



General Manager
Port Stephens Council

22 January 2013

DA 777/2012 – Tourist Facility & Four Lot Subdivision – Lavis Lane, Williamtown: OBJECTION

While the location of this DA is well outside the Tomaree Peninsula, it raises important planning issues of significance to every resident or ratepayer in Port Stephens LGA. TRRA objects to the proposal on various grounds including inconsistency with zoning; detrimental effect on other businesses and a future development strategy; flooding and drainage problems, and aircraft noise constraints.

Inadequate consultation

This DA was advertised in the Examiner on 20 December 2012. Unsurprisingly, given the holiday period, most Port Stephens residents did not become aware of this the proposal until the Examiner gave it headlines on 10 January. With an advertised deadline for submissions of 16 January, the period during which the DA could be inspected at the Council offices (but not Tomaree Library) was less than 2 weeks - wholly inadequate for such a major proposal.

Inappropriate use in Rural zoning

In the Draft LEP 2012 which has recently been on public exhibition, Council is proposing to significantly tighten the permitted uses on rural zoned land. While we understand that this DA must be assessed against the current LEP 2000 zoning descriptions, we submit that where there is ambiguity and room for discretion, assessment can legitimately take account of the future intentions expressed in the new draft LEP.

The allowance in the current Rural 1A zoning description for some 'tourism' uses ancillary to primary uses is clearly not intended to allow for significant commercial development such as that proposed in this DA. The zoning description also states that any development should "maintain the rural character of the land/area" and "ensure that the development is compatible with rural land uses and does not adversely effect the environment or the amenity of the area" (LEP



2000 Clause 11(2)). The proposed development would clearly not meet these criteria.

The unfortunate precedent established by the approval of the recently opened McDonalds fast food outlet on Lavis Lane, contrary to planning advice, should not influence the decision in favour of approval – that was a mistake and should not be repeated.

Inconsistency with strategic planning framework

The Lower Hunter Regional Strategy and all of the Council's subsequent plans make provision for commercial and industrial development in the Williamtown area in a carefully designed framework for aerospace and other airport related development on land to the north of Nelson Bay Road and east of Cabbage Tree Road. Major retail and other commercial development is to be concentrated on existing centres, including bulky goods outlets at Taylors Beach and Heatherbrae.

Allowing major commercial or retail development on the subject site would be directly contrary to the planning framework for Port Stephens and would undermine the viability of established centres.

Flooding and Drainage to the Hunter River

There are clearly major drainage issues in this area, with canals draining to Fullerton Cove already over-capacity at times. The land is very low lying and frequently waterlogged, and predicted sea level rise will see much of it permanently underwater in the later part of this century. Nelson Bay Road will almost certainly have to be re-routed or rebuilt for this reason as well as to accommodate airport runway expansion (see below). It makes no sense to approve significant development of land that is subject to potential flooding and/or which would create significant drainage issues.

Possible Water Contamination from Sewerage

There have been significant groundwater contamination issues in the Williamtown - Salt Ash area. While this will need to be addressed for the proposed airport related developments, it would be irresponsible to add to the sewerage load by approving other major developments outside appropriately zoned areas. We question whether the current sewerage system could cope with the waste from this new development – if not, what additional capacity will be required and who will pay for it?

So-called Tourist Facility

The presentation of this DA as a tourist facility is misleading, and clearly designed both to fit the loophole in Rural 1A zoning and to give a spurious impression of 'community benefit'. While a tourist information centre somewhere on Nelson Bay Road may well be desirable, this should be sited according to an

overall tourism strategy, and agreed by all relevant tourism bodies. Funding for tourism promotion is limited and needs to be spent sensibly - this opportunistic bid by what is in reality a purely commercial initiative would undermine a rational strategy and should be resisted.

Traffic

Nelson Bay Road already has high traffic loads at peak times, particularly around the two roundabouts in the vicinity of the airport. Adding significant volumes of short term movements with an access to the proposed new development, either directly off Nelson Bay Road or via Lavis Lane and the Cabbage Tree Roundabout would create problems.

Landscaping Buffer Zones

Too many developments on major roads in Port Stephens have been approved without adequate landscape buffer zones – resulting in an untidy and unattractive appearance which seriously detracts from the visual amenity of the LGA. Any new retail, industrial or commercial development should be required to have a significant vegetated buffer zone to include, in due course, a screen of mature trees.

Aircraft Noise

Aircraft noise has been a major issue for the Port Stephens community particularly in the Williamtown and Salt Ash areas. Any development in the vicinity of the airport is likely to experience noise problems. This has been addressed in the planning strategy that resulted in the industrial/commercial zoning of land to the south west of the airport terminal. It would be irresponsible of Council to approve further developments outside this zone, with potential liability for noise complaints. We note that it may be necessary at some stage to extend the runway to the south, which would change the noise exposure contours, almost certainly affecting the subject land.

Conclusion

On a large number of grounds, this DA should be refused. It is clearly an opportunistic commercial bid for windfall profits on private land, careless of sound planning principles and even for the proper process of a rezoning application before any DA. Past approval of DAs for major commercial and other developments on rural land have set an unfortunate precedent, which need not and should not be followed in this case. The need for proper limits on rural land development has been recognized in the draft LEP 2012, and Council should apply this long overdue policy in this case.

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