

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.



**Proposed amendment to Port Stephens Local
Environmental Plan 2013**

Reclassification of Lot 644 DP 658258,
9B Diemars Road, Salamander Bay



ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**FILE NUMBERS**

Council: PSC2015-01630

Department: PP_2016_PORTS_007_00(16/13013

SUMMARY

Subject land: Lot 644 DP 658258, 9B Diemars Road, Salamander Bay

Proponent: Property Services Section

Zone: IN4 – Working Waterfront Zone (rezoning of land is not proposed)

Current classification: Community

Proposed changes: Reclassify from 'community' to 'operational' land

Purpose: To enable sale of land to adjoining property owner/s

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP 2013) by reclassifying Lot 644 DP 658258, 9B Diemars Road, Salamander Bay from 'community' to 'operational' land to facilitate the sale of the land to adjoining landowner.

The land is zoned IN4 – Working Waterfront under the PSLEP 2013. The planning proposal does not seek to amend the zoning. The proposed future use of the site for oyster farming operations is permissible in the zone and would be subject to a separate development application.

On 25 November 2008, Council considered a proposal to reclassify the site. At this time, it was resolved that:

Council note further investigation of this land be held in abeyance pending adoption of the draft Foreshore Management Plan.

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The key considerations for any future development proposal include consideration of visual amenity and foreshore stability. Further detail on this matter is provided below.

It is considered that the planning proposal has sufficient merit to proceed to gateway.

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SITE

The site is zoned IN4 – Working waterfront and is approximately 3,684m². The site has direct water access to the west and is landlocked by privately owned IN4 zoned land to the north, south and east, which is used for oyster farming operations, oyster processing and a retail facility. The site does not have legal street access.

Part of the site is currently being used, without a formal licence from Council, for the storage of oyster racks and associated materials by an adjoining landholder/oyster farmer. This use is consistent with the IN4 Zone.

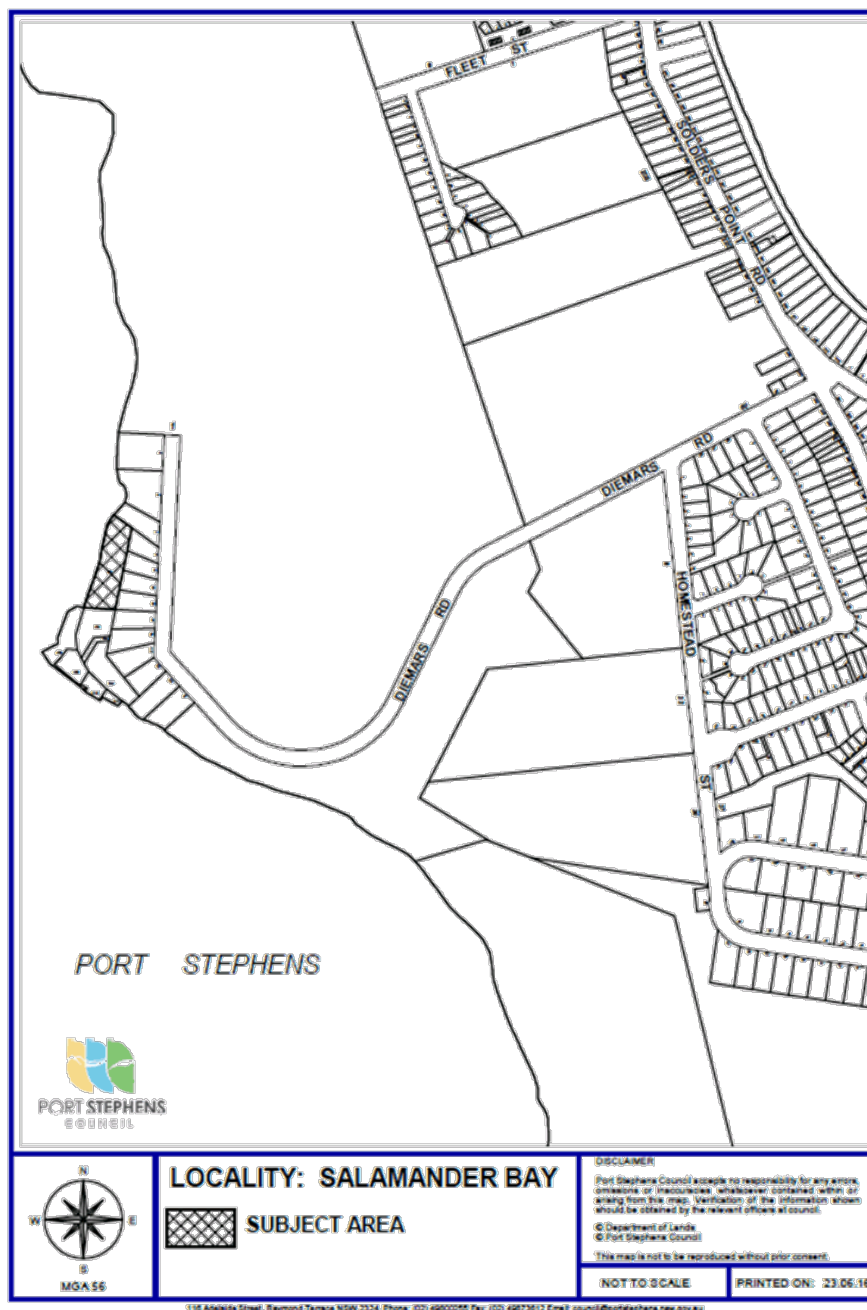
The site contains two vegetation types, being Swamp Oak Sedge Forest and cleared grassed land. A preliminary ecological assessment undertaken identifies that the site contains Swamp Oak Sedge Forest and cleared grassland. This Swamp Oak Sedge Forest consists of an overstorey dominated by Forest Red Gum (*Eucalyptus tereticornis*) and Swamp Oak (*Casuarina glauca*). The understorey was dominated by weed species such as Morning Glory, Asparagus, Lantana and Large-leaved Privet.

The site formed part of the former Naval Base lands, purchased by Council in the 1956/1957. The site was zoned 6(a) Public Recreation under the Port Stephens Local Environmental Plan 1987 and classified as 'community land'. Under the Port Stephens Local Environmental Plan 2000, the site was zoned 4(a) General Industrial and maintained its 'community' land classification. Adjoining land (Lots 1, 2 and 3 DP 212233) was reclassified in 1997 under Amendment No 112 to the LEP 1987 from 'community' to 'operational' land and subsequently sold. This had the effect of land locking the subject site.

Figure 1– 9B Diemars Road, Salamander Bay (page 4) identifies the subject land

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FIGURE 1 – NAME OF SITE (land subject to Planning Proposal is shown in red)



ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**PART 1 – Objective of the proposed Local Environmental Plan**

The planning proposal seeks to reclassify the land from 'community' to 'operational' land under the *Local Government Act, 1993*.

The proposal will allow the site to be sold by Council. An adjoining landholder has expressed interest in purchasing the site for oyster farming operations, consistent with the IN4 zoning.

PART 2 – Explanation of the provisions to be included in proposed LEP

The objectives of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

Amend Part 2 Land classified, or reclassified as operational land – interests changed, Schedule 4 Classification and reclassification of public land to include the subject site as follows:

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc discharged
9B Diemars Road, Salamander Bay	Lot 644 DP 658258,	Nil

No mapping amendments are proposed.

PART 3 – Justification for the Planning Proposal**SECTION A – Need for the Planning Proposal****Is the planning proposal a result of any strategic study or report?**

Council has acquired community land via a range of means that have not always resulted in a medium to long term net gain for the community. In the past there has been a lack of coordination and control mechanisms governing the acquisition of community land. This has resulted in Council receiving community land with little community recreation, environmental, social or cultural value.

The planning proposal is an outcome of the Open Space Consolidation Review undertaken in 2006 and 2007.

The Open Space Consolidation Review took a consistent LGA wide approach to directing Council's open space resources. This Review identified that a number of sites were surplus to Council's open space requirements based on a set of selection criteria which reflected Council's open space standards of provision. Council's 2010 draft Open Space Strategy has refined these criteria, and the sites would not be identified as suitable for open space under

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the draft Open Space Strategy. From an operational perspective, the review of land classifications also resulted in a number of sites being recommended for reclassification to operational land to facilitate improved management regimes.

The site was identified in the Open Space Analysis Review (May 2005) as being suitable for disposal to adjoining land holders as its landlocked nature provides limited opportunities for community use.

The proposed reclassification will allow the site to be sold by Council. An adjoining landholder has expressed interest in purchasing the site for oyster farming operations, consistent with the IN4 zoning.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Land can be reclassified by either:

- a resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act)
- a local environmental plan

Although councils are encouraged to reclassify land through the *Local Government Act, 1993*, this proposal does not meet the requirements of the *LG Act* for reclassification of land. As such, the planning proposal to amend the *Port Stephens Local Environmental Plan 2013* is the only mechanism available to reclassify this land.

Is there a community benefit?

There is limited community benefit. Given the property's landlocked nature, the community has limited access to the site. There is sufficient and accessible public open space within 100m of the site. There is unlikely to be a negative public impact resulting from the loss of public land.

Council will gain an economic benefit by the disposal of the land.

SECTION B – Relationship to Strategic Planning Framework

4. 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)?

Lower Hunter Regional Strategy (LHRS)

The planning proposal is of minor consequence and not within the scope of the LHRS. The planning proposal is not inconsistent with the objectives of the LHRS.

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Hunter Growth Plan 2016

The planning proposal is of minor consequence and not within the scope of the Hunter Growth Plan. The planning proposal is not inconsistent with the objectives of the Growth Plan.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022), in particular Action 2.3.1 – Implement the draft Open Space Strategy, as this land was identified, through the open space analysis review as being suitable for disposal to adjoining land holders due to its landlocked nature and no public access.

Port Stephens Planning Strategy (PSPS) 2011

The planning proposal is of minor consequence and not within the scope of the PSPS. Notwithstanding, there is an identified shortfall of industrial zoned land in Salamander Bay. The reclassification will allow the land to be used for an industrial development that is consistent with the IN4 – Working Waterfront Zone.

Foreshore Management Plan 2013

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The Strategy provides a framework that can be used to protect and enhance the environmental, recreational, aesthetic, economic and cultural values of the Port Stephens foreshore. It provides key considerations for development on the foreshore, such as visual amenity and foreshore stability.

While the Foreshore Management Plan seeks to ensure that foreshore land remains in Council ownership for public use, the landlocked nature of this site limits the opportunities for community use. A significant amount of publicly accessible foreshore land is located within 100m from the site.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant State Environmental Planning Policies against the planning proposal is provided below.

SEPP 44 – Koala Habitat Protection

Aims & objectives

This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide

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habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

Consistency / inconsistency

The 2002 Port Stephens Comprehensive Koala Plan of Management mapping identified the majority of the site as cleared, however this is not consistent with the vegetation identified on site during a site inspection. The vegetation is dominated by Forest Red Gum, a preferred koala feed tree, and Swamp Oak. More detailed koala habitat mapping prepared by Council for the Salamander Bay area identifies the site as Marginal and Cleared.

Based on the results of the preliminary ecological assessment and site inspection by Council, this vegetation represents an existing wildlife corridor from the foreshore through Stoney Ridge Reserve and is likely to represent preferred/supplementary koala habitat.

Council's Natural Resources Team have advised that the site is suitable for reclassification, however further assessment would be required for any future development application proposal.

SEPP 62 – Sustainable Aquaculture

Aims & objectives

The Sepp encourages sustainable aquaculture, including sustainable oyster aquaculture, in the State, namely, aquaculture development which uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced. It also sets development standards for aquaculture, including oyster aquaculture, across the State.

Consistency/inconsistency

The site is within a 'priority oyster aquaculture area', therefore oyster aquaculture can be undertaken without consent pursuant to Clause 8A(3)(a). The proposed reclassification will not prevent future aquaculture development.

The planning proposal is consistent with SEPP 62.

SEPP 71 – Coastal Protection

Aims & objectives

Clause 7(a) of SEPP 71 requires Council to consider a number of matters when preparing a draft LEP on land within the coastal zone in order to protect and manage the the natural, cultural, recreational and economic attributes of the New South Wales coast.

Consistency / inconsistency

The planning proposal has been considered against the Clause 8 matters contained in the SEPP. The planning proposal is consistent with these matters.

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7. Is the planning proposal consistent with applicable Ministerial Directions?

The planning proposal is consistent with relevant s117 Directions, as detailed below:

1.1 – Business and Industrial Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.

The site is zoned IN4 – Working Waterfront Zone. The planning proposal does not seek to rezone the site. The reclassification of the site will allow adjoining landholders (should they purchase the site) to utilise the site for oyster operation, consistent with the zone.

The planning proposal is consistent with Direction 1.1.

1.4 – Oyster Aquaculture

Direction 1.4 applies as the site is located in a Priority Oyster Aquaculture Area.

The site will not adversely impact on oyster farming in the area. Land adjoining the site is currently used for oyster operations. Given the landlocked nature of the site, it is likely that it will be purchased by adjoining landholders for use associated with oyster operations. The planning proposal does not seek to amend the zoning of the property.

The planning proposal is consistent with Direction 1.4.

2.1 – Environmental Protection Zones

The land is located within the coastal zone. Clause 5.5 of the PSLEP 2013 will ensure that any future development of the site considers its location within the coastal zone.

It is considered that the inconsistency with this Direction is of minor significance.

2.2 – Coastal Protection

This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.

The planning proposal is not inconsistent with this Direction. While the Coastal Policy seeks to ensure public access to the foreshore is maintained, the subject site does not currently have public road or pedestrian access. The planning proposal will not impact on the quality of waterways, visual amenity, cultural heritage or coastal processes. These matters may need to be

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addressed should a development application be lodged over the site in the future.

2.3 – Heritage Conservation

This direction applies when a relevant planning authority prepares a planning proposal.

The site is not known to contain any items of European or Aboriginal heritage significance. The Foreshore Management Plan does not identify the site as an 'Area of Aboriginal Heritage Sensitivity'.

The proposed reclassification will not have an impact on known European or Aboriginal Heritage. The planning proposal is consistent with Direction 2.3.

4.3 – Flood Prone Land

Part of the site is identified as being flood prone and is categorised as High Hazard Fringe.

The planning proposal does not seek to rezone flood prone land.

There is sufficient flood free land to enable its use for waterfront industry (oyster aquaculture), consistent with the zone.

4.4 – Planning for Bushfire Protection

The land is bushfire prone.

The Rural Fire Service will be consulted with in the preparation of the planning proposal to ensure its consistency with Planning for Bushfire Protection 2006.

SECTION C – Environmental, Social and Economic Impact

8. 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?

A small disturbed example of Swamp Oak Floodplain Forest, which is listed as an endangered ecological community under the *Threatened Species Conservation Act 1995*, was recorded on site. The vegetation is considered to be of low to moderate quality due to the absence of a native understorey and ground layer.

Council's Vegetation Management Officer conducted a site inspection on 1 July 2016 to identify whether the Swamp Oak Forest was being utilised by koalas. The outcome of the inspection concluded that koalas are utilising the Forest Red Gum (*Eucalyptus tereticornis*) on site.

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On review of Council's Biodiversity connectivity corridors, the vegetation present on site has been identified as part of a landscape habitat and local stepping stone wildlife corridor and specifically a landscape link for Koalas. The planning proposal to reclassify the land will be unlikely to impact on these threatened species and endangered ecological communities. Any future development should be restricted to cleared grassland areas of the site.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A review by Council of the Department of Primary Industry Estuarine vegetation mapping identified seagrass (*Zostera*) adjacent to the site. Any future development proposals would need to consider any potential impacts on this sensitive community such as a decrease in water quality from runoff and sedimentation.

10. Has the planning proposal adequately addressed any social and economic effects?

There are limited social and economic implications arising from this planning proposal. Council will gain an economic benefit from the disposal of the land by generating non-rate income from the sale of the property. Council will save a nominal amount of money in maintenance cost, which includes a biannual inspection and the regular removal of illegally dumped rubbish.

SECTION D – State and Commonwealth interests**11. Is there adequate public infrastructure for the planning proposal?**

The site is landlocked and does not have road access. Without legal access, it is likely that the site will be sold to adjoining property owners, who have sufficient access to their land via Diemars Road.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

In accordance with the Gateway determination, consultation was undertaken with the following government agencies:

Department of Primary Industries – Fisheries (DPI)

DPI advised that Priority Oyster Aquaculture Areas are present in the estuarine waters in proximity to the site and protecting the water quality is crucial to the long term future of the industry. The most critical issue for consideration of development in this area is any proposed on-site treatment and/or disposal system.

Comment

Should future development of the site propose on-site effluent treatment, approval from Council to operate will be required. The assessment would be undertaken in accordance with Council's On-site Sewerage Development

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Assessment Framework and be subjected to regular inspections to ensure that it is being maintained in a satisfactory condition.

Rural Fire Service (RFS)

The RFS do not object to the planning proposal given that any future development on the land would be for industrial or commercial purposes and not be for a dwelling or temporary accommodation. Any future development application for the site shall be accompanied by a Bush Fire Assessment Report outlining how the proposal complies with Planning for Bush Fire Protection 2006.

Comment

Dwellings and tourist and visitor accommodation is not permitted in the IN4 Working Waterfront Zone.

Part 4 - Mapping

The planning proposal does not propose any mapping amendments.

Part 5 - Details of Community Consultation

Community

Public exhibition

In accordance with the Gateway determination, the planning proposal was exhibited for a period of 14 days, from 16 February 2017 to 3 March 2017.

No submissions were received during the exhibition period.

Public hearing

In accordance with section 29 of the *Local Government Act, 1993*, a public hearing was held after the exhibition period, on 28 June 2017 in respect of the planning proposal.

Four members of the public attended the public hearing. No matters were raised at the public hearing that affect the outcome of the reclassification and all attendees support the planning proposal. As required by s47G of the *Local Government Act, 1993*, the public hearing was facilitated by an independent consultant, who prepared a report pertaining to the public hearing (**ATTACHMENT 7**). The report provides details of matters raised.

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Part 6 – Project timeline

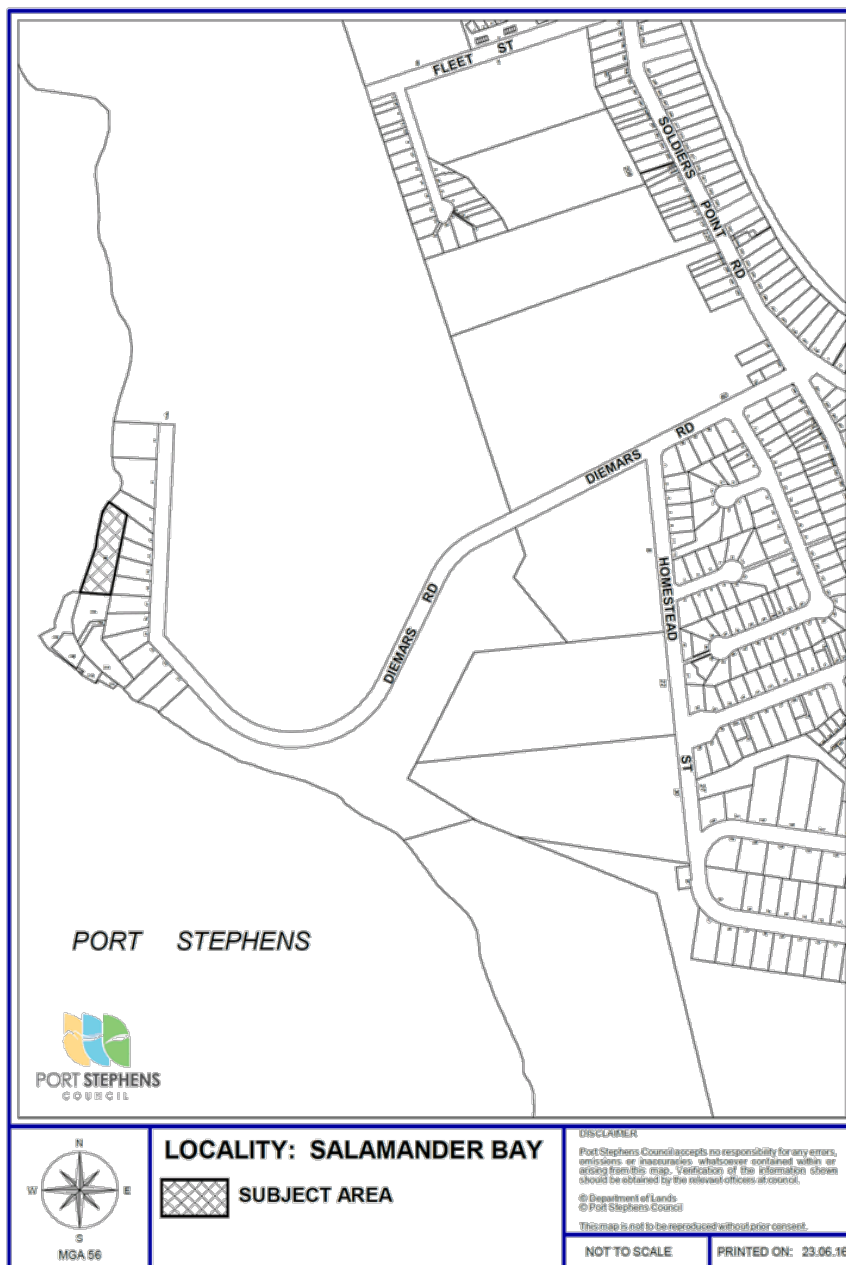
The planning proposal is expected to be reported to Council following the completion of the public exhibition period.

The following timetable is proposed:

	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
<i>Gateway Determination</i>									
<i>Agency Consultation</i>									
<i>Public Exhibition</i>									
<i>Update planning proposal</i>									
<i>Notification of Public Hearing</i>									
<i>Public Hearing</i>									
<i>Council Report</i>									
<i>Parliamentary Counsel</i>									

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Attachment One – Locality Plan

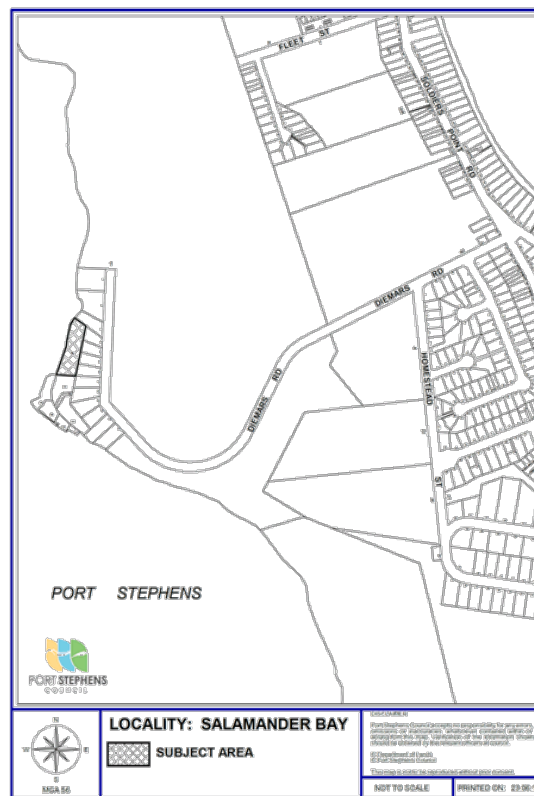


ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**Attachment Two – Information pertaining to the reclassification of Lot 644 DP 658258, 9B Diemars Road, Salamander Bay****Introduction**

The following information concerns the reclassification of land under the *Port Stephens Local Environmental Plan 2013*. The proposed reclassification has been prepared in accordance the requirements of Section 27(1) of the *Local Government Act 1993*, and the NSW Department of Planning Practice Note PN 16-001 (5 Oct 2016) *Classification and reclassification of public land through a local environmental plan* (Practice Note), which requires the following information to be included in a planning proposal that seeks to reclassify council owned land.

Subject land

The following Statement of Council's Interest concerns Lot 644 DP 658258, 9B Diemars Road, Salamander Bay

**Statement of Council's Interest**

- Current classification of the land

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The land is currently classified as 'community' land under the Local Government Act 1993.

- *Proposed classification of the land*

It is proposed to reclassify the land to 'operational' land under the *Local Government Act 1993*.

- *Whether the land is a 'public reserve' (defined by the LG Act)*

The Port Stephens Foreshores Plan of Management does not identify the site as a public reserve.

- *Strategic and site specific merits of the reclassification and evidence to support this*

The site was identified in the Open Space Analysis Review (May 2005) as being suitable for disposal to adjoining land holders due to its landlocked nature and no public access.

- *Whether the planning proposal is the result of a strategic study or report*

The planning proposal is the result of the Open Space Analysis Review (May 2005).

- *Whether the planning proposal is consistent with council's community plan or other local strategic plan*

Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022), in particularly Action 2.3.1 – Implement the draft Open Space Strategy, as this land was identified, through the open space analysis review as being suitable for disposal to adjoining land holders due to its landlocked nature and no public access.

Port Stephens Planning Strategy (PSPS) 2011

The planning proposal is of minor consequence and not within the scope of the PSPS. Notwithstanding, there is an identified shortfall of industrial zoned land in Salamander Bay. The reclassification will allow the land to be used for an industrial development that is consistent with the IN4 – Working Waterfront Zone.

Foreshore Management Plan 2013

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The key considerations for any future development proposal include consideration of visual amenity and foreshore stability.

Port Stephens Myall Lakes Estuary Management Plan 2000

The importance of oyster farming at Cromarty Bay is noted in the Management Plan, and strategies related to water quality and wetland protection including the management of stormwater, oyster leases and septic systems is identified. The proposed reclassification is consistent with the strategy. Any future development

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application will need to give consideration to the matters containing in the Port Stephens Myall Lakes Estuary Management Plan 2000.

- *Council's interest in the land*

Port Stephens Council is the land owner.

The land formed part of the former Naval Base lands, purchased by Council in the 1956/1957.

- *Whether an interest in the land is proposed to be discharged and reasons why*

Council intends to dispose of the land by selling to adjoining landholders. The planning proposal is consistent with the Open Space Analysis Review that identified the land as surplus to Council's needs and suitable for disposal, due to its landlocked nature, no public access and sufficient public open space within 100m from the site.

- *The effect of the reclassification*

Council intends to extinguish its interests as the land is surplus to the recreational needs of the community as identified in the Open Space Analysis Review (May 2005).

- Evidence of public reserve status or relevant interests, or lack thereof applying to the land

Port Stephens Foreshore Plan of Management (2001)

- *Land Rlassification (part lots)Map*

The planning proposal seeks to reclassify the entire lot, as such a map is not required.

- *Current use of the land*

The land is vacant. An adjoining land owner uses the site informally for the storage of oyster racks and the like in conjunction with oyster farming operations.

- *Lease agreements over the land*

There are no current agreements over the land.

- *Current or proposed business dealings*

There has been no agreement for the sale or lease of the land. The landlocked nature of the site limits the potential buyers to adjoining property owners. An adjoining property owner has informally expressed interest in purchasing the property. All adjoining property owners will be given opportunity to purchase the property.

- *Any rezoning associated with the reclassification*

The site will retain its IN4 – Working Waterfront zoning.

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- *How council will benefit financially, and how these funds will be used*

Council intends to sell the site to an adjoining landholder. The landlocked nature of the site is likely to affect the value of the property as it does not have legal street access, which limits its practical use. A formal valuation, along with negotiations, will form the basis of the sale price for the property to be recommended to Council, following the reclassification.

Any funds raised will be used for assets in the Ward.

- *How Council will ensure funds remain available to fund proposed open space sites or improvements.*

The funds will be used for projects identified in Council's Works Plus Program or Capital Works Program, within the ward.

- *Any preliminary comments by a relevant government agency, including and agency in which the land is vested or held*

Department of Primary Industries – Fisheries

DPI advised that Priority Oyster Aquaculture Areas are present in the estuarine waters in proximity to the site and protecting the water quality is crucial to the long term future of the industry. The most critical issue for consideration of development in this area is any proposed on-site treatment and/or disposal system.

Comment

Should future development of the site propose on-site effluent treatment, approval from Council to operate will be required. The assessment would be undertaken in accordance with Council's On-site Sewerage Development Assessment Framework and be subjected to regular inspections to ensure that it is being maintained in a satisfactory condition.

Rural Fire Service

The RFS do not object to the planning proposal given that any future development on the land would be for industrial or commercial purposes and not be for a dwelling or temporary accommodation. Any future development application for the site shall be accompanied by a Bush Fire Assessment Report outlining how the proposal complies with Planning for Bush Fire Protection 2006.

Comment

Dwellings and tourist and visitor accommodation is not permitted in the IN4 Working Waterfront Zone.

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Attachment Three – Council report and minutes

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016**

ITEM NO. 2

FILE NO: 16/355708
RM8 REF NO: PSC2016-01630**PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY**REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Endorse the planning proposal at **(ATTACHMENT 2)** to reclassify the subject site from 'community' to 'operational' land.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment under Section 56 of the *Environmental Planning and Assessment Act 1979* with a request for a Gateway determination.

**ORDINARY COUNCIL MEETING - 27 SEPTEMBER 2016
MOTION**

273	Mayor Bruce MacKenzie Councillor Ken Jordan It was resolved that Council: <ol style="list-style-type: none">1) Endorse the planning proposal at (ATTACHMENT 2) to reclassify the subject site from 'community' to 'operational' land.2) Forward the planning proposal to the NSW Department of Planning and Environment under Section 56 of the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway determination.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016****BACKGROUND**

The purpose of this report is to obtain Council's endorsement of the planning proposal at (**ATTACHMENT 2**) and request a gateway determination from the Department of Planning & Environment under Section 54 of the *Environmental Planning and Assessment Act 1979*.

Subject land:	Lot 644 DP 658258, 9B Diemars Road, Salamander Bay.
Proponent:	Port Stephens Council - Property Services Section.
Area of land:	3,684m ²
Zone:	IN4 – Working Waterfront Zone (rezoning of land is not proposed).
Current classification:	Community.
Proposed changes:	Reclassify from 'community' to 'operational' land.
Purpose:	To enable sale of land to adjoining property owner/s.

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013 (LEP 2013)* by reclassifying Lot 644 DP 658258, 9B Diemars Road, Salamander Bay from 'community' to 'operational' land in order to facilitate its sale to an adjoining landowner. The planning proposal does not seek to amend the zoning. The proposed future use of the site for oyster farming operations is permissible in the IN4 – Working Waterfront zone and would be subject to a separate development application.

The site is zoned IN4 – Working waterfront and is approximately 3,684m². The site has direct water access to the west and is landlocked by privately owned IN4 zoned land to the north, south and east, which is used for oyster farming operations, oyster processing and a retail facility. The site does not have legal street access.

Part of the site is currently being used, without a formal licence from Council, for the storage of oyster racks and associated materials by an adjoining landholder/oyster farmer. This use is consistent with the IN4 Zone.

A preliminary ecological assessment undertaken identifies that the site contains Swamp Oak Sedge Forest and cleared grassland. This Swamp Oak Sedge Forest consists of an overstorey dominated by Forest Red Gum (*Eucalyptus tereticornis*) and Swamp Oak (*Casuarina glauca*). The understorey was dominated by weed species such as Morning Glory, Asparagus, Lantana and Large-leaved Privet.

The land formed part of the former Naval Base lands, purchased by Council in the 1956/1957. The site was zoned 6(a) Public Recreation under the Port Stephens Local Environmental Plan 1987 and classified as 'community land'. Under the Port Stephens Local Environmental Plan 2000, the site was zoned 4(a) General Industrial.

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Adjoining land was reclassified in 1997 under Amendment No 112 to the LEP 1987 from 'community' to 'operational' land and subsequently sold. This had the effect of land locking the subject site.

On 25 November 2008, Council considered a proposal to reclassify the site. At this time, it was resolved that:

Council note further investigation of this land be held in abeyance pending adoption of the draft Foreshore Management Plan.

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The key considerations for any future development proposal include consideration of visual amenity and foreshore stability.

On 27 October 2015, Council resolved to formally prepare a planning proposal to submit to the Department of Planning & Environment for the reclassification of this and another site. However, given that the report was prepared by Council's Property Services Section, a separate report from Council's Strategic Planning Section, as the relevant planning authority, is required.

It is considered that the planning proposal has sufficient merit to proceed to gateway.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The cost of processing the planning proposal will be covered by Rezoning Fees, in accordance with Council's Fees & Charges. The planning proposal is categorised as a Category B Planning Proposal. Fees are detailed below:

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.

MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016

Other	Yes	\$5,302.50	Category B Planning Proposal: Stage 1 Paid (18 May 2016) (\$5,302.50) Stage 2 Required prior to exhibition (\$10,500) Stage 3 Required prior to gazettal (\$5,250)
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The landlocked nature of the site is likely to affect the value of the property as it does not have legal street access, which limits its practical use. A formal valuation, along with negotiations, will form the basis of the sale price for the property to be recommended to Council, following the reclassification.

LEGAL, POLICY AND RISK IMPLICATIONS

The planning proposal will be processed in accordance with the plan making procedures in the *Environmental Planning and Assessment Act, 1979*, the *Local Government Act 1993* and the Department of Planning and Environment's Practice Note PN09-003 (12 June 2009) *Classification and reclassification of public land through a local environmental plan*.

In accordance with the practice note, Council must provide a Statement of Interest when the planning proposal is exhibited. The Statement of Interest seeks to:

- a) Identify land owned by Council proposed to be reclassified; and
- b) Allow the community the opportunity to assess the proposal with a full appreciation of all relevant information.

A copy of the Statement can be found in the planning proposal at **(ATTACHMENT 2)**.

Environmental Planning and Assessment Act 1979

The planning proposal is being progressed in accordance with Part 3 of the *EP&A Act, 1979*.

Local Government Act 1993

Reclassification of the site from 'community' to 'operational' land under the *Local Government Act 1993* will allow Council to sell the land.

The proposed reclassification is to be the subject of a public hearing pursuant to section 29 of the *Local Government Act 1993*.

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016**S117 Ministerial Direction

The planning proposal is consistent with relevant s117 Directions, as detailed in the planning proposal at **(ATTACHMENT 2)**.

State Environmental Planning Policies

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the proposed development as outlined in the planning proposal. An assessment of relevant State Environmental Planning Policies against the planning proposal is provided in **(ATTACHMENT 2)**.

Department of Planning & Environment Practice Note PN09-003 (12 June 2009) – Classification and reclassification of public land through a local environmental plan

The purpose of the *Department of Planning & Environment Practice Note PN09-003 (12 June 2009) – Classification and reclassification of public land through a local environmental plan* is to provide guidance on how to classify and reclassify public land through a local environmental plan. The planning proposal is consistent with the Practice Note.

Port Stephens Local Environmental Plan 2013

The objectives of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

Amend Part 2 Land classified, or reclassified as operational land – interests changed, Schedule 4 Classification and reclassification of public land to include the subject site as follows:

Locality	Description	Any trusts etc discharged
9B Diemars Road, Salamander Bay	Lot 644 DP 658258,	Nil

Foreshore Management Plan 2009

The Foreshore Management Plan was adopted by Council on 28 April 2009. No specific management options are identified for this site. The Strategy provides a framework that can be used to protect and enhance the environmental, recreational, aesthetic, economic and cultural values of the Port Stephens foreshore. It provides key considerations for development on the foreshore, such as visual amenity and foreshore stability.

While the Foreshore Management Plan seeks to ensure that foreshore land remains in Council ownership for public use, the landlocked nature of this site limits opportunities for community use. A significant amount of publicly accessible foreshore land is located within 100m from the site.

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016**Open Space Analysis Review 2005

Council has acquired community land via a range of means that have not always resulted in a medium to long term net gain for the community. In the past there has been a lack of coordination and control mechanisms governing the acquisition of community land. This has resulted in Council receiving community land with little community recreation, environmental, social or cultural value.

The planning proposal is an outcome of the Open Space Consolidation Review undertaken in 2006 and 2007.

The Open Space Consolidation Review took a consistent LGA wide approach to directing Council's open space resources. This Review identified that a number of sites were surplus to Council's open space requirements based on a set of selection criteria which reflected Council's open space standards of provision. Council's 2010 draft Open Space Strategy has refined these criteria, and the sites would not be identified as suitable for open space under the draft Open Space Strategy. From an operational perspective, the review of land classifications also resulted in a number of sites being recommended for reclassification to operational land to facilitate improved management regimes.

The site was identified in the Open Space Analysis Review (May 2005) as being suitable for disposal to adjoining land holders as its landlocked nature provides limited opportunities for community use.

The proposed reclassification will allow the site to be sold by Council. An adjoining landholder has expressed interest in purchasing the site for oyster farming operations, consistent with the IN4 zoning.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council becomes liable for illegal use of the land.	Low	Adopt the recommendation to reclassify the site so that it can be sold to adjoining land holders.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are limited social and economic implications arising from this planning proposal. Council will gain an economic benefit from the disposal of the land by generating non-rate income from the sale of the property. Council will save a nominal amount of money in maintenance cost, which includes a biannual inspection and the regular removal of illegally dumped rubbish.

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016**

A small disturbed example of Swamp Oak Floodplain Forest, which is listed as an endangered ecological community under the *Threatened Species Conservation Act 1995*, was recorded on site. The vegetation is considered to be of low to moderate quality due to the absence of a native understorey and ground layer.

Council's Vegetation Management Officer conducted a site inspection on 1 July 2016 to identify whether the Swamp Oak Forest was being utilised by koalas. The outcome of the inspection concluded that koalas are utilising the Forest Red Gum (*Eucalyptus tereticornis*) on site.

On review of Council's Biodiversity connectivity corridors, the vegetation present on site has been identified as part of a landscape habitat and local stepping stone wildlife corridor and a landscape link for Koalas.

The planning proposal to reclassify the land will be unlikely to impact on these threatened species and endangered ecological communities. Any future development should be restricted to cleared grassland areas of the site and will need to address the potential environmental impacts.

A review by Council of the Department of Primary Industry Estuarine vegetation mapping identified seagrass (*Zostera*) adjacent to the site. Any future development proposals would need to consider any potential impacts on this sensitive community, such as a decrease in water quality from runoff and sedimentation.

MERGER PROPOSAL IMPLICATIONS

The proposed merger is not anticipated to have any implications on the planning proposal.

CONSULTATION

The planning proposal has been prepared by Strategic Planning, in consultation with Property Services Section.

Internal

Council's Natural Resources team provided comments on the ecological assessment and Foreshore Plan of Management.

External

Government agency - Government agency consultation will be undertaken in accordance with the Gateway determination. It is anticipated that the following agencies will be consulted:

- Department of Primary Industry (Fisheries)
- Office of Environment and Heritage

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.**MINUTES ORDINARY COUNCIL - 27 SEPTEMBER 2016**

- Worimi Local Aboriginal Land Council

Community - The planning proposal will be exhibited in accordance with the Gateway determination. Due to the low impact nature of the planning proposal, is anticipated that an exhibition period of 14 days will be required.

In accordance with the *Local Government Act 1993*, a public hearing must be held on the matter following the exhibition period.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Locality Plan.
- 2) Planning Proposal - 9B Diemars Road, Salamander Bay.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.

Attachment Four – Gateway determination 22 November 2016



Planning &
Environment

Our ref: PP_2016_PORTS_007_00 (16/13013)
Your ref: PSC2015-01630

Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Att: Sarah Connell

Dear Mr Wallis

Planning proposal to amend Port Stephens Local Environmental Plan 2013

I refer to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and additional information received on 2 November 2016 to reclassify land at 9B Diemars Road, Salamander Bay.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council may still need to obtain the agreement of the Secretary's delegate to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

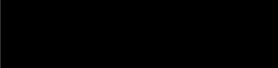
Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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.

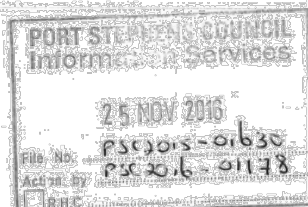
The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take 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 in regard to 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,



22/11/2016
Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services



Hunter and Central Coast Region - Hunter Office - Level 2 26 Honeysuckle Drive (PO Box 1226) Newcastle NSW 2300
Phone 02 4904 2700 Fax 02 4904 2701 Website planning.nsw.gov.au

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.



Planning &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2016_PORTS_007_00): to reclassify land at 9B Diemars Road, Salamander.

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 Port Stephens Local Environmental Plan (LEP) 2013 to reclassify land at 9B Diemars Road, Salamander should proceed subject to the following conditions:

1. Prior to exhibition Council is to update the Planning Proposal to reflect the additional relevant section 117 directions:

- Planning Direction 2.1 - Environment Protection Zones
- Planning Direction 4.3 - Flood Prone Land
- Planning Direction 4.4 - Planning for Bushfire Protection

2. Council is to co-exhibit with the Planning Proposal the Open Space Consolidation Review, undertaken in 2006, which provided the recommendation regarding the disposal of the land.

3. Prior to exhibition consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and amend the Planning Proposal to reflect their comments:

- NSW Department of Primary Industries (Fisheries) (Direction 1.4)
- NSW Rural Fire Service (Direction 4.4)


4. 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 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 (Planning & Infrastructure 2013).

5. 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).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 22nd day of November 2016.


Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.

Attachment Five – Department of Primary Industries (Fisheries) correspondence



Department of
Primary Industries

OUT17/5558

Sarah Connell
Strategic Planner
Port Stephens Council
116 Adelaide Street
Raymond Terrace NSW 2324

Your Ref: PP_2016_PORTS_007_00(16/13013)
6 February 2017

Re: SEPP 62 referral for proposed reclassification of land from 'community' to
'operational' – Lot 644 DP 658258, 9B Diemars Road, Salamander Bay

Thank you for referring the above development application to the NSW Department
of Primary Industries (NSW DPI) in accordance with SEPP 62 – Sustainable
Aquaculture.

NSW DPI can confirm that Priority Oyster Aquaculture Areas (POAA) are present in
the estuarine waters in proximity to the proposed development. These POAA areas
are mapped and described in the NSW Oyster Industry Sustainable Aquaculture
Strategy (OISAS). This strategy also details the required water quality growing and
harvest standards for the NSW oyster industry in chapters 3 & 4. OISAS can be
accessed at: <http://www.dpi.nsw.gov.au/fishing/aquaculture/publications/oysters/industry-strategy>

The harvest standards are prescribed under the NSW Shellfish Program
administered by the NSW Food Authority and the NSW oyster industry has a
statutory responsibility to meet these standards. These standards also reflect the
Australian standards for shellfish harvest prescribed in the Australian Shellfish
Quality Assurance Program. These internationally accepted water quality standards
are designed to protect the consumers of shellfish from human pathogenic bacteria
and viruses that may accumulate in shellfish where shellfish growing waters are
polluted by sewage or stormwater effluent.

Given the sensitivity of the adjacent waters, the most critical issue for consideration
in the proposed on-site treatment and/or disposal system is the ability of the system
to adequately removal or inactivate human pathogenic viruses and bacteria that may
be present to ensure the protection of the sanitary water quality of the adjacent
oyster growing areas.

It is recognised that protecting water quality in oyster growing and harvest areas is
crucial to the long term future of the oyster industry and protecting water quality in
oyster growing and harvest areas from incompatible development is the primary
purpose of Part 3A of SEPP 62 Sustainable Aquaculture.

NSW DPI would like to reiterate the requirement for council to ensure the proposed
wastewater infrastructure for the subject development is consistent with AS/NZS

Fisheries NSW
Port Stephens Fisheries Institute
Locked Bag 1, NELSON BAY NSW 2315
Tel: 02 4962 1232 Fax: 02 4961 9074
ABN 72 189 919 072 www.dpi.nsw.gov.au

**ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.**

1547:2012 On-site domestic wastewater management. Key criteria NSW DPI requires to be enforced are:-

- Appropriate setbacks from waterways;
- Avoidance of pump-out systems;
- Appropriate dispersal areas;
- Soil type is suitable to accommodate loading;
- Design components will result in mean pollutant loads meeting required levels; and
- Regular inspection program.

Further, as the NSW Shellfish Program is administered by the NSW Food Authority, this agency should also be consulted as part of the development approval process, NSWSP@foodauthority.nsw.gov.au.

Please also note that NSW DPI notifies the potentially affected sectors of the oyster industry for all applications referred to NSW DPI under SEPP 62– Sustainable Aquaculture.

It is also strongly recommended that Council classify systems that are not connected directly to a Council operated STP as high risk under Council's on-site sewage management system and that these systems be inspected annually for compliance.

Should you have any enquiries, please do not hesitate to contact me on (02) 4916 3824.

Yours sincerely



Ryan Jefferson
A/Policy Officer Aquaculture

ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.

Attachment Six – Rural Fire Service correspondence

Hi Sarah,

As per our discussion this morning, the Referral – Planning Proposal – 9B Diemars Road, Salamander Bay, was reviewed and there is no objection to the proposal.

This is with the understanding that any development proposed on the land would only be for industrial or commercial purposes and not be for a dwelling or temporary accommodation. Any future development application for the site shall be accompanied by a Bush Fire Assessment Report outlining how the proposal complies with Planning for Bush Fire Protection 2006.

Regards

Josh Calandra | Development Assessment & Planning Officer | Planning and Environment Services (East)

NSW RURAL FIRE SERVICE

42 Lamb Street Glendenning NSW 2761 | Locked Bag 17 Granville NSW 2142

P 13 0067 9737 **F** 02 8867 7983 **E** Joshua.Calandra@rfs.nsw.gov.au

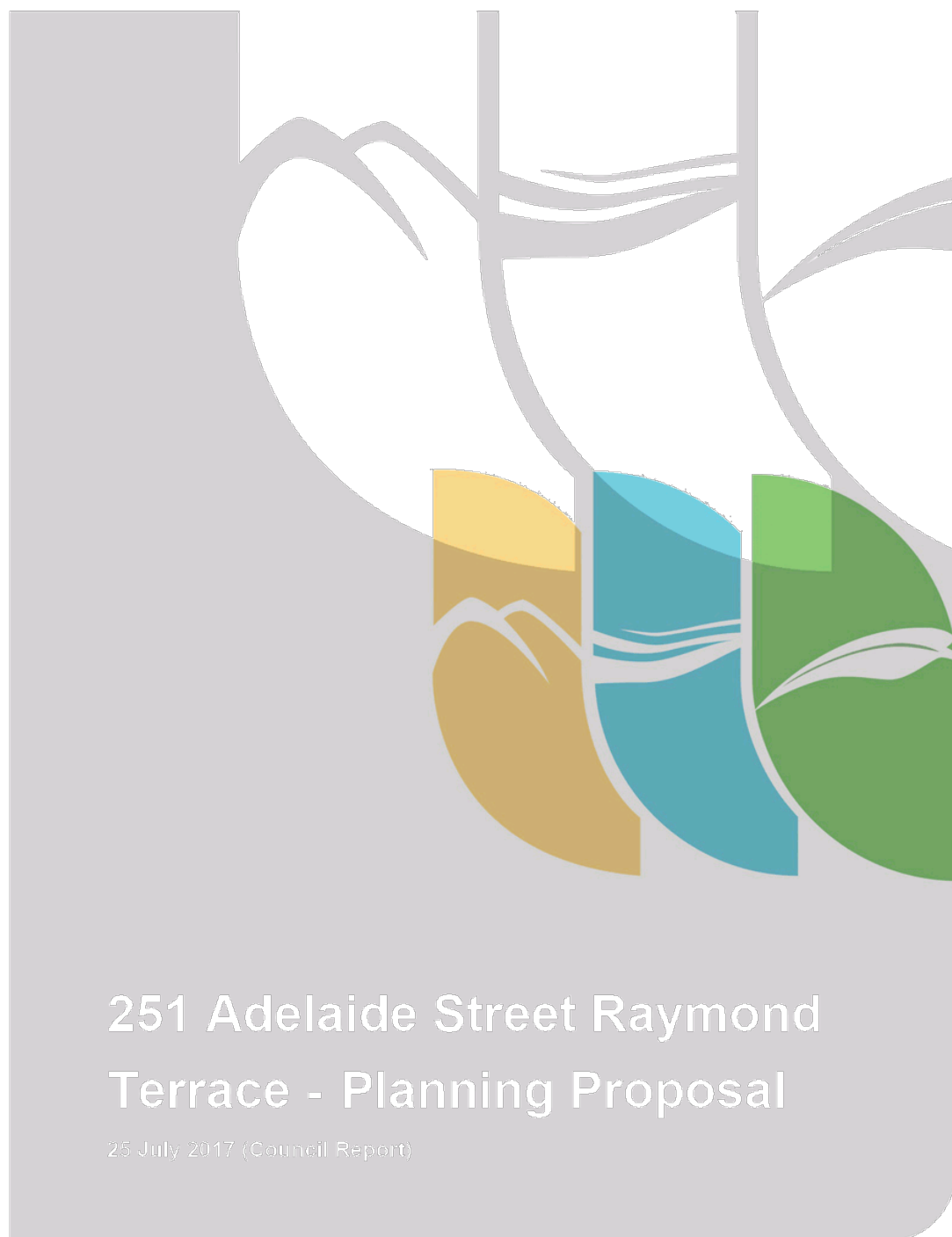
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PREPARE. ACT. SURVIVE.

**ITEM 10 - ATTACHMENT 1 PLANNING PROPOSAL - 9B DIEMARS ROAD,
SALAMANDER BAY.**

Attachment Seven – Public Hearing report

ITEM 11 - ATTACHMENT 1 PLANNING PROPOSAL - 251 ADELAIDE STREET
RAYMOND TERRACE.



**Proposed amendment to Port Stephens Local
Environmental Plan 2013**
Rezoning of part Lot 232 DP 593512, 251 Adelaide
Street, Raymond Terrace



ITEM 11 - ATTACHMENT 1 PLANNING PROPOSAL - 251 ADELAIDE STREET
RAYMOND TERRACE.**FILE NUMBERS**

Council: PSC2014-02010

Department: To be provided at Gateway Determination.

SUMMARY

Subject land: Part of 251 Adelaide Street Raymond Terrace (Lot 232, DP 593512) (**FIGURE 1**).

Proponent: DeWitt Consulting (on behalf of Pheonix Builders Pty Ltd)

Existing Zoning: RU2 Rural Landscape

Existing Minimum Lot Size: 20 hectares

Proposed Zoning: Rezone approximately 5.31 hectares of land from RU2 Rural Landscape to R2 Low Density Residential

Proposed Minimum Lot Size: 500m² for Zone R2 Low Density

Area of land: 5 hectares (the total area of the lot is 44.36 hectares)

Lot yield: 60 lots (Indicative)

Supporting Studies: de Witt Consulting (2016). Planning Proposal - 251 Adelaide Street, Raymond Terrace
SECA Solution (2016). Traffic Impact Statement (**ATTACHMENT 8**)
Biosis (2016). Flora and Fauna Offsets Assessment (**ATTACHMENT 9**)
Newcastle Bushfire Consulting (2016). Review of Bushfire Constraints (**ATTACHMENT 10**)
Insite Heritage Pty Ltd (2016). Aboriginal Cultural Heritage Due Diligence Assessment (**ATTACHMENT 11**)
BMT WBM (2017). Flood Assessment 251 Adelaide Street Raymond Terrace (**ATTACHMENT 12**)

BACKGROUND

The planning proposal seeks to rezone part of 251 Adelaide Street, Raymond Terrace (Lot 232, DP 593512). The parcel in its entirety is 44.36 hectares and currently zoned RU2 Rural Landscape under the Port Stephens Local Environmental Plan 2013. The planning proposal seeks to rezone five hectares to R2 Low Density Residential in order to allow the land to be developed for residential purposes.

**ITEM 11 - ATTACHMENT 1 PLANNING PROPOSAL - 251 ADELAIDE STREET
RAYMOND TERRACE.****SITE DESCRIPTION**

The land subject to the planning proposal (the site) has an area of approximately five hectares and comprises part of a larger lot (44.36ha) at 251 Adelaide Street, Raymond Terrace. The site is located on the south eastern edge of Raymond Terrace and has frontage to Adelaide Street. R2 Low Density Residential zoned land and RE1 Public Recreation zoned land adjoin the site to the north. Hunter Water Corporation wastewater infrastructure is located to the south and west of the site.

The land is currently zoned RU2 Rural Landscape. It contains native vegetation and pine forest plantation. An easement exists over the site for the purposes of an Asset Protection Zone to provide bushfire protection to the residence located to the north at 204 Meredith Crescent. A powerline easement is also located immediately south of the proposed rezoning site.

Investigation of the impacts on nearby Hunter Water Corporation infrastructure has been identified as a key issue for investigation post-Gateway determination.

FIGURE 1– SITE LOCATION (page 4) identifies the subject land

PART 1 – Objective or Intended Outcomes

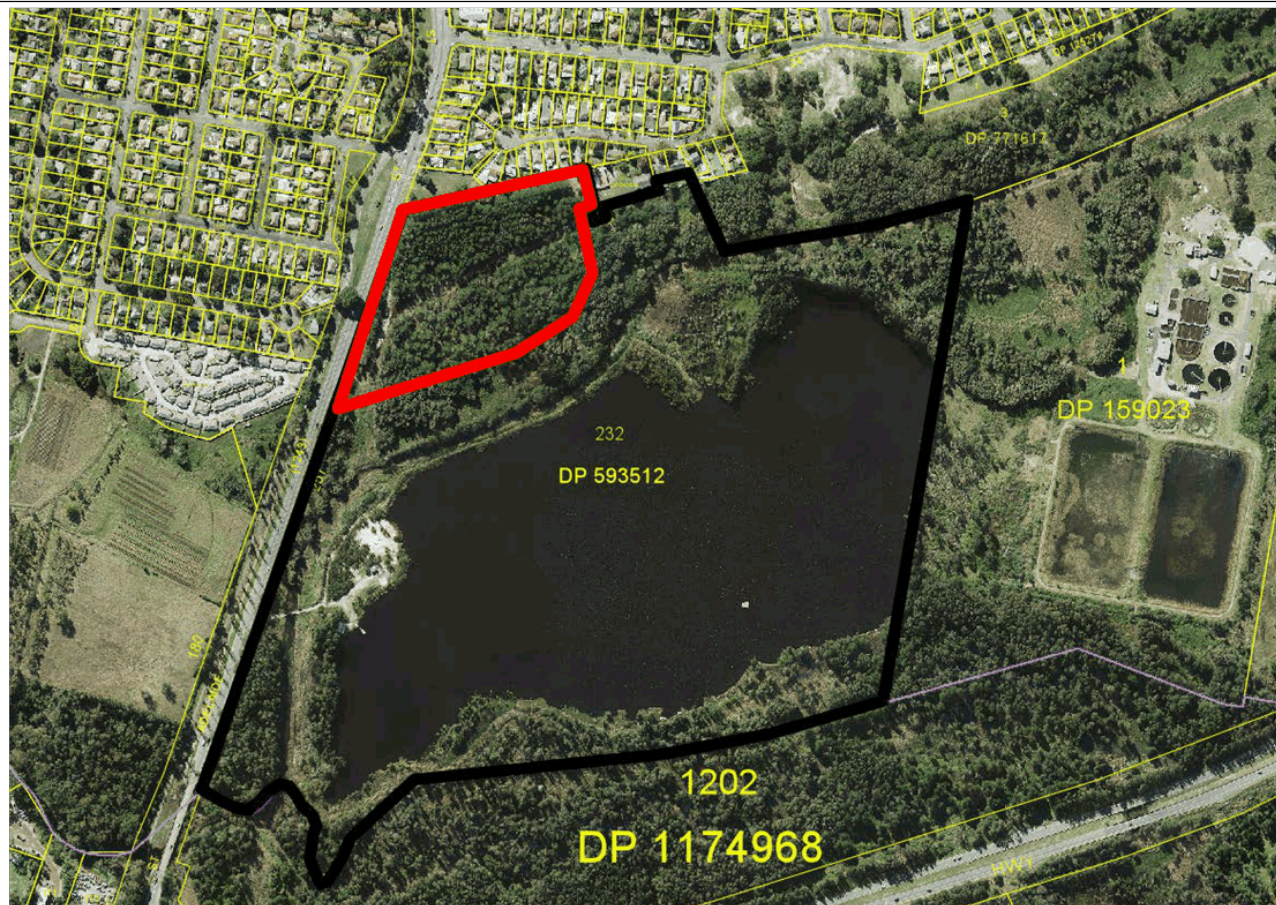
The planning proposal seeks to enable future appropriate residential development on the site.

PART 2 – Explanation of the provisions to be included in proposed LEP

The objective of this planning proposal will be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013:

- Amend Land Zoning Map Sheet LZN_002C for Part of Lot 232 DP593512 from RU2 Rural Landscape Zone to R2 Low Density Residential Zone in accordance with **(ATTACHMENT 2)**.
- Amend Lot Size Map Sheet LSZ_002C from 20 ha to 500 m² in accordance with **(ATTACHMENT 5)**.
- Amend Height of Building Map Sheet HOB_002C – to include 9m height of building limit in accordance with **(ATTACHMENT 7)**.

FIGURE 1 – SITE LOCATION (land subject to Planning Proposal is shown in red)



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ITEM 11 - ATTACHMENT 1 PLANNING PROPOSAL - 251 ADELAIDE STREET
RAYMOND TERRACE.

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of any strategic study or report.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal is the only means to amend the Port Stephens Local Environmental Plan 2013 to rezone the subject site.

SECTION B – Relationship to Strategic Planning Framework

4. 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 (HRP 2036)

The Hunter Regional Plan 2036 seeks to accommodate a population increase of around 130,000 people by 2036 translating into an additional 70,000 dwellings required in the Hunter Region.

The HRP 2036 projects a population increase of 18,550 for the Port Stephens LGA. Raymond Terrace has been identified as a strategic centre with priorities such as supporting its role as the main service centre and investigating social and economic connectivity. The outcomes of this planning proposal are consistent with these priorities.

As per HRP 2036 Goal 4: "Greater housing choice and jobs" the planning proposal will provide the opportunity to utilise the site to develop additional housing stock by contributing to an increase zoned capacity for dwelling growth to 2036.

The planning proposal addresses the following Directions within the HRP 2036:

Goal 2

Direction 14: Protect and Connect Natural Areas: The proposal will have a minimal impact on ecological attributes of the site as the vegetation present is of a poor quality.

Goal 3

Direction 17 – Create Healthy Built Environments Through Good Design; Proposed future residential development on the site will be within an accessible proximity to the existing services and facilities of Raymond

ITEM 11 - ATTACHMENT 1 PLANNING PROPOSAL - 251 ADELAIDE STREET
RAYMOND TERRACE.

Terrace. A cycleway and footpath is already in place and can be easily augmented to facilitate connectivity between future residential growth on the site and Raymond Terrace.

Direction 20 – Revitalise Existing Communities: The proposed rezoning will provide residential land in close proximity to existing urban development in Raymond Terrace. The LHRP 2036 advises that as the population of an area grows there is an increased potential to provide more social infrastructure and opportunities to enhance open spaces assisting with revitalising the existing community.

Goal 4

Direction 21 – Create A Compact Settlement: The existing access to public transport, services and infrastructure of Raymond Terrace are available to future residential development on the site. This is considered to be consistent with the intent to create and maintain a functional compact settlement pattern.

Direction 22 – Promote Housing Diversity: Providing new residential land will allow for increased housing diversity by allowing people to select the location and nature of houses in which they live.

Direction 23 – Grow Centres and Renewal Corridors: Raymond Terrace is identified by the LHRP 2036 as a strategic centre. The planning proposal will assist in growing the centre through facilitating population growth. The possible residential development of the site will not undermine the existing centre but will contribute to satisfying the demand for housing growth in the strategic centre of Raymond Terrace.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Community Strategic Plan/Integrated Strategic Plan (Port Stephens 2023)

The relevant directions of the Port Stephens Integrated Planning Framework are:

- 3.3.1.9 Review and prepare statutory plans (Local Environmental Plan, Development Control Plan and Planning Proposals)
- 3.3.1.7 Prepare and review strategic land use strategies, policies and plans.

The administration of this planning proposal is consistent with actions of the Port Stephens Integrated Strategic Plan.

Port Stephens Planning Strategy (PSPS 2011)

The *Port Stephens Planning Strategy 2011* identifies Raymond Terrace as a regional centre. Mixed use development in the regional centre, including housing, is strongly encouraged. PSPS 2011 identifies Raymond Terrace as

ITEM 11 - ATTACHMENT 1 PLANNING PROPOSAL - 251 ADELAIDE STREET RAYMOND TERRACE.

having the highest concentration and accessibility to services in the LGA to assist disadvantaged people. The planning proposal will contribute to the increase of housing development within Raymond Terrace.

Other relevant strategies include:

Raymond Terrace and Heatherbrae Strategy 2015-2031 (RTHBS 2015)

The *Raymond Terrace Heatherbrae Strategy 2015-2031* (RTHBS 2015) seeks to achieve the vision of Raymond Terrace as a strong regional centre by providing strategic direction and implementing tangible actions.

6. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of relevant State Environmental Planning Policies against the planning proposal is provided below.

TABLE A: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 44 – Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	SEPP 44 is addressed locally by the Port Stephens Comprehensive Koala Plan of Management (PSC CKPM). Under the CKPM Koala Habitat Mapping, the proposed R2 zone comprises <i>50 m buffer over cleared</i> . No <i>preferred</i> koala habitat occurs within the proposed R2 zone. The planning proposal is consistent with the PSC CKPM Rezoning Performance Criteria. The proposal is consistent with this SEPP.
SEPP 55 – Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed	The proponent's Preliminary Site Investigation found the

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ITEM 11 - ATTACHMENT 1 PLANNING PROPOSAL - 251 ADELAIDE STREET
RAYMOND TERRACE.

	if it is unsuitable for a proposed use because of contamination.	<p>potential use of contaminated fill on the broader site; however the potential area of introduced fill material does not occur in the site of the proposed rezoning.</p> <p>Given that no specific instance of contamination has been identified and that the areas of the site where fill has been identified are not currently proposed for redevelopment a Stage 1 Contamination Report can be prepared following Gateway determination.</p> <p>The consistency of the proposal with this SEPP is to be further Investigated and established.</p>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The SEPP aims to provide for proper management and development of mineral, petroleum and extractive mineral resources.	<p>The site contains a former quarry from which material is no longer being extracted.</p> <p>The proposal is consistent with this SEPP.</p>
SEPP (Rural Lands) 2008	The SEPP aims to manage the economic use and development of rural lands through providing state-wide planning controls.	<p>The planning proposal seeks to rezone 5ha of land from RU2 Rural Landscape to R2 Low Density Residential.</p> <p>The site is not currently used as rural land and is not considered have the agricultural potential to meet the objectives of the RU2 zone.</p> <p>The proposal is not consistent with this</p>

ITEM 11 - ATTACHMENT 1 PLANNING PROPOSAL - 251 ADELAIDE STREET
RAYMOND TERRACE.

		SEPP. Any inconsistency with this SEPP is of minor significance.
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7. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

TABLE B: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<p>The proposal seeks to rezone 5ha of land from RU2 Rural Landscape to R2 Low Density Residential.</p> <p>The proposal is not consistent with this direction, however the site is not currently used as rural land and is not considered have the agricultural potential to meet the objectives of the RU2 zone.</p> <p>The proposal is not consistent with this direction. Any inconsistency with this direction is of minor significance.</p>
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<p>The proposal does not seek to prohibit resource extraction and is consistent with this Direction.</p> <p>The proposal is consistent with this direction.</p>
1.5 Rural Lands	The objectives of this direction are to protect the agricultural production value	The proposal seeks to rezone 5ha of land from RU2 Rural Landscape to

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	of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.	<p>R2 Low Density Residential.</p> <p>The proposal is not consistent with this direction, however the site is not currently used as rural land and is not considered have the agricultural potential to meet the objectives of the RU2 zone.</p> <p>The proposal is not consistent with this direction.</p>
2. ENVIRONMENT AND HERITAGE		
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>There are no known or identified items of environmental heritage significance or indigenous heritage significance on the site if the proposed rezoning. The Proponent submits that given the historical use of the site and its cleared nature it is not anticipated that there are any heritage items that will be adversely impacted.</p> <p>An Archaeological Report and consultation with Worimi Local Aboriginal Land Council can be Undertaken (if required) following a gateway determination to ensure due diligence if required.</p> <p>The consistency of the proposal with this direction is to be further investigated and established.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential	The objective of this	The proposal will facilitate

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Zones	direction is to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	residential development that will broaden housing choice within the strategic centre of Raymond Terrace. The area proposed for rezoning is in close proximity to existing infrastructure and services and adjacent to existing residential land. The proposal is consistent with this direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.	The proposal seeks to rezone a proposed area of 5ha to R2 Low Density Residential. Current provisions of R2 zoning in the PS LEP 2013 allow home occupations (as defined by the PS LEP 2013) to be carried out in a dwelling houses without the need for development consent. The proposal is consistent with this direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	The area proposed for rezoning is in close proximity to the Pacific Highway, via Adelaide Street, for private vehicle use. Public transport is equally accessible with bus services to Raymond Terrace, Newcastle, Lake Macquarie and Newcastle Airport. The proposal will allow for residential development within walking distance of the services offered by Raymond Terrace, with safe pedestrian and cycleway access already

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		in place and servicing adjacent residential dwellings. The proposal is consistent with this direction.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	Consistent – the site is nominated as Class 2 and 3 land in terms of Acid Sulfate Soils. Future development may require Acid Sulfate Soils Management Plan; however it will not impede the rezoning and reclassification of the land. The proposal is consistent with this direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The area of the proposed rezoning is not identified as being subject to mine subsidence. The proposal is consistent with this direction.
4.3 Flood Prone Land	The objective of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	The area of the proposed rezoning is within the Flood Planning Area. The area of the proposed rezoning is classified as Low Hazard Fringe, High Hazard Floodway and Low Hazard Storage as per the Port Stephens Council Flood Hazard Mapping. A Flood Assessment (BMT WBM, 2017) (ATTACHMENT 12) has been undertaken by the proponent. This was also reviewed by Council's Flooding Engineer who

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		<p>advised that flooding issues are capable of being addressed at the development application stage.</p> <p>The proposal is not consistent with this direction. Consultation with OEH will need to be undertaken on this matter following a Gateway determination.</p>
4.4 Planning for Bushfire Protection	<p>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.</p>	<p>The land is identified as Bushfire Prone Land. Consultation with the Rural Fire Service will be required to ensure compliance with relevant bushfire planning provisions and to satisfy the requirements of this Direction.</p> <p>The consistency of the proposal with this direction is to be further investigated and established.</p>
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>The Hunter Regional Plan 2036 (HRP 2036) projects a population increase of 18, 550 for the Port Stephens LGA. Raymond Terrace has been identified as a strategic centre with priorities such as supporting its role as the main service centre and investigating social and economic connectivity.</p> <p>As per HRP 2036 Goal 4: "Greater housing choice and jobs" the planning proposal will provide the</p>

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		<p>opportunity to utilise the site to develop additional housing stock by contributing to an increase zoned capacity for dwelling growth to 2036 and beyond.</p> <p>The proposal is consistent with this direction.</p>
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The area of the proposed rezoning is bushfire prone land. Consultation with the NSW Fire Service will be required to ensure compliance with the relevant bushfire planning provisions and to satisfy the requirements of this direction.</p> <p>The proposal is consistent with this direction.</p>

SECTION C – Environmental, Social and Economic Impact

8. 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 proposal is unlikely to have significant environmental impacts as the area proposed for the R2 –Low Density Residential contains poor quality native vegetation. The majority of the proposed R2 zone contains swamp sclerophyll forest EEC in low condition (3.78 ha), and 0.3 ha moderate-good condition. The vegetation within the proposal area may be further mapped and classified by the proponent post Gateway determination in order to offset the vegetation loss through bio-banking.

Further consideration of the potential indirect impacts to threatened species and endangered ecological communities present in close proximity to the area proposed for rezoning may be required at development application stage. It is anticipated that the impacts of development on the retained riparian buffer will be mitigated through appropriate subdivision design at development application stage.

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The proposal is consistent with CKPoM Rezoning Performance Criteria as no preferred koala habitat will be impacted by the planning proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects identified in informal guidelines, codes or policies that have been produced by Public Authorities that have not already been addressed in the State or Local strategic Framework.

An Aboriginal Cultural Heritage Assessment (**ATTACHMENT 11**) was conducted to support the planning proposal submitted by the proponent. This included an inspection of the study area with a representative of the Worimi Local Aboriginal Land Council. No Aboriginal objects, areas or potential archaeological deposits were located. Consultation with OEH will be required on this matter following a Gateway determination, and further investigations may be required.

10. Has the planning proposal adequately addressed any social and economic effects?

Social and economic benefits of the planning proposal have been identified as the following:

- Short term construction employment for construction and related industries generated by potential future development;
- Provision of additional housing stock to meet demand within the region;
- Providing housing stock within close proximity to the services of Raymond Terrace, public transport linkages and schools.

The proposal is not of a scale that will create any significant adverse social impacts.

SECTION D – State and Commonwealth interests**11. Is there adequate public infrastructure for the planning proposal?**

The site is located in close proximity to existing infrastructure, such as public transport, major roadways and has access to most utilities. Liaison with the relevant infrastructure, utility, service and other relevant public authorities will be guided by the Gateway Determination.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with relevant State and Commonwealth Agencies will be undertaken following a Gateway Determination. It is envisaged that the following agencies will be consulted with:

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- Hunter Water Corporation – Potential issues regarding the proximity of the proposal area to the Raymond Terrace Wastewater Treatment works and Raymond Terrace Number 1 Wastewater Pumping Station (odour and noise modelling required to be undertaken by the proponent post Gateway determination).
- NSW Office of Environment and Heritage
- Ausgrid – the electricity easement within the proposed rezoning area.
- Rural Fire Service
- Worimi Local Aboriginal Land Council

Part 4 - Mapping

The proposed map layer amendments are included as attachments to the planning proposal as follows:

ATTACHMENT 1 – Locality Plan

ATTACHMENT 2 – Current Zoning Plan LZN_002C

ATTACHMENT 3 – Proposed Zoning Map – Map Amendment to Land Zoning Map – Sheet LZN_002C from RU2 Rural Landscape to R2 Low Density Residential zone

ATTACHMENT 4 – Current Lot Size Map LSZ_002C

ATTACHMENT 5 – Proposed Lot Size Plan – Map amendment to Lot Size Map – Sheet LSZ_002C from 20 ha lot size to 500 m²

ATTACHMENT 6 – Current Height of Building Map Sheet HOB _ 002C

ATTACHMENT 7 – Proposed Height of Building Map – Sheet HOB _ 002C – 9 metres

Part 5 - Details of Community Consultation

Community consultation will be undertaken in accordance with the gateway determination. Due to the size of the proposal, an exhibition period of 28 days is recommended.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building 116 Adelaide Street, Raymond Terrace

The planning proposal will also be available on Council's website.

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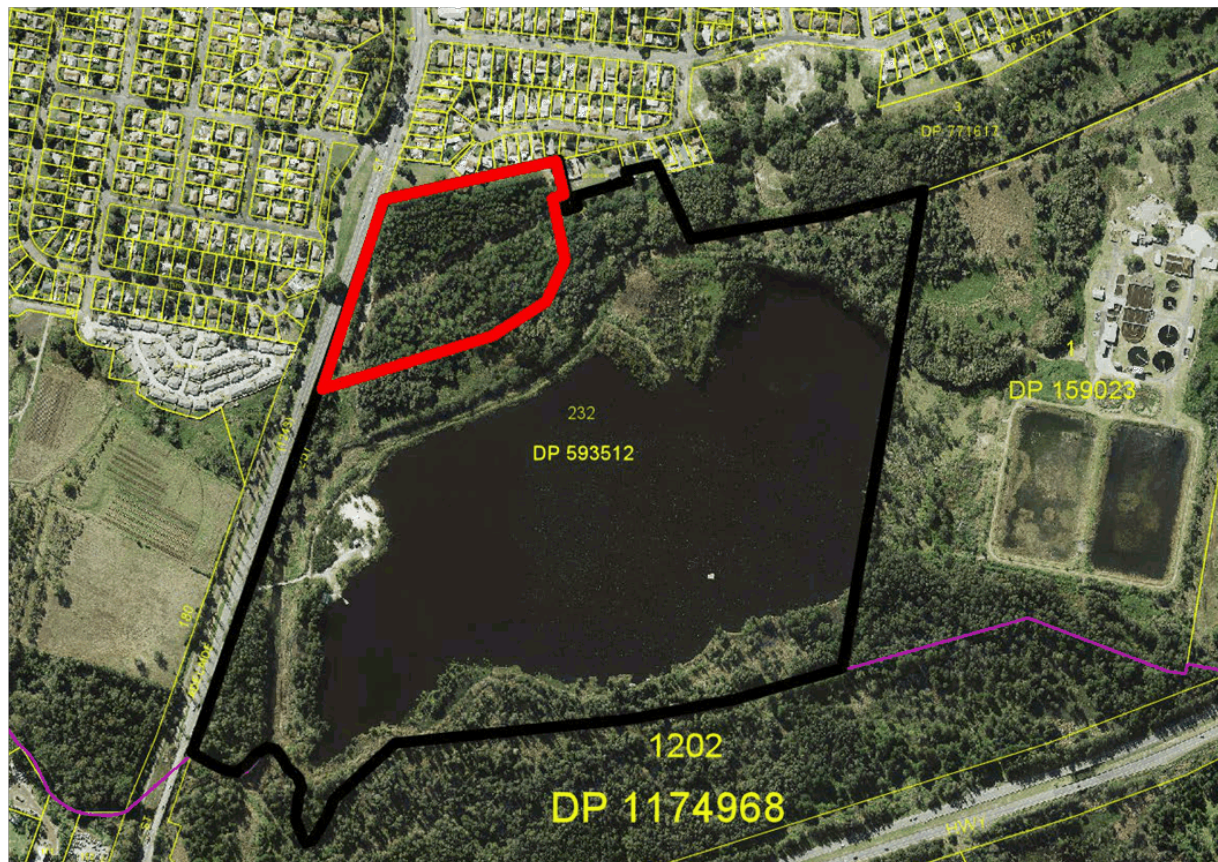
Part 6 – Project timeline

It is anticipated to complete the planning proposal in accordance with the following timeline:

The following timetable is proposed:

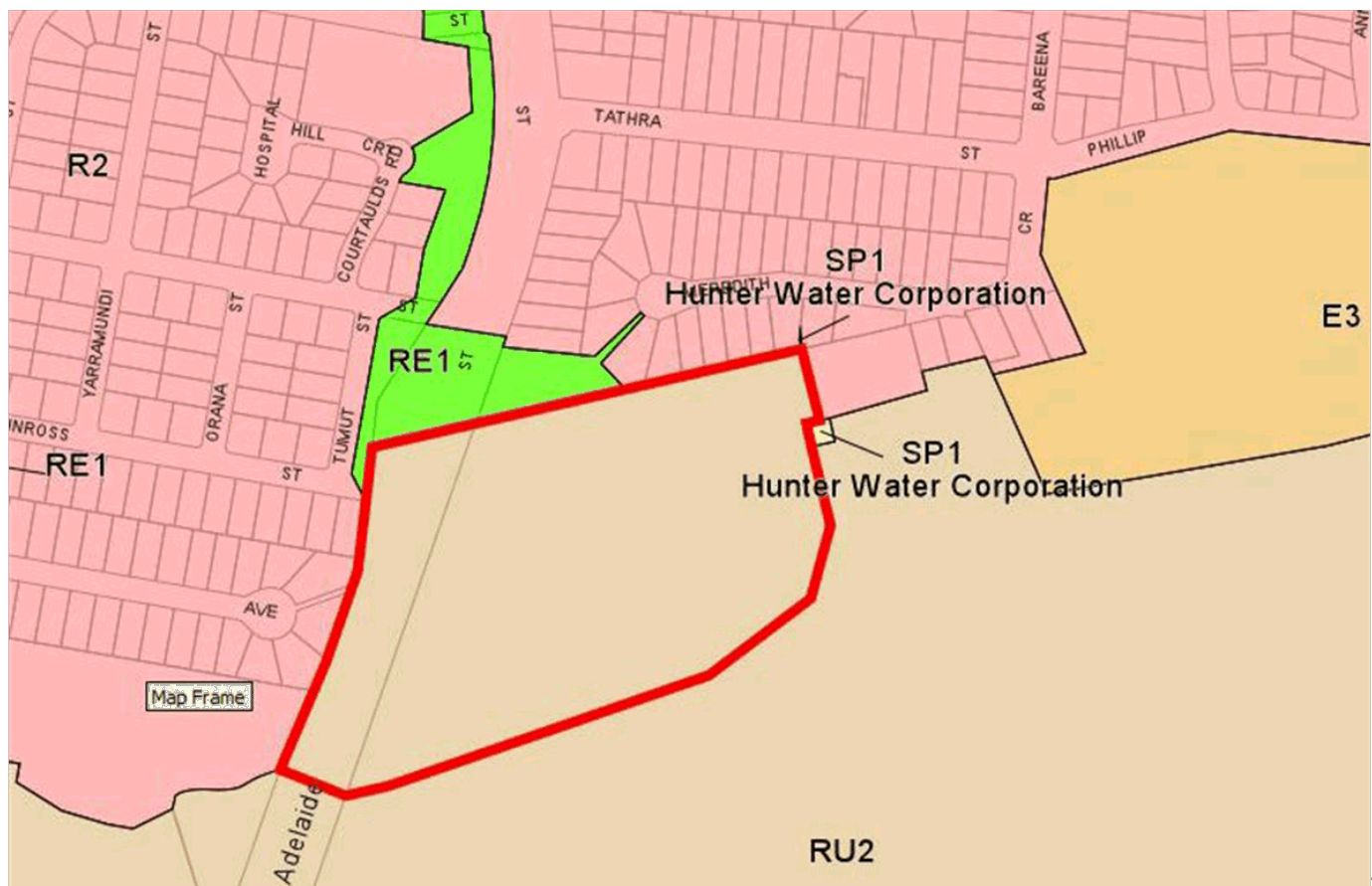
	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
<i>Gateway Determination</i>								
<i>Agency Consultation</i>								
<i>Public Exhibition</i>								
<i>Council Report</i>								
<i>Parliamentary Counsel</i>								

ATTACHMENT 1 – Locality Plan



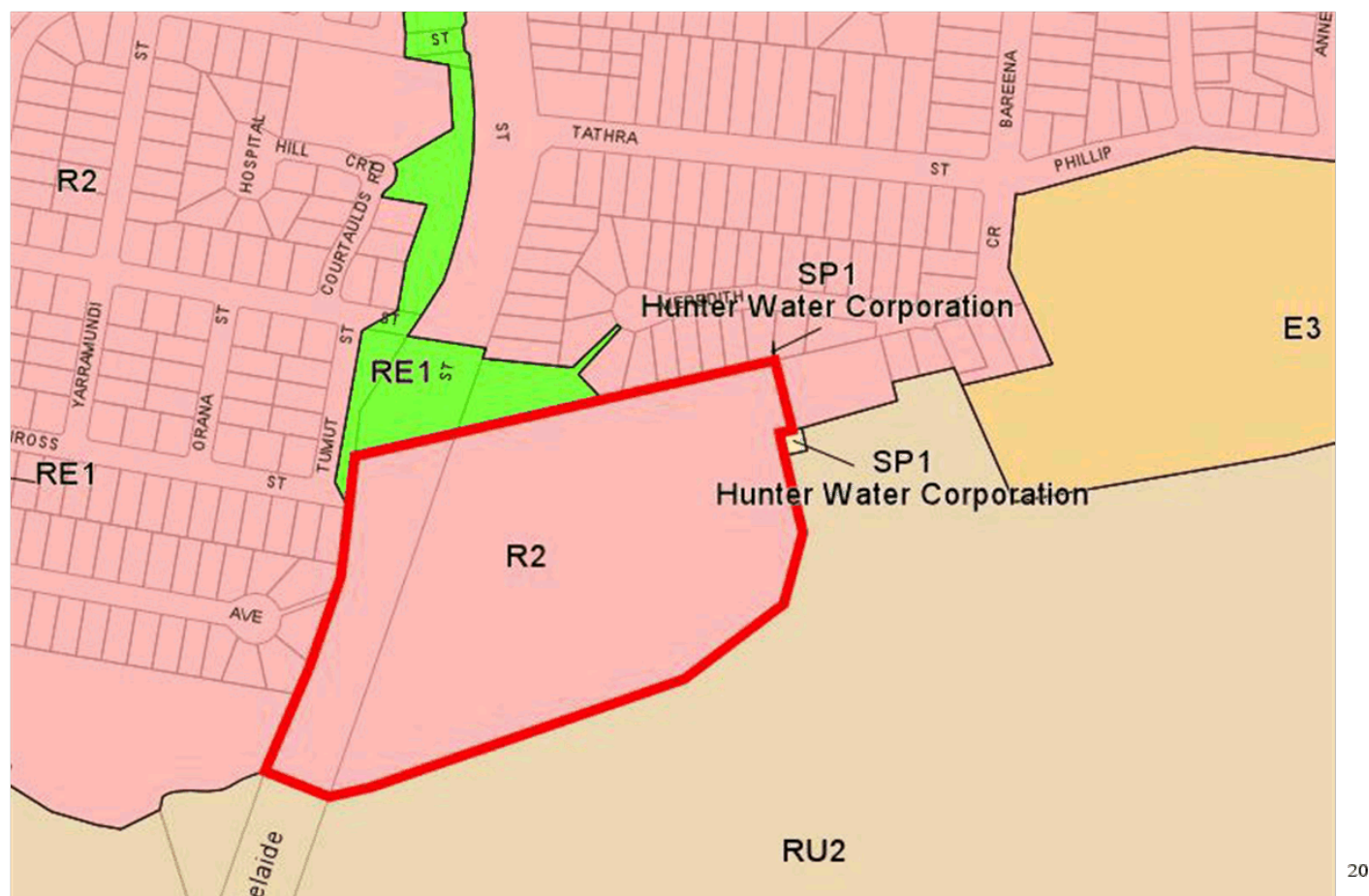
18

ATTACHMENT 2 – Current Zoning Map

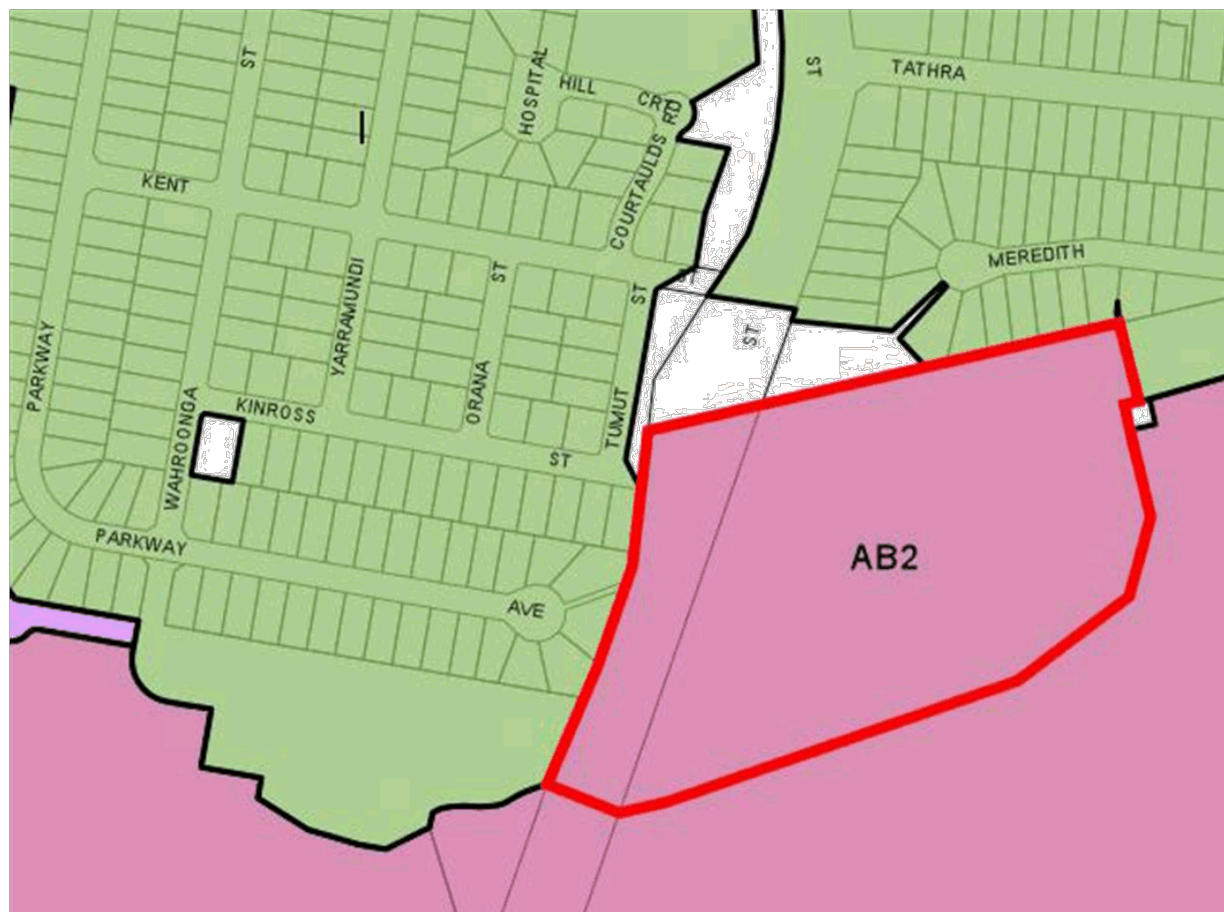


19

ATTACHMENT 3 – Proposed Zoning Map

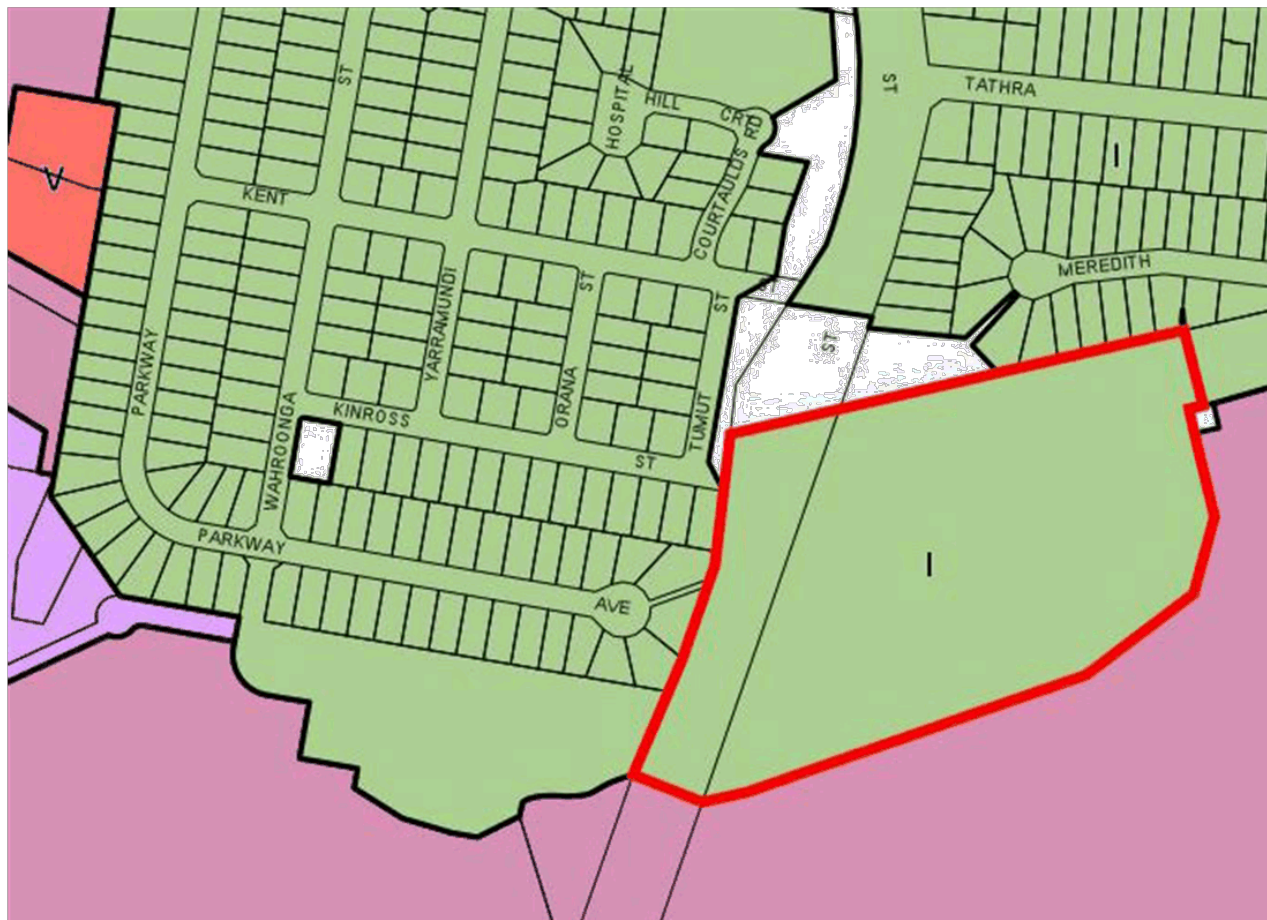


ATTACHMENT 4 – Existing Lot Size Map



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ATTACHMENT 5 – Proposed Lot Size Map



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ATTACHMENT 6 – Existing Height of Buildings Map



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ATTACHMENT 7 – Proposed Height of Buildings Map



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**ATTACHMENT 8 –Traffic Impact Statement prepared by SECA Solution
(2016)**

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RAYMOND TERRACE.



ACN: 164611652
Suite 10, 265 King Street
Newcastle NSW 2300
Ph: (02) 4925 7795
admin@secasolution.com.au

30 May 2016

P0598 dWC Raymond Terrace Residential TIA

de Witt Consulting
7 Canberra Street,
Charlestown NSW 2290

Attn: Mr Mark Maund

Dear Mark,

Re: Traffic Impact Statement for the proposed residential development, 251 Adelaide Street, Raymond Terrace

Further to our site visit undertaken on 27th April 2016 and a review of the provided documentation for the proposed rezoning of land to accommodate a residential development located at 251 Adelaide Street, Raymond Terrace, we provide the following traffic impact assessment.

This traffic impact assessment has been prepared in accordance with the Austroads Guidelines and Section 2.3 of the RMS Guide to Traffic Generating Developments. Section 2.3 of the RMS Guide to Traffic Generating Developments provides a structure for reporting, covering the key issues to be addressed in determining the impact of traffic associated with a development. This format and checklist ensures that the most significant matters associated with a Development Application are considered by the road authority, be they the RMS or Council.

This report has also taken into consideration the Port Stephens Council Development Control Plan 2014.


The project area and the local road network is shown below in Figure 1.



Figure 1 Project Area and local road network

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A summary of the key considerations and issues for the project are as follows:

Item	Comment
Existing Situation	
2.1.1 Site Location and Access	<p>The subject site was previously a quarry however it has been vacant for a considerable time. Located on the south east edge of Raymond Terrace, as shown below, there is no formal access currently available however access is proposed from Adelaide Street to the west of the site.</p>  <p>Figure 2. Location of the subject site.</p>
2.2.1 Road Hierarchy	<p>The main road through the locality is Adelaide Street which provides an important connection between Raymond Terrace and the Pacific Highway to the north and south. Previously functioning as part of the Pacific Highway it now carries local traffic as well as regional traffic from the various towns and villages to the north west of Raymond Terrace. North of William Bailey Street, Adelaide Street forms part of the state road network carrying a wide range of vehicles up to an including B-double combinations. South of William Bailey Street, and in the locality of the subject site, Adelaide Street functions as a local collector road. Port Stephens Council is the road authority.</p> <p>Adjacent to the subject site, Adelaide Street provides a single lane of travel in each direction with a width of approximately 12.5 metres. To the north of the site the road widens with a painted median and turn lanes which provide access to the various side roads and improved safety for road users. At the intersection of Adelaide Street and Tathra Street, a right turning lane is provided on the southern approach from Adelaide Street. Street lighting and kerb and guttering is provided along the majority of the length of the roadway. The posted speed limit along Adelaide Street varies from 70 km/hr on the approach to Raymond Terrace reducing to 50 km/hr adjacent to the site.</p> <p>There is a sealed shoulder allowing for kerbside parking along both sides of Adelaide Street adjacent to the site. Restrictions associated with road widening, driveways and intersections are in place to the north of the site in conjunction with residential development.</p>

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Item	Comment
	<p>There are no pedestrian footpaths along Adelaide Street adjacent to the site although to the north there is a footpath on the eastern side of the roadway.</p> <p>Adelaide Street connects with the broader regional road network via a two lane circulating roundabout approximately 1km to the south.</p> <p>Tathra Street is a local road servicing a residential area. It has a sealed pavement in the order of 12 meters wide allowing for travel in both directions and on-street parking adjacent to dwellings on both sides of the roadway. Street lighting and kerb and guttering is provided along the length of the roadway along with a footpath along its northern side.</p> <p>Tathra Street connects with Adelaide Street via a T-intersection allowing for all turn movements with Adelaide Street having priority. To its eastern end Tathra Street becomes Phillip Road.</p> <p>Meredith Crescent is a cul-de-sac with a width in the order of 8 metres and a turning head to provide for large vehicles. There are no pedestrian footpaths provided along its length however there is kerb and guttering and street lighting. At the end of Meredith Crescent there is a shared pathway which connects to Adelaide Street along the northern boundary of a small park.</p> <p>Both Meredith Crescent and Tathra Street have a speed limit of 50km/hr.</p> <p>Meredith Crescent connects with Tathra Street at a cross road with Bareena Street and Phillip Road. Tathra Street and Phillip Road have priority with stop-sign control on Meredith Crescent and Bareena Street.</p>
2.2.2 Roadworks	None noted in the general vicinity of site. A review of the Port Stephens Council web site indicates that there is no capital roadworks planned in the vicinity of the subject site. With the exception of regular road maintenance, there are no requirements to upgrade the road within the general locality of the subject site.
2.2.3 Traffic Management Works	There are no planned traffic management works within the general locality of the subject site.
2.2.4 Pedestrian and Cycling Facilities	<p>A pedestrian footpath is provided along Adelaide Street to the north of the site as well as along Tathra Street. There is a marked pedestrian crossing across Adelaide Street to the north of the site which provides connection to the shared pathway through to Meredith Crescent as well as the bus stops on Adelaide Street.</p> <p>A review of the Port Stephens Council Bicycle Routes map (2014) shows a shared pathway located along Adelaide Street on the approach to Raymond Terrace from Heatherbrae. This pathway provides connection within the vicinity of the subject site and to the Raymond Terrace town centre.</p>
2.2.5 Public Transport	<p>The area is serviced by public transport with regular bus services operating along Adelaide Street as well as Tathra Street and Phillip Road (Route 141 Town Service). Local buses provide services between Raymond Terrace and Newcastle, Newcastle Airport, Nelsons Bay and East Maitland. The majority of these services are provided by Hunter Valley Buses.</p> <p>Bus routes servicing the site are:</p>

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Item	Comment								
	<ul style="list-style-type: none">Route 135: Nelson Bay to Raymond Terrace (Twice Daily by Port Stephens Coaches)Route 140: Newcastle to Lakeside ShopsRoute 141: Raymond Terrace Town Service <p>Bus stops are located on Adelaide Street to the immediate north of the site with a shelter provided on the eastern side of the road. Bus stops are also provided on Phillip Road to the north of the Meredith Crescent intersection.</p> <p>The nearest railway station is located at Hexham some 10km from the subject site. This station is serviced by the Hunter Line and provides regular services between Newcastle and Scone or Dungog.</p>								
2.3 Traffic Flows									
2.3.1 Daily Traffic Flows	<p>As part of the project work, Seca Solution collected traffic data at the intersection of Adelaide Street and Tathra Street to determine the current peak hour traffic flows. These surveys were undertaken on Wednesday 27th April 2016 during the typical morning peak period (between 7.45am and 9:00am). The peak hour was determined as being between 8am and 9am.</p> <p>The peak 2-way traffic flows along Adelaide Street south of Tathra Street are summarised below:</p> <p><i>Table 1. Summary of peak hour traffic flows along Adelaide Street</i></p> <table><tr><th>Roadway</th><th>2-way Peak Hour Flows (veh/hr)</th><th>Northbound (veh/hr)</th><th>Southbound (veh/hr)</th></tr><tr><td>Adelaide Street (south of Tathra Street)</td><td>1170</td><td>563</td><td>607</td></tr></table> <p>Allowing the mid-block flow per lane of an undivided urban road to be 900 vph in the peak hour Adelaide Street is operating well within its current capacity. The peak hour flows per direction for a Level of Service (LoS) C is 600 vehicles with LoS D at 900 vehicles per hour. Thus Adelaide Street is currently operating at the upper limit of LoS C.</p> <p>RMS guidelines indicate that peak hours typically represent around 10% of the daily traffic flows. This would indicate that the daily traffic flows along Adelaide Street (to the south of Tathra Street), could be in the order of 11,700 vehicles per day.</p>	Roadway	2-way Peak Hour Flows (veh/hr)	Northbound (veh/hr)	Southbound (veh/hr)	Adelaide Street (south of Tathra Street)	1170	563	607
Roadway	2-way Peak Hour Flows (veh/hr)	Northbound (veh/hr)	Southbound (veh/hr)						
Adelaide Street (south of Tathra Street)	1170	563	607						
2.3.2 Daily Traffic Flow Distribution	Daily traffic flows would be reasonably balanced over the day. In the morning peak, there is a slight bias in traffic travelling southbound towards the M1 Pacific Motorway whilst northbound traffic has a destination towards local shopping and commercial elements within the Raymond Terrace Town Centre.								
2.3.3 Vehicle Speeds	No speed surveys were completed as part of the survey work, however observations on the site indicate that drivers typically travel at the posted speed limit along Adelaide Street due to interactions with intersections and driveways.								
2.3.4 Existing Site Flows	The project area is a disused quarry which has been unused for a considerable period. It therefore generates no traffic flows.								

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Item	Comment
2.3.5 Heavy Vehicle Flows	Observations on site indicate that there is a reasonable volume (6%) of heavy vehicle movements along Adelaide Street in the vicinity of the site with heavy vehicles flows primarily consisting of local deliveries and buses towards the Raymond Terrace Town Centre and construction trucks and similar medium sized trucks outbound towards the Pacific Highway. Adelaide Road in this locality does not encourage through movements for heavy vehicles with the majority of heavy vehicles (outside of Raymond Terrace) travelling along the Pacific Highway or via William Bailey Drive and Seaham Road for destinations to the west.
2.3.6 Current Road Network Operation	Observations on site during the morning peak periods show that the road network in the vicinity of the subject site operates to an acceptable standard, with minimal delays and congestion. The design of the local roads historically catered for much higher traffic volumes than those currently using this thoroughfare.
2.4 Traffic Safety and Accident History	A review of accident data provided by the RMS indicates that in the past five years there has only been 2 accidents in the general locality of the subject site. One, involving a cyclist in 2012, was at the corner of Adelaide Street and Kemp Street whilst the other, on Tathra Street in 2014, involved a vehicle reversing from a driveway. The local roads are typically well laid out allowing for good visibility on the approaches to the intersections. As such, it is considered that the road layout provides an acceptable level of traffic safety.
2.5 Parking Supply and Demand	
2.5.1 On-street Parking Provision	The sealed verge along the site frontage on Adelaide Street allows vehicles to stop however there is little demand for on street parking due to the lack of development along this part of the road. To the north, parking is restricted in places to provide additional width to accommodate turn lanes. On street parking is generally permitted along the local roads in the vicinity of the subject site with normal restrictions associated with driveways and intersections.
2.5.2 Off-street Parking Provision	There is no off street parking provided within the vicinity of the site except that associated with individual dwellings.
2.5.3 Parking Demand and Utilisation	There is minimal demand for parking observed with most dwellings able to provide off street parking for residents and only a small number of additional vehicles parked on street adjacent to some dwellings.
2.5.4 Set down or pick up areas	None noted in the vicinity of the subject site.
2.6 Public Transport	
2.6.1 Rail Station Locations	The nearest railway station is located at Hexham some 10 km to the south of the proposed development (via the Pacific Highway).
2.6.2 Bus Stops and Associated Facilities	There are bus stops located on both sides of Adelaide Street less within 150 meters of the subject site. The bus stop on Adelaide Street southbound has seating and a shelter. Bus stops are also located on Phillip Road near the Meredith Crescent intersection.
2.6.3 Pedestrians	Pedestrians are accommodated on the footpath along Adelaide Street (north of the site). There is a pedestrian crossing across Adelaide Street immediately to the north of the site providing connection between the bus stops as well as to the shared pathway through to Meredith Crescent.
2.7 Other Proposed Developments	No other significant developments are noted in the local area.

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Item	Comment
3.1 The Development	
3.1.1 Nature of Development	The proposal is for the rezoning of land to provide a residential subdivision to accommodate between 150 and 200 dwellings. These will be a mix of single dwelling houses with some townhouses and dual occupancy sites. Access is proposed onto Adelaide Street with an internal road network designed to meet the design requirements of Port Stephens Council.
3.1.2 Access and Circulation Requirements	Access to the subject site will be from Adelaide Street on the west side of the site. This is the only frontage with access to the road network. Access to individual lots will be the subject of individual DAs for dwellings. The layout of the site will allow for all vehicles to be able to enter, circulate within the site and exit in a forward direction.
3.2 Access	
3.2.1 Driveway Location	The specific location of the vehicle access along Adelaide Street will be determined as part of the DA stage of the development. Individual driveways to each lot will be the subject of individual DAs.
3.2.2 Sight Distances	The access to the site shall be located to satisfy the minimum sight distances as specified by the RMS Road Design Guide. The posted speed limit changes along the site frontage from 70 km/hr to 50 km/hr. As the access point has not been determined an assessment has been made for the posted speed limit of 70 km/hr. For this speed limit, the proposed access would need to provide a minimum sight distance (SISD) of 130 meters. Adelaide Street offers a straight and level alignment in this location. A review of the potential site location indicated that the site would be able to achieve the required sight distance, subject to the final design.
3.2.3 Service Vehicle Access	As a residential subdivision the only need for regular servicing of the site would be for waste collection by council refuse truck. Kerbside collection would be undertaken which is consistent with other waste collection in the area. The occasional need for deliveries to individual dwellings can be managed within the adjacent roadway.
3.2.4 Queuing at entrance to site	There are no queues anticipated at the site entrance with traffic able to enter the site freely. Any minor delays and queuing associated with vehicles leaving the site in the morning peak will be contained within the site and will not impact on the broader road network.
3.2.5 Comparison with existing site access	There is no existing access between the site and Adelaide Street. Informal tracks have been developed within the site with informal access off Adelaide Street. The new access point will be designed and constructed in accordance with the requirements of Port Stephens Council and the RTA Road Design Guide.
3.2.6 Access to Public Transport	The site will be connected to the existing footpath network along Adelaide Street which includes connection with local bus stops to the north of the site. This will be detailed in the DA stage of the development.
3.3 Circulation	
3.3.1 Pattern of circulation	All vehicles shall be able to enter and exit the site in a forward direction. The internal road will be designed in accordance with Council's requirements which will ensure that vehicles can circulate throughout the site in a safe and appropriate manner.
3.3.2 Road width	All internal roads shall be designed in accordance with Council's design requirements.
3.3.3 Internal Bus Movements	No internal bus movements are anticipated for this development however the internal roads will be designed to accommodate the swept path of larger vehicles eg waste trucks.
3.3.4 Service Area Layout	There is no requirement anticipated for a service area within the site

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Item	Comment								
3.4 Parking									
3.4.1 Proposed Supply	All parking will be accommodated within the site and will have no impact on the local road network. Parking for individual sites will be determined in conjunction with individual DAs.								
3.4.2 Authority Parking	Port Stephens Council DCP specifies the following parking rates for single dwellings, dual occupancies and semidetached dwellings: <ul style="list-style-type: none">• 1 space for each one or two-bedroom dwelling;• 2 spaces for each dwelling with three or more dwellings								
3.4.3 Parking Layout	The car park layouts shall be designed in accordance with the Port Stephens Council DCP.								
3.4.4 Parking Demand	The parking demand will be subject to the final development. All parking demand will be able to be accommodated within the site with parking provided at the rates specific in the DCP.								
3.4.5 Service Vehicle Parking	The site will require minimal servicing. There is no requirement for parking associated with waste collection by kerb side pickup. Any other service parking can be accommodated within the subdivision road network.								
3.4.6 Pedestrian and Bicycle Facilities	Pedestrian and cycling facilities will be developed in accordance with the Council DCP.								
Traffic Assessment									
4.1 Traffic Generation	<p>The project may see the development of between 150 and 200 lots catering for a mix of low density dwellings with some dual occupancy or town house sites. The RMS TDT2013/04a Guide to Traffic Generating Developments Updated Traffic Surveys provides guidance on the traffic generating rates for low density residential dwellings. The guide indicates a daily trip rate of 7.4 vehicles per dwellings in regional areas with 0.71 trips per dwelling in the AM peak and 0.78 trips per dwelling in the PM peak. A summary of the peak hour and daily traffic movements generated by the development is given below:</p> <table><tr><th>Lots</th><th>AM trips</th><th>PM trips</th><th>Daily trips</th></tr><tr><td>150-200</td><td>107-142</td><td>117-156</td><td>1110-1480</td></tr></table> <p>Overall the proposed development would generate between 107 and 142 vehicle movements in the AM peak and between 117 and 156 vehicles movements in the PM peak with between 1110 and 1480 vehicle movements per day, equally split between inbound and outbound trips.</p>	Lots	AM trips	PM trips	Daily trips	150-200	107-142	117-156	1110-1480
Lots	AM trips	PM trips	Daily trips						
150-200	107-142	117-156	1110-1480						
4.1.1 Daily and Seasonal Factors	Limited daily and seasonal variation in traffic movements associated with the development other than normal variation between work days (Monday to Friday) and weekends.								
4.1.2 Pedestrian Movements	Pedestrian movements associated with the development would primarily be associated with people accessing the bus facilities on Adelaide Street. The Raymond Terrace Town Centre is over a kilometre from the subject site and not likely to appeal as a pedestrian destination.								
4.2 Traffic Distribution and Assignments	All traffic is expected to access Adelaide Street and then travel either south towards the Pacific Highway or north towards to town centre or Seaham Road and west from Raymond Terrace. It is considered that 80% of the trips in the AM peak would be outbound and 20% inbound with the reverse in the PM peak.								
4.2.1 Origin / destinations assignment	It is considered that the majority of traffic will have an origin/destination south from the site however there will be a significant number also								

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	travelling north along Adelaide Street. A traffic split of 40% northbound, 60% southbound has been applied to this assessment. Based upon surveys undertaken at the intersection of Adelaide Street and Tathra Street, 56% of traffic turned left out of Tathra Street to travel south whilst the balance of traffic, 44% turned north onto Adelaide Street. This reflects a similar origin and destination to the traffic movements generated by this development.
4.3 Impact on Road Safety	It is considered that the proposed development will have an acceptable impact upon the local road network in the vicinity of the subject site. The local roads are well laid out, and the intersection of Adelaide Street and the development will be designed in accordance with current design standards to provide sheltered turn lanes in a manner similar to surrounding intersections. The sight lines approaching the access to the subdivision would satisfy the minimum requirements under the RTA Road Design Guide.
4.4 Impact of Generated Traffic	
4.4.1 Impact on Daily Traffic Flows	The proposed development will increase the two-way flows on Adelaide Street by up to 142 vph during the AM peak with 156 vph in the PM peak. Allowing for the increased traffic associated with this development, Adelaide Street would operate at LoS D, with less than 700 vehicle per hour per direction. This is within the capacity of the existing road. Based on the traffic distribution and assignment above, the development could increase the daily traffic flows along Adelaide Street (to the south of the site) by: <ul style="list-style-type: none"> • 666-888 vehicles per day -an increase of between 6.7-7.5% of the current daily traffic flow. Traffic flows north of the site would be less than this.
4.4.2 Peak Hour Impacts on Intersections	The key intersection will be the access into the site that will provide for all turning movements. This will be a T-intersection designed to provide a sheltered right turn lane consistent with others in the vicinity. A review of the Austroads <i>Guide to Road Design Part 4A-Unsignalised and Signalised Intersections</i> confirms that allowing for the peak hour movements on Adelaide Street and the turn movements associated with the development a CHR type intersection is appropriate.

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	<p>(b) Design speed < 100 km/h</p> <p>Source: Amdt and Troutbeck (2006)</p> <p>Figure 4.9: Warrants for turn treatments on the major road at unsignalised intersections</p> <p>Allowing for these additional peak hour vehicle movements, it is considered that there would be no significant change in the delays and congestion for the existing road users. Adelaide Street historically functioned as the Pacific Highway carrying much higher traffic movements than those currently using this road. The additional traffic would have a minimal impact upon the operation of the various intersections both up stream and down and as demonstrated is considered to be within the capacity of the local road network.</p>
4.4.3 Impact of Construction Traffic	<p>All construction work will be contained within the site with minimal impact upon the external road network. There will be a requirement for construction machinery to access the site and traffic associated with workers. The site will require the movement of heavy vehicle into and out of the site which would need to be safely managed. A Construction Traffic Management Plan shall be prepared as part of the Construction Certificate stage of the project.</p> <p>Given the size of the site, it is considered that parking for construction staff would be contained within the site with minimal impact on existing road users.</p>
4.4.4 Other Developments	No other significant developments occurring in the immediate locality of the subject site.
4.5 Public Transport	
4.5.1 Options for improving services	None required. The development is located close to existing bus routes. There is adequate spare capacity to cater for any increase in demand for these services.
4.5.2 Pedestrian Access to Bus Stops	Pedestrian access will be required to the local bus stops which can be provided by footpaths which connect the subject site to the existing path on Adelaide Street.
4.6 Recommended Works	
4.6.1 Improvements to Access and Circulation	To be detailed in the DA stage of the project.
4.6.2 Improvements to External Road Network	None required as the existing road network has adequate capacity to cater for the additional flows.
4.6.3 Improvements to Pedestrian Facilities	As noted above in 4.5.2.

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4.6.4 Effect of Recommended Works on Adjacent Developments	No impact as no adjacent developments.
4.6.5 Effect of Recommended Works on Public Transport Services	Nil.
4.6.6 Provision of LATM Measures	None required.
4.6.7 Funding	No external road upgrades required. Construction of access to be funded by the development.

Conclusion

From the site work undertaken and the review of the development proposal against the requirements of the RMS Guide to Traffic Generating Developments and the Austroads Guides, it is considered that the proposed development can be accommodated within the local road network and should have no objections raised on traffic grounds. The additional traffic movements generated by the development will have a minimal impact on the surrounding road network and a new site access with sheltered right turn lane can operate with minimal delay or congestion.

Please feel free to contact me on 4925 7795, should you have any queries.

Yours sincerely

Sean Morgan
Director

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Attachment A: Site Photos



Photo 1 – View along Adelaide Street showing typical cross section with subject site to left in distance



Photo 2 – View along Adelaide Street with site to right of photo

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Photo 3 – Shared pathway between Meredith Crescent and Adelaide Street in the park to the north of the site



Photo 4 – Bus stop on Adelaide Street with site to the rear of photo

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Photo 5 – Mid-block pedestrian crossing across Adelaide Street



Attachment B: Site Plan

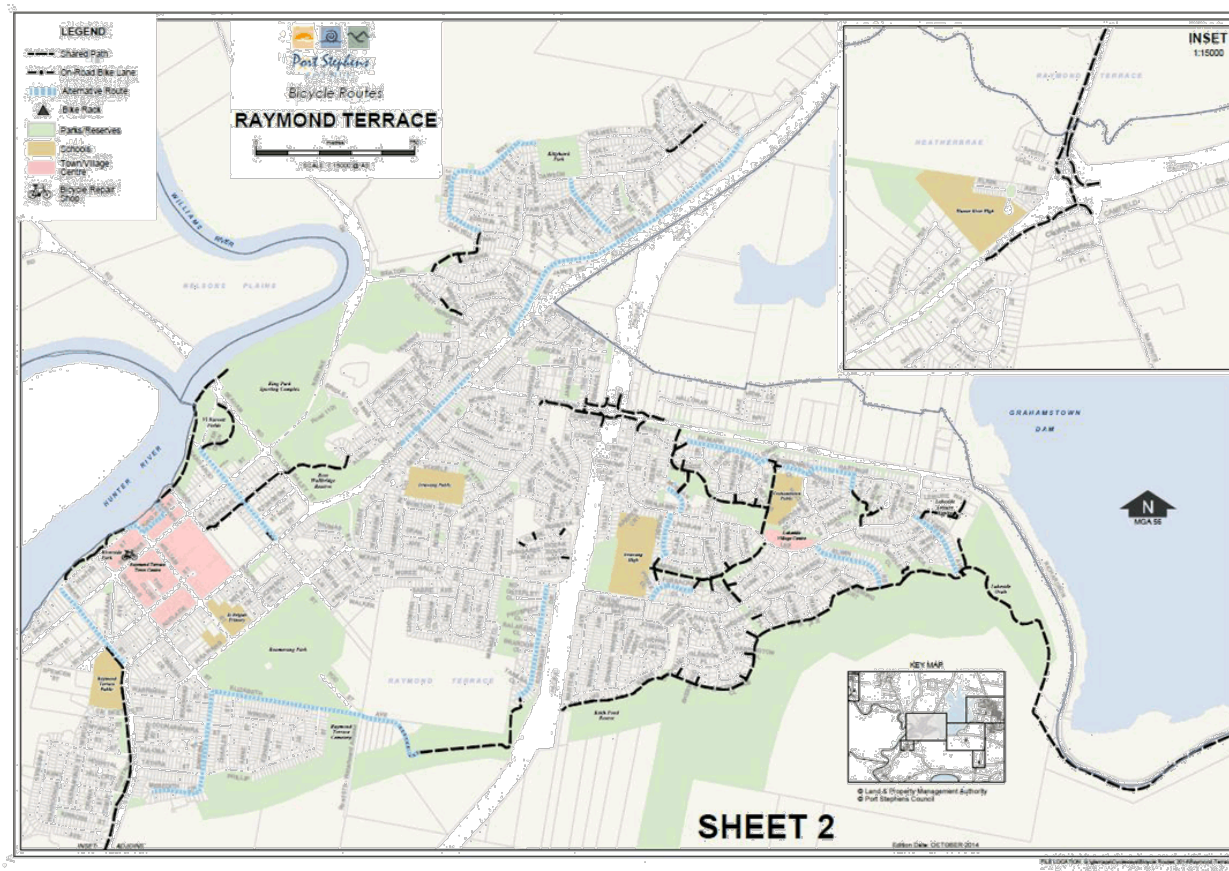


Attachment C: RMS Accident Data

Detailed Crash Report - sorted																	
Crash No.	Data Source	Date	Day of Week	Time	Distance	ID Feature	Loc Type	Alignment	Weather	Surface Condition	Speed Limit	No. of Tus	To Type/Obj	Age/Sex	Street Travelling	Speed Travelling	Manoeuvre
Natural Lighting																	
Hunter Region Port Stephens LGA Raymond Terrace Adelaide St																	
811375 P	19/09/2012	Wed	07:45		at KENT ST	TJN	STR	Fine	Wet	50	2	CAR	M49	E in KENT ST		10	Turning right
E49413249			Daylight			RUM: 13	Right near						P/C	M42	N in ADELAIDE ST		Proceeding in lane
Hunter Region Port Stephens LGA Raymond Terrace Tathra St																	
1028895 P	12/06/2014	Thu	10:25		at NUMBER 21 HN	2WY	STR	Fine	Dry	50	2	CAR	M49	N in TATHRA ST		10	Reverse from drive
E54931304			Daylight			RUM: 47	Emerging from drive						M/C	F46	W in TATHRA ST		Proceeding in lane
Report Totals: Total Crashes: 2 Fatal Crashes: 0 Injury Crashes: 2 Killed: 0 Injured: 2																	
Crashid dataset Tathra Street, Raymond Terrace - 1st July 2010 to 2016*																	
Note: Ordered by: Crash Date.																	
Crash self reporting, including self reported injuries began in Oct 2014. Trends from 2014 are expected to vary from previous years. More unknowns are expected in self reported data. For further information refer to Data Manual or report provider.																	
Rep ID: DCR02 Office: Hunter User ID: gillettj Page 1 of 1 Generated: 28/04/2016 09:06																	

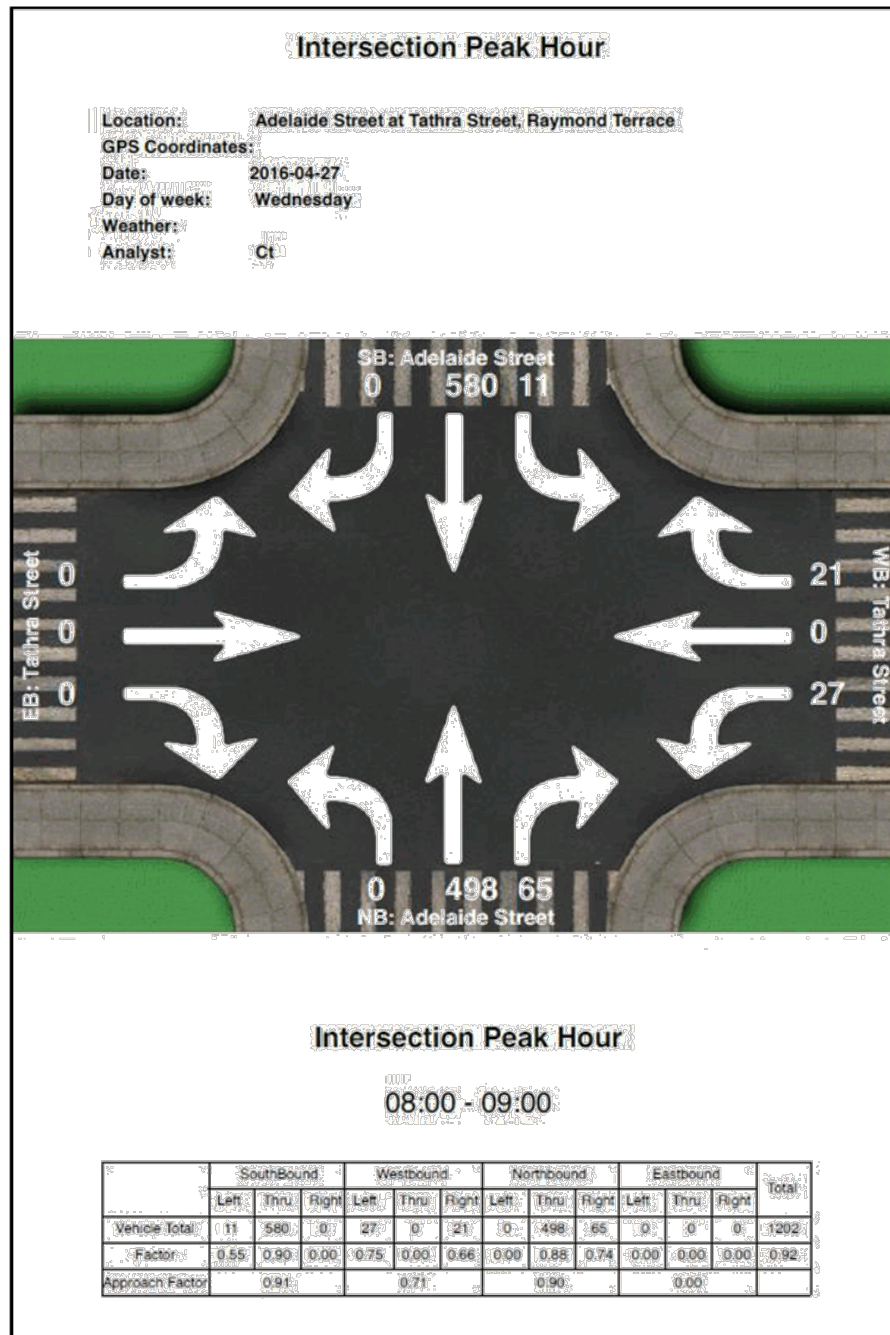


Attachment D: Cycle Routes



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Attachment E: Survey Data



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**ATTACHMENT 9 – Flora and Fauna Offsets Assessment prepared by Biosis
(2016)**
