

## Minutes 10<sup>th</sup> June 2008



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 10<sup>th</sup> June 2008, commencing at 8.28pm.

**PRESENT:**

Councillors R. Swan (Mayor); S. Dover (Deputy Mayor); H. Brown; G. Dingle; G. Francis; J. Hodges; K. Jordan; J. Nell; S. Tucker, R. Westbury; General Manager; Executive Manager – Corporate Management, Facilities and Services Group Manager; Sustainable Planning Group Manager; Acting Business and Support Group Manager.

|     |                                      |  |
|-----|--------------------------------------|--|
| 123 | Councillor Nell<br>Councillor Jordan | It was resolved that the apology from Cr Robinson be received and noted. |
|-----|--------------------------------------|--|

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## MOTIONS TO CLOSE

**ITEM NO. 1**

**FILE NO: T06-2008**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT**

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 1 on the Ordinary meeting agenda namely **Tender T06-2008 – Supply of Non Clerical Labour Hire**.
  - 2) That the reasons for closing the meeting to the public to consider this item be that:
    - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
    - ii) In particular, the report includes confidential pricing information in respect of the **Tender T06-2008 – Supply of Non Clerical Labour Hire**
  - 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.
  - 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.
- 

**ORDINARY MEETING – 10 JUNE 2008**

**RESOLUTION:**

|            |   |  |
|------------|---|--|
| <b>124</b> | <b>Councillor Nell<br/>Councillor Dover</b> | <b>It was resolved that the recommendation be adopted.</b> |
|------------|---|--|

**ITEM NO. 2**

**FILE NO: PSC2006-1939**

**MOTION TO CLOSE MEETING TO THE PUBLIC**

**REPORT OF: JUNE SHINE – EXECUTIVE MANAGER CORPORATE MANAGEMENT**

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**RECOMMENDATION:**

- 1) That pursuant to section 10A(2)(d) (i & ii) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meetings to discuss Confidential Item 2 on the Ordinary meeting agenda namely ***Raymond Terrace Sports Field Redevelopment Amendment to Heads of Agreement.***
  - 2) That the reasons for closing the meeting to the public to consider this item be that the report and discussion will include:
    - i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
  - 3) That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as it may prejudice Council's commercial position and Council should have the same protection for its confidential commercial activities as that applying to other persons.
  - 4) That the minutes of the closed part of the meeting are to be made public as soon as possible after the meeting and the report is to remain confidential.
- 

**ORDINARY MEETING – 10 JUNE 2008**

**RESOLUTION:**

|     |                                     |   |
|-----|-------------------------------------|---|
| 125 | Councillor Nell<br>Councillor Dover | It was resolved that recommendation be adopted. |
|-----|-------------------------------------|---|

# **OPERATIONS COMMITTEE RECOMMENDATION**

**ITEM NO. 1**

**FILE NO: PSC2007-1204**

**REVISED DRAFT NELSON BAY 2030 STRATEGY – BACKGROUND REPORT**

**REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING**

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**RECOMMENDATION IS THAT COUNCIL:**

- 1) Place the draft Nelson Bay 2030 Strategy, provided under separate cover, on public exhibition for community comment and feedback from 19<sup>th</sup> June 2008 until 17<sup>th</sup> July 2008.

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**OPERATIONS COMMITTEE – 10 JUNE 2008**

**RECOMMENDATION:**

That the recommendation be adopted.

Tabled Document: Revised Draft Nelson Bay 2030 Strategy

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**ORDINARY MEETING – 10 JUNE 2008**

**RESOLUTION:**

|            |  |  |
|------------|--|--|
| <b>126</b> | <b>Councillor Nell<br/>Councillor Westbury</b> | <b>It was resolved that the recommendation be adopted.</b> |
|------------|--|--|

Tabled Document: Revised Draft Nelson Bay 2030 Strategy

**BACKGROUND**

The purpose of this report is to update Council on its resolution of 18<sup>th</sup> December 2007 and present the revised draft Nelson Bay 2030 Strategy – Background Report (draft Strategy) for Council's consideration. The draft Strategy has changed significantly from that reported to Council in December 2007. This report recommends placing the revised draft Strategy on exhibition.

Council at its meeting of 18<sup>th</sup> December 2007 resolved to:

- 1) Note that the General Manager, to ensure absolute probity and due process in the drafting of the Nelson Bay 2030 Strategy, will ask Council's Internal Auditors to review the process and rationales for the content of the Draft Strategy;

- 2) Subject to the outcome of this review by the Internal Auditors, note that the Mayor, in consultation with the General Manager, will exercise execution authority during January 2008 to initiate the exhibition content of the draft Strategy (provided as an Attachment under separate cover with the Business Paper) for public exhibition and community consultation for a period of 6 weeks during January to March 2008;
- 3) Delegate to the General Manager to make such changes to text and complete such editing as is required – without changing substance of the draft Strategy that is attached – to enable the draft Strategy to go on exhibition between January and February 2008 and note that the Mayor will be requested to exercise any needed Executive Authority in this regard.

#### *Internal Audit & Probity Review*

The Internal Audit completed by Forsyth's Auditors determined that probity has been followed. The recommendations of the review included strengthening the rationale justifying certain proposed strategic directions in the draft Strategy particularly relating to building heights. This has required some revision and restructuring of the draft Strategy. The revised draft Strategy contains some significant changes to the draft reported to Council in December 2007.

Revisions specific to the Audit Report Review recommendations include:

- Documentation of the analysis that led to the key site the recommendations contained in the draft Strategy (refer p40 & Appendix 3);
- Documentation of the analysis that led to recommended building heights (refer p74 and Appendix 3)
- Documentation of the analysis of the sites considered for a potential Town Square (refer p78 and Appendix 5). No particular site was identified. The availability of foreshore land was considered sufficient.

#### *Draft Nelson Bay 2030 Strategy (draft Strategy)*

The draft Strategy aims to provide a framework to guide the future development of Nelson Bay and how it will evolve over time to 2030 and beyond. This framework includes the development of a desired future character for Nelson Bay, improved public spaces, better pedestrian connections and links between the Town Centre and the foreshore, guidelines for building height and form, improved traffic circulation and parking, and principles for retail and economic development.

The study area includes all lands zoned 3(a) Business and adjoining 2(c) land.

#### *Exhibition of draft Strategy*

The draft Strategy highlights a number of key points that require robust discussion and further resolution during and following the exhibition period. These include:

- developing an agreed vision for Nelson Bay;
- positioning Nelson Bay as a regional shopping destination;
- acceptable building height;
- suitable controls that support the development of sustainable buildings and a safe, attractive and clearly defined public realm and character for the town centre;
- maintaining a residential / tourist mix in Nelson Bay;
- attracting a mix of local / regional unique uses to Nelson Bay;
- opportunities for improved links between the Foreshore and the Town;
- distributing traffic across a number of streets in Nelson Bay including the movement of through traffic along Dowling Street;



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- parking for tourist buses;
- providing for parking in Nelson Bay.

Comments and discussion received during the exhibition period will be utilised to develop the Draft Nelson Bay 2030 Strategy Background Report into the draft final Nelson Bay 2030 Strategy. This will be reported to Council for consideration prior to adoption.

### *Integration of Plans for Nelson Bay*

It is acknowledged that there are a number of planning processes completed and underway by Council and the Department of Lands for Nelson Bay and the Foreshore. In line with the Memorandum of Understanding (MOU) between Council and Lands, staff are working closely together on these projects to ensure the continual exchange and sharing of information.

### *To achieve integration of these planning processes*

The remaining steps in the Nelson Bay 2030 Strategy process include:

1. *Exhibition of the draft Strategy for community comment*
2. *Review Submissions and consider relevant changes to Draft Nelson Bay 2030 Strategy*
3. *Report final draft Nelson Bay 2030 Strategy to Council for consideration prior to adoption*
4. *Incorporate adopted Strategy into PSCSIS (2007) as a site specific chapter under Part E Local Area Strategies.*
5. *Draft revisions to DCP 2007 Chapters C4 and C5 and amendments to LEP 2000 required to implement the strategies, report to Council and exhibit for community comment*
6. *Review Submissions and consider relevant changes to revisions to draft DCP 2007 Chapters C4 and C5 and amendments to LEP 2000*
7. *Report revised draft DCP 2007 Chapters C4 and C5 and amendments to LEP 2000 to Council for consideration prior to adoption*
8. *Incorporate changes into DCP 2007 and commence amendment process for changes to LEP 2000.*

## **LINKS TO CORPORATE PLANS**

The draft Strategy supports links to the economic and environmental sustainability outcomes of the Council Plan 2008-2012.

## **FINANCIAL/RESOURCE IMPLICATIONS**

In addition to \$50,000 allocated for the project, Council has provided \$4,000 to facilitate meetings with key landholders and the design team from Rohan Dickson & Associates to gather information to test possible development controls and outcomes for Nelson Bay. Emphasis was placed on discussing ideas for improving the relationship and contribution of key sites to the Nelson Bay Town Centre. Two community workshops were conducted. Council resources will be required for the exhibition and implementation of the draft Strategy.

## **LEGAL AND POLICY IMPLICATIONS**

### **Legal**

There are no legal implications in adopting the recommendations of this report.

### **Policy**

There are no policy implications in adopting the recommendations of this report. However, subsequent adoption of the draft Strategy would have the following policy implications:

*Port Stephens Community Settlement and Infrastructure Settlement Strategy (PSCSIS) 2007* - incorporates the targets of the Lower Hunter Regional Strategy 2006 identified for Nelson Bay. The Nelson Bay area is projected to provide 1,500 jobs and 1,200 dwellings over the next 25 years. The draft Strategy will provide Council with a framework for the delivery of these targets.

*Port Stephens Local Environmental Plan (LEP) 2000 and Port Stephens Development Control Plan (DCP) 2007*- Amendments to these documents will be required to implement outcomes of the draft Strategy. All proposed amendments will be reported to Council and are required to be placed on public exhibition.

*Port Stephens Economic Development Strategy* - identifies Nelson Bay for development as a major regional hub. Attachment 1 shows Figure 30 in the PSCSIS 2007 which identifies the desirable settlement pattern zones that contribute to an ideal settlement pattern. Within this pattern, the Nelson Bay Town Centre will function as the major urban centre on the Tomaree Peninsula.

*Draft Port Stephens Foreshore Management Plan* The recommendations of the Port Stephens Foreshore Management Plan have been considered.

*Coastal Design Guidelines for NSW* - identifies Nelson Bay as a coastal town and provides general principles for development. The draft Strategy will provide area specific guidelines that work with these guidelines.

*Tall Building Study 1984* - has been reviewed as part of the draft Strategy. The draft Strategy will supersede the 'Tall Building Study 1984' upon adoption by Council.

### **Business Excellence Framework**

Preparation of the draft Strategy by Council supports organisational excellence through the promotion of the following Business Excellence principles:-

- 1) **LEADERSHIP** – the draft Strategy provides clear direction around which to build organisational alignment and focus on sustainable achievement of outcomes mentioned in the draft Strategy.
- 3) **CUSTOMERS** – the draft Strategy allows Council to be responsive in supporting the residents and business community of Nelson Bay through promoting the desired future character of Nelson Bay.
- 6) **INFORMATION AND KNOWLEDGE** – the draft Strategy will improve the level of information and knowledge available about the variables of Nelson Bay and improve strategic and operational decision making.
- 8) **SUSTAINABLE RESULTS** – the draft Strategy aims to provide guidance for Council to achieve sustainable results, value and outcomes for Nelson Bay.

### **SOCIAL, ECONOMIC AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

The draft Strategy aims: to maintain a balance of residential and tourist accommodation in the town; to establish a more vibrant town centre and hence greater social and economic exchange; to improve the pedestrian experience of the town and accessibility to the foreshore; and gain community ownership of the strategic directions of the Strategy. Improved connection between the town centre and the marina will provide for improved

usage of these spaces by local residents and increase the attraction of the area for the holiday population.

The draft Strategy explores the future role for Nelson Bay within an increasingly dynamic economy. It proposes the provision of a range of quality commercial spaces for the needs of existing and future businesses.

The draft Strategy builds on the outcomes of Port Stephens Council's Economic Development Strategy. It seeks to support the economic growth of Nelson Bay by encouraging built form and increased use of public space to create a vibrant town that becomes a regional destination. It proposes a mix of uses in the town; improved links to the foreshore; improved pedestrian facilities; and improved traffic movement and parking. All of these factors influence the current and future economy of the town

The draft Strategy aims to support Nelson Bay to become a sustainable town that sits well within the landscape of Port Stephens with buildings that are energy and water efficient in design, construction and operation.

## **CONSULTATION**

Consultation has been central to the development of the draft Strategy. A range of opportunities have been provided for the community, government agencies, Council officers and Council to access information about the process and to respond to the process including:

*Web-site* - Council's web-site used to provide the community with workshop presentations for discussion purposes. Comments have been obtained from community groups and individuals during the process that have been fed into the process for consideration.

*Port Stephens Examiner* - Notices and updates have been placed in the Examiner.

*Posters* - Posters have been prepared for to promote key events. These have been widely distributed.

*Mail out* - Invitations to the community workshops have been sent to retail/commercial operators and owners, strata title managers and to adjoining landowners within the town.

*Community Focus Groups* - three meetings were held to gather input from relevant Nelson Bay community members and to guide the development of the Strategy. Three meetings were held.

*Community Workshops* - Two community workshops were held at Nelson Bay RSL Club and were well attended. The first held on 3<sup>rd</sup> September 2007 - "Creating our Future", and the second on 18<sup>th</sup> September 2007 - "Developing the Strategy". The draft Strategy is based on research findings and the generous feedback from these workshops.

*Government Agency Workshops* - Two workshops were held on 3<sup>rd</sup> September 2007 and 18<sup>th</sup> October 2007 to discuss the needs of Nelson Bay. Service providers advised that they were either able to cater for or upgrade the services required and requested to be kept informed by Council of planned growth.

*Internal Technical Committee* - Officers from all sections of Council make up this committee. Two Meetings were held with these officers and documents were circulated for comment.

*Key site owner meetings* - The meetings were designed to gather information about Nelson Bay, discuss the development intentions for key sites and discuss ways of improving the relationship and contributions that key sites make to Nelson Bay as a whole.

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*Councillor Briefings* - Briefing on an earlier draft of the Strategy held on 6<sup>th</sup> December 2007.

**OPTIONS**

- 1) Adopt the recommendations of this report.
- 2) Amend the recommendations of this report.
- 3) Not adopt the recommendations of this report.

**ATTACHMENTS**

- 1) Extract from the Port Stephens Community infrastructure and Settlement Strategy.
- 2) Copy of draft Nelson Bay 2030 Strategy provided under separate cover.

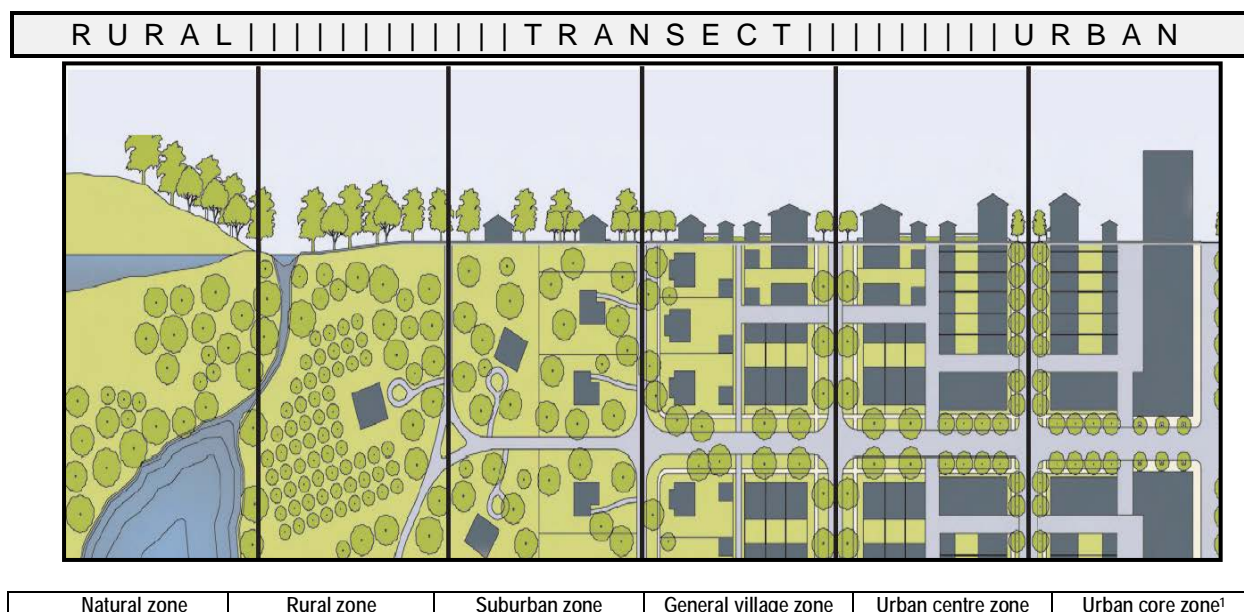
**COUNCILLORS ROOM**

Nil

**TABLED DOCUMENTS**

Nil

**ATTACHMENT 1**  
**EXTRACT FROM THE PORT STEPHENS COMMUNITY SETTLEMENT AND**  
**INFRASTRUCTURE STRATEGY**



|                    | NATURAL/RURAL              | SUBURBAN  | VILLAGE   | URBAN   |
|--------------------|----------------------------|---|---|---|
| Element            | Mostly car dependent areas | Walkable catchments, low to medium density residential, mixed use areas | Isolated cluster of dwellings around an informal centre, transport dependent for higher order facilities/services | Urban centres, fine grained mixed uses – cities, towns and main streets |
| Movement Network   | Roads, country lanes       | Primary distributors - integrator arterials & local streets             | Informal lanes and roads  | Formal boulevards, streets and lanes                                    |
| Parking            | Off road                   | Mixed on & off street   | Mixed on and off street   | On street, inside block, stacked or underground                         |
| Pedestrian         | Narrow informal paths      | Narrow footpaths  | Informal paths and narrow footpaths   | Wide footpaths  |
| Building size      | Generally small buildings  | Mixed small & large buildings   | General small buildings   | Generally large buildings   |
| Building heights   | Lower building heights     | Some high buildings   | Low building heights  | Higher building heights   |
| Density            | Low                        | Mixed low and medium  | Mixed low and medium  | Mixed medium and high   |
| Frontage to street | Rotated frontages          | Aligned frontages   | Informal and aligned frontages  | Aligned frontages   |
| Facades            |                            | Yards and verandahs   | Yards and verandahs   | Shopfronts and balconies  |

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| Landscaping                 | Greenscape  | Greenscape - less hardscape  | greenscape  | Hardscape with less greenscape  |
|-----------------------------|---|--|---|---|
| Open space                  | Corridors, farming and conservation areas                             | Recreation areas, parks, corridors   |   | Pocket parks, plazas, squares   |
| Land use                    | Dispersed residential   | Residential  | Clustered residential and supporting centralised mixed use  | Mixed use   |
| Setbacks                    | Deep setbacks   | Medium setbacks  | Mixture of setbacks   | Shallow to no setbacks  |
| House lots                  | Large   | Predominantly medium   | Small to large  | Medium to small   |
| Curb radii                  | Large   | Mixture  | small   | Small   |
| Building                    | Detached  | Mix of detached & attached   | Predominantly detached  | Most buildings attached   |
|                             |   | Local gathering places   |   | Regional institutions   |
| Transport                   | Little-no transport choice  | transport choice of car and limited cycling, walking, bus  | Cycling and walking within village  | Maximum transport choice – cycling, walking, car and bus  |
| Infrastructure and Services | Remote from services and infrastructure – cost prohibitive to provide | Basic services and infrastructure provided but can be remote from higher order services. Provision of higher order services and infrastructure are cost prohibitive. | Basic services and infrastructure provided but remote from higher order services. Provision of higher order services and infrastructure cost prohibitive. | Integrated with services and infrastructure – economies of scale allow costs to be more equitably distributed |
| Drainage                    | Open swales   | Open swales, kerb & guttering  | Open swales   | Kerb and guttering  |
| Vegetation                  | Mixed tree clusters   | Garden trees, some street trees  | Garden and street trees   | Aligned street trees  |
| Signage                     | Small yard signage  |  |   | Building mounted & footpath   |

Figure 30: Land use transect. Modified from DPZ.com.

1. Transect zone does not equate to land use zones under the Port Stephens Local Environmental Plan 2000 (LEP).

The transect should guide land uses and development design.

2. The transect is not to be interpreted rigidly. Its application is dependent upon cultural, economic, social and environmental contexts but shall be consistent with the Strategy. It is a tool to guide future land use planning decisions relating to LEP amendments and the preparation of Development Control Plans.

**ATTACHMENT 2  
COPY OF DRAFT NELSON BAY 2030 STRATEGY**

**Provided under separate cover**

# GENERAL MANAGER'S REPORT

PETER GESLING  
GENERAL MANAGER



ITEM NO. 1

FILE NO:PSC2006-0298

**WILLIAMTOWN DEFENCE AND AIRPORT RELATED EMPLOYMENT  
ZONE LAND USE DEVELOPMENT STRATEGY**

**REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING**

**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the *Williamtown Defence and Airport Related Employment Zone Land Use Development Strategy* to guide future urban development around Williamtown Airport (**Tabled**).
- 2) Endorse the Draft Local Environmental Plan (LEP) that includes amendment to the internal zone boundaries – zoning the entire subject land SP1 Special Activities – Defence and Airport Related Employment Development (Attachment 1) subject to:
  - a) An Agreement being formalised between the Department of Environment and Climate Change and the proponent before the Draft Local Environmental Plan is recommended for endorsement to the NSW Minister for Planning, and
  - b) An Agreement being formalised for the preservation of Aboriginal Cultural Heritage – also before the Draft LEP is recommended for endorsement to the NSW Minister for Planning.
- 3) Endorse the Draft LEP to be forwarded to the NSW Minister for Planning (under Section 70 of the Environmental Planning & Assessment Act 1979).

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**MOTION:**

|  |  |   |
|--|--|---|
|  | Councillor Brown<br>Councillor Francis | That Council;<br>1) Adopt the <i>Williamtown Defence and Airport Related Employment Zone Land Use Development Strategy</i> to guide future urban development around Williamtown Airport ( <b>Tabled</b> ).<br><br>2) Endorse the Draft Local Environmental Plan (LEP) that includes amendment to the internal zone boundaries – zoning the entire subject land SP1 Special Activities – Defence and Airport Related Employment Development (Attachment 1) subject to:<br><br>a) An Agreement being formalised between the Department of Environment and |
|--|--|---|

**MINUTES FOR ORDINARY MEETING – 10 JUNE 2008**

|  |  |   |
|--|--|---|
|  |  | <p>Climate Change and the proponent before the Draft Local Environmental Plan is recommended for endorsement to the NSW Minister for Planning, and</p> <p>b)An Agreement being formalised for the preservation of Aboriginal Cultural Heritage – also before the Draft LEP is recommended for endorsement to the NSW Minister for Planning.</p> <p>3) Endorse the Draft LEP to be forwarded to the NSW Minister for Planning (under Section 70 of the Environmental Planning &amp; Assessment Act 1979) with the inclusion of restaurants be included as a permissible use.</p> |
|--|--|---|

**AMENDMENT:**

|            |   |  |
|------------|---|--|
| <b>127</b> | <b>Councillor Hodges<br/>Councillor Francis</b> | <b>It was resolved that this matter be deferred to the Ordinary meeting of Council on 24<sup>th</sup> June 2008.</b> |
|------------|---|--|

The amendment on being put, became the motion, which was put and carried.

**MATTER ARISING:**

|            |  |  |
|------------|--|--|
| <b>128</b> | <b>Councillor Nell<br/>Councillor Jordan</b> | <b>It was resolved that Council call on the State Government to undertake a study for rail access to Newcastle Airport and Tomago Industrial Zone.</b> |
|------------|--|--|

**MATTER ARISING:**

|            |   |   |
|------------|---|---|
| <b>129</b> | <b>Councillor Francis<br/>Councillor Tucker</b> | <b>It was resolved that Council have further discussion with Monarch Historical Museum owners and the Department of Defence regarding their land being included in the rezoning prior to this matter being brought back to Council in June.</b> |
|------------|---|---|

## BACKGROUND

The purpose of this report is to advise Council of submissions received during the public exhibition of the draft local environmental plan for Defence and Airport Related Employment Zone (DAREZ) at Williamtown.

On 26<sup>th</sup> February 2008 Council resolved to prepare a draft local environmental plan (LEP) to create defence and airport related employment land in adjacent to Newcastle Regional Airport and RAAF Base Williamtown.

The draft LEP and accompanying DAREZ Land Use Development Strategy was placed on public exhibition from 10<sup>th</sup> April to 7<sup>th</sup> May 2008. Comment was also sought from the relevant state and federal departments and authorities.

The rezoning is in accordance with the *Lower Hunter Regional Strategy 2006* and *Council's Community Settlement and Infrastructure Strategy 2007*. A copy of the draft LEP map as publicly exhibited is provided in **Attachment 2**.

## LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

- |                                       |  |
|---------------------------------------|--|
| <b>SOCIAL SUSTAINABILITY –</b>        | <i>Council will preserve and strengthen the fabric of the community, building on community strengths.</i>                                  |
| <b>CULTURAL SUSTAINABILITY –</b>      | <i>Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.</i>         |
| <b>ECONOMIC SUSTAINABILITY –</b>      | <i>Council will support the economic sustainability of its communities while not compromising its environmental and social well being.</i> |
| <b>ENVIRONMENTAL SUSTAINABILITY –</b> | <i>Council will protect and enhance the environment while considering the social and economic ramifications of decisions.</i>              |

## FINANCIAL/RESOURCE IMPLICATIONS

Costs incurred in council staff time and resources preparing and administering the draft LEP have been recovered by the fees incurred by the rezoning request.

Should Council adopt the recommendations of this report, subsequent development of the land will be supported by private provision and public ownership of infrastructure normally associated with such development. Further details will be provided within the forthcoming DCP and subsequently considered by Council in future development applications.

## LEGAL AND POLICY IMPLICATIONS

The draft LEP is consistent with the *Lower Hunter Regional Strategy 2006* and the *Port Stephens Community Settlement and Infrastructure Strategy 2007*.

The draft LEP proposes the introduction to the Port Stephens LEP 2000 of:

- (a) an SP1 Special Activities – Defence and Airport Related Employment Development zone. The zone objectives and relevant land uses are specifically written to cater for land uses that are directly related to defence and airport related employment and to discourage or prohibit land uses that are incompatible with the ongoing operations of the domestic airport and RAAF Base Williamstown in particular. The zoning specifically does not encourage standard industrial and commercial development; and
- (b) an E3 – Environmental Management zone to provide a framework for the protection of areas of environmental significance and an aboriginal keeping place.

Due to advice from Department of Environment and Climate Change (DECC) and ongoing discussions with the proponent, the application of the E3 zone to the subject land is no longer appropriate. However, the retention of the E3 zone within the draft LEP is recommended as part of the transition into a new LEP based on the LEP template by 2011. Therefore, whilst the draft LEP includes this new zone it does not currently apply to any other land in Port Stephens LGA.

A draft DCP is currently being prepared in accordance with Council's resolution dated 26<sup>th</sup> February 2008 and will be exhibited and reported to Council in due course.

## **LINKS TO CORPORATE PLANS**

This report addresses the strategic and future directions of Council's Plan 2007-2011, in particular:

- Integrating planning for facilities and services.
- Council's facilities and services meet community needs.
- Promote, plan and guide development to create sustainable communities that conserve and enhance the natural and built environment.
- Port Stephens treasured environment is maintained and improved for the well being of our community.
- Alignment of Council Plans.
- Alignment of State and Regional Plans.
- Development focuses on our communities being sustainable.
- Our Council will plan and manage our finances to maximise community benefit.

The links to the 2007-2011 Council Plan are:-

**SOCIAL SUSTAINABILITY –** *Council will preserve and strengthen the fabric of the community, building on community strengths.*

**ECONOMIC SUSTAINABILITY –** *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

**ENVIRONMENTAL SUSTAINABILITY –** *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

## **SUSTAINABILITY IMPLICATIONS**

### **ECONOMIC IMPLICATIONS**

The economic impact assessment submitted with the rezoning request estimates that the DAREZ has the direct capacity to create up to 2680 jobs during the construction, 5,600 jobs upon completion with an income effect of \$246.6 million per annum.

These positive economic impacts are significant. Existing and future military investment in the base, the projected continuation of growth in civilian passengers through the airport combined with the proposed draft LEP, is likely to; attract significant and ongoing private investment into the Port Stephens Local Government Area; create local employment opportunities (expected to be mostly highly qualified and skilled jobs plus multiplier effects); reduce the need for Port Stephens residents to travel outside of the LGA for work; and, reduce escape spending.

### **SOCIAL IMPLICATIONS**

The economic implications of the draft LEP should be considered against the proposed urban release areas of Kings Hill and Medowie and the associated social implications of developing these areas in relative close proximity to the DAREZ site. Whilst planning for these areas is seeking to provide optimum opportunities for more sustainable employment activities within these areas, their close proximity to the DAREZ site is likely to create a mutually supportive relationship in socio-economic terms.

Parts of the site have been identified as having significance to the Worimi Local Aboriginal Land Council (WLALC). An Aboriginal keeping place has been set aside as part of the draft plan. Not applying the E3 zone to this land does not mean that this area will not be protected. The precise shape and location of the keeping place will be finalised during the development application stage in accordance with sections 87 and 90 of the *National Parks and Wildlife Service Act 1974*.

### **ENVIRONMENTAL IMPLICATIONS**

The DAREZ Strategy notes that the site contains vegetation communities and habitats of significant ecological value. However, it also notes that the site is not identified as being part of any regional conservation investment priority in the State Government's Draft Regional Conservation Strategy. Furthermore, the land is identified in the Lower Hunter Regional Strategy for employment.

Land predominantly in the southern portion of the site was identified for rezoning to E3 - Environment Management. However, proposed increased land take for an apron to provide restricted access to the runway has resulted in the proponent seeking Council support to extend the SP1 zone southwards over the initially proposed E3 zone area. Subsequent joint discussions between Council, Department of Planning and the proponent agreed that this would be acceptable subject to agreement from the DECC as part of a biodiversity offset package. This Agreement is to be finalised prior to a recommendation being finally made to the Minister. DECC have endorsed this agreement in formal advice to Council.

## **CONSULTATION**

The draft plan was placed on public exhibition from 10<sup>th</sup> April to 7<sup>th</sup> May 2008. Submissions and the issues raised and subsequent responses are as follows:

### **1. Monarch Historical Museum**

The Museum is privately owned and operated at Slades Road and displays a range of primarily military heritage items. The owners object to the inclusion of their land under his ownership, being Lot 1 and 2 in DP 330363 (totalling 1.5 ha) for the following reasons:

- Increase in rates associated with the likely increase in land value;
- Fighter World intends to relocate to adjoining land owned by Defence. This will create a tourism or cultural hub associated with the RAAF Base;
- Would like the museum and land zoning to remain as is, to facilitate continued operation and expansion of the museum.

#### **Response:**

Under the current Rural 1(a) zoning, this land cannot be subdivided. The proposed SP1 zone over this land would allow the current and future owners to subdivide the land. Subsequently, land values are likely to increase. However, under Council policy, the land owner can request Council to postpone rates for the lot that is occupied by a single dwelling house. The other lot occupied by the Museum would incur the increase in rates, with no ability to have them postponed.

The relocation of Fighter World to Defence land adjacent to the privately owned land would be supported to create a tourist or cultural hub. The proposed SP1 zone has been amended to permit activities such as Fighter World and the museum as these activities are ancillary to the presence and operation of RAAF Base Williamtown and Newcastle Airport. Therefore, the proposed SP1 zone would not hinder the continued operation and potential expansion of the museum, with the exception of a likely rate increase.

Retaining the Rural 1(a) zone over this land is no longer appropriate as the land is not used for agricultural activities nor could it sustain a viable agricultural activity due to its small lot size and location adjacent to the airport and RAAF base.

It should be noted that no rezoning fees have been paid or sought from this landowner.

### **2. RPS HSO (on behalf of Hunterland)**

RPS HSO made a submission supporting the rezoning of the entirety of the site to *SP1 Special Activities – Defence and Airport Related Employment*, subject to finalising a biodiversity offset arrangement with DECC prior to gazettal of the draft LEP.

The RPS HSO submission does not support the location of the *E3 Environment Management* zone over the Aboriginal Place, as it may not accurately reflect the location of significant sites. They submit that the SP1 zone should be applied over the entire site, with the true extent of the Aboriginal Place to be clarified and protected through a Plan of Management and the provisions of the *National Parks and Wildlife Service Act 1974*. The Aboriginal Keeping Place could then be appropriately zoned as part of the comprehensive review

Additional uses are also requested to be included into the draft LEP including advertisements, bushfire hazard reduction, clearing, earthworks, motor showrooms, restaurants, telecommunication facilities and utility installations.

### **Response**

The draft LEP has been amended to zone the entire site to SP1 subject to a biodiversity offset agreement being finalised prior to gazettal of the draft LEP.

The Aboriginal Place can be managed through a Plan of Management and the provisions of the National Parks and Wildlife Service Act 1974 until its extent can be accurately defined. Following this, an appropriate zone can be applied in a future amendment to the *Port Stephens LEP 2000*.

The inclusion of additional uses to the draft LEP is supported with the exception of motor showrooms and restaurants. Motor showrooms and restaurants are not consistent with the objectives of the zone. Instead, the draft LEP has been amended to include car parks and kiosks. Car parks will address the need to provide rental car and long term car parking and the provision of kiosks will allow small-scale food services to be provided at any proposed bus interchange.

### **3. Urbis (on behalf of Buildev)**

Buildev have made a submission to the draft LEP on the basis that they have recently submitted a rezoning request to Council. This rezoning request includes land that the Project Control Group considered that flooding, drainage and geotechnical constraints precluded its inclusion within the current draft LEP.

Buildev make the following comments:

- Pursue the removal of the 47ha parcel from the DAREZ Precinct at its western end and not proceed with the rezoning of this portion of the site, having regard to:
  - The ecological rating and constraints that apply to the majority of this parcel
  - The availability of the Buildev lands as presented in the recent rezoning application
  - The ability for the Buildev lands to address environmental constraints
  - The ability for the Buildev lands to be developed in a cost effective manner and released to the market
  - The superior commercial location and profile of the Buildev when compared to the 47ha parcel
  - The various strategic economic and social advantages it offers to the overall DAREZ Precinct and its potential users.
- Should Council choose not to pursue the removal of the 47ha parcel from the DAREZ Precinct, Council should appropriately zone the majority of this land for E3 Environmental Management purposes consistent with its ecological rating and value as confirmed by the Supplementary Ecological Investigations Report (December 2007) prepared by GHD.
- Pursue the inclusion of the Buildev lands within the Structure and Staging plans associated with the DAREZ Precinct.
- Council should seize the opportunity of providing a holistic assessment of all issues affecting both rezoning requests, and accordingly seek to facilitate an integrated development outcome for the DAREZ Precinct that is necessary in maximising development potential and properly protecting and managing environmental sensitive areas across the Precinct.

- Consideration of both requests concurrently should involve specific coordination of future zoning at the interface between these two lots allowing the sensible delineation of the proposed SP1 zone and E3 zone.

## **RESPONSE**

The removal of 47 hectares as proposed by Buildev does not recognise the following:

- The addition of the 47 hectares by the Project Control Group in the DAREZ strategy, reflected in the draft LEP, provides the opportunity for an aircraft tow-way with direct (but security restricted) access to the runway. It is understood that this arrangement would make Williamtown Airport a very desirable location for aircraft maintenance facilities.
- DECC have formally advised Council that the biodiversity values of the land subject to draft LEP will be offset by a biodiversity agreement to be finalised prior to the gazettal of the LEP.

The request for Council to jointly consider the existing draft LEP with the Buildev rezoning request is not recommended because it will delay the existing draft LEP. The Project Control Group recognises the significance of the existing draft LEP to Port Stephens and the Hunter Region and has provided significant assistance in expediting the draft LEP as a Council and State Government priority.

Buildev's rezoning request may have strategic merit subject to the resolution of the flooding, drainage and geotechnical matters. Council will consult with the PCG on this rezoning request to ensure continuity of consideration and decision making between state government departments and Council planning staff before formal advice is submitted to Council. The current draft LEP should not be delayed because of the receipt of an additional rezoning request.

## **3. Department of Defence**

Department of Defence advises that:

- The draft LEP is consistent with the intent and recommendations of the Project Control Group.
- It is currently preparing its own zone plan that will determine future land use requirements for RAAF Base Williamtown, including Defence owned land in the Slades Road area.
- Concerns with the inclusion of educational establishment and hotel accommodation as permissible uses, but notes that the objectives of the SP1 zone are worded to encourage only uses that are supportive of the continued operation of the airport and RAAF Base.
- That it is almost certain that land it owns in the Slades Road area will be required for future Defence purposes and request that the land be removed from the draft plan or rezoned to SP2 Infrastructure.

## **Response**

Request to remove Defence land from the draft LEP or rezone to SP2 Infrastructure is not recommended for the following reasons:



- (a) The Department of Defence is a member of the DAREZ Project Control Group that endorsed the DAREZ Strategy. Removing Defence land from the draft LEP would be a significant departure from the Strategy agreed to by the PCG and by Council.
- (b) Defence land is currently zoned Rural 1(a). To retain this zone over this land would be inappropriate given that is not used for agricultural purposes and that Council has sufficient information supported by a strategy that indicates an appropriate land use.
- (c) Rezoning Defence land to SP2 is outside of the DAREZ Strategy agreed to by the Project Control Group and Council and is outside of Council's resolution to prepare the draft LEP. Therefore, creation of the SP2 zone would require re-exhibition of the draft LEP and further consultation with respective state agencies.
- (d) It is understood that the Department of Defence has made representations to the Department of Planning seeking to have all Defence land in the State zoned to SP2. If this is to formally become Department of Planning policy then Council can address this land and all Department of Defence land in Port Stephens through the preparation of a new LGA wide LEP by 2011.
- (e) The retention of the *SP1 Special Activities – Defence and Airport Related Employment Development* zone over Department of Defence land does not impinge on the ability of Defence to undertake its own planning for their land. The zone objectives and permissible uses facilitate Defence activities on this land.

It should be noted that no rezoning fees have been paid or sought from the Department of Defence, despite the potential financial benefits that are likely from the gazettal of the draft LEP.

#### **4. Department of Water and Energy**

Advises that the subject land is within the gazetted Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources, and part of the land is within the Tomago Sandbeds Catchment Area administered by the Hunter Water (Special Areas) Regulation 2003.

#### **Response**

The sensitivities of the subject land are recognised in the DAREZ Strategy. The planning, design, construction and operation of the DAREZ site via the forthcoming development control plan and subsequent development applications will address these issues.

#### **5. Hunter Water Corporation**

Wastewater servicing is assumed to be via a wastewater transfer system to Raymond Terrace waste water treatment plant.

Hunter Water is currently in the process of having further discussions with interested developers of the land and other stakeholders on the wastewater servicing options.

The Land Use Strategy also documents that the rezoning is within the Special Areas Boundary and development of the site will need to comply with Special Areas Regulations.

#### **Response**

Noted. The planning, design, construction and operation of the DAREZ site via the forthcoming development control plan and subsequent development applications will address these issues.

## **6. Energy Australia**

Future network planning will be organised once the land has been rezoned and detailed information on the zoning and staging has been received.

### **Response**

Noted.

## **7. Department of Environment and Conservation**

DECC is negotiating a biodiversity package to offset the impacts of the draft LEP upon biodiversity. DECC advise that the proposed draft LEP (as recommended by this report) is endorsed subject to a biodiversity offset agreement between DECC and the proponent and agreements relating to the preservation of Aboriginal cultural heritage being finalised prior to gazettal of the draft LEP.

### **Response**

The land subject to the draft LEP is now proposed to be entirely zoned SP1 Special Activities – Defence and Airport Related Employment Development, with a biodiversity offset agreement to be finalised prior to Ministerial endorsement of, and the gazettal of the draft LEP.

## **8. Rural Fire Service**

Any future development should meet the aims and objectives of *Planning for Bushfire Protection 2006*.

### **Response**

Noted.

## **9. Civil Aviation Safety Authority**

No comment received.

## **10. Worimi Local Aboriginal Land Council**

No comment was received from the WLALC during the exhibition period. However, a cultural heritage assessment undertaken by the consultant HSO RPS is accompanied by a letter from the WLALC supporting the methods and recommendations of the assessment.

## **11. Department of Primary Industries**

No comment received.

## **12. Department of State and Regional Development**

No comment received.

### **13. Roads and Traffic Authority**

The RTA comments that it will not object to the proposed rezoning provided the developer enters into satisfactory arrangements with the RTA and Council primarily for upgrades to State road infrastructure, via a Voluntary Planning Agreement or Deed Containing Agreement. The main infrastructure required in the RTA submission includes:

- Upgrade the existing roundabout at Nelson Bay Road and Cabbage Tree Road to a signalised intersection.
- Upgrading of the signalised intersection (proposed) of Williamtown Drive and Nelson Bay Road.
- Nelson Bay Road shall be duplicated for a minimum of 200m south of Cabbage Tree Road.

### **Response**

The applicant has not entered into a Voluntary Planning Agreement or Deed Containing Agreement with the RTA or Council at this time. This issue can be addressed during the development application process.

### **OPTIONS**

- 1) Support the draft LEP with changes to the internal zone boundaries as recommended by this report.
- 2) Support the draft LEP as publicly exhibited with no changes to the internal zone boundaries.
- 3) Support the draft LEP as recommended by this report but with the exclusion of the Department of Defence Land and land comprising the Monarch Museum (Lots 1 and 2 DP 330363 Slades Road) to be retained as 1(a) Rural Agriculture zone.
- 4) Not proceed with the draft LEP as recommended.

### **ATTACHMENTS**

- 1) Revised draft LEP map and instrument as recommended by this report.
- 2) Draft LEP map as publicly exhibited.
- 3) Letter from the Department of Environment and Climate Change

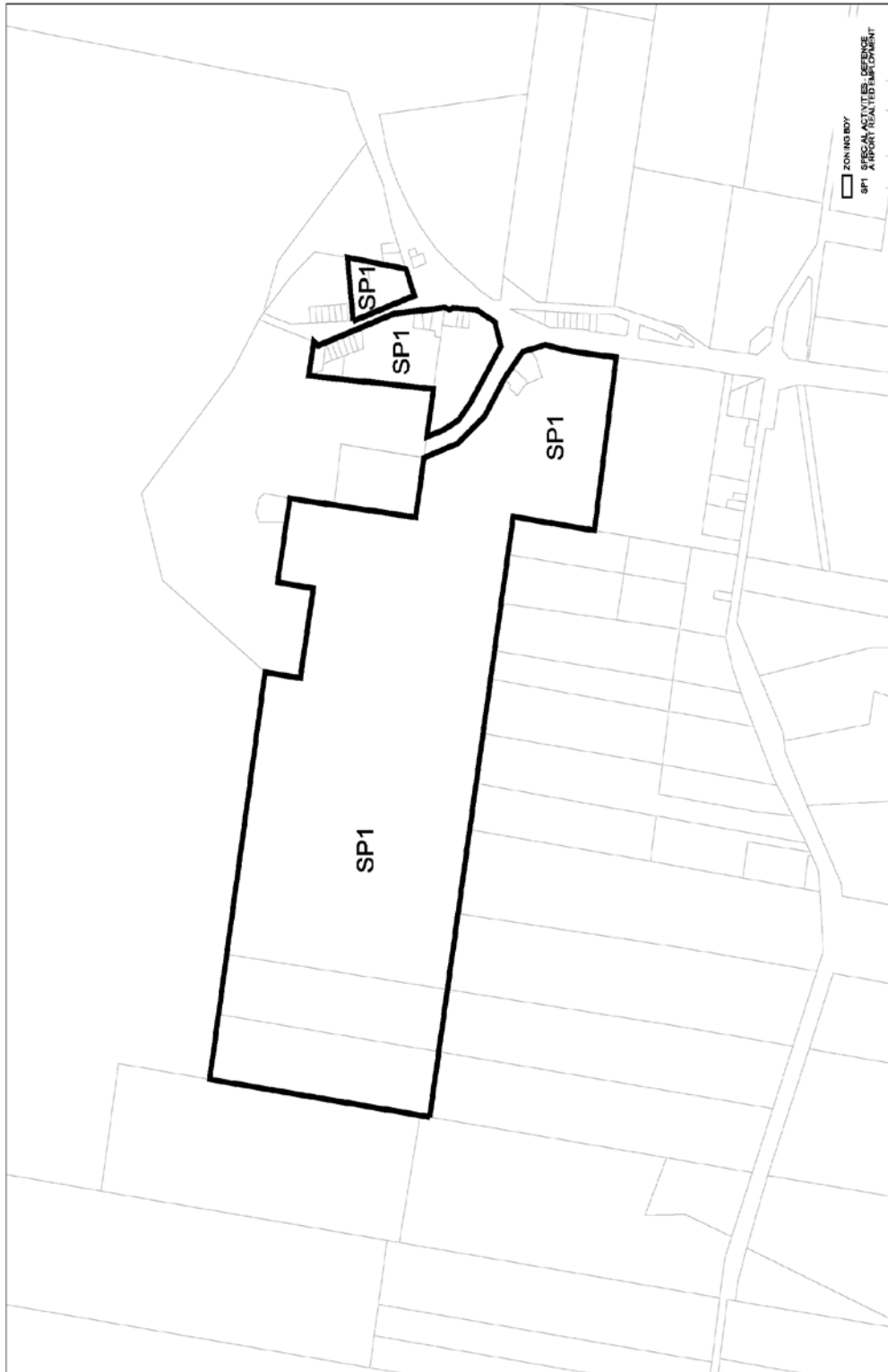
### **COUNCILLORS ROOM**

- 1) *Williamtown Defence and Airport Related Employment Zone Land Use and Development Strategy.*

### **TABLED DOCUMENTS**

*Williamtown Defence and Airport Related Employment Zone Land Use and Development Strategy.*

ATTACHMENT 1  
REVISED DRAFT LEP MAP AND INSTRUMENT



## **Port Stephens Local Environmental Plan 2000 DRAFT (Williamtown Defence and Airport Related Employment Zone)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

**Port Stephens Local Environmental Plan 2000 DRAFT  
(Williamstown Defence and Airport Related Employment Zone)**

# **1 NAME OF PLAN**

This plan is *Port Stephens Local Environmental Plan 2000 DRAFT (Williamstown Defence and Airport Related Employment Zone)*.

## **2 Aims of the plan**

The aims of this plan are to:-

- (a) To facilitate the establishment of a sustainable employment hub associated with RAAF Base Williamstown and Newcastle Airport and commonly referred to as the Williamstown Defence and Airport Related Employment Zone;
- (b) To provide for the adequate provision of infrastructure, facilities and services to the Williamstown Defence and Airport Related Employment Zone; and
- (c) Insert a clause to permit the subdivision of the subject land where it would have a split zone between the proposed new zones and the existing remnant 1(a) Rural Agriculture Zone.

# **3 LAND TO WHICH PLAN APPLIES**

This plan applies to land shown as being within zone SP1 – Special Activities Defence and Airport Related Employment Development on the map marked Port Stephens Local Environmental Plan DRAFT (Williamstown Defence and Airport Related Employment Zone).

# **4 AMENDMENT OF PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000**

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

## **Schedule 1      Amendment**

[1]      Insert into Clause 26 Special Use Zonings the following zone:

Zone SP1 Special Activities – Defence and Airport Related Employment Development.

### **(1) Description of the zone**

The SP1 Special Activities – Defence and Airport Related Employment Development identifies land for defence and airport related employment purposes.

### **(2) Objectives of the zone**

The objectives of the SP1 Special Activities – Defence and Airport Related Employment Development zone are:

- To provide for special land uses that are not provided for in other zones, and
- To facilitate development in keeping with the special characteristics of the site or its existing or intended special use, and which minimises any adverse impacts on surrounding land, and
- To provide opportunities for the establishment of employment generating activities supporting the ongoing operation of RAAF Base Williamstown and Newcastle Airport, and
- To permit development that is appropriate and supportive to the continued operation of RAAF Base Williamstown and Newcastle Airport in terms of its land use type and location within the employment zone, and
- To prevent development that is not compatible with or that may compromise the continued operation of RAAF Base Williamstown or Newcastle Airport, and
- To minimise any adverse impacts on the surrounding land while protecting the inherent natural qualities and groundwater recharge areas, and
- To minimise the impact of the particular characteristics of the site including flooding constraints, groundwater quality and surface drainage, and
- To prevent urban encroachment to airfield operations.

**(3) Development allowed without development consent**

- a. Environment protection works

**(4) Development allowed only with development consent**

- Advertisement,
- Airport,
- Bushfire hazard reduction,
- Business premises,
- Car park,
- Clearing,
- Earthworks,
- Educational establishment (on land zoned SP 1 Special Activities – Defence and Airport Related Development),
- Freight transport facility,
- Heliport,
- Hotel or motel accommodation,
- Industry,
- Information and education facility,
- Kiosk,
- Neighbourhood shop,
- Office premises,
- Public administration building,
- Recreational facility (indoor),
- Recreational facility (outdoor),
- Service station,
- Telecommunication facility,
- Utility installation,
- Vehicle repair station,
- Warehouse or distribution centre.



**(5) Development which is prohibited**

- a. Any development not included in Item 3 or 4.

[2] Insert after Clause 26 Special Use Zonings the following:

**26A Development in the Vicinity of RAAF Base Williamtown/Newcastle Airport**

- (1) This clause applies to land zoned SP1 Special Activities – Defence and Airport Related Employment Development.
- (2) Notwithstanding any other provisions of this plan consent to any development on land to which this clause applies must not be granted unless the consent authority is satisfied that:
  - a. It complies with the relevant provisions of Australian Standard 2021-2000, Acoustics – Aircraft noise intrusion – Building siting and construction as applicable, and
  - b. It will not compromise the continued operation of RAAF Base Williamtown and/or Newcastle Airport, and
  - c. The location and type of development supports a focussed defence and airport related employment area.

[3] Insert after Clause 26 Special Use Zonings:

**26B Restrictions on Certain Subdivisions – Infrastructure, Facilities and Services**

- (1) This clause applies to land shown as being within Zone SP1 Special Activities – Defence and Airport Related Employment Development on the map marked Port Stephens Local Environmental Plan (Williamtown Defence and Airport Related Employment Zone), but does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).
- (2) The object of this clause is to require assistance towards the provision of State public infrastructure to satisfy needs that arise from development on land to which this clause applies, but only if the land is developed intensively for urban purposes. In this clause “State public infrastructure” means public facilities or services (for transport, communication, health, education, environmental, conservation or other purposes) that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State).
- (3) Despite any other provision of this plan, the Council must not grant consent to the subdivision of land to which this clause applies if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of marked Port Stephens Local Environmental Plan (Williamtown

Defence and Airport Related Employment Zone), unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of State public infrastructure referred to in subclause (2) in relation to that lot.

(4) Subclause (3) does not apply to any lot:

- a. Identified as a residue lot, or
- b. That is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.

(5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.

(6) State Environmental Planning Policy No 1 – Development Standards does not apply to development for the purposes of subdivision on land to which this clause applies.

[4] Insert after Clause 26 Special Use Zonings:

**26C Subdivision of land zoned SP1 Special Activities – Defence and Airport Related Employment Development**

(1) A person shall not subdivide land zoned SP1 Special Activities – Defence and Airport Related Employment Development except with the consent of the consent authority.

(2) The consent authority may grant consent for a subdivision of land within the SP1 Special Activities – Defence and Airport Related Employment Development zone only if each allotment to be created by the proposed subdivision will be of a size, and will have a ratio of depth to frontage, that the consent authority considers appropriate:

- a. Having regard to the purpose for which the allotment is intended to be used, or
- b. To facilitate the future development of the land for defence and airport related employment development.

[5] Insert into Clause 32 Environment Protection Zonings the following zone:

**Zone E3 – Environmental Management**

**(1) Objectives of the zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

**(2) Development allowed without development consent**

- Home occupations

**(3) Development allowed only with development consent**

- Dwelling houses

**(4) Development which is prohibited**

- Industries,
- Multi dwelling housing,
- Residential flat buildings,
- Retail premises,
- Seniors housing,
- Service stations,
- Warehouse or distribution centres,
- Any other development not specified in item 2 or 3.

[6] Add to the table in Clause 62 Particular development permitted with consent the following:

| Column 1  | Column 2   | Column 3              |
|---|--|-----------------------|
| Land  | Purpose or kind of development   | Development standards |
| Part Lot 131 and Lot 132, DP 609165, Cabbage Tree Road, Williamtown | Subdivision of each Part Lot where that land is subject to a split zone, so as to create a single residual allotment zoned 1(a) Rural Agriculture "A". |                       |

[7] Insert into the Dictionary the following definitions, and replace any existing definitions in the event of any inconsistency:

**airport** means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**educational establishment** (*on land zoned SP1 Special Activities - Defence and Airport Related Development*) means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**hotel or motel accommodation** means tourist and visitor accommodation (whether or not licensed premises under the Liquor Act 1982):

- (a) comprising rooms or self-contained suites, and
  - (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**industry** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing,

dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**kiosk** means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**neighbourhood shop** means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

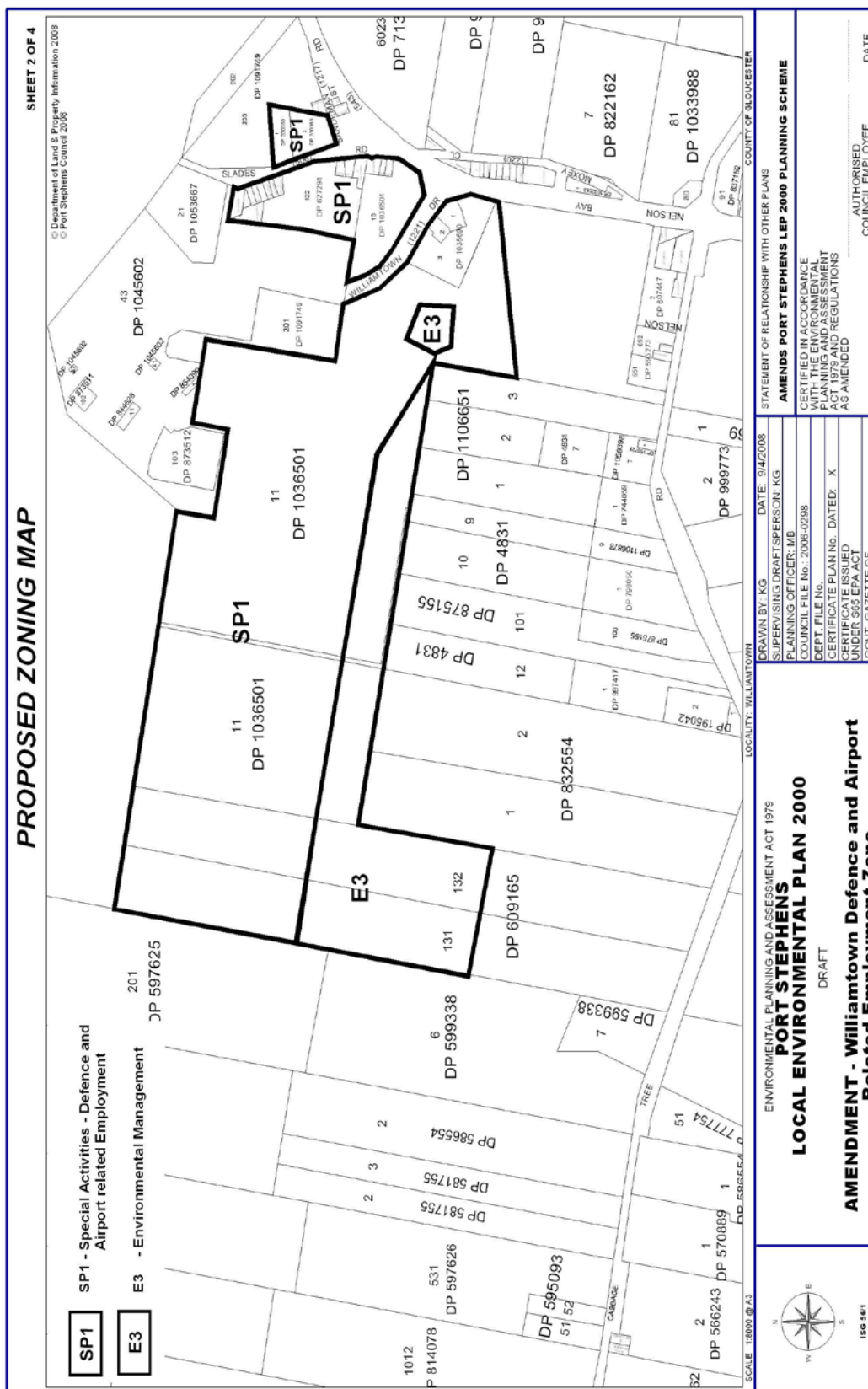
**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**ATTACHMENT 2**  
**DRAFT LEP MAP AS PUBLICLY EXHIBITED**



ATTACHMENT 3  
LETTER FROM DECC

Your reference :  
Our reference : DOC08/23031; FIL08/2798  
Contact : Karen Thumm, 4908 6829

Mr P Gesling  
General Manager  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2460

Attention: Mr Matthew Borsato

Dear Mr Gesling

**Revised DAREZ Proposed Zoning Plan**

I refer to our previous letter of the 22 April 2008 and discussions with Premiers Department and Department of Planning advising DECC that Port Stephens Council requests clarification on the above matter.

DECC advises that the proposed revised footprint for the SP1 zone, as attached (email 23701-2AA EXHIB BOUNDARY 16.05.08 pdf) and as emailed to us by RPS Harper Somers O'Sullivan, is endorsed by DECC. However an agreement with the proponent regarding the offsets required for this development and agreements relating to the preservation of Aboriginal cultural heritage will need to be finalised prior to gazettal of the Local Environment Plan amendment.

If you have any enquiries concerning this advice, please contact Karen Thumm on 4908 6829.

Yours sincerely



**DIANE CROSDALE**  
Head Planning Unit - Hunter  
Environment Protection and Regulation

The Department of Environment and Conservation NSW is now known as  
the Department of Environment and Climate Change NSW

PO Box 488G, Newcastle NSW 2300  
117 Bull Street, Newcastle West, NSW 2302  
Tel: (02) 4908 6800 Fax: (02) 4908 6810  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

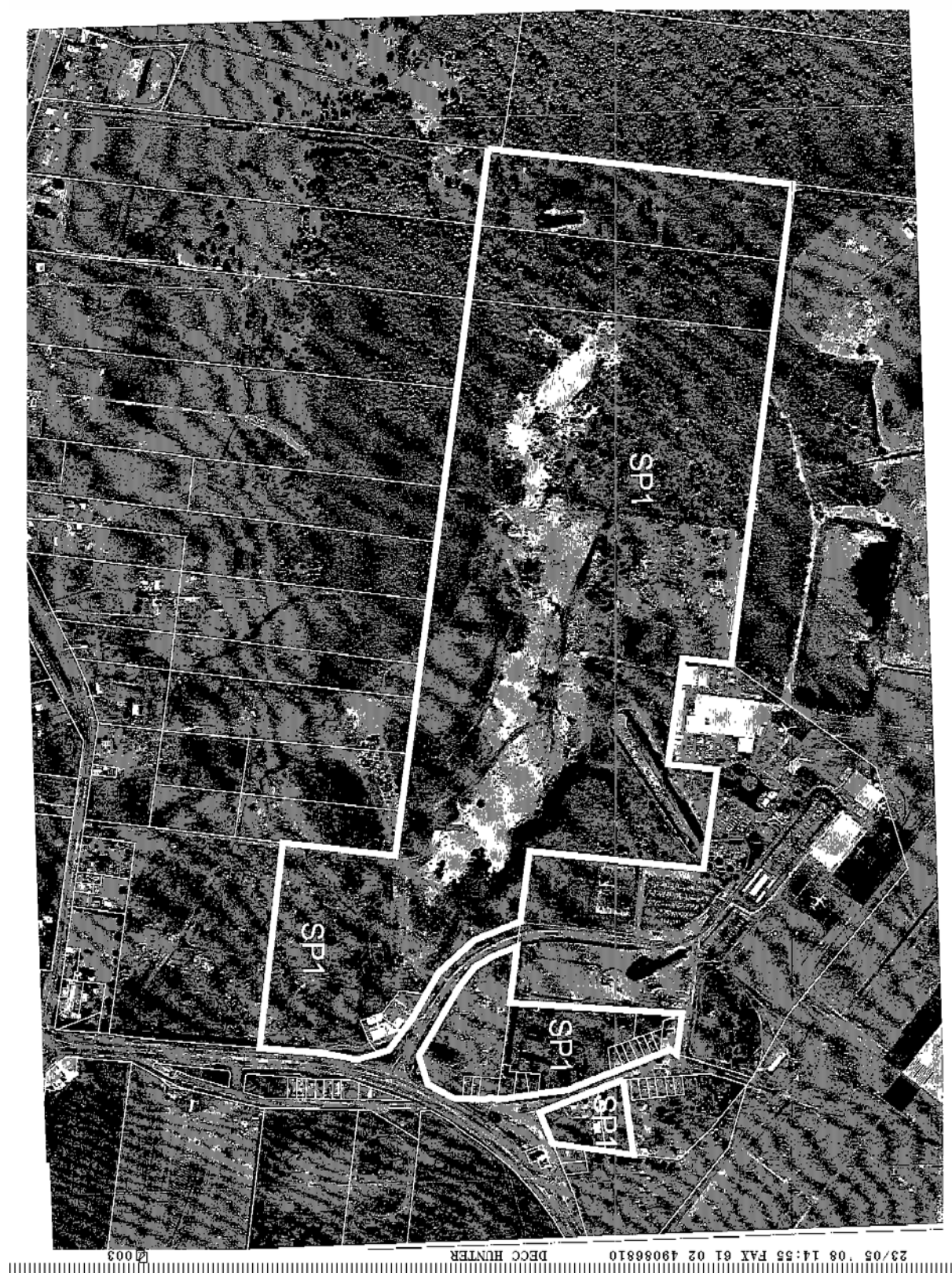
Department of Environment and Conservation

2002

DECC HUNTER

23/05/08 14:55 FAX 61 02 49086810





# CONFIDENTIAL ITEMS

|  |
|--|
| <b>MINUTES FOR ORDINARY MEETING – 10 JUNE 2008</b> |
|--|

|     |                                      |   |
|-----|--------------------------------------|---|
| 130 | Councillor Nell<br>Councillor Dingle | It was resolved that Council move into<br>confidential session. |
|-----|--------------------------------------|---|

*I certify that all pages of the Ordinary Minutes of Council dated 10 June 2008 were confirmed  
by Council at its meeting held on 22 July 2008.*

.....  
**Cr Ron Swan**  
**MAYOR**