and balconies of dwellings on the same site are double the distances above.
(f) Where privacy screens are provided to windows, they do not cover part of the window required to meet the minimum daylight or solar access requirements, or restrict ventilation.

I. Acoustic privacy

Performance criteria

1. Noise transfer is minimised through the siting of buildings and building layout.

Acceptable Solutions

1. Noise sources not associated with the dwelling such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment are located at least 3m from any bedroom.

2. All noise generating equipment such as air conditioning units, swimming pool filters, fixed vacuum systems and driveway entry shutters are designed to protect the acoustic privacy of residents and neighbours. All such noise generating equipment must be acoustically screened. The noise level generated by any equipment does not exceed an L\(\text{A}_\text{eq}\) (15 min) of 5dB(A) above background noise at the property boundary.

J. Noise and pollution

Performance criteria

1. Outside noise levels are controlled to acceptable levels in living and bedrooms of dwellings.

Acceptable Solutions

1. Dwellings that are within 100m of a road corridor with an annual daily traffic (AADT) volume of more than 1000 vehicles (based on traffic volume data published on the website of the RMS) or 80m from a rail corridor have L\(\text{A}_\text{eq}\) measures not exceeding:

   (a) in any bedroom: 35dB(A) between 10pm - 7am

   (b) anywhere else in the building (other than a kitchen, garage, bathroom or hallway): 40dB(A) at any time.

2. This can be achieved by:

   (a) a full noise assessment prepared by a qualified acoustic engineer; or

   (b) complying with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of Draft Guide to Infrastructure development near rail corridors busy roads.

3. Dwellings within 25m of a rail corridor have a vibration assessment carried out by a qualified structural engineer.
### 3.03.04 Configuration

This section applies to development for residential accommodation (except for single dwellings, secondary dwellings or shop top housing)

#### A. Universal design

**Performance criteria**

1. Universal design features are included in dwellings to promote flexible housing for all community members.

**Acceptable Solutions**

1. Seniors housing development complies with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

2. All other dwellings include the *Liveable Housing Design Guidelines* Silver Level universal design features.

Note: The Liveable Housing Design Guidelines describe basic design standards for key features to facilitate liveable housing design. A liveable home is designed to meet the changing needs of occupants across their lifetime. By including user-friendly design features a liveable home seeks to enhance the quality of life for all occupants at all stages of their life. The 7 core liveable housing design elements are:

   (a) A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.

   (b) At least 1 level (step free) entrance into the dwelling.

   (c) Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.

   (d) A toilet on the ground (or entry) level that provides easy access.

   (e) A bathroom that contains a hobless (step free) shower recess.

   (f) Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.

   (g) A continuous handrail on 1 side of any stairway where there is a rise of more than 1m.

#### B. Communal area and open space

**Performance criteria**

1. Suitably sized communal open space is provided to enhance the amenity of residents.

2. Communal areas are designed to maximise safety.

3. Common circulation spaces achieve good amenity and promote safety and social interaction between residents.
**Acceptable Solutions**

1. Where 10 or more dwellings are proposed, a communal open space with a minimum area of 5% of the site area and with a minimum dimension of 8m is provided for active communal open space.

2. The active communal open space is not less than 3m from private open space or 6m from windows of a habitable room.

3. The active communal open space area receives at least 2 hours of direct sunlight between 9am and 3pm at the winter solstice to 50% of the required area.

4. Communal areas and open space are visible from habitable rooms and private open space while maintaining visual privacy.

5. Where open space is provided as public open space it has a direct connection to the internal street along the longest edge.

6. Public through site links have direct line of site between public streets.

7. Daylight and natural ventilation is provided to all common circulation spaces above ground.

8. Lighting is provided to common spaces.

**C. Architectural Design and roof form**

**Performance criteria**

1. Roof treatments are integrated into the building design and positively respond to the street.

2. The visual bulk if the development is reduced by breaking up the building massing.

**Acceptable Solutions**

1. The roof design is integrated with the overall building form.

2. Skylights and ventilation systems are integrated into the roof design.

**D. Visual appearance and articulation**

**Performance criteria**

1. Façade design is consistent with the desired character of the area.

2. Development does not unreasonably impact on the amenity and privacy of adjoining dwellings and their private open space.

3. Building elements are integrated into the overall building form and façade design.
Acceptable Solutions

1. Facades contain a balanced composition of elements including a mix of solid and void.
2. Provision of an articulation zone forward of the building line.
3. Building services are integrated within the overall façade.
4. Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.
5. Building entries are clearly defined and include a covered entry.
6. All building elements, including shading devices and awnings are coordinated and integrated into the overall façade design.
7. A variety of materials and colours are used.

E. Pools and ancillary development

Performance criteria

1. Swimming pools and spas are located to minimise the impacts on adjoining properties.
2. Detached studios and outbuildings activate rear lanes and do not dominate the rear yard.

Acceptable Solutions

1. Swimming pools and spas are located in the rear yard.
2. The coping around a swimming pool or spa is not more than 1.4m above existing ground level.
3. The decking or paved area around a swimming pool or spa (excluding coping less than 300mm wide) is not more than 0.6m above existing natural ground level.
4. Water from a swimming pool or spa is connected to the sewage disposal system.
5. The pump is housed in a soundproofed enclosure.
6. A detached studio or outbuilding:
   (a) has a maximum building height of 3.6m. Where the outbuilding is within 0.9m of a lane, the maximum building height is 6m.
   (b) may have a 0m setback from a side or rear boundary where it adjoins a lane. In all other cases, it has a minimum rear setback of 3m and 0m side setbacks.
   (c) has a maximum floor area of 36m² and is included in the gross floor area (unless it is required for car parking).
   (d) all windows have a maximum size of 2m² where the floor level is greater than 1.5m above ground level.
3.03.05 Environment

This section applies to development for residential accommodation (except for single dwellings, secondary dwellings or shop top housing)

A. Energy efficiency

Performance criteria
1. Development incorporates passive environmental design.

Acceptable Solutions
1. Development provides an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line per dwelling.
2. Clothes drying areas are screened from public and communal areas.

B. Water management and conservation

Performance criteria
1. Potable water use is minimised.
2. Urban stormwater is treated on site before being discharged to receiving waters.

Acceptable Solutions
1. Each dwelling is provided with an individual meter for hot or cold water consumption.
2. Stormwater disposal is to be provided in accordance with Section 7.06 of this DCP.

C. Waste management

Performance criteria
1. Waste storage and collection facilities are integrated into the development and have minimal impact on the amenity of adjoining residents, building entry and the streetscape.

Acceptable solutions
1. Waste management facilities comply with the requirements of Section 7.08 Waste Management of this DCP.
2. Where a communal bin storage area is provided, it is located behind the building line of the primary street frontage and appropriately screened from public places and adjoining properties.
3. Where the site characteristics or the number of bins and length of street frontage are not appropriate for kerbside collection of waste and recycling, developments are designed and constructed to facilitate onsite waste collection.

Note: Site owners will need to make private arrangements for waste collection where kerbside collection is not appropriate.
3.10 Commercial Uses

Amendment history

<table>
<thead>
<tr>
<th>Version Number</th>
<th>Date Adopted by Council</th>
<th>Commencement Date</th>
<th>Amendment Type</th>
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<td>1</td>
<td>15/11/2011</td>
<td>15/06/2012</td>
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<td>2</td>
<td>TBC</td>
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<td></td>
</tr>
</tbody>
</table>

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land zoned:
- R4 High Density Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development.

Development (type/s) to which this section applies

This section applies to the following development when located within the zone to which this section applies:
- business premises
- office premises
- retail premises
- wholesale suppliers
- registered clubs
- food and drink premises
- function centres
- service stations
- vehicle sale or hire premise
- amusement centre
- entertainment facility
- veterinary hospital.

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instruments also apply to development applications to which this section applies:
- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 22 – Shops and Commercial Premises
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

### Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 4.04 Safety and Security
- 7.01 Building Design Criteria
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management
- 7.09 Outdoor Advertising and Signage
- 7.10 Street Awnings and Balconies.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item.
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 5.07 Heritage Conservation Areas – known conservation area
- 6.01 Newcastle City Centre East - located within the Newcastle City Centre East precinct
- 6.02 Newcastle City Centre West – located within the Newcastle City Centre West precinct
- 6.03 Wickham – located within the Wickham precinct
- 6.04 Islington Renewal Corridor – located within the Islington renewal precinct
- 6.05 Mayfield Renewal Corridor – located within the Mayfield renewal precinct
- 6.06 Hamilton Renewal Corridor – located within the Hamilton renewal precinct
- 6.07 Broadmeadow Renewal Corridor – located within the Broadmeadow renewal precinct
- 6.08 Adamstown Renewal Corridor – located within the Adamstown renewal precinct
- 6.09 Darby Street, Cooks Hill – located within the Darby Street Precinct
- 6.10 Beaumont Street, Hamilton – located within the Royal Newcastle Hospital Site
- 6.11 Royal Newcastle Hospital Site – located within the Royal Newcastle Hospital Site
- 6.12 Minmi – located within the Royal Newcastle Hospital Site
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required.
Associated technical manual/s
▪ Nil

Additional information
▪ Nil

Definitions
A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 – Glossary of this plan, and include:
▪ Active street frontage - a street frontage that enables direct visual and physical contact between the street and the interior of the building. Clearly defined entrances, windows and shop fronts are elements of the building façade that can contribute to an active street frontage.
▪ Building envelope - the three dimensional space that limits the extent of a building on an allotment. The building envelope is defined by building height and front, side and rear boundary setbacks. Refer to definitions for building height and setback for inclusions and exclusions.
▪ Building height (or height of building) - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.
▪ Building line or setback - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as the horizontal distance between the property boundary or other stated boundary (measured at 90° from the boundary) and:
  a) a building wall, or
  b) the outside face of any balcony, deck or the like, or
  c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.
▪ Landscaped area - has the same meaning as in Newcastle Local Environmental Plan 2012. The term is defined as a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

Aims of this section
1. To enhance the economic viability of commercial centres.
2. To encourage commercial development that has a positive contribution to surrounding development.
3. To establish the scale, dimensions and form of development appropriate for the context of the area.

4. Create people friendly places with active street frontages.

Note: Urban Design Consultative Group

Proposals involving larger development which, by virtue of their location or scale, are likely to have a significant impact within the city may be referred to Council’s Urban Design Consultative Group for independent advice.

In some instances, there will be the opportunity to discuss your proposal directly with the Group prior to the lodgement of your application. The Group will be able to offer independent advice regarding the proposal. The recommendations and advice of the Group will be taken into consideration when assessing the development.

### 3.10.01 Height of buildings

**Objectives**

1. Ensure the scale of development enhances and makes a positive contribution towards the desired built form by reinforcing the established centres hierarchy.

2. Allow reasonable daylight access to all developments and the public domain.

**Controls**

Controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls.

### 3.10.02 Density - floor space ratio

**Objectives**

1. Provide an appropriate density of development consistent with the established centres hierarchy.

2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the centres hierarchy.

**Controls**

Controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for floor space ratio controls.
3.10.03 Streetscape and front setbacks

Objectives
1. Ensure new development makes a positive contribution to the local context.

Controls
1. Within established areas the front setback is consistent with those of adjoining development. Some variations to minimum setbacks can be considered particularly where such variations are used to create streetscape variety and interest.
2. Development facilitates pedestrian access from the street frontage and provides individual identity to dwellings.

3.10.04 Side and rear setbacks

Objectives
1. Enable flexibility in the siting of buildings and the provision of side and rear setbacks.
2. Ensure adequate natural light, ventilation and privacy between buildings.
3. Ensure buildings are related to land form, with minimal cut and fill.

Controls
1. Side and rear setbacks to walls are in accordance with the Building Code of Australia and subject to consideration of impact on the privacy, private open space and solar access of adjoining properties.

3.10.05 Street activation

Objectives
1. Provide activation of street frontages to ensure a safe and accessible environment.
2. Promote uses that attract pedestrian traffic along ground floor street frontage in business zones.

Controls
The following controls apply to all development which this section applies
1. Provide activated street edges at ground level through the provision of retail premises or business premises uses in business/commercial zones.
2. Ground floor retail uses provide multiple pedestrian accesses along the street frontage.
3. A visual connection into uses at ground level and avoid the use of solid walls or covered glassing for lengths greater than 3m.

3.10.06 Building design and appearance

Objectives
1. Ensure the design of new development responds to and contributes to its context.
2. Encourage the creation of attractive well designed development.

Controls
1. New development enhances and makes a positive contribution towards the desired built form.
2. The following features of existing areas are considered and integrated into new development where possible:
   (a) street setbacks
   (b) grouping or ‘rhythm’ of buildings within the streetscape
   (c) corner feature sites
   (d) traditional street and lane patterns
   (e) pedestrian walkways and other public open space areas
   (f) pavement design, including materials and finishes, kerb and gutter treatment.

3.10.07 Views and privacy

Objectives
1. Encourage the sharing of views while not restricting the reasonable development potential of a site.

Controls
1. Properties are able to be developed within the established planning guidelines, however, existing views from dwellings are not substantially affected where it is reasonable to design for the sharing of views.
2. Grand vistas and views from dwellings which are recognised and valued by the community are not unreasonably obscured by new development.
3. Views to heritage or familiar dominant landmarks from dwellings are not unreasonably obscured.
4. A minimum 9m separation is provided between the windows of habitable rooms of facing dwellings that abut a public or communal street. This distance is increased to 12m for windows above first floor level.

5. Direct views between living area windows of adjacent dwellings are screened or obscured where:
   
   (a) ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwelling. An area so defined is described as a 'privacy sensitive zone'.

   (b) other floor windows are within a 'privacy sensitive zone' described by a 12m radius.

6. Direct views from living rooms of dwellings into the principal area of private open space of other dwellings are screened or obscured within a 'privacy sensitive zone' described by a 12m radius.

7. Direct views described in (5) and (6) may be obscured by one of the following measures:
   
   (a) 1.8m high solid fences and walls between ground floor level windows and adjoining open space, where the slope is below 10%

   (b) screening that has a maximum area of 25% openings, is permanently fixed and is made of durable materials

   (c) landscape screening either by existing dense vegetation or new planting that can achieve a 75% screening effectiveness within three years.

8. Mechanical plant or equipment designed and located to minimise noise nuisance.

3.10.08 Fencing and walls

Objectives

1. Ensure front and side fences and walls provide privacy, security and noise attenuation without having a detrimental impact upon the streetscape and adjacent buildings.

2. Ensure that fencing provides for active street frontages and pedestrian access.

3. Enable outlook from buildings to the street for safety and surveillance.

Controls

1. Front fences and walls have a maximum height of 1.2m.

2. Fences and walls complement the existing streetscape in relation to scale and materials and use similar or compatible materials to those used in attractive buildings within the locality.

3. The use of sheet-metal fencing is avoided adjacent to public places, unless the visual impact is softened by landscaping.
3.10.09 Utilities and services

**Objectives**

1. Ensure site facilities, such as garbage and recycling bins / enclosures, mail boxes, external storage facilities, exterior lighting and signage are designed to be conveniently reached and require minimal maintenance.

2. Ensure facilities are visually attractive and blend in with the streetscape.

**Controls**

1. Mail boxes (where provided onsite) are located close to each ground floor entry, or a mail box structure located close to the major pedestrian entry to the site and complying with the requirements of Australia Post.

2. Bin storage areas are roofed and designed to conceal contents from view from adjacent public space and/or other properties. The bin storage area is provided with a water-tap for wash down purposes and is drained to connect to the sewer. The bin storage area is located as close as practicable to the pick-up location.
6.08 Adamstown Renewal Corridor

Note: the amendments shown in this part of the DCP will also be applied to:
6.03 Wickham
6.04 Islington Renewal Corridor
6.05 Mayfield Renewal Corridor
6.06 Hamilton Renewal Corridor
6.07 Broadmeadow Renewal Corridor

Amendment history

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Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land identified in Map 1 - Adamstown Renewal Corridor area.
Development (type/s) to which this control applies

This section applies to all development consisting:
▪ new buildings or structures
▪ additions or alterations to existing buildings or structures.

Applicable environmental planning instruments

▪ Newcastle Local Environmental Plan 2012
▪ State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

The following section of this DCP **will** also apply to development to which this section applies:
▪ Any applicable landuse specific provision under Part 3.00

  *Note: Any inconsistency between the locality specific provision and a landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.*

▪ 4.04 Safety and Security
▪ 7.01 Building Design Criteria

  *Note: Limited application as per control 6.08.01A) – Land Use*

▪ 7.02 Landscaping, Open Space and Visual Amenity
▪ 7.03 Traffic, Parking and Access
▪ 7.05 Energy Efficiency
▪ 7.06 Stormwater
▪ 7.07 Water Efficiency
▪ 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:
▪ 4.01 Flood Management – all land which is identified as flood prone land under the Newcastle Flood Policy or within a PMF or area likely to flood
▪ 4.02 Bush Fire Protection – within mapped bushfire area(zone
▪ 4.03 Mine Subsidence – within mine subsidence area
▪ 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
▪ 5.02 Land Contamination – land on register/where risk from previous use
▪ 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
▪ 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
▪ 5.05 Heritage Items – known heritage item or in proximity to a heritage item
▪ 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
▪ 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required
6.08.01 Land use and development

A. Land use

Objectives

1. Ensure desired outcomes relating to increasing residential, commercial and retail densities are achieved in suitable locations.

Controls

General controls applying to all development to which this section applies

1. Despite any other provisions within this plan, development comprising wholly or partly of residential accommodation, shall comply with the provisions identified within Section 7.04 Building Design Criteria Section 3.03 Residential Accommodation with respect to the following:
   - open space
   - views and privacy
   - solar access
   - fencing and walls
   - utilities and services.
   - Landscaped area
   - Siting the development
   - Amenity
   - Configuration
   - Environment

The following control applies to development within Precinct 1

2. Provide a range of compatible uses including higher density residential and low intensity employment.

The following control applies to development within Precinct 2

3. Provide a range of compatible uses including higher density residential and employment including commercial, wholesaling, and retailing (other than groceries, clothing, newsagencies, or chemists).

The following control applies to development within Precinct 3

4. Provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

The following control applies to development within Precinct 4

5. Provide a range of small-scale retail, business and community uses that serve the needs of people who live and work in the surrounding neighbourhood.

B. Activation of street frontages

Objectives
Controls

General controls applying to all development to which this section applies

1. Landscaping is provided as per Section 7.02 Landscaping, Open Space and Visual Amenity in accordance with Section 3.03.01 C - Landscaped Area.

2. Provides lighting to front setback to ensure well lit building entries and landscaped areas.

3. Landscape/Communal Open Space requirements for mixed use development and non-residential development is assessed on its merits, having respect for the character of the existing streetscape and that of adjoining land.

4. On-site open space requirements may be achieved on upper levels and rooftops of development.

5. Soft landscaping (plantings) on upper levels and rooftops through use of roof and wall gardens and the like is encouraged and is calculated as part of the landscape requirements of the development.

6. Waste management facilities are appropriately screened and/or located where not visible from the streetscape.

7. Development fronting Brunker Road that requires four or more wheelie bins are required to use a waste removal contractor rather than Council's kerbside service.

The following controls apply to all development in Precinct 1

8. Funding or works-in-kind of s94A developer contributions may be negotiated to achieve embellishment of Arthur Park (93A Brunker Road, Broadmeadow) including a new playground and/or other outdoor recreation facilities.

The following controls apply to all development in Precinct 2

9. Maintains vegetated setback to Brunker Road between Kyle and Glebe Road.

10. Development of the former Adamstown Public School site at the corner setback of Brunker and Kyle Roads to incorporate an informal public open space with playground facilities.

11. Provide pedestrian link between Kyle and Glebe Roads as an extension of Narara Road, incorporating formalised landscaping as a forecourt to development and as a gathering place, as shown in Figure 4.

12. On-site car parking associated with redevelopment of the former Adamstown Public School is provided at sub-grade with vehicle access from Gosford Road to maximise landscape opportunities on site, as shown in Figure 4.
7.02 Landscape, Open Space and Visual Amenity

Amendment history

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Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies.

Development (type/s) to which this section applies

This section applies to all development requiring consent that consists of:
- a new building or structure
- alterations or additions to the external footprint of an existing building or structure.

Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 also apply to development applications to which this section applies.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

The following sections of this DCP may also apply to development to which this section applies:
- 5.03 Tree Management

Associated technical manual/s

- Urban Forest Technical Manual
- Landscape Technical Manual
- Stormwater Technical Manual
7.02.03 Residential development -

Objectives

1. Enhance the appearance and amenity of developments through the retention and/or planting of large and medium-sized trees.

2. Encourage landscaping between buildings for screening.

3. Ensure landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area.

4. Provide landscaped areas of usable size and proportions.

5. Assist new development to integrate into established streetscapes and neighbourhood.

6. Add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.

Controls

The following controls apply to development consisting wholly of residential accommodation of the following type: attached dwellings, dual occupancy, multi dwelling housing, residential flat buildings and semi-detached dwellings, as defined in the Newcastle Local Environmental Plan 2012.

1. Landscape area is to be provided in accordance with the development type and Newcastle Urban Strategy precinct, as detailed in Table 1 (Residential Flat Building) and Table 2 (Dual Occupancy/Villa/Townhouses) below.

Landscape area can include any private open space area in excess of the principal area of private open space*, provided it satisfies other landscape requirements under the DCP as shown in Figure 2.

*The principal area of private open space is a 4m x 4m level area of private open space directly accessible from the main living area of the dwelling.
**Figure 2: Landscape area and principal area of private open space**

Table 1: Residential Flat Building

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Landscape Area</th>
<th>Deep Soil (% of Site Area) **</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited Precinct</td>
<td>30% #</td>
<td>15%</td>
</tr>
<tr>
<td>Moderate Precinct</td>
<td>25% #</td>
<td>12%</td>
</tr>
<tr>
<td>Substantial Precinct</td>
<td>20% #</td>
<td>10%</td>
</tr>
</tbody>
</table>

**The deep soil percentages are a percentage of the site area not the landscape percentage. The deep soil zones are still landscape areas for the purposes of the landscape area calculations.**

#Consideration may be given, on a merit assessment basis, to varying the landscape percentage to 20% for sites within the Moderate and Limited precincts where a local level park is directly adjacent or adjoining the development site. Parks which have District/Regional level facilities that exclude general use by public (e.g. Ausgrid Stadium and other permanent fixed fields which exclude casual use by the general public) or that are predominately unavailable for use such as native bushland would not attract this variation.
### Table 2: Dual Occupancy/Villa/Townhouses

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Landscape Area (m²) per dwelling</th>
<th>Deep Soil (% of Site Area) **</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited Precinct</td>
<td>70⁺</td>
<td>15%</td>
</tr>
<tr>
<td>Moderate Precinct</td>
<td>60⁺</td>
<td>12%</td>
</tr>
<tr>
<td>Substantial Precinct</td>
<td>50⁺</td>
<td>10%</td>
</tr>
</tbody>
</table>

**The deep soil percentages are a percentage of the site area not the landscape percentage. The deep soil zones are still landscape areas for the purposes of the landscape area calculations.

Residential Flat Buildings (i.e., RFBs) still use the landscape area percentages in conjunction with the courtyard/balcony arrangements whereas the Dual Occupancies and Villa/Townhouse developments have the option of using either the 25% landscape area rate or the set area per dwelling given in the Table. The set area is an accumulative total for a development and can be designed as private open space, communal space or combination of both.

The option of using these set landscape areas is subject to a comprehensive landscape plan being submitted with the Development Application demonstrating that denser landscaping is proposed at a height and quality to contribute to the visual quality of the development and improved amenity for residents. In each of these departures kerbs, impervious materials and all paving is excluded from being counted within the landscape area calculations. It is further clarified that this ‘set landscape area per dwelling’ option also allows the landscaping to be distributed across a development site, it does not have to be divided evenly per dwelling within the subdivision.

2. A landscape area has a minimum dimension of 3m. Areas less than 3m in width are excluded from the landscape area calculation (refer to Figure 3).

The following departures from the 3m minimum dimension are allowed under each specific circumstance subject to a comprehensive landscape plan* being submitted with the Development Application demonstrating that denser landscaping is proposed at a height and quality that contributes to the visual quality of the development and improved amenity for residents being provided for the whole of the site. In each of these departures kerbs, impervious materials and all paving is excluded from being counted within the landscape area calculations.

* The comprehensive landscape plan is to be provided across the whole of the subject site once the benefit of any of the departure provisions is utilised.

Note: These departures do not apply to the ‘3m wide landscaping strip located along one boundary’ required by point 3.

(a) Driveway/Boundary Landscape Zone – where the landscaping between the side boundary and driveway is 1m wide or greater this can be included as part of the calculated landscape area.

Note: The area at the rear/end of the driveway is not included in this standard (see instead sub-point (c) below).

(b) Driveway/Dwelling Landscape Zone – where the landscaping between the proposed dwellings and the driveway is 2m wide or greater this can be included as part of the calculated landscape area.
(c) Driveway End Zone — where the landscaping at the end of the driveway, between the end of the driveway and boundary fence, is a minimum 2m wide or greater this can be included as part of the calculated landscape area.

(d) Contiguous landscaping* — where the landscaping area is:
   - adjoining and contiguous* with the private open space area (ie. including the principle area of private open space), and
   - has a boundary with the private open space which is at least 3m wide and is at least 2m deep, such that it forms a wide strip of landscaped area adjoining the private open space – areas which are narrower and deeper are not to be included within this departure wide (see Figure 4: Courtyard Landscaping), this can be included as part of the calculated landscape area.

* Landscaping can be considered to be contiguous, on a merit assessment basis, even where the landscaping is separated by a minor feature such as a courtyard fence. In this circumstance the smaller ‘divided’ portion of landscaping must be at least 1m wide (see Figure 3: Landscape Dimensions) and results in an improved planning outcome (eg. landscaping screening of a courtyard fence from the internal driveway).
Figure 4: Courtyard Landscaping

3. A minimum 3m wide strip of landscaping is to be provided along one boundary. Preference is given to the front and rear boundaries. Driveway crossings may be accepted within this strip, on a merits basis, where it is demonstrated that the overall development will achieve a high quality landscape outcome and the combined ratio of driveway width relative to the landscape area is not excessive within the strip area.

4. Deep soil zones are to be provided in accordance with the development type and Newcastle Urban Strategy precinct, as detailed in Table 1 (Residential Flat Building) and Table 2 (Dual Occupancy/Villa/Townhouses) above.

Note 1: The proposed tree/shrub species selected for the deep soil planting needs to be appropriate to the available area and gives consideration to retention of solar access during winter.

Note 2: Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment must be integrated with the design of the building.

5. The area between the street front boundary and the building line (ie. normally 5m) is to be used as a prime deep soil zone for taller tree planting and will not be included as an area of private open space. No fencing greater than 1.2m in height is to be erected within this area or on any street front boundary associated within this area. Any paving within this area is to be minimised and designed to be compatible with the tree planting.
6. Landscaping requirements for mixed use development will be assessed on its merits, having regard to other controls of this section, respect for the character of the existing streetscape and that of adjoining land.

Note: Refer also to Section 7.02.07 Green walls and roof space

7. The proposed design, where a subdivision is included concurrently or proposed at a subsequent time, must demonstrate that:

   (i) the overall development achieves the required landscape area given in Control 1 above; and

   (ii) each dwelling on any resultant lot achieves at least the minimum landscaping and private open space required under section 3.02.07 - Landscaping and existing vegetation.

7.02.04 03 Subdivision

A. Layout

Objectives

1. Ensure subdivision layouts take into account landscaping and site characteristics.

2. Ensure significant landscape elements are retained and protected.

3. Minimise the impact of development on significant views and vistas.

4. Ensure adequate provision is made for planted buffer zones between major road corridors and nearby development.

Controls

The following controls apply to development consisting of subdivision

1. A landscape Concept Plan/Masterplan showing all stages of subdivision and development is submitted at development application stage as required under Section 7.02.01. The plan describes the existing landscape character and reinforces this character in the development.

2. Building envelopes, accessways and roads avoid ridge tops and steep slopes.

3. Landscape elements, including valuable wildlife habitats are retained and conserved.

4. Subdivisions are designed so that, when subsequently developed, visually significant vegetation, or other natural or built elements, is retained.

5. Proposals to subdivide visually sensitive or prominent areas address the visual impacts of development in the Statement of Environmental Effects accompanying the application.
7.03 Traffic, Parking and Access

Amendment history

<table>
<thead>
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Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies.

Development (type/s) to which this section applies

This section applies to all development:
- involving a change of use
- generating an increase in gross floor area of a building
- related to an activity generating a demand for parking.

Related sections

The following sections of this DCP may also apply to development to which this section applies:
- Section 7.04 Movement Networks

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:
- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy (Infrastructure) 2007

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.
Note 2: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Associated technical manuals

- Australian Standard 2890.1 2004, Parking facilities - Off-street car parking
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Car Parking</th>
<th>Bike Parking</th>
<th>Motorbike Parking</th>
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<tr>
<td><strong>RECREATIONAL FACILITIES</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Bowling alleys</td>
<td>3 spaces per alley</td>
<td>1 space per 20 staff (Class 2)</td>
<td>1 space per 20 car spaces</td>
</tr>
<tr>
<td>Bowling greens</td>
<td>30 spaces for first green plus 15 spaces for each additional green</td>
<td>1 space per 20 staff (Class 2)</td>
<td>1 space per 20 car spaces</td>
</tr>
<tr>
<td>Gymnasium</td>
<td>Minimum 4.5 spaces per 100m²; maximum 7.5 spaces per 100m²</td>
<td>1 space per 20 staff (Class 2)</td>
<td>1 space per 20 car spaces</td>
</tr>
<tr>
<td>Squash courts</td>
<td>3 spaces per court</td>
<td>1 space per 20 staff (Class 2)</td>
<td>1 space per 20 car spaces</td>
</tr>
<tr>
<td>Tennis courts</td>
<td>3 spaces per court</td>
<td>1 space per 20 staff (Class 2)</td>
<td>1 space per 20 car spaces</td>
</tr>
<tr>
<td><strong>RESIDENTIAL ACCOMMODATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached dwellings, Dual occupancies, Multi dwelling housing, Residential Flat Buildings, Semi-detached dwellings, Shop Top Housing</td>
<td>City wide (excluding Newcastle City Centre and Renewal Corridors): Minimum of 1 space per 1, 2 or 3 bedroom dwelling. Minimum 1 space for the first 5 dwellings plus 1 space for every 5 thereafter or part thereof for visitors. Bike parking of 1 space per dwelling is required unless separate storage is provided (Council determine the required class of security)</td>
<td>1 space per 10 dwellings (Class 3) for visitors</td>
<td>1 space per 20 car spaces</td>
</tr>
<tr>
<td>Land Use</td>
<td>Car Parking</td>
<td>Bike Parking</td>
<td>Motorbike Parking</td>
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</tbody>
</table>
| Attached Dwellings, **Dual occupancy**, Multi Dwelling Housing, Residential Flat Buildings, **Semi-detached dwellings**, Shop Top Housing | **Newcastle City Centre and Renewal Corridors:**  
Small (<75m² or 1 bedroom) average 0.6 spaces per dwelling  
Medium (75m² - 100m² or 2 bedrooms) average 0.9 spaces per dwelling  
Large (>100m² or 3 bedrooms) average 1.4 spaces per dwelling  
1 space for the first 3 dwellings plus 1 space for every 5 thereafter or part thereof for visitors | 1 space per 10 bedrooms (Class 2) for staff/residents  
1 space per 20 bedrooms (Class 3) for visitors | 1 space per 20 car spaces |
| Boarding House                                                         | 1 space plus 1 space per 2 bedrooms                                           | 1 space per 10 bedrooms (Class 2) for staff/residents  
1 space per 20 bedrooms (Class 3) for visitors | 1 space per 20 car spaces |
| **Dual Occupancy, Semi-detached Dwelling**                            | 1 space per dwelling less than 150m²  
2 spaces per dwelling over 150m²                                               | 1 space per 10 bedrooms (Class 2) for staff/residents  
1 space per 20 bedrooms (Class 3) for visitors | 1 space per 20 car spaces |
| Dwelling House                                                         | 1 space per dwelling < 125m²  
2 spaces per dwelling > 125m²                                                   | 1 space per 10 bedrooms (Class 2) for staff/residents  
1 space per 20 bedrooms (Class 3) for visitors | 1 space per 20 car spaces |
| Group Home                                                             | 1 space plus 1 space per 2 bedrooms                                           | 1 space per 10 bedrooms (Class 2) for staff/residents  
1 space per 20 bedrooms (Class 3) for visitors | 1 space per 20 car spaces |
| Housing for Seniors or People with a Disability                       | Refer to SEPP (Housing for Seniors or People with a Disability) 2004          | Refer to SEPP (Housing for Seniors or People with a Disability) 2004          | Refer to SEPP (Housing for Seniors or People with a Disability) 2004 |
The following controls apply only to Residential Accommodation as defined within the Newcastle Local Environmental Plan 2012, where not complying development.

5. Generally, car parking structures are set back a minimum distance of 5.5m from the street frontage providing access to the car parking space.

B. Parking areas and structures

Objectives

1. Ensure that parking and vehicular access do not dominate the streetscape or detract from the character of the area.

2. Ensure that parking does not detract from the overall appearance or the continuity of streetscapes or streetscape elements, including street tree planting.

3. Ensure parking areas and structures are designed to be easily and safely negotiated by vehicles and pedestrians.

Controls

Controls applying to all development to which this section applies

1. Design and construction of parking, set down areas and loading facilities comply with the provisions of AS2890 Parking facilities.

2. Wherever possible, car parking structures such as multi-level car parks, enclosed half-basement or single-storey car parks, incorporate active uses along the ground level frontage.

3. Car parking provided at or above ground level has horizontal flooring and a minimum floor to ceiling height of 3.6m at the ground level and 3.3m for the next two floors above, to enable it being adapted to an alternative use in future.

4. The facade of an above ground parking structure is:
   (a) designed and finished to complement the architecture of the building
   (b) designed to avoid domination of ramps or strong horizontal and/or vertical features.

5. Covered or enclosed parking areas have adequate provision of lighting and ventilation. Natural lighting is preferred.

6. Parking layout facilitates efficient parking search patterns. Dead-end aisles are avoided.

7. Clear signage and pavement markings are provided on site to manage traffic movements, driver behaviour and provide warning of potential safety hazards.

8. Where development is expected to generate vehicle movements during hours of darkness, self-illuminated and/or reflective signage and pavement markings are provided.

9. Within parking areas of larger than ten car spaces, segregated routes for pedestrian and bicycle movements are created, using line marking, pedestrian crossings, signage and/or speed bumps.
Amendment history

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Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

Land to which this section applies

This section applies to all land to which the Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

Development (type/s) to which this section applies

This section applies to all development consisting:
- residential development
- business/commercial development
- industrial development.

Applicable environmental planning instruments

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:
- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy Building Sustainability Index: BASIX 2004

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note: Section 74E (3) of the Environmental Planning and Assessment Act 1979 enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

- Nil
7.05.01 Residential development

Objectives

1. Provide residential development with access to fresh air through cross ventilation.
2. Ensure adequate solar access to dwellings.
3. Minimise energy comfort through higher thermal performance.
4. Provide energy efficient appliances and fittings.

Controls

The following controls apply to all development containing “residential accommodation” as defined within Newcastle Local Environmental Plan 2012, where not complying development

1. Residential developments are carried out in accordance with the requirements set in State Environmental Planning Policy Building Sustainability Index (BASIX) 2004.
2. The dimensions and configurations of residential development support cross ventilation.
3. Maximise the number of apartments that are naturally cross ventilated.
4. Living rooms and private open space to receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June (winter solstice).
5. Sunlight to any existing solar panels on neighbouring dwellings is not to be reduced to less than 3 hours between 9am and 3pm on 21 June.
6. A section of north facing roof is provided to allow for future installation of solar panels.
7. Optimise natural light access to reduce the amount of energy used to run artificial lighting.

7.05.021 Business development

Objectives

1. Provide business development that is orientated and designed to maximise the benefits of solar access.
2. Minimise the need for artificial lighting and employ energy efficient forms of artificial lighting only when required.
3. Use building materials which are renewable/sustainable and construction techniques that improve the thermal comfort of the building.
4. Minimise the demand for mechanical heating, cooling and ventilation through appropriate design, orientation and energy efficient mechanical equipment.
5. Maximise the use of energy efficient appliances in commercial businesses.
6. Provide adequate plantings and green space to reduce the urban heat island effect.
Controls

The following controls apply only to “registered club, veterinary hospital, child care centre, community facilities, public administration building, health service facilities, tourist and visitor accommodation, business premises, office premises, retail premises, environmental facilities, sex service premises,” as defined within Newcastle Local Environmental Plan 2012, where not complying development

1. Development is to meet a minimum 4 Star Green Star Rating in the Green Building Council of Australia rating system where applicable.

2. An energy efficiency report from a suitably qualified consultant should accompany any development application for new commercial office development over $5 million in estimated cost. The required report is to demonstrate that the building would achieve a rating of not less than 4 Star Green Star Rating in the Green Building Council of Australia Rating System where applicable.

3. The placement of glassing on new buildings and facades does not result in glare that causes discomfort or threatens safety of pedestrians or drivers, or negatively impact on adjoining development.

4. Building materials used on the facades of new buildings are low reflectivity.

5. Subject to the extent and nature of glazing and reflective materials used, a reflectivity report may be required that analyses potential solar glare from the proposed development on pedestrians or motorists.

The following controls apply only to “change of use applications over 2000m²” as defined within Newcastle Local Environmental Plan 2012, where not complying development

6. Development is to achieve a minimum 3.5 Star Energy Rating with NABERS.

7.05.032 Industrial development

Objectives

1. Minimise the need for artificial lighting within industrial development through appropriate orientation and design that maximises solar access and natural lighting.

2. Employ energy efficient forms of lighting when artificial lighting is required.

3. Use building materials which are renewable/sustainable and construction techniques to improve the thermal comfort of the building.

4. Minimise the demand for mechanical heating, cooling and ventilation through appropriate design, orientation and energy efficient mechanical equipment.

5. Use energy efficient appliances where applicable.
Amendment history

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<td>5</td>
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Aboriginal cultural heritage - means Aboriginal objects and declared Aboriginal places as defined under the National Parks and Wildlife Act, 1974.

Note: The National Parks and Wildlife Act, 1974 defines Aboriginal objects as: any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place means any place declared to be an Aboriginal place under Section 84.

Above awning sign - a sign on top of an awning.

Absorption trench - a trench excavated into the ground for the purpose of storing an initial volume of rainfall before that water seeps into the soil in which the trench is excavated.

Act of prostitution - has the meaning ascribed to it under Section 20 of the Summary Offences Act, 1988.

The Act - the Environmental Planning and Assessment Act 1979.

Active solar energy systems - systems which combine the sun's energy with local climatic conditions to achieve thermal comfort inside buildings with the use of mechanical devices. An example is sub-floor heating which uses a pump to circulate hot water from a tank through the floor and back to solar collectors.

Activity centres - areas where commercial, retail and entertainment facilities are focused.

Activity nodes - see Activity centres.

Accessible path of travel - a continuous accessible path of travel is an uninterrupted part of travel to or within a building, providing access to all required facilities. It does not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

Adaptable Housing - refers to the means of designing a house/unit that enables easy and relatively cheap adaptation to make it comply fully with access standards (refer AS 4299 Adaptable Housing - Class C). This housing is designed in such a way that it can be easily modified in the future to meet changing needs of occupants.
Relic - the same as in the *NSW Heritage Act 1977* (as amended).

**Remediation site** - a site that is land declared to be a remediation site by a declaration in force under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.

**Research Design** - refers to the set of research questions and methodology developed for a site within a wider research framework.

**Restoration** - means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.

**Retainable tree** - a tree that has been subjected to and passed the relevant assessment tests noted in Section 4 of the Technical Manual.

**Note:** that these tests are to be undertaken by a suitably qualified arborist.

**Retention tank** - a water tank, whether above ground or below ground designed to retard the discharge of runoff from an impervious surface to a rate not harmful to the environment.

**Riparian Zone** - is an area of river or creek bank that supports, or has at one time supported a unique ecosystem pertaining to the river microenvironment. Generally, a width of 40m is considered to be the minimum viable riparian zone.

**Road** - means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**Road/street reserve** - the land incorporating the full width from property line to opposite property line.

**Roof sign** - erected on or above the roof or parapet of a building.

**Roof terrace** - the flat roof of a lower level building, which is both directly accessible for the exclusive use from the dwelling it adjoins and also open to the sky except for a pergola or similar sun control devices.

**Routes** - roads or paths along which major movements occur and which provide the framework within which individual project sites are accessed.

**Row housing** - a form of multi dwelling housing consisting of three or more detached and / or semi-detached dwellings that are arranged in a lineal fashion with a single driveway along one side of the site or a central driveway with dwellings on each side.

**Runoff** - the portion of rainfall that flows across the ground surface as water.

**Scale** - the size of a building in relation to its surroundings.
CCL 13/12/16
RECLASSIFICATION AND REZONING OF LAND AT 162A NEWCASTLE ROAD WALLSEND

Attachment A: Planning Proposal to amend Newcastle LEP 2012 - reclassification and rezoning of land at 162A Newcastle Road, Wallsend.

Note: The planning proposal includes a discussion on the public hearing and attaches a report prepared by the independent facilitator.

Attachment B: Checklist for reclassifying public land.

Attachment C: Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan.

Attached Correspondence: Original and amended gateway determination
CCL 13/12/16
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Attachment A: Planning Proposal to amend Newcastle LEP 2012 - reclassification and rezoning of land at 162A Newcastle Road, Wallsend.

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Reclassification and rezoning of land at 162A Newcastle Road, Wallsend

November 2016
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Appendix A - Early Subdivision Plan

Appendix B - Certificate of Title

Appendix C - RMS Submission

Appendix D - Public Hearing Report, 11 October 2016
Summary of Proposal

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Reclassify 162A Newcastle Road Wallsend from Community to Operational and rezone part of the site from RE1 Public Recreation to R3 Medium Density Residential. Apply a minimum lot size, maximum building height and floor space ratio on the residential zoned land.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Details</td>
<td>Lot 110 DP 9755, 162A Newcastle Road, Wallsend</td>
</tr>
<tr>
<td>Applicant Details</td>
<td>Newcastle City Council</td>
</tr>
</tbody>
</table>

Background

Newcastle City Council resolved on 9 December 2014 to further investigate the reclassification, rezoning and sale of six parcels of Council owned land that had been identified as being surplus to Council and community needs as they did not satisfy the desired standards of provision for both parkland and recreation facilities. The subject site, 162A Newcastle Road Wallsend, was included in this report.

Following further investigation and assessment of the site, it was identified that the site is used as rear lane access for a number of surrounding properties. The intent of the planning proposal is to amend the planning framework to allow the rear lane access to be formalised.

An amendment to the Newcastle LEP 2012 to reclassify the entire site, rezone part of the site and adopt minimum lot sizes, building heights and floor space ratios similar to the adjoining residential zoned land of 162A Newcastle Road Wallsend is proposed.

Should the formalisation of the lane result in the disposal of the site, the proceeds from the sale of the land would be credited to the Land and Property Reserve and used to upgrade open space areas within the locality.

Site

The proposal concerns land at 162A Newcastle Road, Wallsend, described as Lot 110 DP 9755. The site is approximately 980m² and irregular in shape with the southern arm extending into Newcastle Road.

The site is predominately flat, with a slight slope ascending towards Newcastle Road; the site comprises a part gravel/bitumen entry road connecting directly to Newcastle Road. The remainder of the site is covered in grass.

The site is used for car parking and access to garages located on the rear boundaries of the adjoining properties. Although no formal visitation data is available for the site it is considered unlikely the site is used for recreation activities by the general public.

(See Figure 1: Aerial Photo of site)
(See Figure 2: Subject site map)
Figure 1: Aerial Photo
Figure 2: Subject Site
Part 1 - Objectives or Intended Outcomes

To reclassify all and rezone part of 162A Newcastle Road Wallsend to enable formalisation of the site as a vehicular lane.

Part 2 - Explanation of Provisions

It is proposed to amend the Newcastle Local Environmental Plan 2012 by:

- Including the subject land within Part 2 – *Land classified or reclassified, as operational land – interests changed* within Schedule 4 *Classification and reclassification of public land* as follows:
  a) Column 1 to read “Wallsend”
  b) Column 2 to read “Lot 110 DP 9755, 162A Newcastle Road”

- Amending Map LZN_002F by rezoning part of Lot 110 DP 9755 from Zone RE1 Public Recreation to Zone R3 Medium Density Residential.

- Amending Map HOB_002F by including a maximum height limit of 10m to part of Lot 110 DP 9755.

- Amending Map FSR_002F by including a maximum floor space ratio of 0.9 to part of Lot 110 DP 9755.

- Amending Map LZN_002E to have a minimum lot size of 450m$^2$ to part of 110 DP 9755.

The effect of the proposed amendment is to reclassify the site from community to operational land and to rezone the land from RE1 Public Recreation to R3 Medium Density Residential.
Part 3 – Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the result of a council resolution obtained after considering a report on various parcels of council owned land that were identified as surplus as they did not satisfy the desired standards of provision for both parkland and recreation facilities.

The planning proposal has been prepared in accordance with Council’s Public Land Reclassification Policy 2000. The Policy sets out consistent and transparent criteria for determining requests or proposals to reclassify community land. The following steps were considered in the preparation of this planning proposal.

**STEP 1**
Are there any significant public interest issues affecting the land and are these such as to require the special protection of the community land classification?

- biodiversity conservation
- significant natural features
- cultural significance
- public health and safety
- public access
- special legal status.

**NO**

**STEP 2**
Will reclassification enable a net positive benefit for the community?

- financial impact
- land management impact
- impact on community use opportunities
- impact on enjoyment of community land
- social impact
- economic impact.

Impacts summarised in an Impact Display Table, and a qualitative assessment carried out.

**NO**

**YES**

The request/proposal may proceed in accordance with Part 2, Chapter 6 of the Local Government Act 1993.

Reclassification may only be effected by way of a local environmental plan. The draft local environmental plan must be publicly exhibited, and must be the subject of a public hearing under section 68 of the Environmental Planning and Assessment Act 1979.
In 2009, a report to Council's Asset Advisory Committee was prepared by Strategic Planning Services for the subject site. It was prepared for internal discussion. The site was described as unsuitable for recreation purposes due to:

- size and shape
- limited access and connectivity to nearby residential areas
- closeness to other nearby parks or recreation facilities.

At this meeting it was recommended that the matter be considered once the Parkland and Recreation Strategy was finalised. The Strategy was adopted in March 2014. The Strategy proposes desired standards of provision for both parkland and recreation facilities within the Newcastle Local Government Area. These desired standards have been developed following an assessment of current level of infrastructure provision, expressed community demand, comparison with other similar sized local government areas and a comparison with draft leisure industry benchmarks.

On 9 December 2014, the Council considered a report recommending the sale of the subject site and five other Council reserves, subject to the land being able to be reclassified and rezoned to permit residential or commercial uses. The sites had been identified as surplus as they did not satisfy the desired standards of provision for both parkland and recreation facilities.

The Council report included a Recreation Improvements Options Paper which identified potential park improvement projects in the vicinity of each reserve which could potentially be funded from the disposal proceeds of surplus park assets. Following consideration of the report, Council resolved the following:

"1. Council endorses all property actions, including the release of Land and Property Reserve funds to meet the associated cost to enable appropriate land zoning and reclassification of the following properties:

   a) 4 Mayo Street, Jesmond - Lot 20 DP 230341
   b) 26 Edith Street, Waratah - Lot 374 DP 755247
   c) 162A Newcastle Road, Wallsend - Lot 110 DP 9755

2. A report is to be presented back to Council following the public exhibition period undertaken as part of the reclassification process.

3. Subject to Council's consideration of responses to the public exhibition period (2 above) and any further decision arising from this consideration, should any properties be deemed to be suitable for sale, Council officers should prepare a report to Council on the outcome of the consultation and Council will determine whether sale of these properties is appropriate and the conditions of sale.

4. The net proceeds of the sale(s) are to be credited to the Land and Property Reserve and a report be presented to Council proposing local park improvements in accordance with paragraph 17(a) of the report."

2. **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes, amending the Newcastle LEP 2012 is considered the best means of achieving the objectives of the planning proposal.
Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Hunter Regional Plan 2036

The Hunter Regional Plan applies to the land. The vision of the plan is to create a leading regional economy in Australia, with a vibrant metropolitan city at the heart through four goals:

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

The intent of the planning proposal is to provide the planning framework to formalise rear lane access to existing dwellings. The planning proposal is not inconsistent with the plan.

4. Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011, as revised in 2013. The planning proposal primarily aligns to the strategic direction ‘Open and Collaborative Leadership’ identified within the Newcastle 2030 Community Strategic Plan.

Compliance with the LEP amendment process, in particular section 57 – Community Consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective to “consider decision-making based on collaborative, transparent and accountable leadership” and the identified strategy 7.2b to “provide opportunities for genuine and representative community engagement in local decision making”.

Local Planning Strategy

The planning proposal is consistent with the aims and objectives of the Local Planning Strategy.

Plans of Management for Community Land

There is no specific Plan of Management or specific actions for the site.
5. **Is the Planning proposal consistent with applicable State Environmental Planning Policies?**

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

**Table 1 - Consideration of State Environmental Planning Policies**

<table>
<thead>
<tr>
<th>Name of SEPP</th>
<th>Applicable</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPP No 1 (Development Standards)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 14 (Coastal Wetlands)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 15 (Rural Land sharing Communities)</td>
<td>Repealed.</td>
<td></td>
</tr>
<tr>
<td>SEPP No 19 (Bushland in Urban Areas)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 21 (Caravan Parks)</td>
<td>Yes</td>
<td>Not Consistent. Caravan Parks are a permissible use in the RE1 Zone, but not in the proposed R3 Zone. Due to the small size and irregular shape of the site it is unlikely a caravan park would have been viable on the site.</td>
</tr>
<tr>
<td>SEPP No 26 (Littoral Rainforests)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 29 (Western Sydney Recreation Area)</td>
<td>Repealed</td>
<td></td>
</tr>
<tr>
<td>SEPP No 30 (Intensive Agriculture)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 32 (Urban Consolidation)</td>
<td>Repealed</td>
<td></td>
</tr>
<tr>
<td>SEPP No 33 (Hazardous and Offensive Development)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 36 (Manufactured Home Estates)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 39 (Spit Island Bird Habitat)</td>
<td>Repealed</td>
<td></td>
</tr>
<tr>
<td>SEPP No 44 (Koala Habitat Protection)</td>
<td>Yes</td>
<td>The SEPP applies to the entire LGA, however, the land is urban in nature and does not consist of areas of koala habitat.</td>
</tr>
<tr>
<td>SEPP No 47 (Moore Park Showground)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 50 (Canal Estate Development)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 52 (Farm Dams and Other Works in Land and Water Management Plan Areas)</td>
<td>No</td>
<td>A search of Council records indicates the site is not listed on the contaminated land register. The site has been zoned or reserved as open space since at least 1960. The planning proposal is considered consistent with the SEPP as no change to the existing land use is proposed.</td>
</tr>
<tr>
<td>SEPP No 55 (Remediation of Land)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>SEPP No 59 (Central Western Sydney Economic and Employment Area)</td>
<td>Repealed</td>
<td></td>
</tr>
<tr>
<td>SEPP No 62 (Sustainable Aquaculture)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 64 (Advertising and Signage)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 65 (Design Quality of Residential Flat Development)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Name of SEPP</td>
<td>Applicable</td>
<td>Consistency</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>------------</td>
<td>-------------</td>
</tr>
<tr>
<td>SEPP No 70  Affordable Housing (Revised Schemes)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP No 71  (Coastal Protection)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Affordable Rental Housing) 2009</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Building Sustainability Index: BASIX) 2004</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Exempt and Complying Development Codes) 2008</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Housing for Seniors or People with a Disability) 2004</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Infrastructure) 2007</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Kosciuszko National Park—Alpine Resorts) 2007</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Major Development) 2005</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Rural Lands) 2008</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (State and Regional Development) 2011</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Sydney Region Growth Centres) 2006</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Three Ports) 2013</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Urban Renewal) 2010</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Western Sydney Employment Area) 2009</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>SEPP (Western Sydney Parklands) 2009</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
6. **Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Consistency (of the planning proposal) with applicable s117 Ministerial Directions is outlined in the table below.

**Table 2 - Consideration of Section 117 Directions**

<table>
<thead>
<tr>
<th>S117 Direction</th>
<th>Applicable</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Employment and Resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Business and Industrial Zones</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>1.2 Rural Zones</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>1.3 Mining, Petroleum Production and Extractive Industries</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>1.4 Oyster Aquaculture</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>1.5 Rural Lands</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2. Environment and Heritage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 Environment Protection Zones</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2.2 Coastal Protection</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2.3 Heritage Conservation</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>2.4 Recreation Vehicle Areas</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3. Housing, Infrastructure and Urban Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1 Residential Zones</td>
<td>Yes</td>
<td>Consistent. The planning proposal uses the existing land use provisions within the R3 zone, and development controls that are consistent with surrounding residential development.</td>
</tr>
<tr>
<td>3.2 Caravan Parks and Manufactured Home Estates</td>
<td>Yes</td>
<td>Not consistent. The RE1 zone permits the development of caravan parks and manufactured home estates with consent, whilst the R3 zone does not. However, the inconsistency is considered justifiable as the land is unsuitable for a caravan park or manufactured home estate due to its small size, location and irregular shape.</td>
</tr>
<tr>
<td>3.3 Home Occupations</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3.4 Integrating Land Use and Transport</td>
<td>Yes</td>
<td>The site lies within an accessible area, featuring a bus stop directly at front. The site is a 200m walk to Jesmond bus stop and Stockland shopping centre. The University of Newcastle Callaghan Campus is accessible via frequent bus services and nearby off road cycleway. The planning proposal was sent to Roads and Maritime Services and no objection was raised as no additional dwellings or change to access was proposed.</td>
</tr>
<tr>
<td>3.5 Development Near Licensed Aerodromes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3.6 Shooting Ranges</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>S117 Direction</td>
<td>Applicable</td>
<td>Consistent</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>4. Hazard and Risk</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1 Acid Sulfate Soils</td>
<td>Yes</td>
<td>Not consistent. This inconsistency is considered minor as the subject site is mapped as containing Class 5 soils on the Acid Sulfate Soils Map of the NLEP 2012. Class 5 is the least critical category. Development is not proposed on the site.</td>
</tr>
<tr>
<td>4.2 Mine Subsidence and Unstable Land</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>4.3 Flood Prone Land</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>4.4 Planning for Bushfire Protection</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>5. Regional Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1 Implementation of Regional Strategies</td>
<td>Yes</td>
<td>Consistent. The Hunter Regional Plan 2036 applies and the planning proposal is consistent with this Plan.</td>
</tr>
<tr>
<td>5.2 Sydney Drinking Water Catchments</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>5.8 Second Sydney Airport: Badgerys Creek</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>5.9 North West Rail Link Corridor Strategy</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>6. Local Plan Making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1 Approval and Referral Requirements</td>
<td>Yes</td>
<td>Consistent. The planning proposal does not request the introduction of any new referral or concurrence provisions.</td>
</tr>
<tr>
<td>6.2 Reserving Land for Public Purposes</td>
<td>Yes</td>
<td>Consistent. The planning proposal does propose to reduce the land zoned and reserved for public purposes. As per PN 16-001 The Governor's approval is required. Table 3 has been prepared in accordance with the Governors requirements for reclassifying public open space.</td>
</tr>
<tr>
<td>6.3 Site Specific Provisions</td>
<td>Yes</td>
<td>Consistent. The planning proposal proposes to rezone the site to an existing zone already applying in the NLEP 2012.</td>
</tr>
<tr>
<td>7. Metropolitan Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.1 Implementation of the Metropolitan Plan for Sydney 2036</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
The Department of Planning and Environment’s Practice Note PN 16-001 includes a checklist for planning proposals to classify or reclassify public land through an LEP. The information required to be addressed in the checklist for 162A Newcastle Road, Wallsend is included in the table below:

**Table 3 - Checklist for reclassifying public land**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The current and proposed classification of the land.</td>
<td>Current: Community Proposed: Operational</td>
</tr>
<tr>
<td>Whether the land is a 'public reserve' (defined in the Local Government Act 1993).</td>
<td>Yes the land is defined as a public reserve under the LG Act. See Appendix A for early subdivision plan.</td>
</tr>
<tr>
<td>The strategic and site specific merits of the reclassification and evidence to support this.</td>
<td>The planning proposal aims to formalise the laneway for vehicular access into rear of nearby properties. The planning proposal aims to maintain the current arrangement in terms of access. Refer to part 3 of the planning proposal for further information.</td>
</tr>
<tr>
<td>Whether the planning proposal is the result of a strategic study or report.</td>
<td>The planning proposal recommends a rezoning of land from RE1 Public Recreation to R3 Medium Density. The RE1 zone is not appropriate for the site as it is not consistent with the desired standards of provision for both parkland and recreation facilities as contained within the Parkland and Recreation Strategy 2014.</td>
</tr>
<tr>
<td>Whether the planning proposal is consistent with council’s community plan or other local strategic plan.</td>
<td>Yes the planning proposal is consistent with Council’s Community Strategic Plan and Local Planning Strategy.</td>
</tr>
<tr>
<td>A summary of council’s interests in the land, including:</td>
<td>The land was originally acquired from the Newcastle Wallsend Coal Company in July 1968 as part of a large transfer of various drainage reserve and public park and recreation spaces. The land was acquired as part of a large transfer of public recreation spaces. No records are available which indicate the reason for the acquisition of this site. A caveat was noted on the Certificate of Title. This will be removed as part of this reclassification process.</td>
</tr>
<tr>
<td>- how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</td>
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<td>- if council does not own the land, the land owner’s consent;</td>
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<td>- the nature of any trusts, dedications etc.</td>
<td></td>
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<tr>
<td>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.</td>
<td>Council is not intending to sell the land. However, the caveat no. K200000P as noted on Certificate of Title Folio identifier 92/10827 is proposed to be removed. See Appendix B.</td>
</tr>
<tr>
<td>The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).</td>
<td>The land is not currently used as parkland or for recreational purposes. The RE1 zone is not considered appropriate due to its size, shape, access arrangements and proximity to other public open space areas.</td>
</tr>
<tr>
<td>Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents).</td>
<td>A subdivision plan dated 29 July 1919 shows the site as 'public reserve'.</td>
</tr>
<tr>
<td>Current use(s) of the land, and whether uses are authorised or unauthorised.</td>
<td>The site is currently used by nearby residents to access rear of properties by car. This is considered an unauthorised use.</td>
</tr>
<tr>
<td>Criteria</td>
<td>Comment</td>
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<td>------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.</td>
<td>There are no current or proposed leases or agreements over the land.</td>
</tr>
<tr>
<td>Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).</td>
<td>Council is not proposing to sell the land.</td>
</tr>
<tr>
<td>Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).</td>
<td>The proposed rezoning is in accordance with the Parkland and Recreation Strategy.</td>
</tr>
<tr>
<td>How council may or will benefit financially, and how these funds will be used.</td>
<td>Council is not proposing to sell this land. Should the land ever be sold funds would be held in Council's Land and Property Reserve and spent on parkland and recreation facilities within the locality.</td>
</tr>
<tr>
<td>How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.</td>
<td>Should the land be sold in the future, funds would be held in Council's Land and Property Reserve and a report to Council in relation to funding local park improvements would be prepared.</td>
</tr>
<tr>
<td>A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.</td>
<td>N/A</td>
</tr>
<tr>
<td>Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Section C - Environmental, social, and economic impact

7. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject site is within an established urban environment, vegetation is limited to maintained lawn grasses and one tree. It is unlikely that any critical habitat, threatened species, populations or ecological communities or their habitats will be adversely affected by the planning proposal.

8. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

**Mine Subsidence**

The site is not located within a Mine Subsidence District.

**Hydrology and Water Management**

The site is not located within a flood prone area.

**Bushfire**

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk.

**Heritage**

There are no listed items of environmental heritage on site or in the vicinity of the site.

**Contamination**

The subject site is not identified as being contaminated within Council's Contaminated Lands Database. A review of the historical zoning of the site indicates it has been zoned and/or reserved for the purposes of 'Open Space- Public Parks and Recreation' and similar uses since at least 1960. During this time, it was not expressly permissible to undertake any of the 'potentially contaminating activities' listed in Table 1 of the Contaminated Land Planning Guidelines.

Since the planning proposal aims to maintain the existing use of the site, it is not considered necessary that further investigation into contamination is required.

**Traffic Impacts and Vehicular and Pedestrian Access**

The site has a frontage to Newcastle Road; the existing driveway provides rear lane access to dwellings located in Drury Street and The Crescent, Wallsend. The site access is not proposed to change as a result of the planning proposal.
9. **Has the planning proposal adequately addressed any social and economic effects?**

**Social**

The planning proposal will result in the loss of existing public recreation zoned land through the proposed formalisation of the vehicular lane. Due to the location of the site and its current use, the loss of open space will not have a significant impact on the local community.

**Economic**

Reclassifying the site will allow Council to negotiate the establishments of rights of way or other arrangements with the adjoining landowners. If the site is disposed of through this process the proceeds of any sale could contribute towards the improvement of retained areas of public open space in the locality.

**Council’s Public Land Reclassification Policy 2000**

Council’s Public Land Reclassification Policy 2000 applies to all proposals reclassifying public land from community to operational. The planning proposal has been assessed against Council’s Policy, see below:

*Table 4 - Steps to reclassify public open space*

<table>
<thead>
<tr>
<th>Issue</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Step 1: Are there any significant public issues affecting the land</strong></td>
<td></td>
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<tr>
<td>Biodiversity Conservation</td>
<td>The land is not of significance for biodiversity conservation.</td>
</tr>
<tr>
<td>Significant natural features</td>
<td>The land does not contain any significant natural features.</td>
</tr>
<tr>
<td>Cultural significance</td>
<td>The land does not contain items of cultural significance.</td>
</tr>
<tr>
<td>Public health and safety</td>
<td>The land is affected by Class 5 Acid Sulfate Soils, however, no change is being proposed to how the land is currently used.</td>
</tr>
<tr>
<td>Public access</td>
<td>The site does not have any significance for public access.</td>
</tr>
<tr>
<td>Special legal status</td>
<td>The land is designated as a ‘public reserve’.</td>
</tr>
<tr>
<td>Proceed to Step 2?</td>
<td>No significant public interests have been raised; therefore the proposal may proceed to Step 2. The caveat aims to be removed as part of the planning proposal.</td>
</tr>
<tr>
<td><strong>Step 2: Will there be a net positive benefit for the community?</strong></td>
<td></td>
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<tr>
<td>Financial Impact</td>
<td>The financial impact is unknown. Reclassifying the site will allow Council to negotiate the establishments of rights of way or other arrangements with the adjoining landowners. If the site is disposed of through this process the proceeds of any sale could contribute towards the improvement of retained areas of public open space in the locality.</td>
</tr>
<tr>
<td>Land Management Impact</td>
<td>The ongoing maintenance and access through the site will be negotiated with Council and the adjoining landowners following the land being reclassified to operational.</td>
</tr>
</tbody>
</table>
### Section D - State and Commonwealth interests

10. **Is there adequate public infrastructure for the planning proposal?**

The subject site is located within an established urban area, with available connections to all necessary services (eg. electricity, water and the like). Augmentation to services is unlikely to be required as result of the planning proposal.

Accordingly, there is considered to be adequate public infrastructure available to meet the needs of the proposal.

11. **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

The planning proposal was sent to Roads and Maritime Services (RMS) for comment. RMS raised no objections to the proposal as there will be no significant impact on the classified road network. Their submission is attached at Appendix C.
### Part 4 – Mapping

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map
- Land Classification Map

The Matrix below indicates (with an “X”), which map sheets (of Newcastle LEP 2012) are to be amended as a result of this Planning Proposal (eg. FSR_001C)

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<th>FSR</th>
<th>LAP</th>
<th>LZN</th>
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<th>ASS</th>
<th>HOB</th>
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Map Codes:
- **FSR** = Floor Space Ratio map
- **LAP** = Land Application Map
- **LZN** = Land Zoning Map
- **WRA** = Wickham Redevelopment Area Map
- **ASS** = Acid Sulfate Soils Map
- **HOB** = Height of Buildings Map
- **LSZ** = Lot Size Map
- **LRA** = Land Reservation Acquisition Map
- **CL1** = Key Sites Map & Newcastle City Centre Map
- **HER** = Heritage Map
- **URA** = Urban Release Area Map
The following maps illustrate the proposed amendments to the Newcastle LEP 2012 maps:

- **Figure 3**: Existing Land Zoning Map
- **Figure 4**: Proposed Land Zoning Map
- **Figure 5**: Existing Max Height of Buildings Map
- **Figure 6**: Proposed Max Height of Buildings Map
- **Figure 7**: Existing Max Floor Space Ratio Map
- **Figure 8**: Proposed Max Floor Space Ratio Map
- **Figure 9**: Existing Min Lot Size Map
- **Figure 10**: Proposed Min Lot Size Map

Furthermore, the following maps illustrate the land proposed to be reclassified as a result of amending Schedule 4 - ‘Classification and reclassification of public land’:

- **Figure 11**: Existing Land Classification
- **Figure 12**: Proposed Land Classification
Figure 3: Existing Land Zoning Map

![Existing Land Zoning Map](image-url)
**Figure 4:** Proposed Land Zoning Map
Figure 5: Existing Maximum Height of Buildings Map
Figure 6: Proposed Maximum Height of Buildings Map
Figure 7: Existing Maximum Floor Space Ratio Map
Figure 8: Proposed Maximum Floor Space Ratio Map
Figure 9: Existing Minimum Lot Size Map
Figure 10: Proposed Minimum Lot Size Map

Newcastle Local Environmental Plan 2012

Proposed Lot Size Map

Minimum Lot Sizes (sq m)

- 400
- 400
- 1000
- 2000
- 4000
- 8000 (2ha)
- 402085 (4ha+)

Legend:

[Legend details]

Data source: EPSB5000 DM Land and Property Information (LPI)
Accuracy data: EPSB5000 001 01 City of Newcastle

[Map details]
Figure 11: Existing Land Classification
Figure 12: Proposed Land Classification
Part 5 – Community Consultation

The planning proposal was exhibited for 28 days in accordance with the requirements of the gateway determination and section 57 of the *EP&A Act 1979* (NSW).

Written notification of the community consultation was provided in the local newspaper and on Council's website. In addition to this adjoining landowners were notified in writing.

The exhibition period was from 22 August 2016 to 19 September 2016. No submissions were received during this period.

Public hearing

After the exhibition period a public hearing was held in accordance with DPE Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan and section 29 of the *LG Act 1993*. It was run by an independent facilitator and comments made are documented below. The report prepared by the facilitator can be found attached to this planning proposal. See Appendix D.

Table 5 - Comments made during public hearing

<table>
<thead>
<tr>
<th>Topic</th>
<th>Discussion</th>
<th>Response</th>
</tr>
</thead>
</table>
| Future plans and motives of Council | Residents raised that they were concerned about the future plans and motives of the Council – why were they wanting to reclassify the land now and could this open up the land to purchase in future by developers to provide access to a development site? | The planning proposal aims to formalise the laneway by allowing a rezoning from RE1 Public Recreation to R3 Medium Density Residential and reclassification of land from community to operational. This change to planning controls will allow for better consistency with DPE practice notes PN 10–001 Zoning for Infrastructure in the LEP and PN 16-001 Classification and reclassification of public land through a local environmental plan.

Furthermore, it is considered that the RE1 Public Recreation zone is not appropriate for this site due to inconsistencies with the desired standards of provision contained within the Parkland and Recreation Strategy 2014.

There are no intentions to sell this land however as per Practice note PN 16-001 "the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational."

<p>| Maintenance of current usage | Residents indicated a desire to continue to use the land in the way they had for many years as a parking and access lane. Several residents outlined that the other roadways in the area were not necessarily safe and that this provided space to do so. They all indicated a desire to keep the site as it is currently used. | The planning proposal does not propose any change to the way the site is currently used. |</p>
<table>
<thead>
<tr>
<th><strong>Topic</strong></th>
<th><strong>Discussion</strong></th>
<th><strong>Response</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maintenance of the land</strong></td>
<td>Residents requested clarification from Council regarding the short term plans for the maintenance of the land ie: lawn mowing.</td>
<td>The planning proposal does not propose any change to the way the site is currently maintained. Council would take on mowing on approximately 8 week cycle as part of Local Road Maintenance. The existing disturbed pavement surface would be gravelled and sealed. This would be from Newcastle Road between House 162 and 164 and the existing ‘T’. If rezoned as road any further works for access would be up to the residents to apply for a driveway application, if Community Land this would be referred to Facilities and Recreation for approval.</td>
</tr>
</tbody>
</table>
**Part 6 – Project Timeline**

The project is expected to be completed within 12 months from Gateway Determination. The following timetable is proposed:

<table>
<thead>
<tr>
<th>Task</th>
<th>Planning Proposal Timeline</th>
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</thead>
<tbody>
<tr>
<td>Mar16</td>
<td>Apr16</td>
</tr>
<tr>
<td><em>Issue of Gateway Determination</em></td>
<td></td>
</tr>
<tr>
<td>Prepare any outstanding studies</td>
<td></td>
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<tr>
<td>Consult with required State Agencies</td>
<td></td>
</tr>
<tr>
<td>Exhibition of Planning Proposal and technical studies</td>
<td></td>
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<tr>
<td>Review of submissions</td>
<td></td>
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<tr>
<td>Public hearing</td>
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<td>Report to Council on exhibition</td>
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<td>Forward to the Department of Planning &amp; Environment to be made</td>
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</table>

*Amended Gateway Determination re-issued on 29 July 2016*
Appendix A - Early Subdivision Plan
Appendix B - Certificate of Title

NEW SOUTH WALES

Application No. 15248
Prior Title Volume 2998 Folio 119

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Witness

Registrar General.

PLAN SHOWING LOCATION OF LAND

Newcastle Rd.

Scale: 60 feet to one inch.

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 110 in Deposited Plan 9755 in the City of Newcastle Parish of Hoxton and County of Northumberland being part of Portion 11 granted to John Whitehill Stevens on 31-3-1849. EXCEPTING THEREOUT all nine veins seams and beds of coal excepted by Transfer No. 997076.

FIRST SCHEDULE (continued overleaf)

THE COUNCIL OF THE CITY OF NEWCASTLE.

SECOND SCHEDULE (continued overleaf)

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. No.620000CF Gavout by the Registrar General, forbidding registration of instruments not authorised by the provisions of the Local Government Act, 1919 relating to public reserves.

Registrar General.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR-GENERAL ARE CANCELLED.
Appendix C - RMS Submission

15 June 2016

CR2016/002369
SF2012/001009
MJ

General Manager
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Attention Samantha Cross,

PLANNING PROPOSAL TO RECLASSIFY AND REZONE LAND WITHIN THE NEWCASTLE LOCAL ENVIRONMENT PLAN 2012 – 162A NEWCASTLE ROAD, WALLSEND AND 4 MAYO STREET, JESMOND – PP_2016_NEWCA_001_00

Reference is made to Council’s email received 6 May 2016, regarding the abovementioned planning proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment. I apologise for the delay in responding.

Roads and Maritime understands that Council has received a Gateway Determination from the Department of Planning and Environment pursuant to Section 56(2)(d) of the Environmental Planning and Assessment Act 1979 in respect of the subject Planning Proposal. The delegate of the Minister for Planning and Environment has directed Council to consult with Roads and Maritime in relation to the Planning Proposal.

The Planning Proposal seeks to:

- Rezone 162A Newcastle Road, Wallsend from RE1 Public Recreation zone to R3 Medium Density Residential,
- Rezone 4 Mayo Street, Jesmond from RE1 Public Recreation zone to R2 Low Density Residential,
- Reclassify both sites from Community land to Operational land and amend Height of Building, floor space Ratio and Minimum Lot size maps for both sites above.
Roads and Maritime response

162A Newcastle Road, Wallsend

Roads and Maritime understands that under the subject planning proposal the part of lot 110 DP 9755, 162A Newcastle Road that forms part of Newcastle Road will remain zoned as SP2 Infrastructure (as shown on Figures 3 and 4 – Existing and Proposed Land Zoning Map, Newcastle LEP 2012). Additionally, it is understood that the planning proposal is not intended to create any additional dwellings and the site access is not proposed to change.

On this basis, Roads and Maritime has no objections to the subject planning proposal as it is considered there will be no significant impact on the classified (State) road network.

4 Mayo Street, Jesmond

Roads and Maritime has reviewed the information provided and has no objections to the subject planning proposal as it is considered there will be no significant impact on the classified (State) road network.

Continued consultation on this planning proposal would be appreciated to ensure both Roads and Maritime and Council’s interests are included.

If you require further advice please contact Hunter Land Use on (02) 4924 0688 or email development.hunter@hrs.nsw.gov.au

Yours sincerely

[Signature]

David Colliguazo
A/ Manager Land Use Assessment
Hunter Region
Appendix D - Public Hearing Report, 11 October 2016

Report from independent facilitator

Public Hearing for 162A Newcastle Road Wallsend

October 2016

This report has been prepared by Heidi Alexandra Pollard, representative of independent consultancy firm UQ Power following a public hearing into a planning proposal held on Tuesday 11 October 2016 for the following:

- Planning Proposal 1 Public Hearing into Reclassification of Community Land to Operational at 162A Newcastle Rd, Wallsend from community to operational land.

Background

The City of Newcastle held a public hearing session, as per section 57 (7) of the EP&A Act 1979 and provide a brief summary report (this report) of the public hearing and identifies the issues raised.

A copy of the planning proposal and the Department of Planning and Environment (DPE) ‘gateway determination’ were understood to have been publicly exhibited between 22 August and 19 September 2016.

AGENDA for the Public Hearing

1. Overview to attendees of the purpose of the hearing, including the legal requirements for Council reclassifying community land.
2. Presentation by council representative on the proposal.
3. Set out the ground rules for the proceedings (e.g. one speaker at a time, sticking to the relevant subject).
4. Invite residents in attendance to address the hearing (no prompting was undertaken)
5. Seek confirmation that all issues raised have been correctly recorded (this was done twice before concluding the session), residents also took a printed copy of the issues raised.
6. Thanked participants and closed the public hearing.
Public Hearing 1 – 162A Newcastle Road Wallsend

The public hearing was held, as required by Section 29 of the Local Government Act 1993, the public hearing was held as follows:

| Reclassification of Community Land to Operational at 162A Newcastle Rd, Wallsend from community to operational land. |
|------|------------------|
| Date | 11 October 2016  |
| Time | 5.30 – 6.30pm    |
| Venue| Wallsend Library, Bunn St Wallsend |
| Staff| Two council representatives plus one independent facilitator |

Public in attendance from sign on sheet included 4 attendees.

Record of Issues Raised at Public Hearing

This image identifies the issues raised at the Public Hearing as written on a white board on the night. These issues have been summarised below for clarity.

1. Future plans and motives of Council
   Residents raised that they were concerned about the future plans and motives of the Council – why were they wanting to reclassify the land now and could this open up the land to purchase in future by developers to provide access to a development site?

2. Maintenance of current usage
   Residents indicated a desire to continue to use the land in the way they had for many years as a parking and access lane. Several residents outlined that the other roadways in the area were not necessarily safe and that this provided space to do so. They all indicated a desire to keep the site as it is currently used.

3. Maintenance of the land
   Residents requested clarification from Council regarding the short term plans for the maintenance of the land ie: lawn mowing.
Submissions received
No submissions were received in writing prior to the Public Hearing.

Report Author Contact
Heidi Alexandra Pollard
CEO, UQ Power 4956 8816
www.UQPower.com.au support@uqpower.com.au
CCL 13/12/16
RECLASSIFICATION AND REZONING OF LAND AT 162A NEWCASTLE ROAD WALLSEND

Attachment B: Checklist for reclassifying public land.
Attachment B

The Department of Planning and Environment's (DPE) LEP practice note PN 16-001 includes a checklist for planning proposals to classify or reclassify public land through an LEP. The completed checklist below is required to accompany the final Council report for 162A Newcastle Road, Wallsend, prior to be forwarded to DPE for plan making.

**Checklist for reclassifying public land**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council’s interests in the land.</td>
<td>A caveat (no. K200000P) was noted on the Certificate of Title (Folio identifier 92/10827). This will be discharged as part of the planning proposal.</td>
</tr>
<tr>
<td>Whether the land is a ‘public reserve’ (defined in the <em>Local Government Act 1993</em>).</td>
<td>Yes the land is defined as a public reserve under the LG Act.</td>
</tr>
<tr>
<td>The effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status.</td>
<td>The land is not currently used as parkland or for recreational purposes. The RE1 zone is not considered appropriate for this purpose due to its size, shape, access arrangements and proximity to other public open space areas. The planning proposal aims to formalise the laneway for vehicular access into rear of nearby properties. The planning proposal aims to maintain the current arrangement in terms of access. A caveat (no. K200000P) noted on the Certificate of Title (Folio identifier 92/10827) is proposed to be discharged as part of the planning proposal.</td>
</tr>
<tr>
<td>The strategic and site specific merits of the reclassification and evidence to support this.</td>
<td>The planning proposal recommends a rezoning of land from RE1 Public Recreation to R3 Medium Density. The RE1 zone is not appropriate for the site as it not consistent with the desired standards of provision for both parkland and recreation facilities as contained within the Parkland and Recreation Strategy 2014. The planning proposal has been prepared in accordance with Council’s Public Land Reclassification Policy 2000.</td>
</tr>
<tr>
<td>Current use of the land, and whether uses are authorised or unauthorised.</td>
<td>The site is currently used by nearby residents to access rear of properties by car. This is considered an unauthorised use as the land is community land.</td>
</tr>
<tr>
<td>How funds obtained from any future sale of the land will be used.</td>
<td>Council is not intending to sell the land. Should the land ever be sold funds would be held in Council’s Land and Property Reserve and spent on parkland and recreation facilities within the locality.</td>
</tr>
<tr>
<td>The dates the planning proposal was publicly</td>
<td>The planning proposal was placed on exhibition</td>
</tr>
<tr>
<td>Criteria</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>exhibited and when the public hearing was held.</td>
<td>from 22 August 2016 to 19 September 2016. The public hearing was held on 11 October 2016.</td>
</tr>
<tr>
<td>Issues raised in any relevant submissions made by public authorities and the community.</td>
<td>No submissions were made during the formal exhibition period. The Roads and Maritime Services had no objection to the Planning Proposal. Their submission is attached to the Council Report.</td>
</tr>
<tr>
<td>An explanation of how written and verbal submissions were addressed or resolved.</td>
<td>No submissions were made.</td>
</tr>
<tr>
<td>The public hearing report and council resolution.</td>
<td>A report on the public hearing was prepared by an independent facilitator and is attached to the planning proposal. See Appendix A. Council resolved at its meeting of 8 December 2015 to endorse the planning proposal and forward it to DPE for gateway determination. This resolution was implemented and is outlined the Council report.</td>
</tr>
</tbody>
</table>
CCL 13/12/16
RECLASSIFICATION AND REZONING OF LAND AT 162A NEWCASTLE ROAD WALLSEND

Attachment C: Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan.
Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update guidance on classifying and reclassifying public land through a local environmental plan (LEP). This practice note emphasises the need for councils to demonstrate strategic and site specific merit, includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land. It should be read in conjunction with *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

### Classification of public land

Public land is managed under the *Local Government Act 1993* (LG Act) based on its classification. All public land must be classified as either community land or operational land (LG Act ss.25, 26).

- **Community** land – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- **Operational** land – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

### Why classify public land?

The purpose of classification is to identify clearly that land made available for use by the general public (community) and that land which need not (operational). How public land is classified determines the ease or difficulty a council can have dealings in public land, including its sale, leasing or licensing. It also provides for transparency in council’s strategic asset management or disposal of public land.

Community land must not be sold, exchanged or otherwise disposed of by a council. It can be leased, but there are restrictions on the grant of leases and licences, and also on the way community land can be used. A plan of management (PoM), adopted by council, is required for all community land, and details the specific uses and management of the land.

There are no special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

### How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- council resolution under ss.31, 32, or 33 (through LG Act s.27(2)), or
- an LEP under the *Environmental Planning and Assessment Act* (through LG Act s.27(1)).

Councils are encouraged to classify or reclassify land by council resolution where suitable.

### What is public land?

Public land is defined in the LG Act as any land (including a public reserve) vested in, or under council control. Exceptions include a public road, land to which the *Crown Lands Act 1989* applies, a common, land subject to the *Trustees of Schools of Arts Enabling Act 1902* or a regional park under the *National Parks and Wildlife Act 1974*.

### Classification of public land occurs when it is first acquired by a council and classified as either community or operational.

### Reclassification of public land occurs when its classification is changed from community to operational, or from operational to community.
Reclassification through an LEP

Classification and reclassification of public land through an LEP is subject to both the local planning-making process in the EP&A Act and the public land management requirements of the LG Act.

A planning proposal to classify or reclassify public land, will need to be prepared in accordance with this practice note and the additional matters specified in Attachment 1 to this practice note.

Reclassification through an LEP is the mechanism with which council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land (LG Act s.30).

It is critical that all interests are identified upfront as part of any planning proposal. If public land is reclassified from community to operational, without relevant interests being identified and discharged, then the land will need to be reclassified back to community (usually by council resolution under LG Act s.331) before being reclassified in a new planning proposal to operational, to explicitly discharge any interests.

While a reclassification proposal to remove the public reserve status of land and/or discharge interests may not necessarily result in the immediate sale or disposal of the land, the community should be aware the public land in question is no longer protected under the LG Act from potential future sale once it has been reclassified to operational.

Councils should obtain their own advice when proposing to discharge any interests and be aware that this may attract a claim for compensation under the Land Acquisition (Just Terms Compensation) Act 1991.

Where land has been dedicated to council by a State agency for a particular purpose and a trust exists, it is advisable for council to seek the views of that agency prior to council commencing any planning proposal affecting the land.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages.

For the purpose of reclassification through an LEP, ‘interests’ means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.

A legal owner of land may not be the only person with an interest in the land. For example, one person may have the benefit of an easement for services, such as water, electricity or sewerage over someone else’s land.

Certain interests are registered on title to ensure they are on record and cannot be disregarded if sold to a new owner. An electronic title search is generally conducted to determine the land owner, correct land description and the type of interests which may affect the land.

Standard Instrument LEP requirements

Clause 5.2—Classification and reclassification of public land in Standard Instrument LEPs enables councils to classify or reclassify public land as operational land or community land in accordance with the LG Act. The land to be reclassified or classified is described in Schedule 4 of the LEP.

Schedule 4 is not to refer to any land already classified or reclassified.

Where there is no public land to be classified, or reclassified, through a principal LEP (i.e. the LEP applies to the whole of a local government area), Schedule 4 will appear blank.

Note: At a later stage council may lodge a planning proposal to remove previous listings in Schedule 4. This will not affect the classification status of these parcels of land.

Department assessment

A proposal to classify or reclassify public land through an LEP must have planning merit. The Department will undertake an assessment to determine whether the proposal demonstrates strategic and site specific merit.

Community consultation

Planning proposals to reclassify public land are to be publicly exhibited for at least 28 days.

A copy of this practice note is to be included in the public exhibition materials.

1 Note: Council is required to give public notice of the proposed resolution and provide a period of at least 28 days during which submissions may be made (LG Act s.34).
Public hearings

Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act s.57 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised.

There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Governor’s approval

The Governor’s approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (s.30).

When a council reports back to the Department on the community consultation undertaken and requests the Department make the LEP, the Department will arrange legal drafting of the LEP, including recommending the Governor approve the provisions before the LEP can be legally made.

Where the Governor’s approval is required, the council’s report accompanying the final planning proposal must address:

- council’s interests in the land;
- whether the land is a ‘public reserve’;
- the effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status;
- the strategic and site specific merits of the reclassification and evidence to support this;
- any current use of the land, and whether uses are authorised or unauthorised;
- how funds obtained from any future sale of the land will be used;
- the dates the planning proposal was publicly exhibited and when the public hearing was held;
- issues raised in any relevant submissions made by public authorities and the community;
- an explanation of how written and verbal submissions were addressed or resolved; and
- the public hearing report and council resolution.

Authorisation of delegation

Local plan making functions are now largely delegated to councils.

A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination. However, where an LEP requires the Governor’s approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

A decision to classify or reclassify public land cannot be sub-delegated by council to the general manager or any other person or body (LG Act s.377(1)(l)).

Background

On July 1, 1993 when the LG Act commenced, the following land under council ownership or control, was automatically classified as community land:

- land comprising a public reserve,
- land subject to a trust for a public purpose,
- land dedicated as a condition of consent under s.94 of the EP&A Act,
- land reserved, zoned or otherwise designated for use under an environmental planning instrument as open space,

Councils must keep a register of land under their ownership or control (LG Act s.53) and anybody can apply to a council to obtain a certificate of classification (LG Act s.54).

Further information

A copy of this practice note, A guide to preparing planning proposals and A guide to preparing local environmental plans is available at:
http://www.planning.nsw.gov.au

For further information, please contact the Department of Planning and Environment’s Information Centre by one of the following:
Tel: 1300 305 695
Email: information@planning.nsw.gov.au

Authorised by:
Carolyn McNally
Secretary

Important note: This practice note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this practice note.

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ATTACHMENT 1 – INFORMATION
CHECKLIST FOR PROPOSALS TO
CLASSIFY OR RECLASSIFY PUBLIC
LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is
detailed in *A guide to preparing planning proposals*
and *A guide to preparing local environmental plans*.

Importantly, *A guide to preparing local environmental plans* contains the Secretary’s requirements for
matters that must be addressed in the justification of
all planning proposals to reclassify public land.
Councillors must ensure the Secretary’s requirements
are addressed.

Councillors must also comply with any obligations under
the LG Act when classifying or reclassifying public
land. More information on this can be found in *Practice
Note No. 1 - Public Land Management* (Department of
Local Government, 2000).

All planning proposals classifying or reclassifying
public land must address the following matters for
Gateway consideration. These are in addition to the
requirements for all planning proposals under section
55(a) – (e) of the EP&A Act (and further explained in *A
guide to preparing planning proposals* and *A guide to
preparing local environmental plans*).

- the current and proposed classification of the
  land;
- whether the land is a ‘public reserve’ (defined
  in the LG Act);
- the strategic and site specific merits of the
  reclassification and evidence to support this;
- whether the planning proposal is the result of a
  strategic study or report;
- whether the planning proposal is consistent
  with council’s community plan or other local
  strategic plan;
- a summary of council’s interests in the land,
  including:
  - how and when the land was first acquired
    (e.g. was it dedicated, donated, provided as
    part of a subdivision for public open space or
    other purpose, or a developer contribution)
  - if council does not own the land, the land
    owner’s consent;
  - the nature of any trusts, dedications etc;
- whether an interest in land is proposed to be
  discharged, and if so, an explanation of the
  reasons why;
- the effect of the reclassification (including, the
  loss of public open space, the land ceases to
  be a public reserve or particular interests will
  be discharged);
- evidence of public reserve status or relevant
  interests, or lack thereof applying to the land
  (e.g. electronic title searches, notice in a
  Government Gazette, trust documents);
- current use(s) of the land, and whether uses
  are authorised or unauthorised;
- current or proposed lease or agreements
  applying to the land, together with their
  duration, terms and controls;
- current or proposed business dealings (e.g.
  agreement for the sale or lease of the land, the
  basic details of any such agreement and if
  relevant, when council intends to realise its
  asset, either immediately after
  rezoning/reclassification or at a later time);
- any rezoning associated with the
  reclassification (if yes, need to demonstrate
  consistency with an endorsed Plan of
  Management or strategy);
- how council may or will benefit financially, and
  how these funds will be used;
- how council will ensure funds remain available
  to fund proposed open space sites or
  improvements referred to in justifying the
  reclassification, if relevant to the proposal;
- a Land Reclassification (part lots) Map, in
  accordance with any standard technical
  requirements for spatial datasets and maps, if
  land to be reclassified does not apply to the
  whole lot; and
- preliminary comments by a relevant
government agency, including an agency that
dedicated the land to council, if applicable.
CCL 13/12/16
RECLASSIFICATION AND REZONING OF LAND AT 162A NEWCASTLE ROAD WALLSEND

Attached Correspondence: Original and amended gateway determination
Mr Frank Cordingley  
Interim CEO  
Newcastle City Council  
PO Box 489  
NEWCASTLE NSW 2300  

Att: Shannon Turkington  

Dear Mr Cordingley,

Planning proposal to amend Newcastle Local Environmental Plan 2012

I refer to your Council’s letters dated 8 December 2015 requesting Gateway determinations under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and additional information received on 28 January 2016 in respect of the planning proposals to reclassify and rezone land at 162A Newcastle Road, Wallsend and at 4 Mayo Street, Jesmond.

As delegate of the Minister for Planning, I have now determined the planning proposals should proceed as a combined single Local Environmental Plan Amendment subject to the conditions in the attached Gateway determination.

I have also agreed the inconsistencies of Mayo Street and Newcastle Road planning proposals with State Environmental Planning Policy 21 (Caravan Parks) and with Direction 3.2 Caravan Parks and Manufactured Home Estates as being of minor significance. No further approval is required in relation to these policies.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department’s practice note PN09-003, Classification and reclassification of public land through a local environmental plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council’s request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.
Should you have any queries about this matter, I have arranged for Ken Phelan from the Hunter office to assist you. Mr Phelan can be contacted on (02) 4904 2705.

Yours sincerely,

Ashley Albury
Director Regions, Western Planning Services

1-3-2016
Gateway Determination

Planning proposal (Department Ref: PP_2016_NEWCA_001_00): to reclassify, rezone and apply development standards at 162A Newcastle Road, Wallsend and at 4 Mayo Street, Jesmond

I, the Director Regions, Hunter and Central Coast at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Newcastle Local Environmental Plan (LEP) 2012 in relation to 162A Newcastle Road, Wallsend and 4 Mayo Street, Jesmond should proceed subject to the following conditions:

1. That the two proposals proceed as a combined proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

   (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Environment 2013) and must be made publicly available for a minimum of 14 days; and

   (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Environment 2013).


4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

   - Office of Environment and Heritage (Section 117 Direction 4.3 Flood Prone Land)
   - Transport for NSW - Roads and Maritime Services
     (Section 117 Direction 3.4 Integrating Land Use and Transport)

   Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Council arrange a public hearing under section 57 of the Environmental Planning and Assessment Act 1979 in respect of these planning proposals under Part 3 of that Act to reclassify community land as operational land (Section 29(1) Part 2, Local Government Act, 1993).

5. Council obtain the relevant information and confirm that they are satisfied that the subject sites are suitable for development under the provisions of State Environmental Planning Policy No 55.

6. Consistency or otherwise of the proposals with Section 117 Direction 6.2- Reserving Land for Public Purposes be determined after public exhibition. In this regard the
owners and occupiers of nearby properties are to be advised by Council of the exhibition details.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 1st day of March 2016.

Ashley Albury
Director Regions, Western Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning
Dear Mr Cordingley

Planning Proposal PP_2016_NEWCA_001_00 – Alteration of Gateway Determination: Reclassification and Rezoning, at two sites.

I refer to your letter of 17 June seeking an extension of time to complete Planning Proposal PP_2016_NEWCA_001 for the reclassification and rezoning of land at 162A Newcastle Road, Wallsend and 4 Mayo Street Jesmond.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to alter the Gateway determination dated 1 March 2016 for PP_2016_NEWCA_001_00.

The Gateway Determination has been amended to delete condition 1 and amend condition 4. This will enable the two sites to proceed separately and to accommodate Councils’ intended exhibition package. The Alteration of the Gateway is enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Ken Phelan to assist you. Mr Phelan can be contacted on (02) 4904 2705.

Yours sincerely

Katrine O’Flaherty
Acting Director Regions
Hunter and Central Coast Planning Services

29/07/2016

Encl:
Alteration to Gateway Determination
Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2016_NEWCA_001_00)

I, A/Director Regions, Hunter and Central Coast at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") to alter the Gateway determination dated 1 March 2016 for the proposed amendment to the Newcastle Local Environmental Plan 2012 as follows:

1. Delete:

   "condition [1]" [two proposals proceeding as a combined proposal]

2. Delete:

   "condition [3]" [regarding co-exhibition of specific planning documents]

   and replace with:

   new condition [3] A statement to be co-exhibited outlining the process for identifying these sites for disposal.

Dated 29th day of July 2016.

Katrine O'Flaherty
Acting Director Regions
Hunter and Central Coast
Planning Services

Delegate of the Minister for Planning