

# Appendix C

## Cost Summary Reports

## ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

### Cost Summary Report

#### Development Costs less than \$1,000,000

Development Application No:	_____
Complying Development No:	_____
Date:	_____
Applicant's name:	_____
Applicant's address:	_____
Development type:	_____
Development address:	_____

#### **DEVELOPMENT COSTS:**

Demolition and alterations	\$
Structure	\$
External walls, windows and doors	\$
Internal walls, screens and doors	\$
Wall finishes	\$
Floor finishes	\$
Ceiling finishes	\$
Fittings and equipment	\$
Hydraulic services	\$
Mechanical services	\$
Fire Services	\$
Lift Services	\$
External works	\$
External services	\$
Other related works	\$
<b>Subtotal</b>	<b>\$</b>
<b>Subtotal above carried forward</b>	<b>\$</b>
Preliminaries and margin	\$

**ITEM 2 - ATTACHMENT 1      PORT STEPHENS LOCAL INFRASTRUCTURE  
CONTRIBUTIONS PLAN.**

Consultants fees	\$
Other related development costs	\$
GST	\$
<b>Total Development Costs</b>	<b>\$</b>

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development certificate.
- Calculated the proposed cost of carrying out the development in accordance with clause 208 of the *Environmental Planning and Assessment Regulation 2021* at current prices.
- Included GST in the calculation.

**Signed:**

\_\_\_\_\_

**Name:**

\_\_\_\_\_

**Position & Qualifications:**

\_\_\_\_\_

ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

Quantity Surveyor's Cost Summary Report  
Development Costs greater than \$1,000,000

Development Application No: \_\_\_\_\_

Complying Development No: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's name: \_\_\_\_\_

Applicant's address: \_\_\_\_\_

Development type: \_\_\_\_\_

Development address: \_\_\_\_\_

Development Details:

Gross Floor Area – Commercial	m <sup>2</sup>	Gross Floor Area – other	m <sup>2</sup>
Gross Floor Area – Residential	m <sup>2</sup>	Total Gross Floor Area	m <sup>2</sup>
Gross Floor Area – Retail	m <sup>2</sup>	Total Site Area	m <sup>2</sup>
Gross Floor Area Car parking	m <sup>2</sup>	Total car parking spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

Estimate Details

<b>Professional fees</b>	\$	<b>Excavation</b>	\$
% of Development cost	%	Cost per m <sup>2</sup> of site area	\$ /m <sup>2</sup>
% of Construction cost	%	<b>Car park</b>	\$
<b>Demolition and site preparation</b>	\$	Cost per m <sup>2</sup> of site area	\$ /m <sup>2</sup>
Cost per m <sup>2</sup> - site area	\$ /m <sup>2</sup>	Cost per space	\$
<b>Construction - Commercial</b>	\$	<b>Fit out – Commercial</b>	\$
Cost per m <sup>2</sup> - commercial area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> - commercial area	\$ /m <sup>2</sup>



## ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

<b>Construction Residential</b>	\$	<b>Fit out - residential</b>	\$
Cost per m <sup>2</sup> - residential area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> - residential area	\$ /m <sup>2</sup>
<b>Construction – retail</b>	\$	<b>Fit out - retail</b>	\$
Cost per m <sup>2</sup> - retail area	\$ /m <sup>2</sup>	Cost per m <sup>2</sup> - retail area	\$ /m <sup>2</sup>

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development certificate.
- Prepared and attached an elemental estimate generally prepared in accordance with the most recent Australian Cost Management Manuals published by the Australian Institute of Quantity Surveyors (AIQS).
- Calculated the proposed cost of carrying out the development in accordance with clause 208 of the *Environmental Planning and Assessment Regulation 2021* at current prices.
- Included GST in the calculation.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

**Signed:**

\_\_\_\_\_

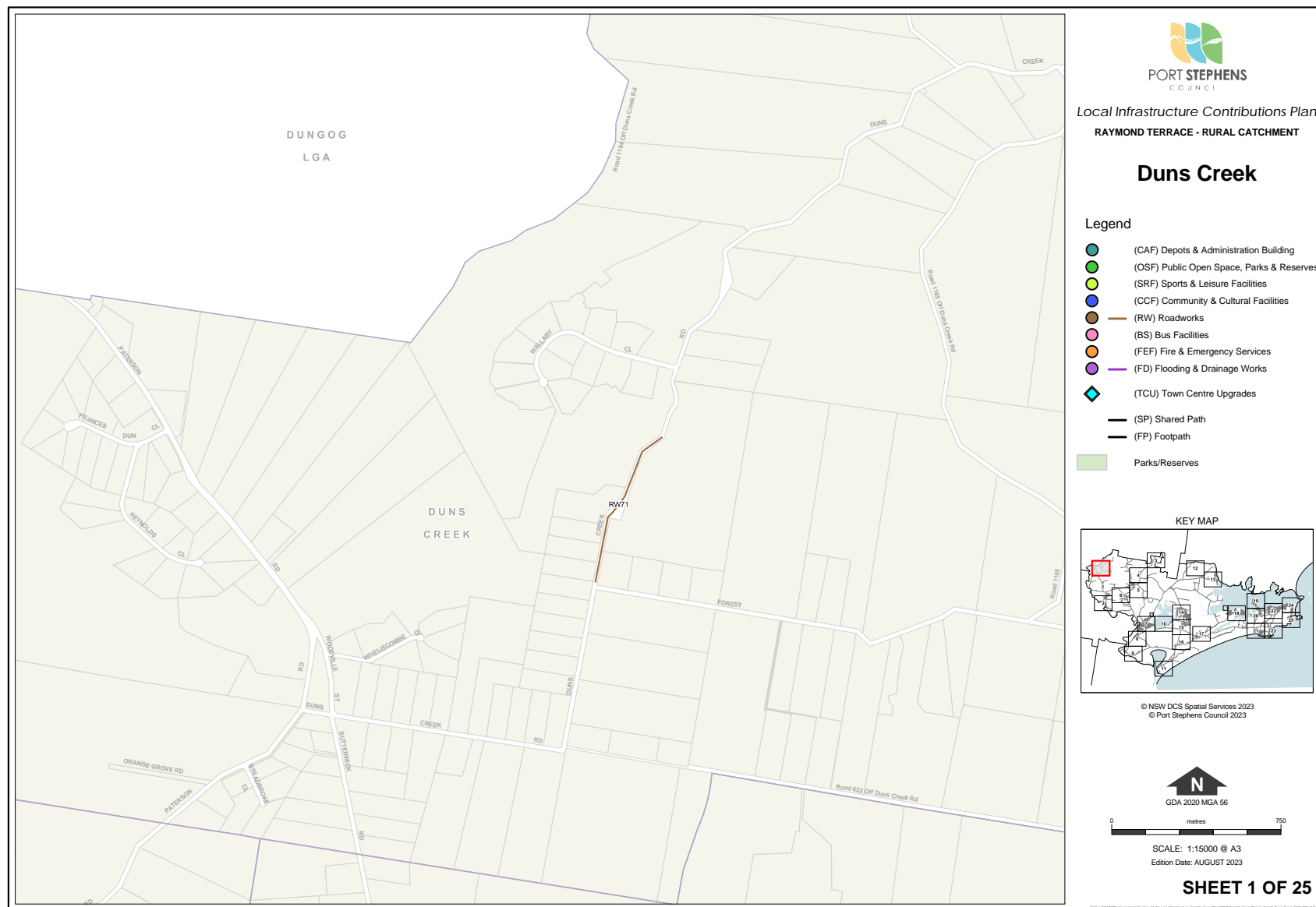
**Name:**

\_\_\_\_\_

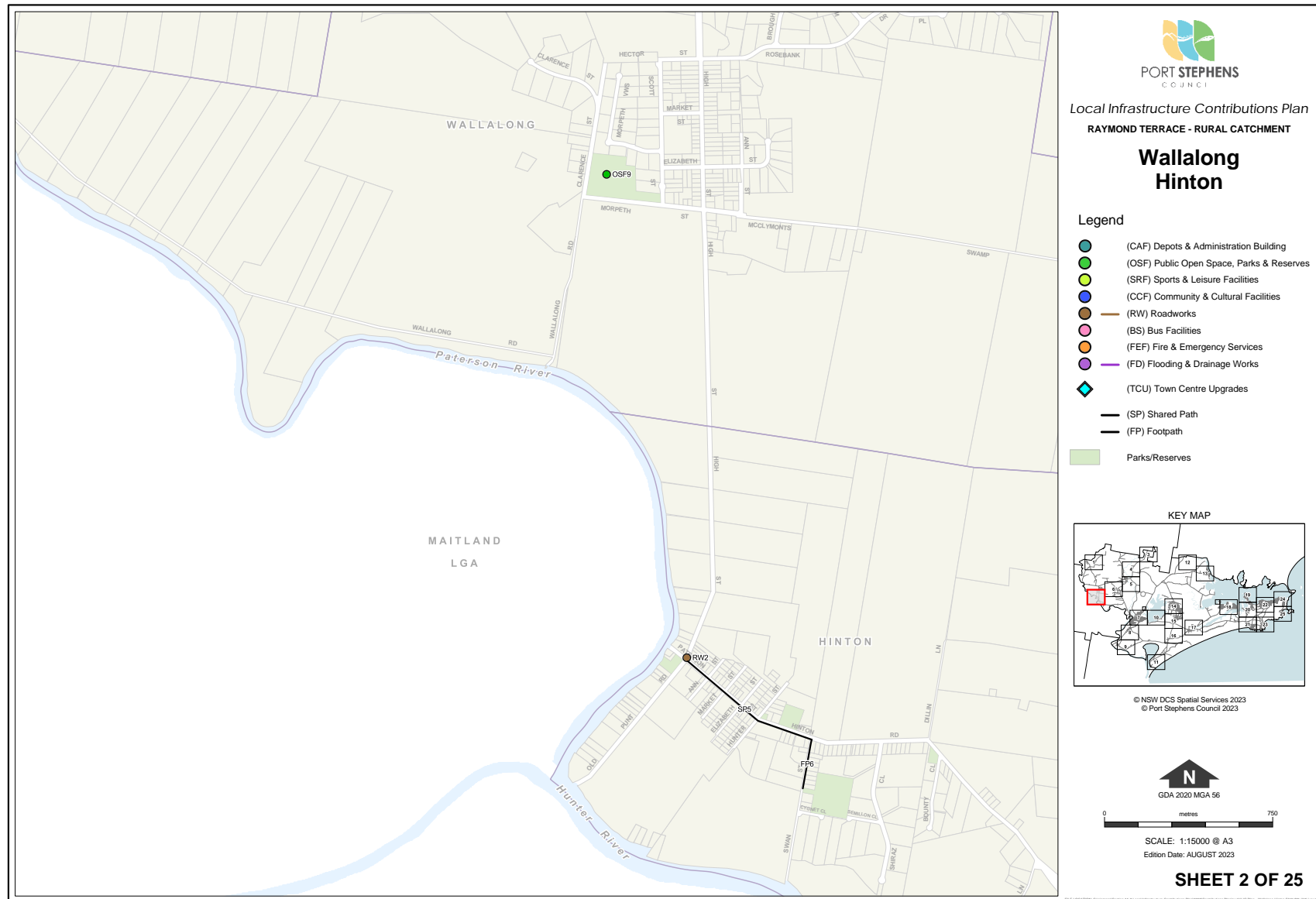
**Position & Qualifications:**

\_\_\_\_\_

ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

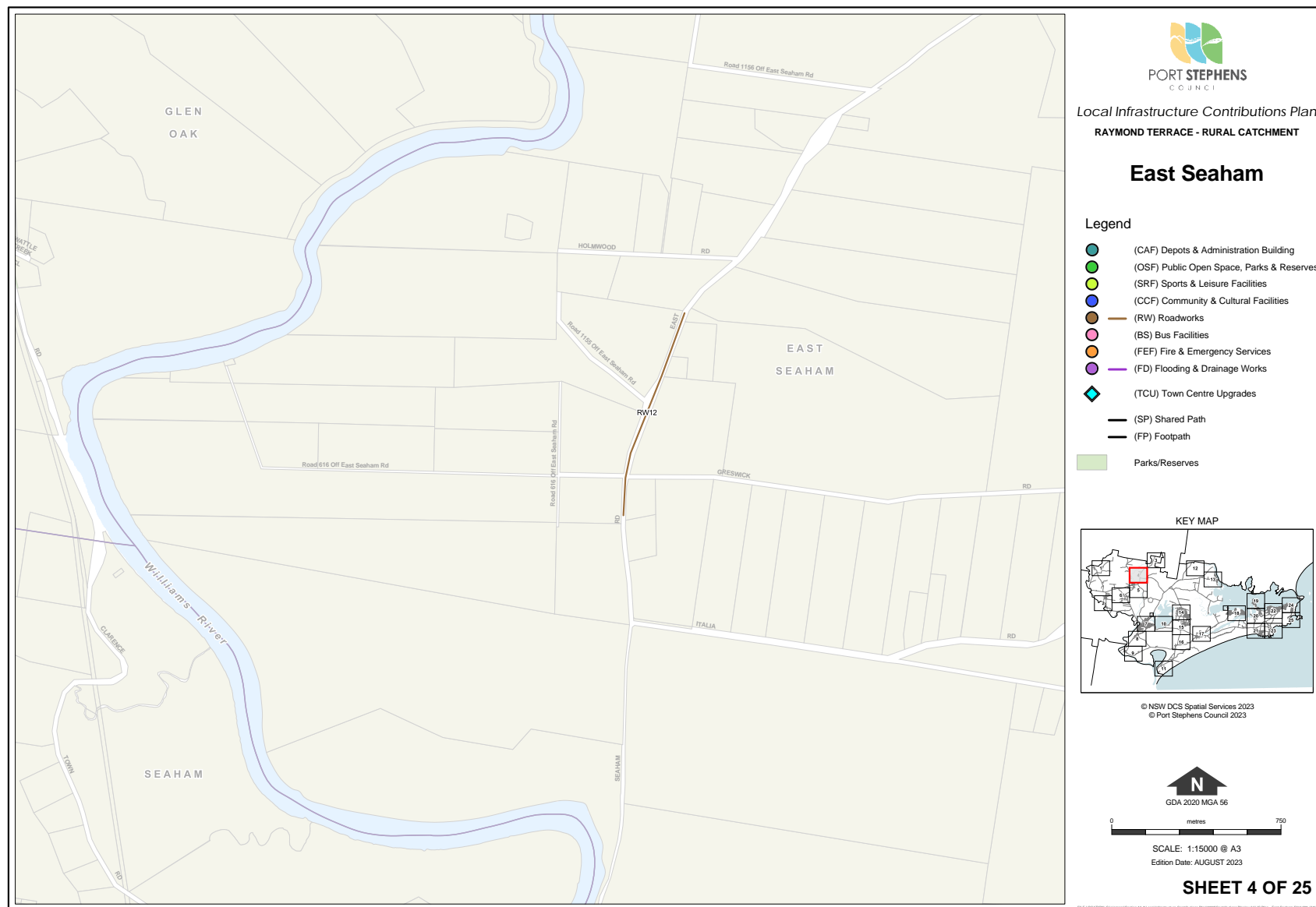


ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

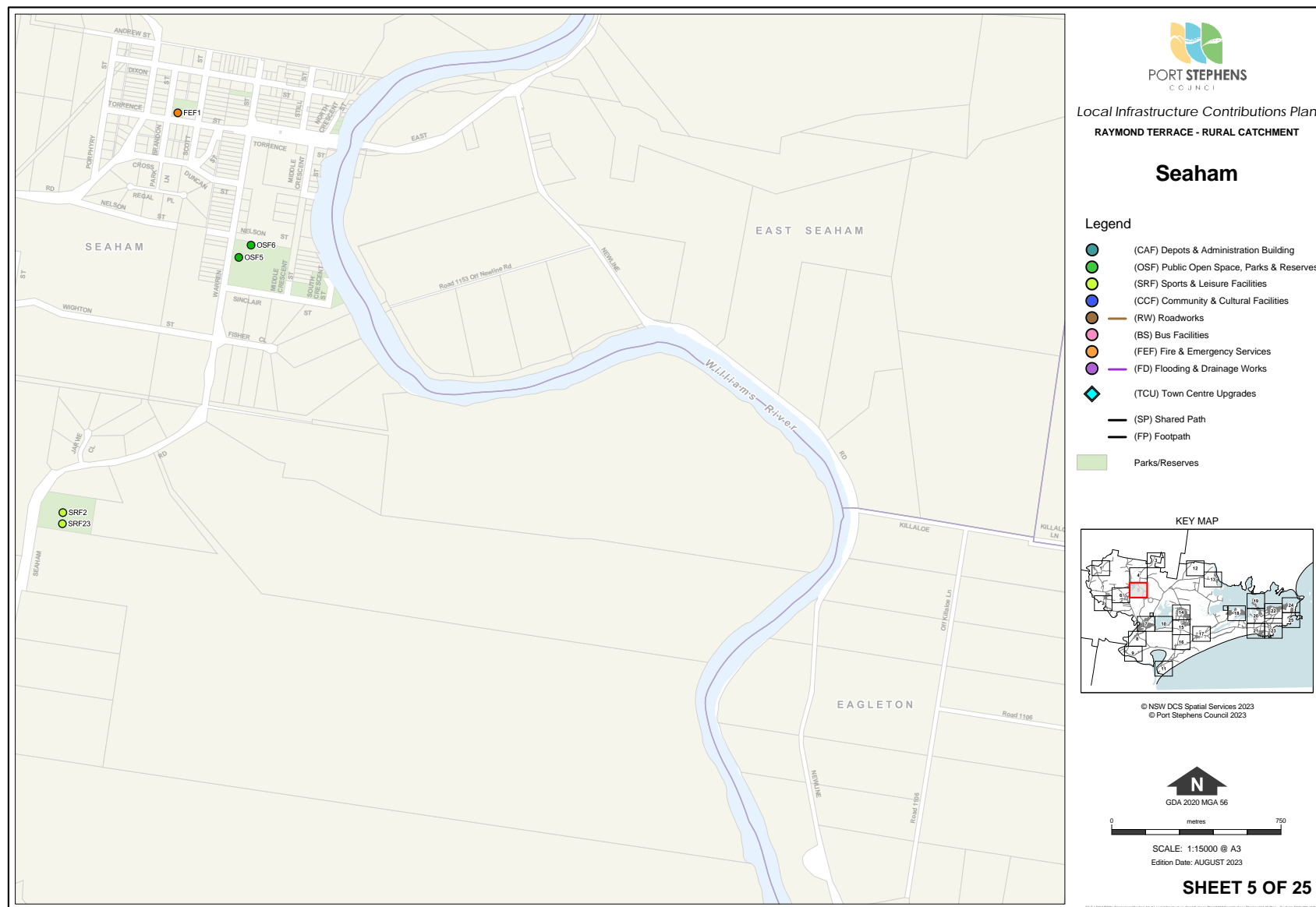


ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

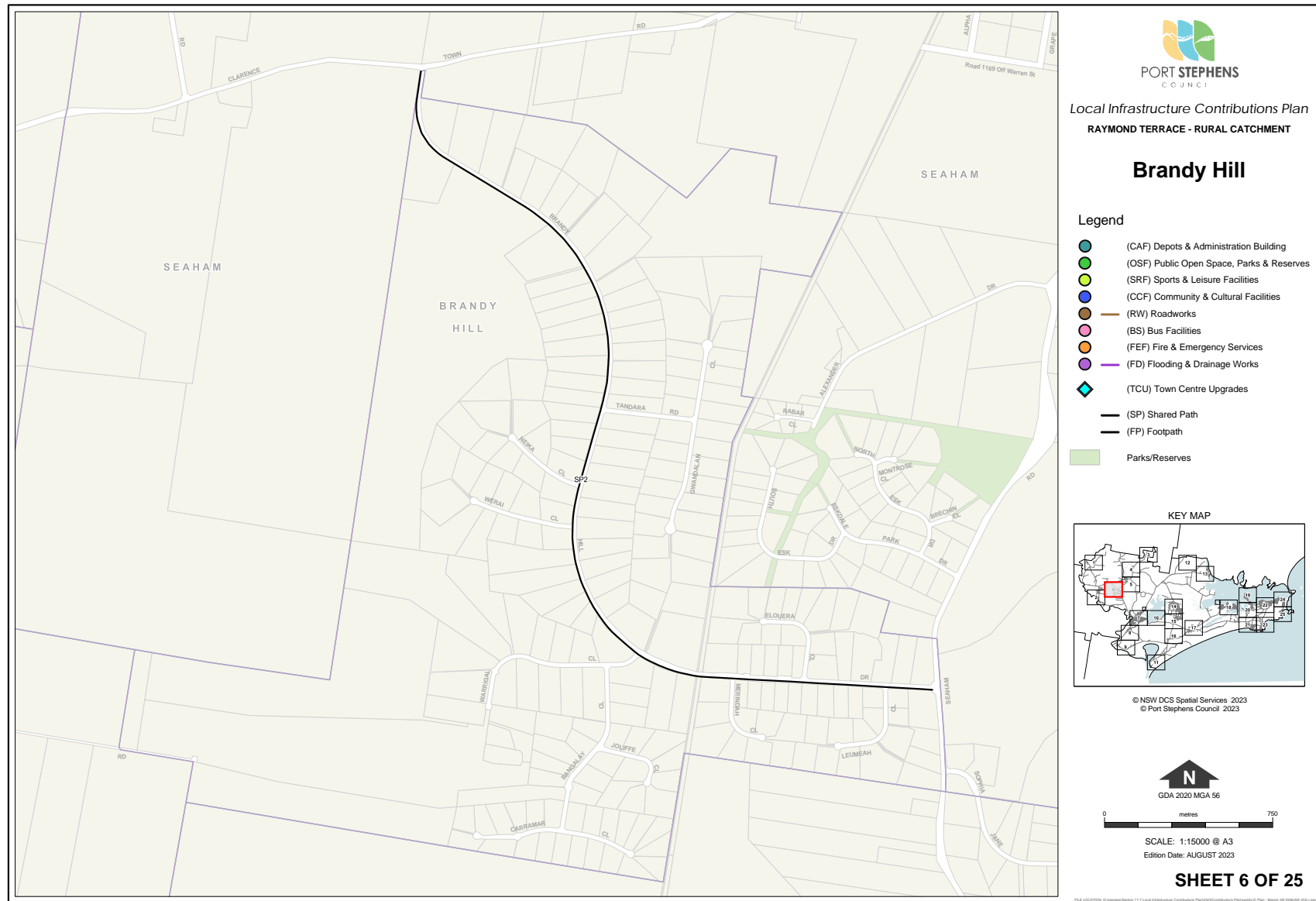


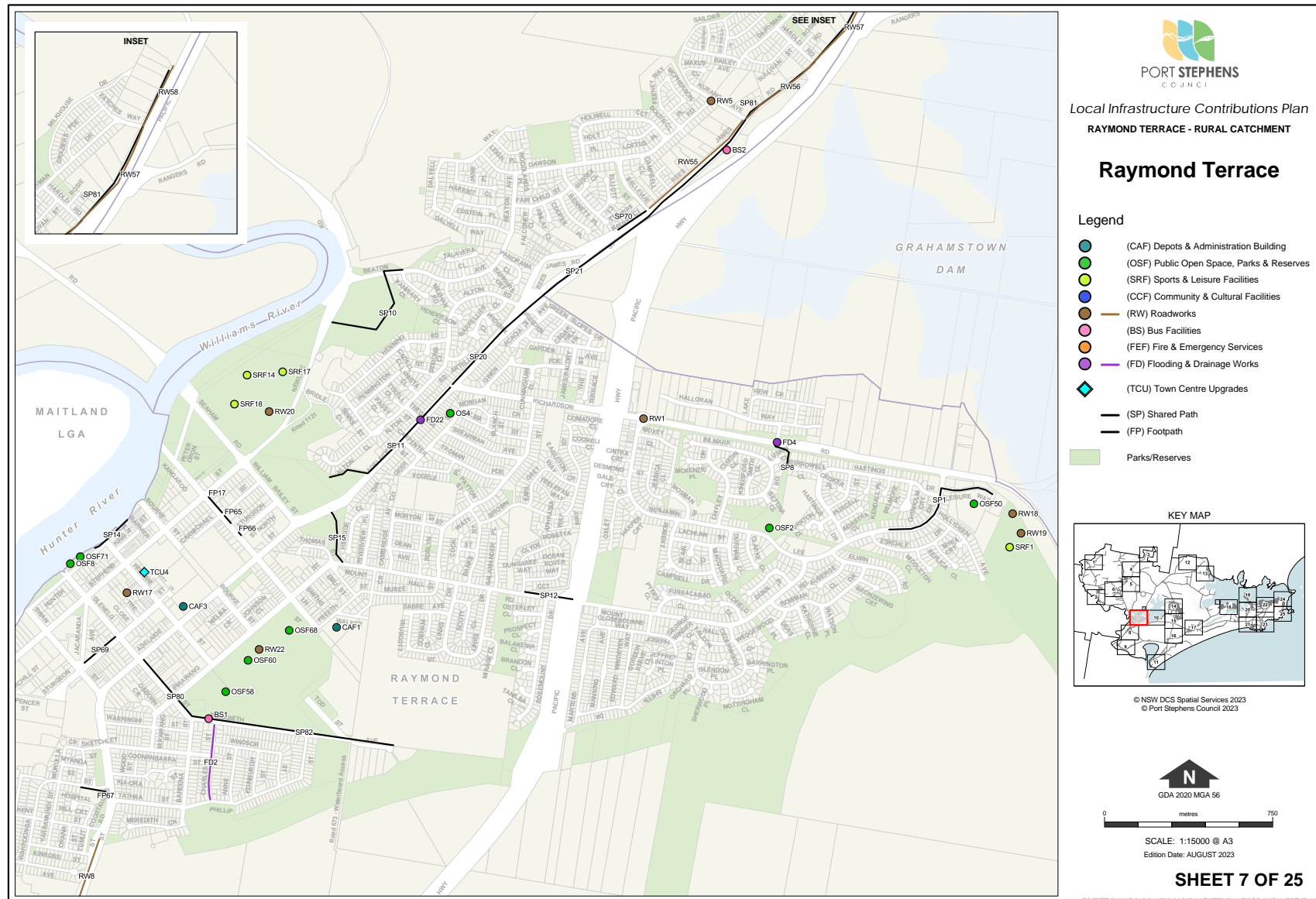


ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



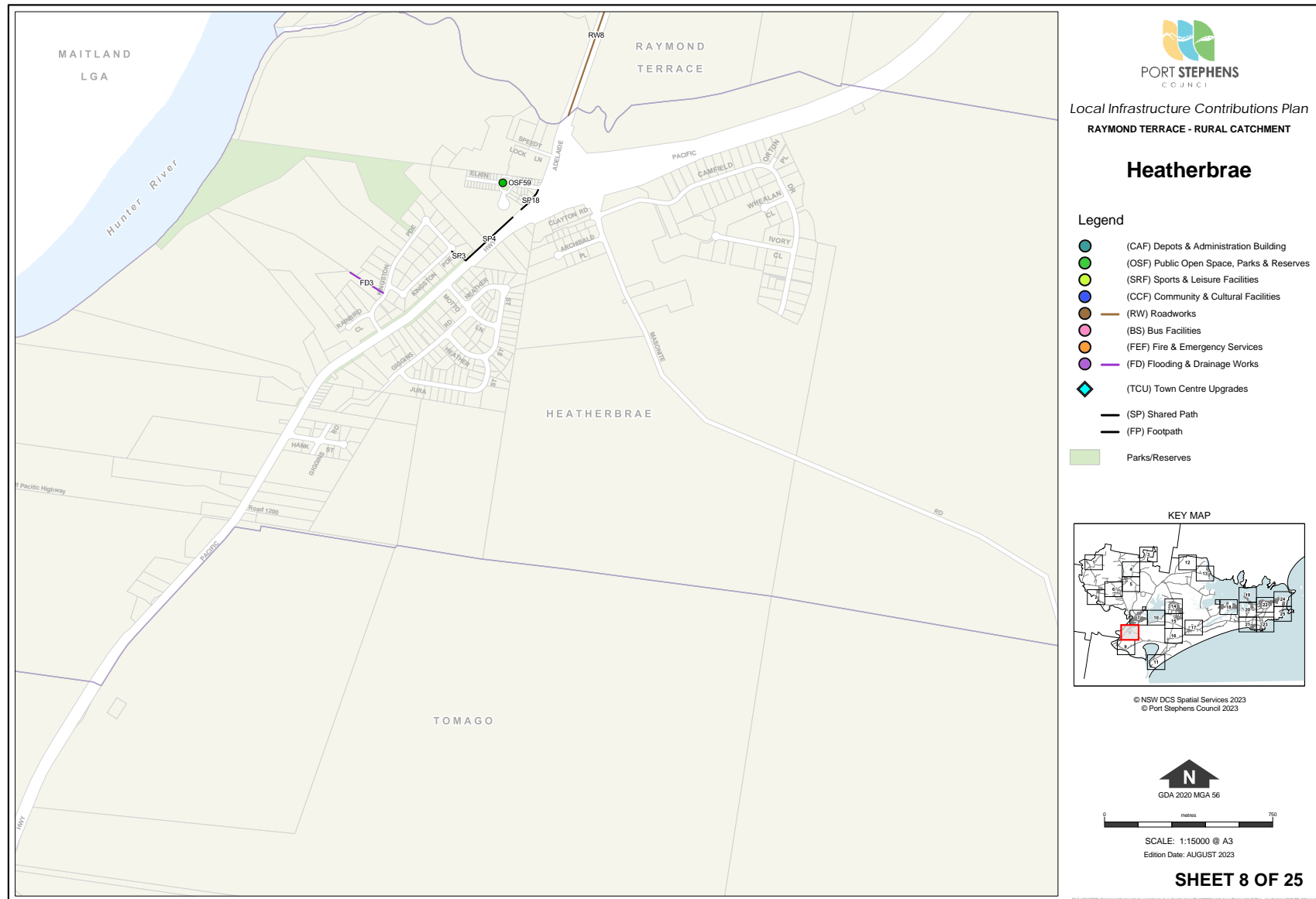
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



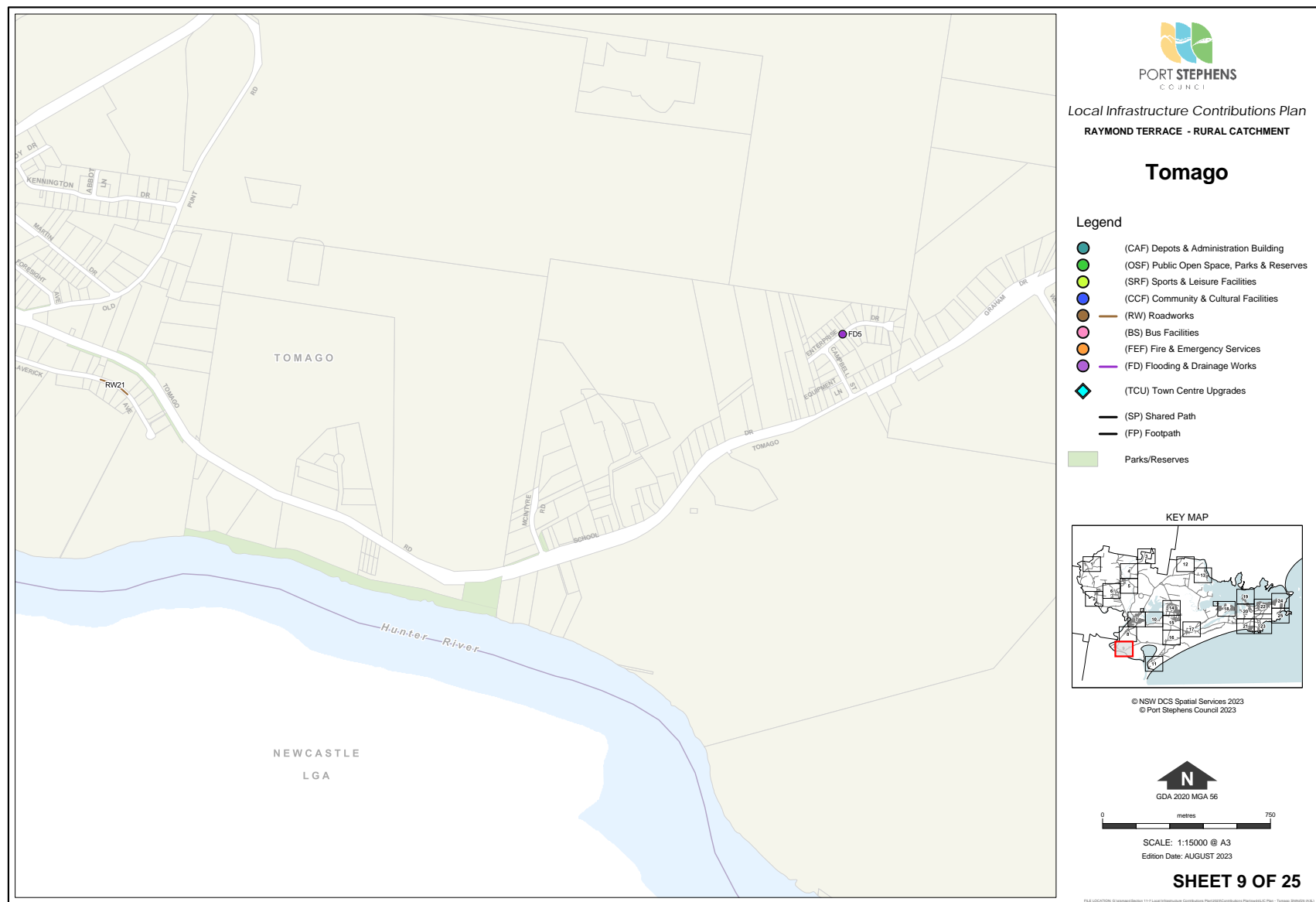




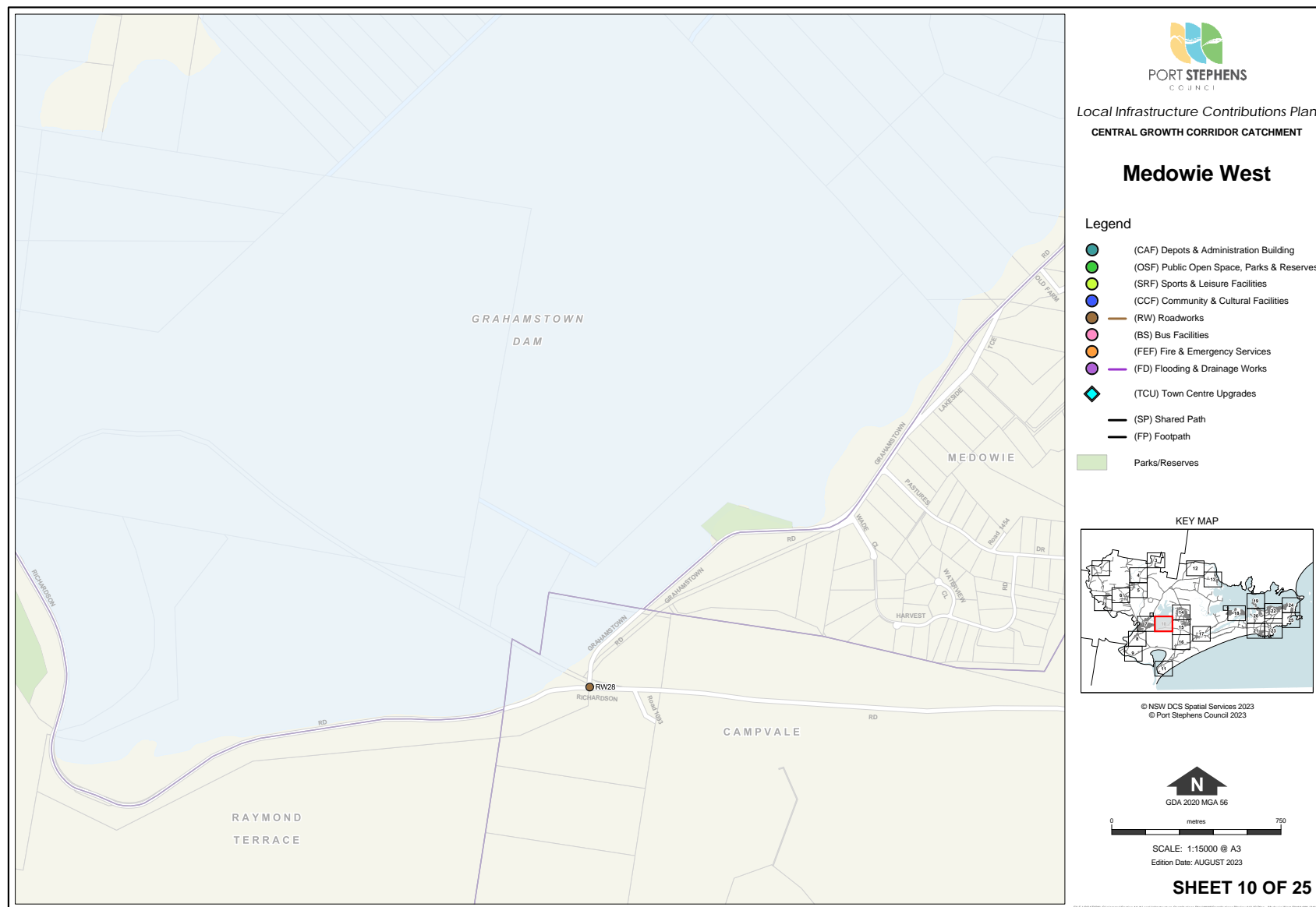
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



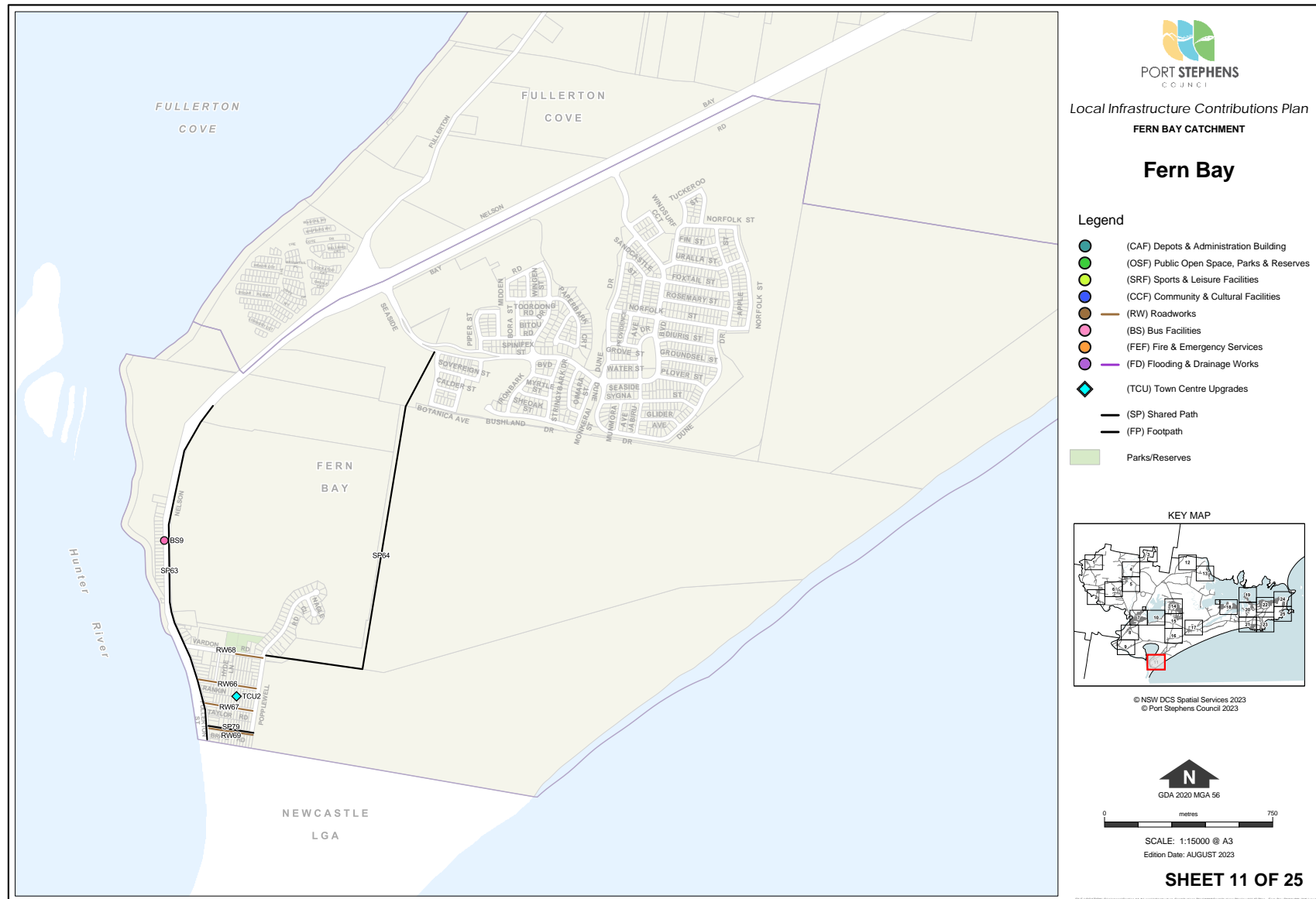
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



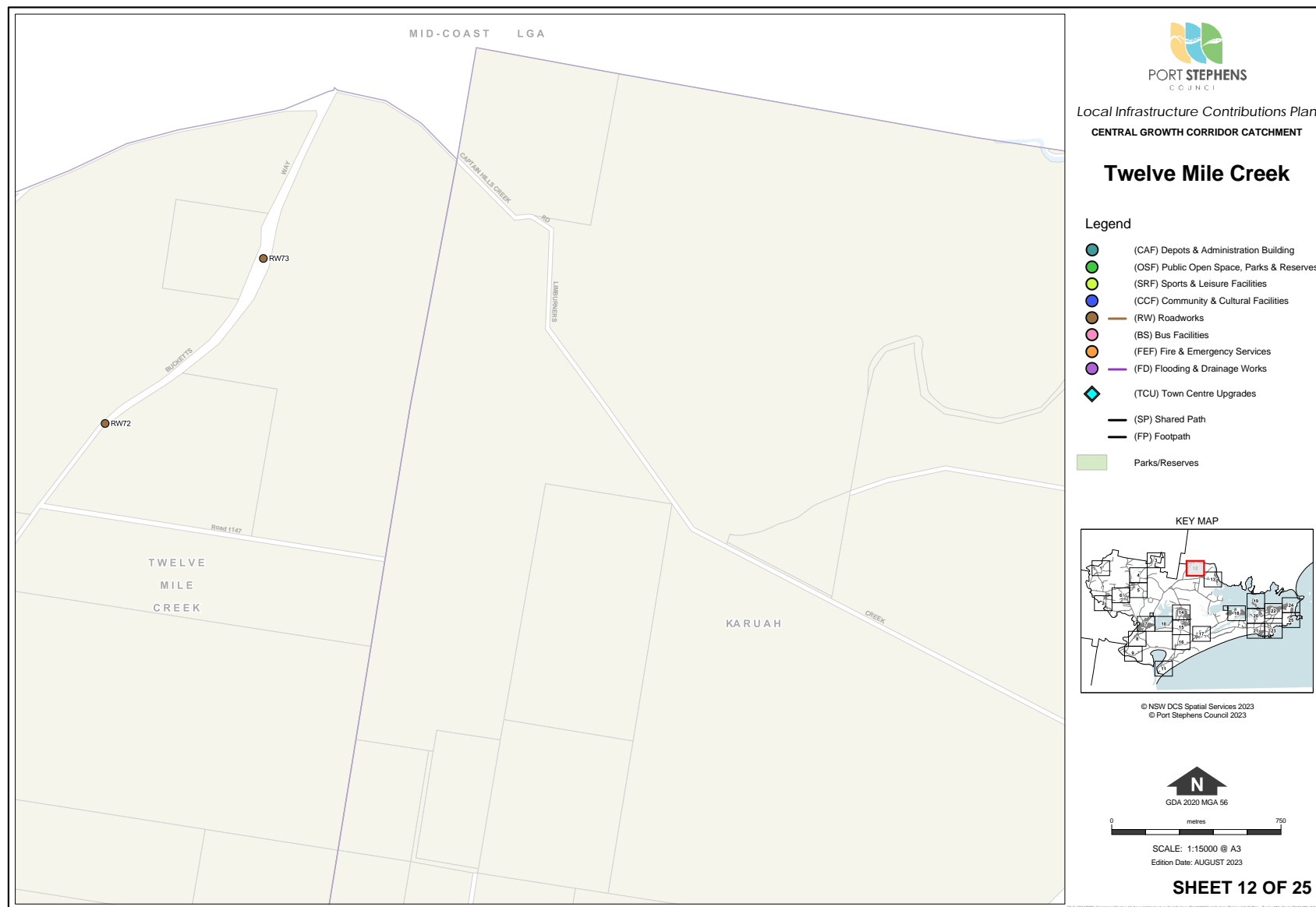
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



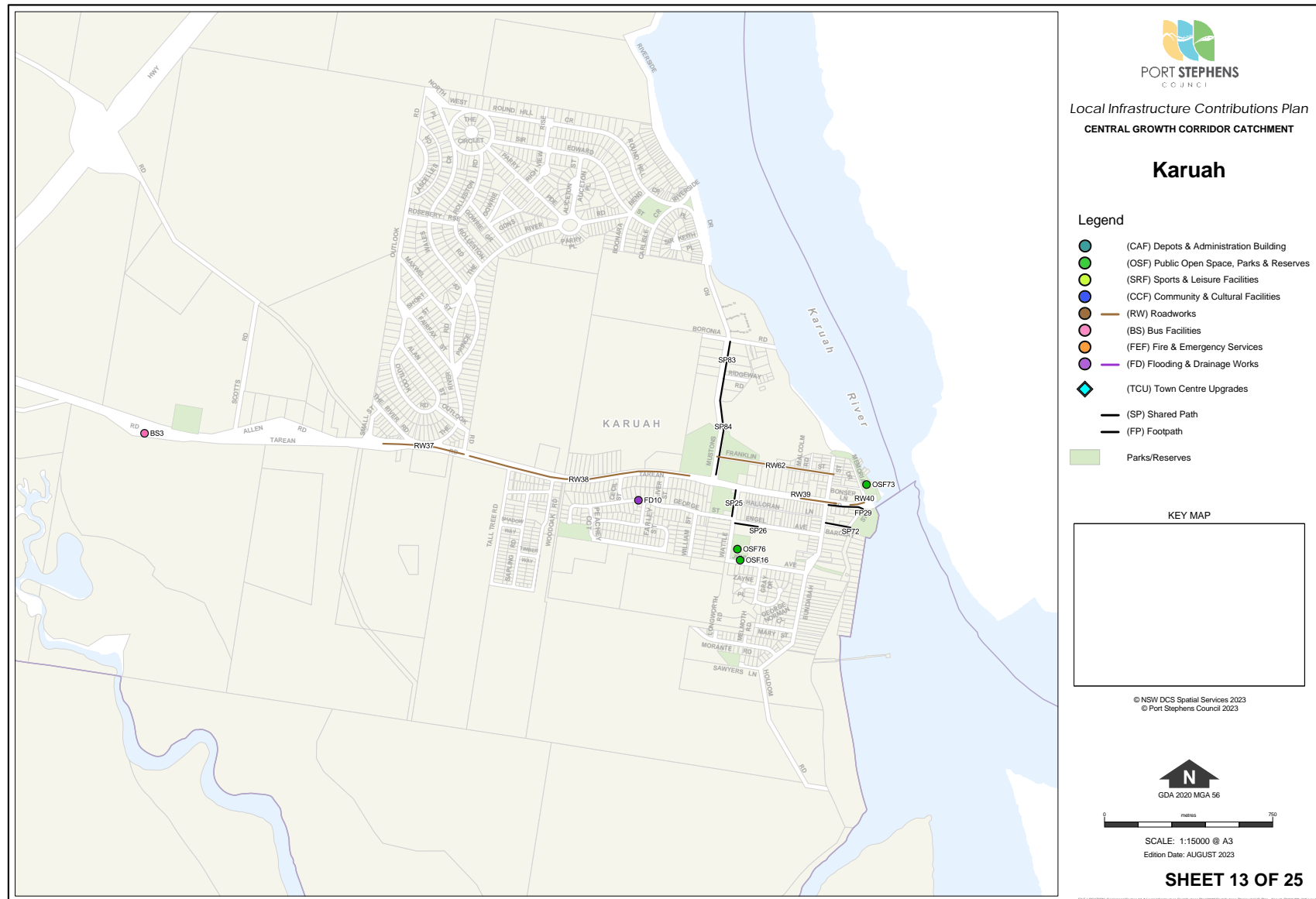
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



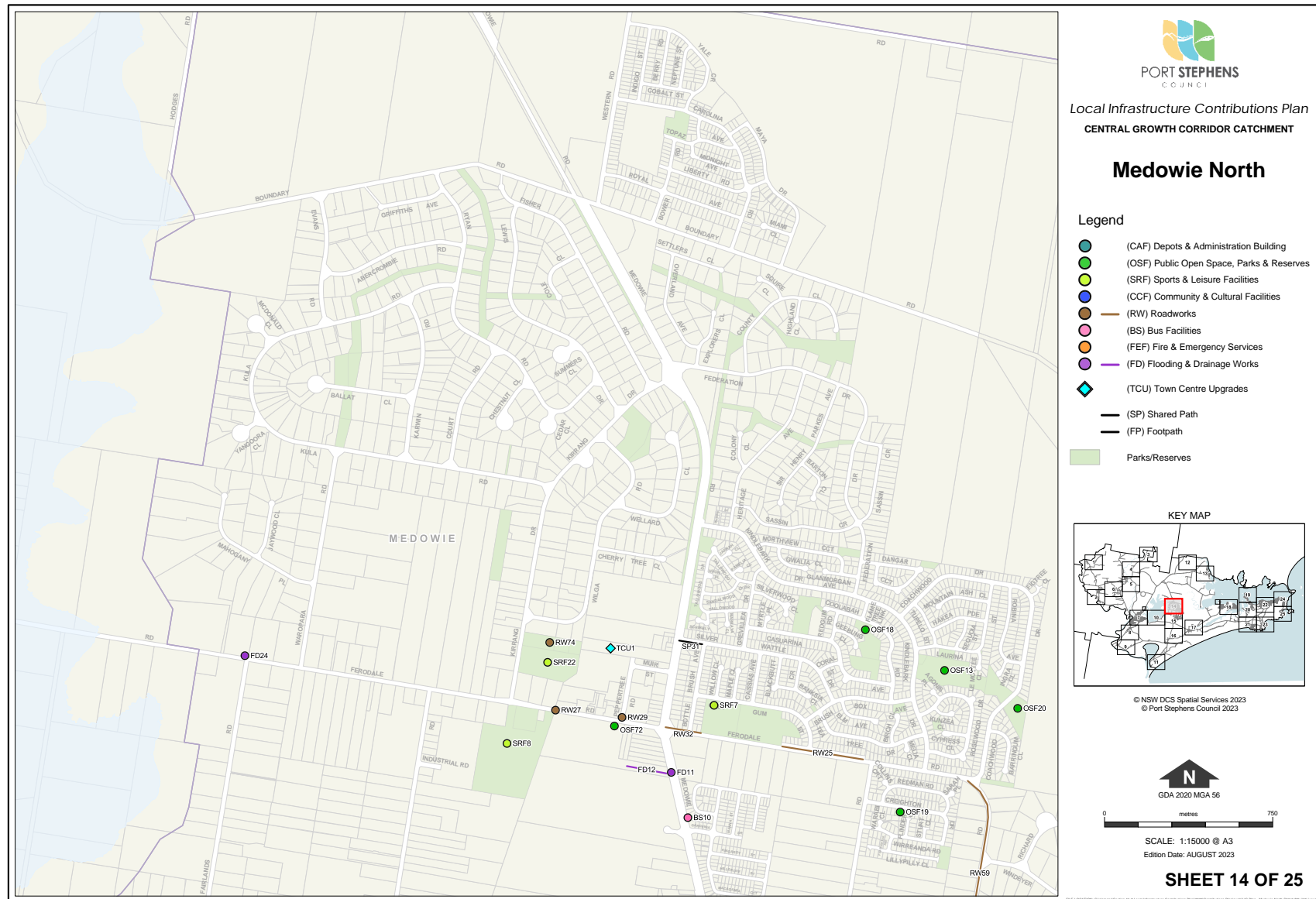
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

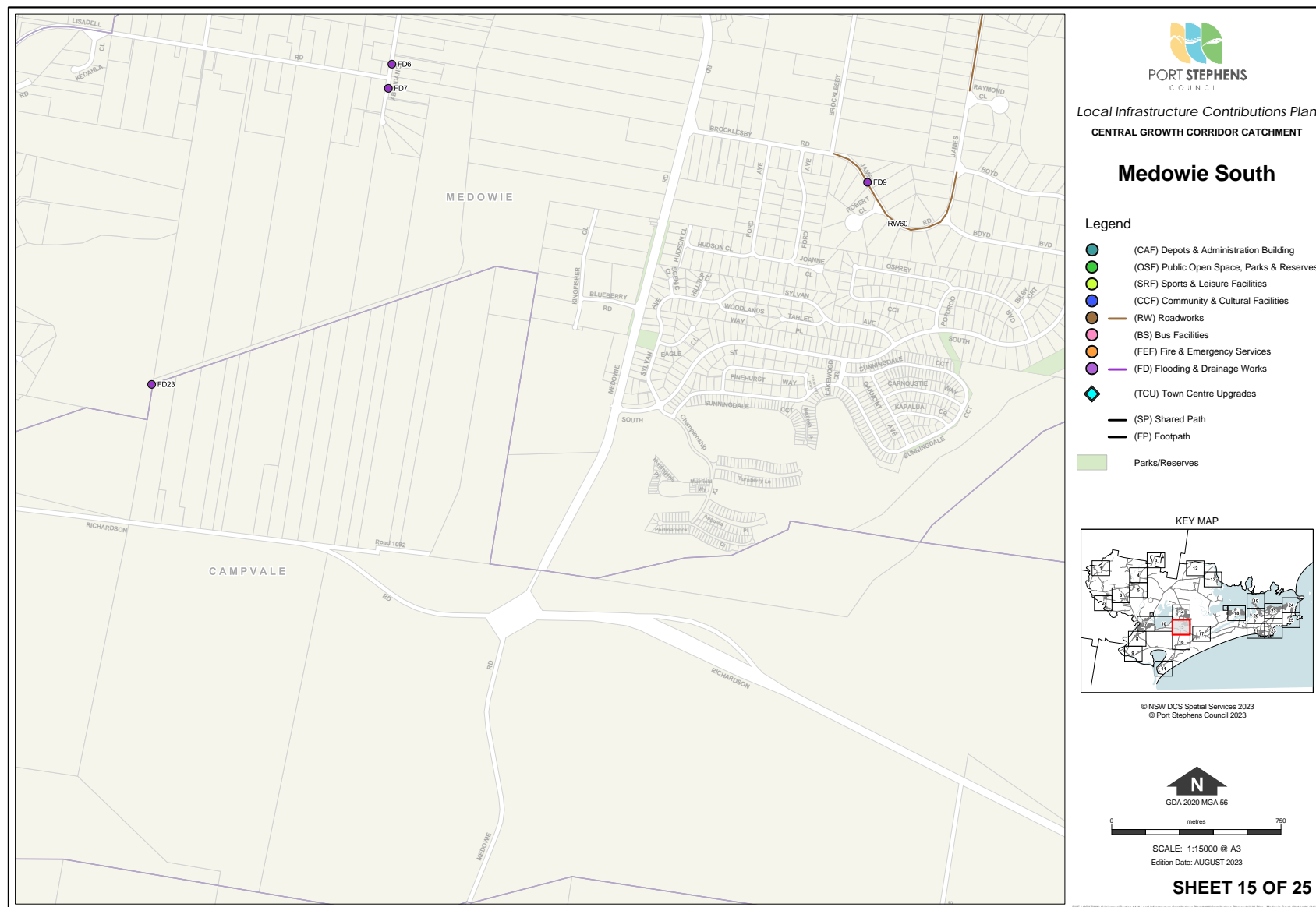


ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



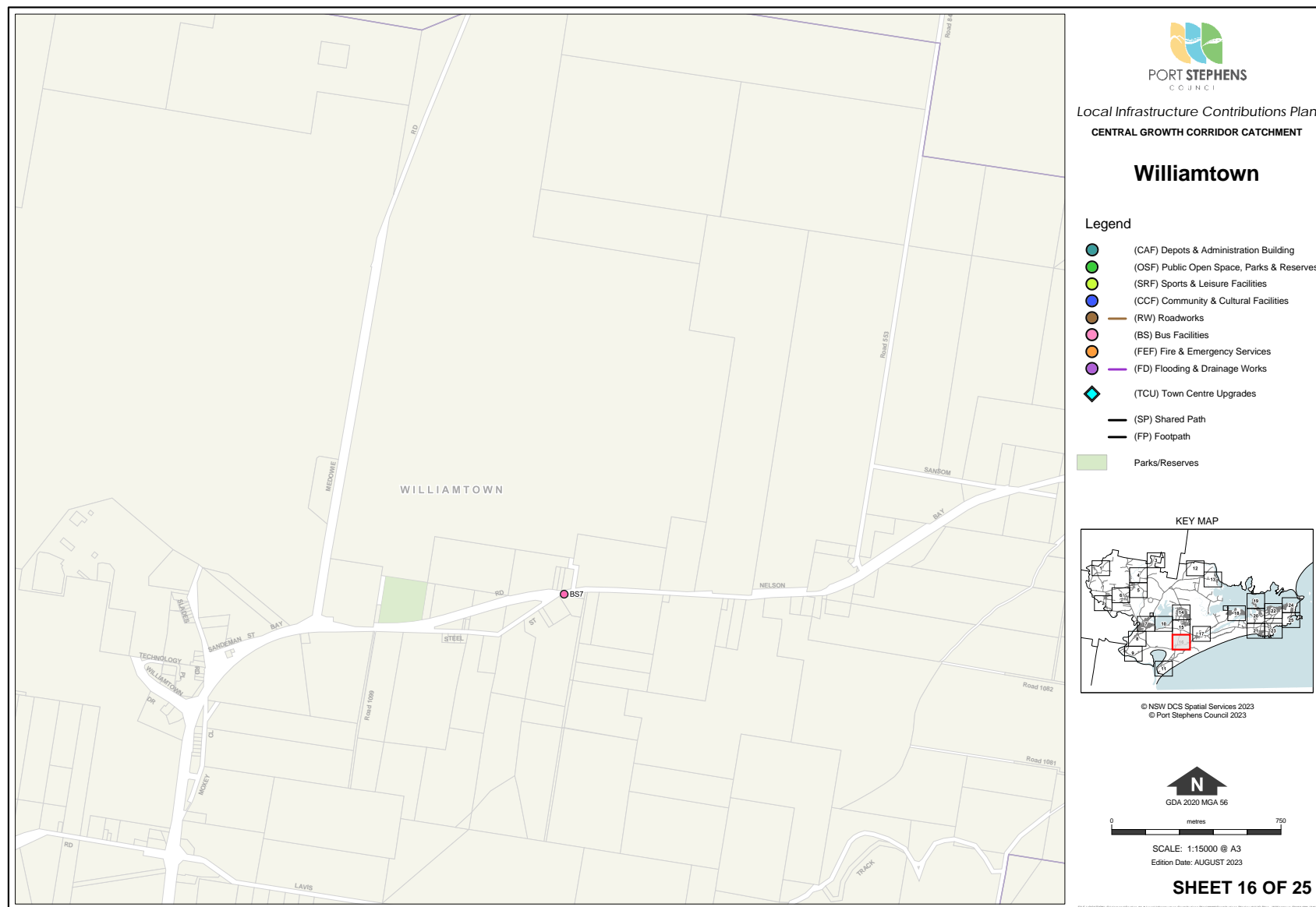


ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

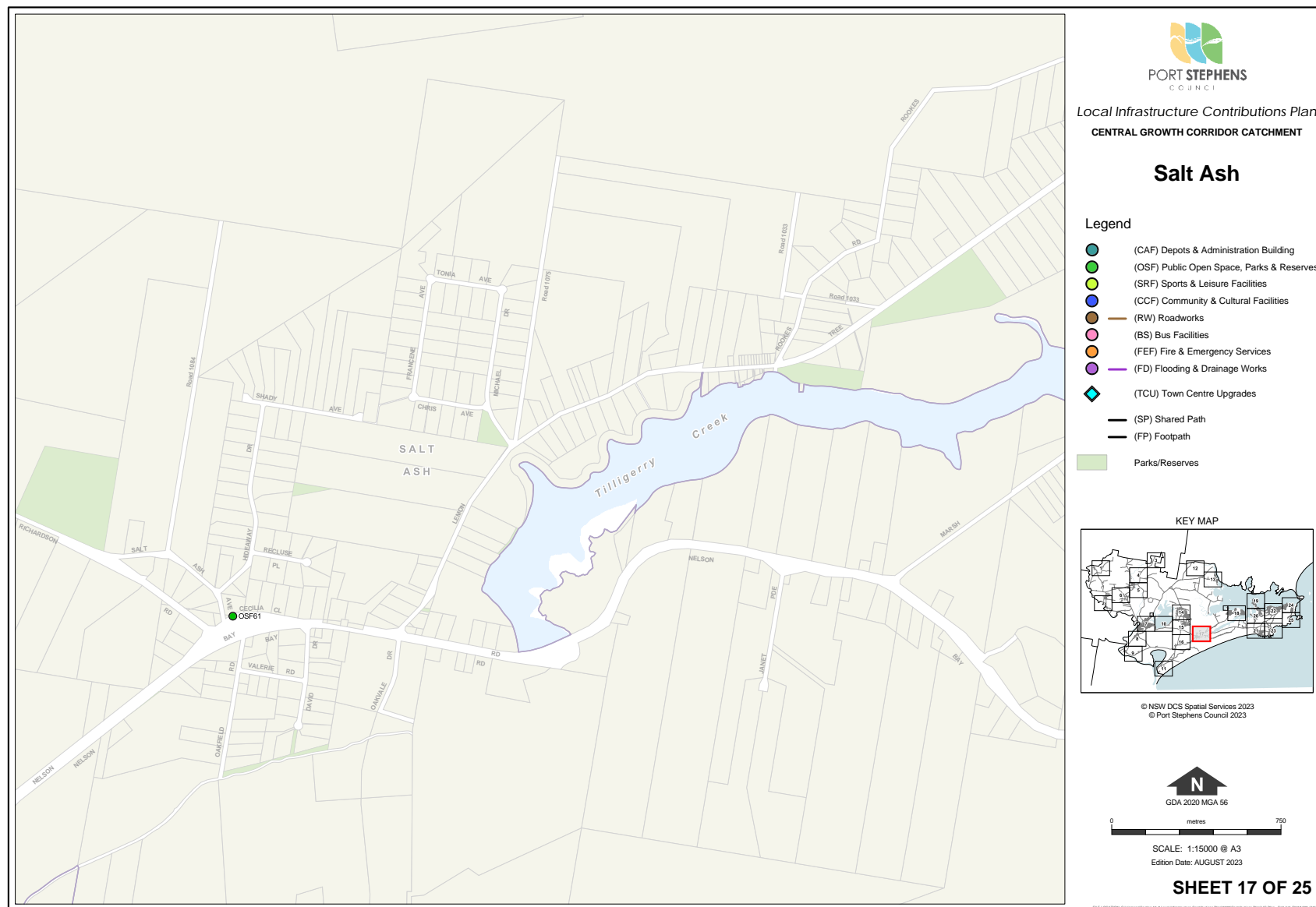




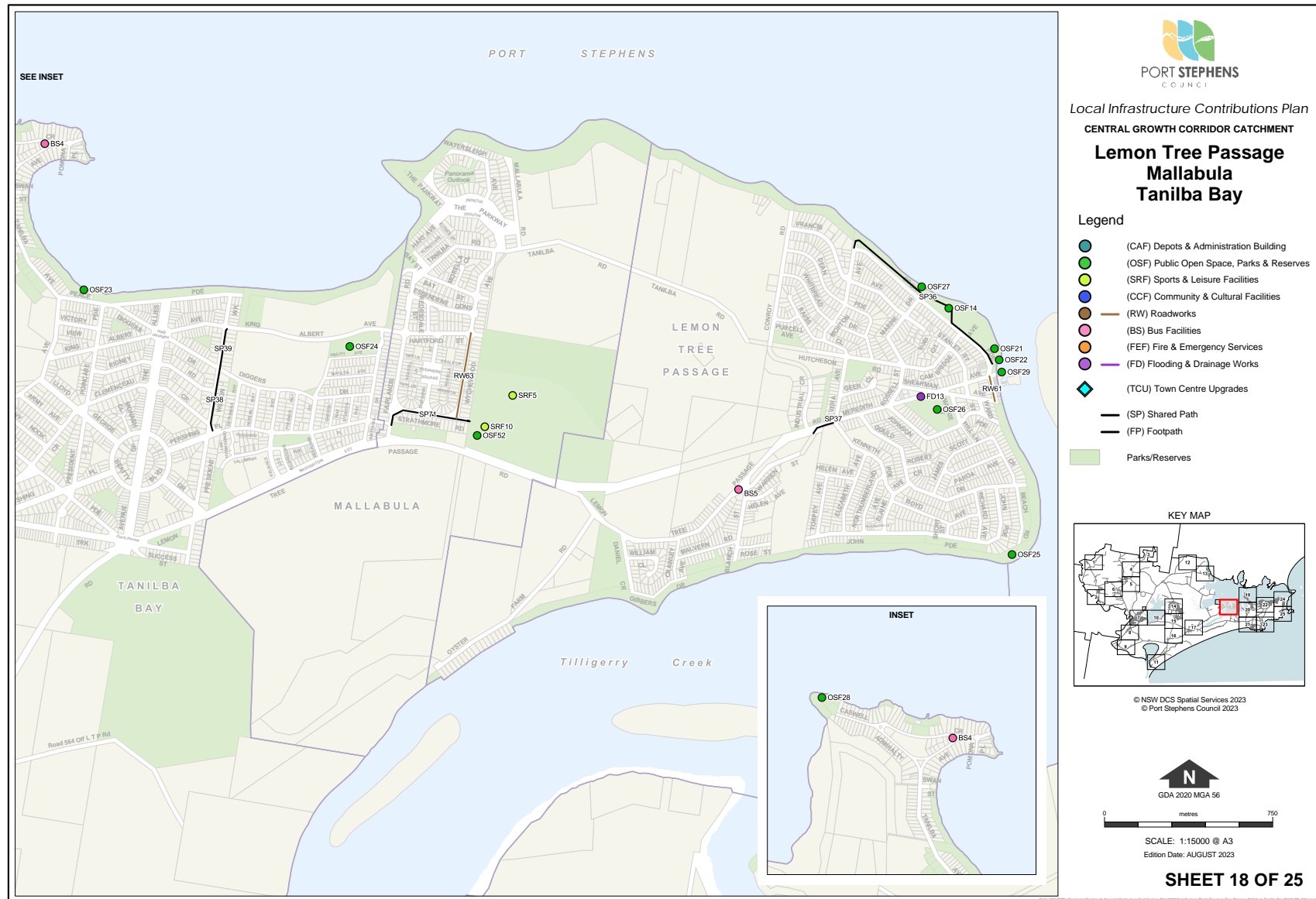
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



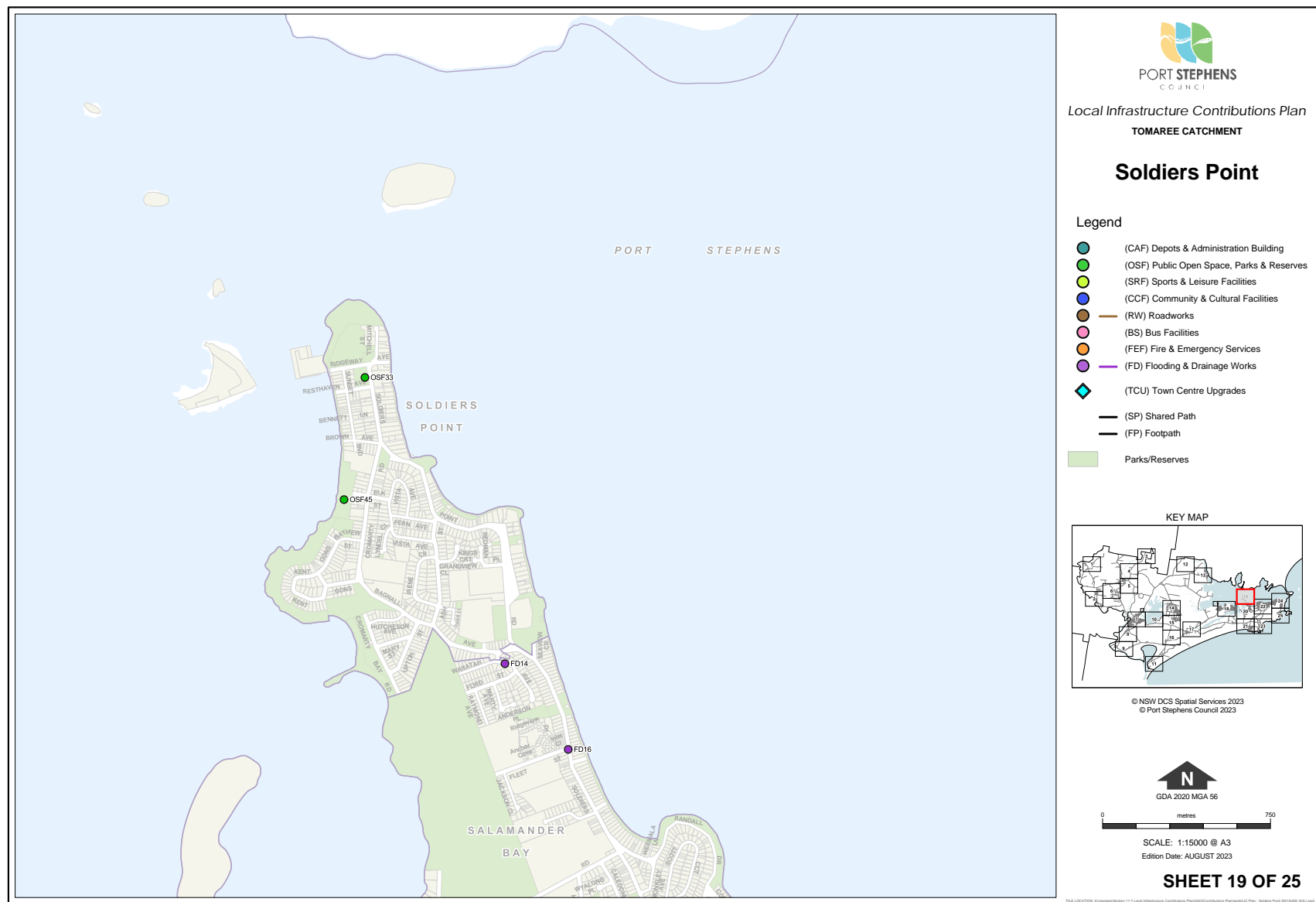
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



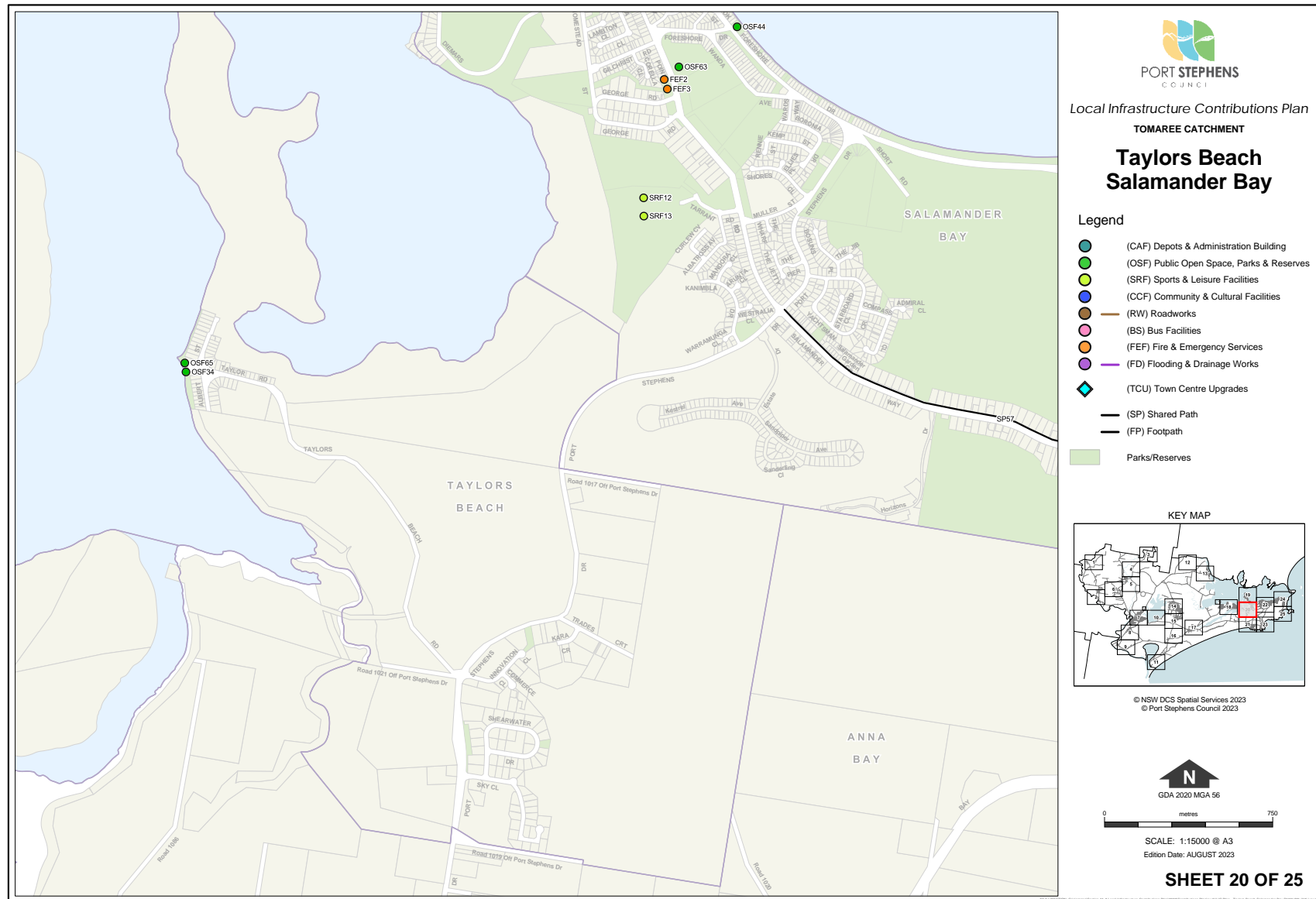
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



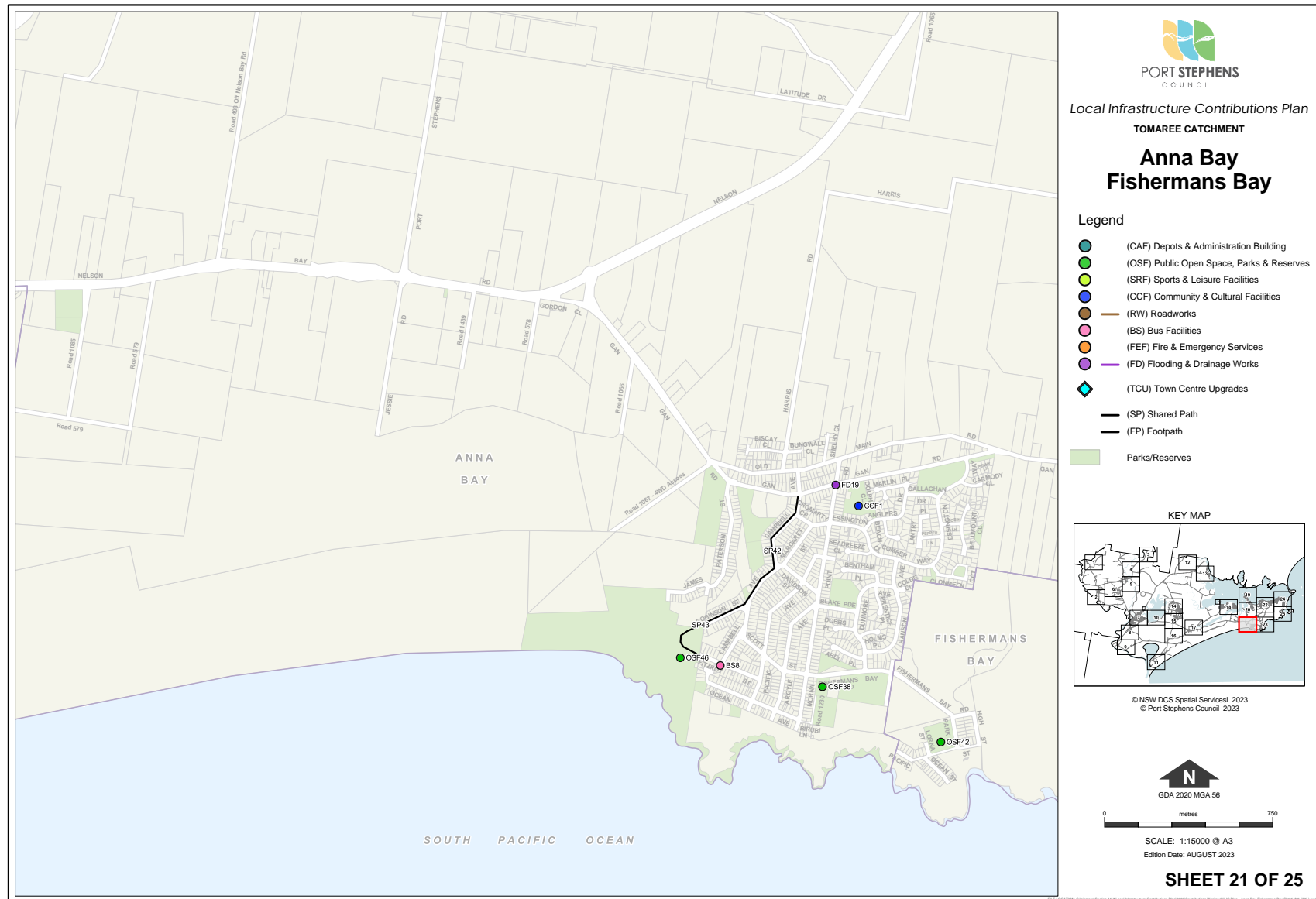
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



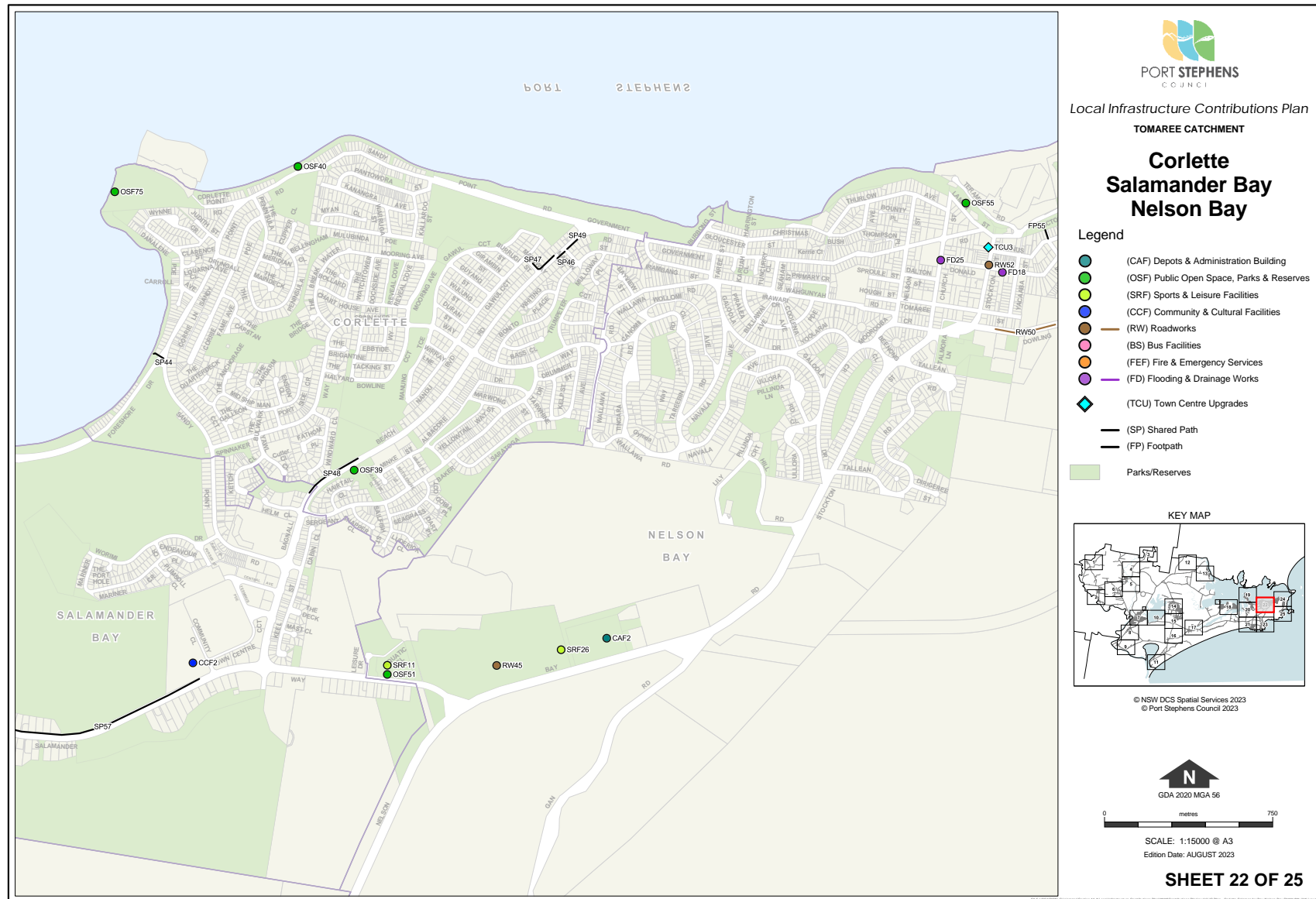
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



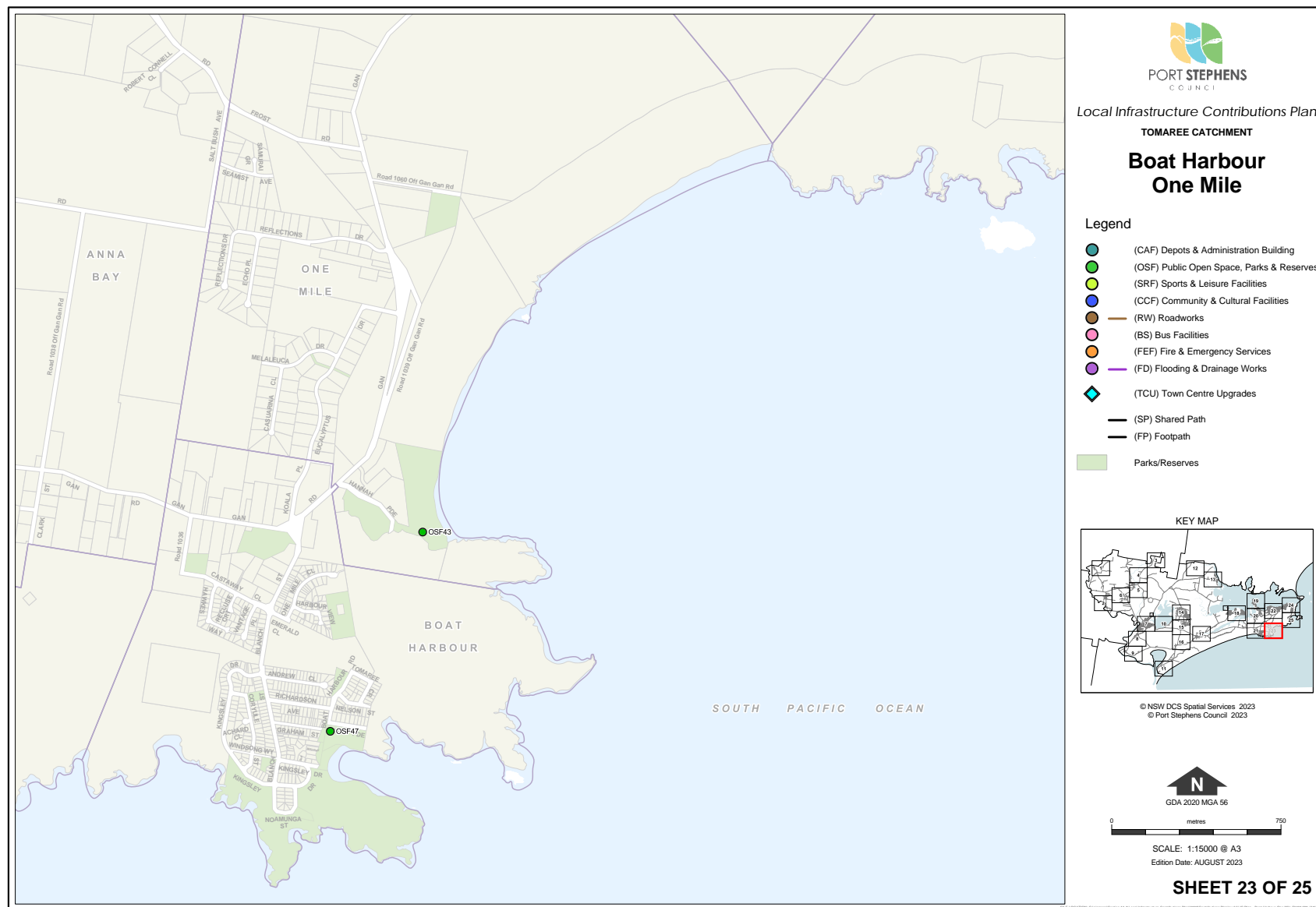
ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.





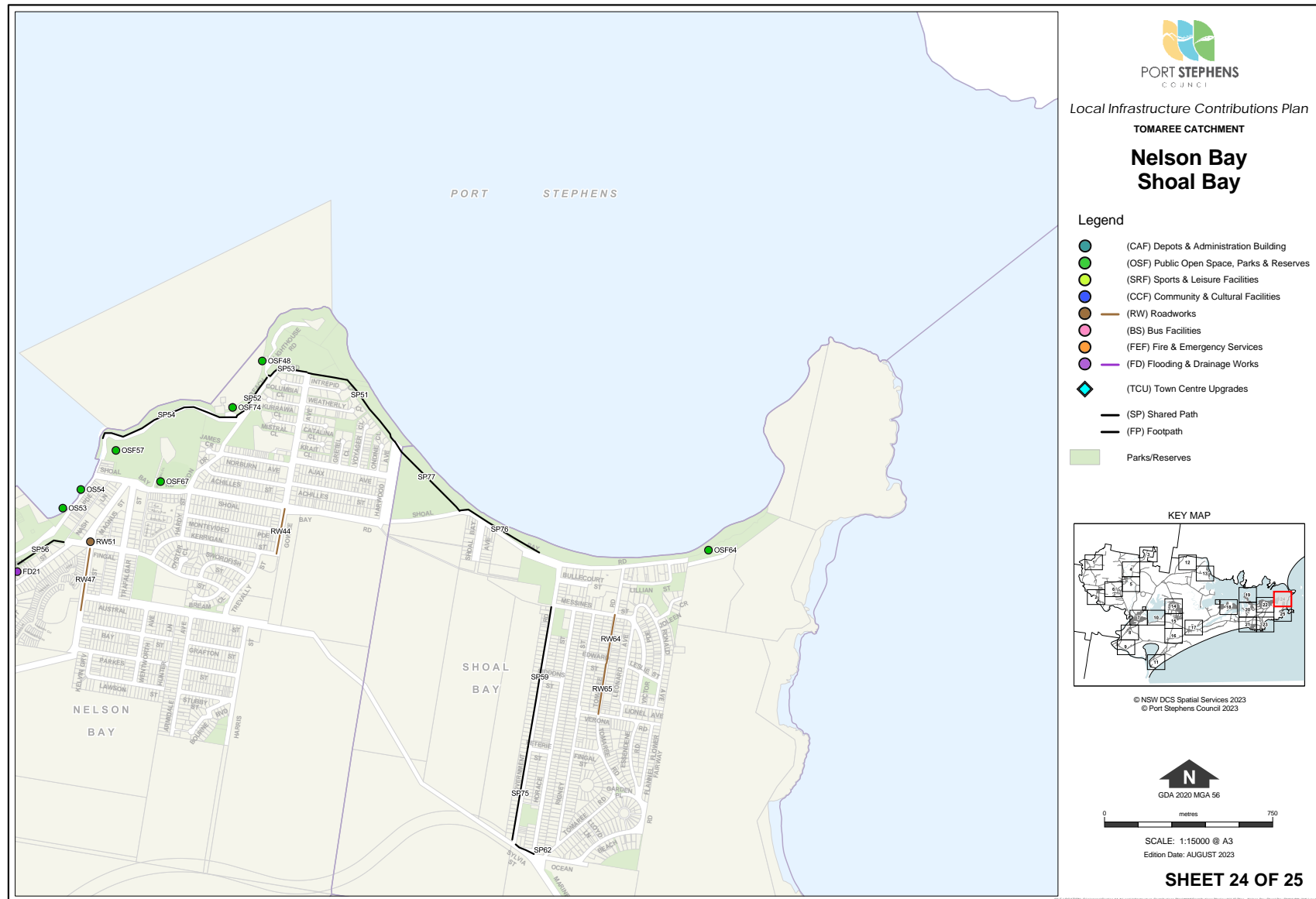


ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

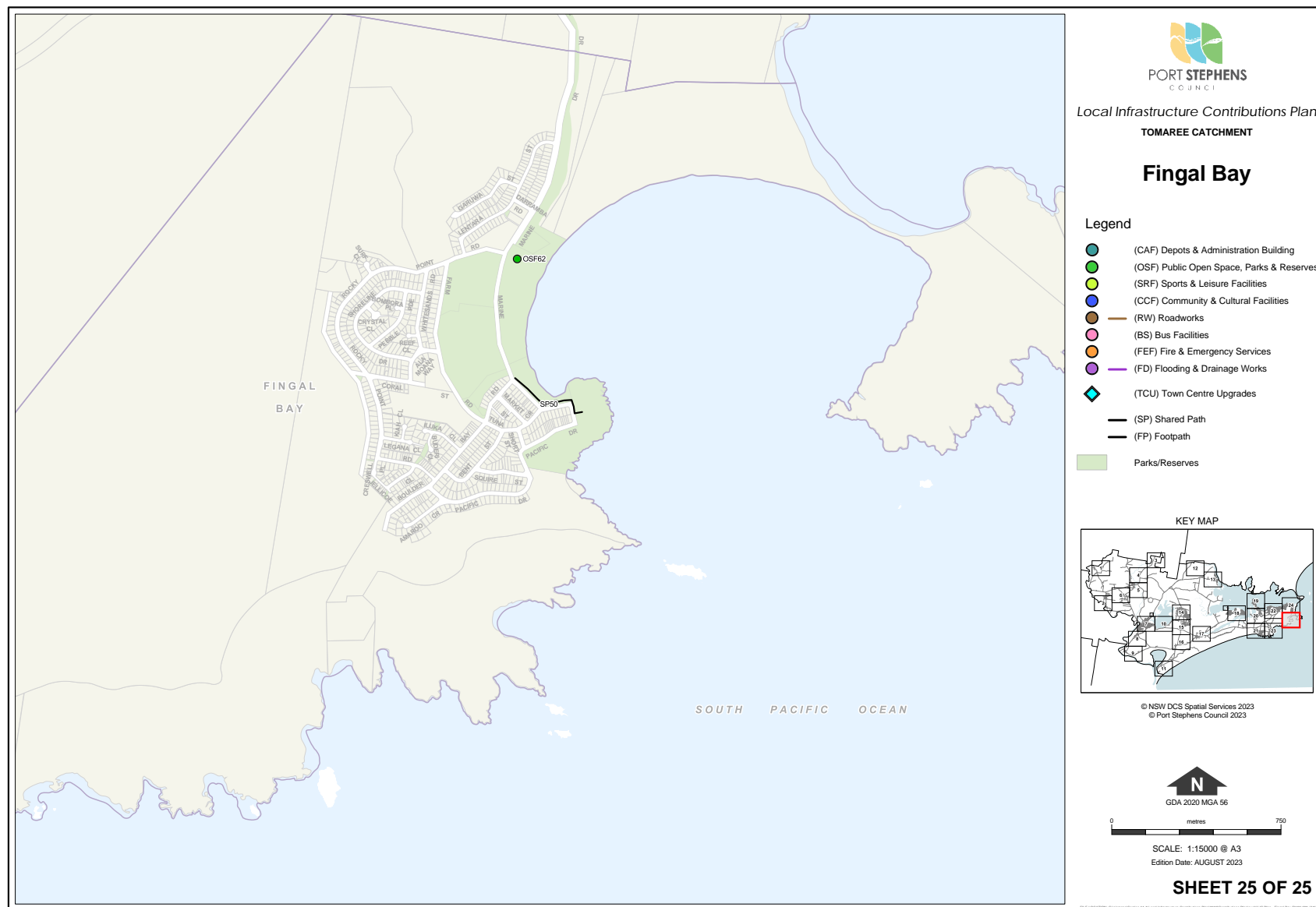




ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



ITEM 2 - ATTACHMENT 1 PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.



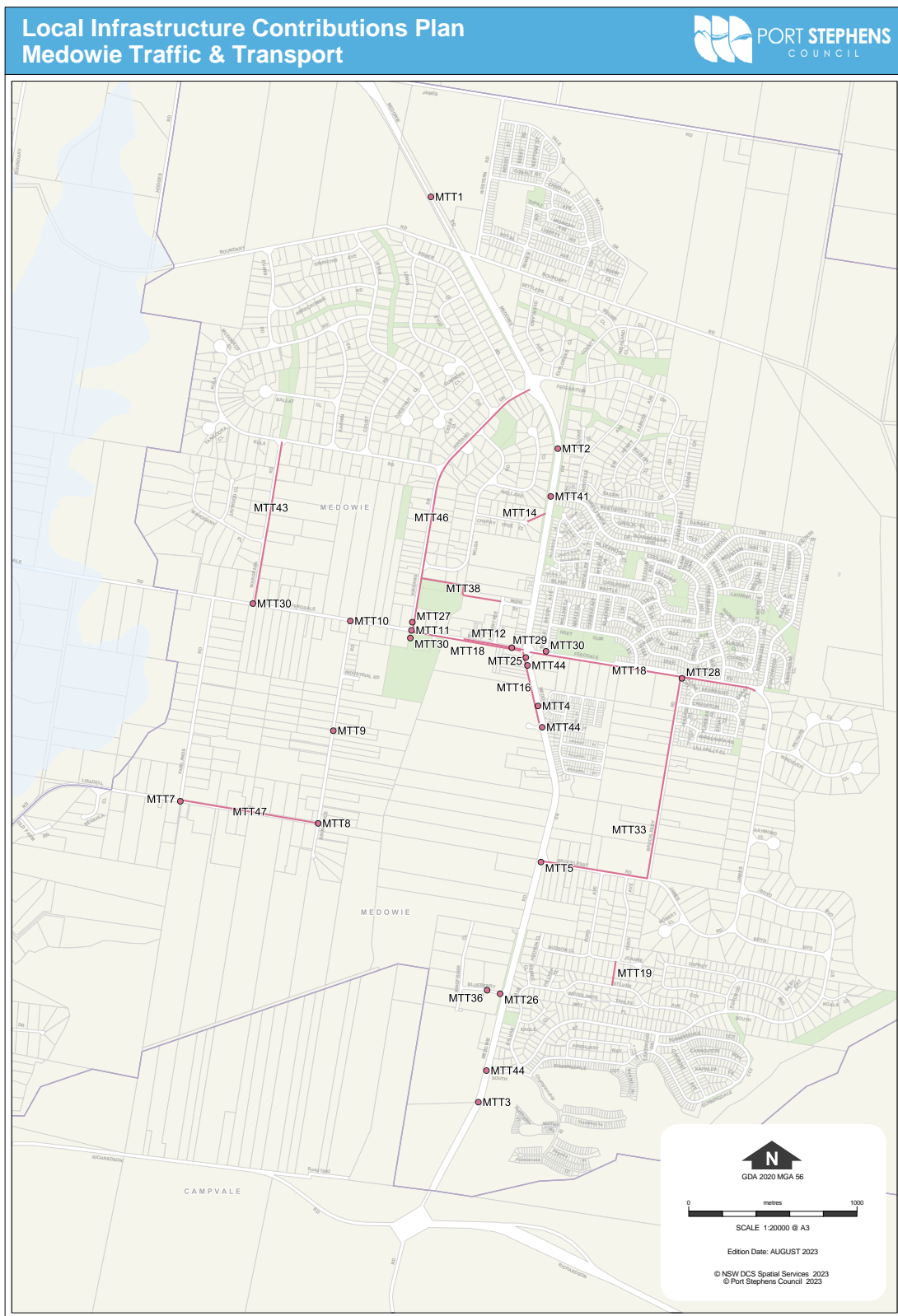
ITEM 2 - ATTACHMENT 1  
CONTRIBUTIONS PLAN.

PORT STEPHENS LOCAL INFRASTRUCTURE



ITEM 2 - ATTACHMENT 1  
CONTRIBUTIONS PLAN.

PORT STEPHENS LOCAL INFRASTRUCTURE



ITEM 2 - ATTACHMENT 1  
CONTRIBUTIONS PLAN.

PORT STEPHENS LOCAL INFRASTRUCTURE



ITEM 2 - ATTACHMENT 1  
CONTRIBUTIONS PLAN.

PORT STEPHENS LOCAL INFRASTRUCTURE



116 Adelaide Street | PO Box 42  
Raymond Terrace NSW 2324

PORTSTEPHENS.NSW.GOV.AU  
A row of small social media icons for LinkedIn, Facebook, Twitter, and Instagram.



Proposed amendment to Port Stephens Local  
Environmental Plan 2013



## CONTENTS

<b>SITE</b> .....	Error! Bookmark not defined.
<b>PART 1 – Objectives or intended outcomes</b> .....	<b>2</b>
<b>PART 2 – Explanation of provisions</b> .....	<b>3</b>
<b>PART 3 – Justification of strategic merit and site specific merit</b> .....	<b>15</b>
<b>Section A – Need for the planning proposal</b> .....	<b>15</b>
Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report? ....	15
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? .....	15
<b>Section B – Relationship to strategic planning framework</b> .....	<b>15</b>
Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)? .....	15
Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan? ....	17
Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies? .....	19
Q6. Is the planning proposal consistent with applicable SEPPs? .....	19
Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)? .....	20
<b>Section C – Environmental, social and economic impact</b> .....	<b>21</b>
Q8. 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? .....	21
Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? .....	22
Q10. Has the planning proposal adequately addressed social and economic effects? ....	22
<b>Section D – Infrastructure (Local, State and Commonwealth)</b> .....	<b>22</b>
Q11. Is there adequate public infrastructure for the planning proposal? .....	22
<b>Section E – State and Commonwealth Interests</b> .....	<b>22</b>
Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination? .....	22
<b>PART 4 – Mapping</b> .....	<b>22</b>
<b>PART 5 – Community consultation</b> .....	<b>23</b>
<b>PART 6 – Project timeline</b> .....	<b>23</b>

## VERSION CONTROL

Version	Date	Details
1	October 2023	Draft planning proposal



**ATTACHMENTS**

---

- ATTACHMENT 1** – Urban Design Panel Advice  
**ATTACHMENT 2** – Model Boundary Adjustment Clause  
**ATTACHMENT 3** – Matter Arising 14 March 2023 (minute 046)  
**ATTACHMENT 4** – Existing and proposed Heritage Map  
**ATTACHMENT 5** – NPWS notification of Medowie State Conservation Area  
**ATTACHMENT 6** – Existing and proposed Land Zoning Map – Medowie State Conservation Area  
**ATTACHMENT 7** – NPWS notification of Columbey National Park  
**ATTACHMENT 8** – Existing and proposed Land Zoning Map – Columbey National Park, Dunns Creek  
**ATTACHMENT 9** – Existing and proposed Lot Size Map, Heatherbrae

**FILE NUMBERS**

---

**Council:** 58-2023-2-1  
**Department** PP-2023-

**PART 1 – Objectives or intended outcomes**

---

The planning proposal seeks to make administrative amendments to the *Port Stephens Local Environmental Plan 2013* (LEP) to address administrative and minor matters that have recently become apparent. The planning proposal seeks to achieve the following outcomes:

1. Amend Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings to:
  - Increase the minimum lot size (MLS) for residential flat buildings;
  - Correct an error by omitting 'despite clause 4.1' in subclause (2); and
  - Expand clause objectives
2. Amend Clause 4.1E Boundary adjustments of land in certain rural, residential and conservation zones to limit its application to 2 lots
3. Amend Clause 4.3 Height of buildings to expand the objectives to be more robust
4. Adopt optional Clause 5.22 Special Flood Considerations
5. Amend 7.23 to limit its application
6. Amend Schedule 5 Environmental Heritage to correct the property address and mapping for item I79 Raymond Terrace court house
7. Rezone land at Medowie State Conservation Area and Columbey National Park to C1 National Parks and Nature Reserves
8. Amend the Minimum Lot Size map to align with the Land Zoning Map at Kinross, Estate Heatherbrae (Lot 1401 DP 1272419)

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

**PART 2 – Explanation of provisions**

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

**ITEM 1 – Clause 4.1B****Proposed Amendment:**

Amend Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings to:

- Increase the minimum lot size (MLS) for residential flat buildings and expand applicable zones;
- Correct an error by omitting 'despite clause 4.1' in subclause (2); and
- Expand clause objectives to improve planning outcomes.

**Table 1: Existing and proposed minimum lot sizes for residential flat buildings**

Zone	Existing MLS	Proposed MLS
Residential flat building		
R1 General Residential	-	900sqm
R3 Medium Density Residential	450sqm	900sqm
MU1 Mixed Use	450sqm	900sqm
E1 Local Centre	-	900sqm
E2 Commercial Centre	-	900sqm

**Explanation:**Residential flat buildings

It is proposed to increase the minimum lot size for residential flat buildings from 450 square metres (sqm) to 900sqm to achieve better urban design outcomes. The Urban Design Review Panel (UDRP) recommended the proposed increase. The UDRP have provided advice to Council (**ATTACHMENT 1**), outlining the key justifications for increasing the minimum lot size to 900sqm for residential flat buildings.

The current minimum lot size of 450sqm has been problematic with applications submitted to council that cannot comply with the Port Stephens Development Control Plan 2014 (DCP) and creates issues in regards to bulk and scale, privacy, solar access, overshadowing, adequate parking and access, landscaping, aesthetic value etc. In higher density areas, the current minimum lot size encourages tall, narrow and impractical buildings with limited setbacks.

A minimum lot size of 900sqm would encourage the amalgamation of smaller lots to improve the quality and appearance of residential flat buildings and reduce the impacts of the development on neighbouring sites. This would also encourage more orderly development with greater dwelling densities and improved design outcomes.

It is proposed to expand the application of this clause, as identified in **Table 1**, to all of the zones where residential flat buildings are permissible in the Port Stephens LEP.

Subclause (2)

Clause 4.1B (2) of the LEP incorrectly calls up Clause 4.1 Minimum subdivision lot size. As Clause 4.1B does not relate to subdivision it should not refer to clause 4.1.

*Clause 4.1B:*

*(2) "Despite clause 4.1, development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table."*

Council wishes to omit "despite clause 4.1" from the clause as it changes its application and implies Clause 4.1B is an exception to a development standard rather than being a development standard itself.

If Clause 4.1B is not a development standard it cannot be varied under clause 4.6 (exceptions to development standards). This interpretation has been confirmed in recent case law. *Elimatta Pty Ltd v Read and Anor* [2021] NSWLEC 25 found the same wording "despite clause 4.1" in Clause 4.1B (3) of the Yass Valley LEP indicated their clause was not a development standard but an exception to a development standard.

It is not the intention of council to prevent variations to the minimum lot size of certain residential accommodation where good planning outcomes can be achieved.

A review of other LEPs demonstrates that recently adopted LEPs have avoided this issue in the drafting of their equivalent clause including Central Coast LEP 2022, Hilltops LEP 2022, Queanbeyan-Palerang Regional LEP 2022 and Cumberland LEP 2021.

Clause Objectives

It is proposed to expand the clause objectives in clause 4.1B (1) to ensure that development is appropriately sized to achieve better urban design outcomes and minimise adverse impacts on the amenity of neighbouring properties.

Currently, the only objective under Clause 4.1B (1) is to achieve planned residential density in certain zones. Broadening the objectives to consider the appropriate scale of the zone and potential impacts relating to private open space, amenity, parking and access, and landscaping will assist in the assessment of development applications for residential accommodation.

**ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.**

More robust objectives will also aid the assessment of applications proposing a variation to the minimum lot size under Clause 4.6. This will be particularly necessary when Clause 4.6 exceptions to development standards can be applied to Clause 4.1B under the above proposed amendment.

Council has reviewed Clause 4.1B in other LGAs and found that the Georges River Local Environmental Plan 2021 provides a good example of robust controls that Port Stephens Council wishes to achieve.

**Figure 1: Clause 4.1B (1) of the Georges River Local Environmental Plan 2021**

**4.1B Minimum lot sizes and special provisions for certain dwellings**

(1) The objectives of this clause are as follows—

- (a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
- (b) to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,
- (c) to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,
- (d) to minimise any likely adverse impact of the development on the amenity of the area,
- (e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.

---

**ITEM 2 – Clause 4.1E****Proposed Amendment:**

Amend Clause 4.1E Boundary adjustments of land in certain rural, residential and conservation zones to:

- Limit its application to 2 lots; and
- Insert an additional consideration for assessment.

**Explanation:**

Clause 4.1E currently permits the subdivision of land in rural and conservation zones where lots do not meet the minimum lot size and no additional lots will be created.

A recent development application proposed a 14 into 14 lot subdivision in the RU1 primary production zone relying on clause 4.1E. The proposal would significantly alter the existing subdivision pattern and create 9 small lots ranging from 4,000sqm to 4,500sqm and 5 rural lots that meet the minimum lot size of 20 hectares. All of the proposed lots could potentially retain a dwelling entitlement.

The current wording of Clause 4.1E creates an opportunity for new large lot residential subdivisions to be developed adjacent to existing agricultural land in the RU1 Primary Production zone.

**ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.**

Drafting directions for this clause (**ATTACHMENT 2**) indicate, "A council may choose to restrict the application of this clause to just 2 adjoining lots by omitting "or more" from subclauses (1) and (3)". Council wishes to restrict the application of this clause to a maximum of 2 lots to prevent the above scenario from occurring in the future.

Additionally, the drafting directions include an additional consideration under subclause (4) being "(c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b)". Council wishes to insert this additional consideration into subclause (4) of Clause 4.1E to strengthen the assessment of future subdivisions.

---

**ITEM 3 – Clause 4.3 height of buildings**

---

**Proposed Amendment:**

Amend Clause 4.3 Height of buildings to expand the objectives to include considerations for the following:

- Natural topography;
- Solar access for neighbouring properties and public areas;
- Privacy;
- Visual amenity; and
- Disruption of views

**Explanation:**

Clause 4.3 height of buildings sets the maximum height of buildings across Port Stephens. The clause includes two objectives for consideration relating to character, context and hierarchy. The limited nature of these objectives makes variations to building heights difficult to assess and justify.

Expanding the objectives in clause 4.3 would provide council officers with more criteria to assess applications against and enable better planning outcomes.

The proposed amendment is also in response to a Matter Arising (**ATTACHMENT 3**) where councillors resolved to review building heights controls with consideration of the fall in the land. Expanding the objectives to require development to respond to natural topography will allow for the appropriate assessment of variations to building heights where the land is significantly sloped.

Additionally, expanding the clause to include objectives relating to solar access, privacy, views and visual amenity for neighbouring properties and public areas will allow for more robust assessment of applications where an exceedance of the height limit is proposed. Both the refusal and approval of these requests would be easier to undertake with additional objectives in Clause 4.3.

Council has reviewed Clause 4.3 Height of buildings in other LGAs and found that the Willoughby Local Environmental Plan 2012 provides a good example of robust controls that Port Stephens Council wishes to achieve.

**Figure 2: Clause 4.3 (1) of the *Willoughby Local Environmental Plan 2012*****4.3 Height of buildings**

- (1) The objectives of this clause are as follows—
- (a) to ensure that new development is in harmony with the bulk and scale of surrounding buildings and the streetscape,
  - (b) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
  - (c) to ensure a high visual quality of the development when viewed from adjoining properties, the street, waterways, public reserves or foreshores,
  - (d) to minimise disruption to existing views or to achieve reasonable view sharing from adjacent developments or from public open spaces with the height and bulk of the development,
  - (e) to set upper limits for the height of buildings that are consistent with the redevelopment potential of the relevant land given other development restrictions, such as floor space and landscaping,
  - (f) to use maximum height limits to assist in responding to the current and desired future character of the locality,
  - (g) to reinforce the primary character and land use of the city centre of Chatswood with the area west of the North Shore Rail Line, being the commercial office core of Chatswood, and the area east of the North Shore Rail Line, being the retail shopping core of Chatswood,
  - (h) to achieve transitions in building scale from higher intensity business and retail centres to surrounding residential areas.

**ITEM 4 – Clause 5.22****Proposed Amendment:**

Insert optional Clause 5.22 Special Flood Considerations into the *Port Stephens Local Environmental Plan 2013* and opt into all of the allowable land uses listed in the *Standard Instrument – Principal Local Environmental Plan 2006* including:

- a) boarding houses,
- b) caravan parks,
- c) correctional centres,
- d) early education and care facilities,
- e) eco-tourist facilities,
- f) educational establishments,
- g) emergency services facilities,
- h) group homes,
- i) hazardous industries,
- j) hazardous storage establishments,
- k) hospitals,
- l) hostels,
- m) information and education facilities,
- n) respite day care centres,
- o) seniors housing,
- p) sewerage systems,
- q) tourist and visitor accommodation,
- r) water supply systems.

**ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.****Explanation:**

Council wishes to insert the optional Clause 5.22 Special Flood Considerations into the LEP to ensure flood risks for sensitive and hazardous development is appropriately considered.

Due to the presence of several large rivers, including the Hunter, Williams, Paterson, Karuah and Tilligerry, much of Port Stephens is flood affected. Consequently, significant portions of residential and employment lands are located between the flood planning area and the probable maximum flood across the LGA.

Adopting the optional clause will allow council to ensure future development in flood prone areas is compatible with the level of risk; avoid accumulative impacts, protect the capacity of emergency responses and avoid adverse effects of hazardous development during flood events.

Council wishes to opt into all allowable land uses listed in the *Standard Instrument – Principal Local Environmental Plan 2006*.

**ITEM 5 – Clause 7.23**

---

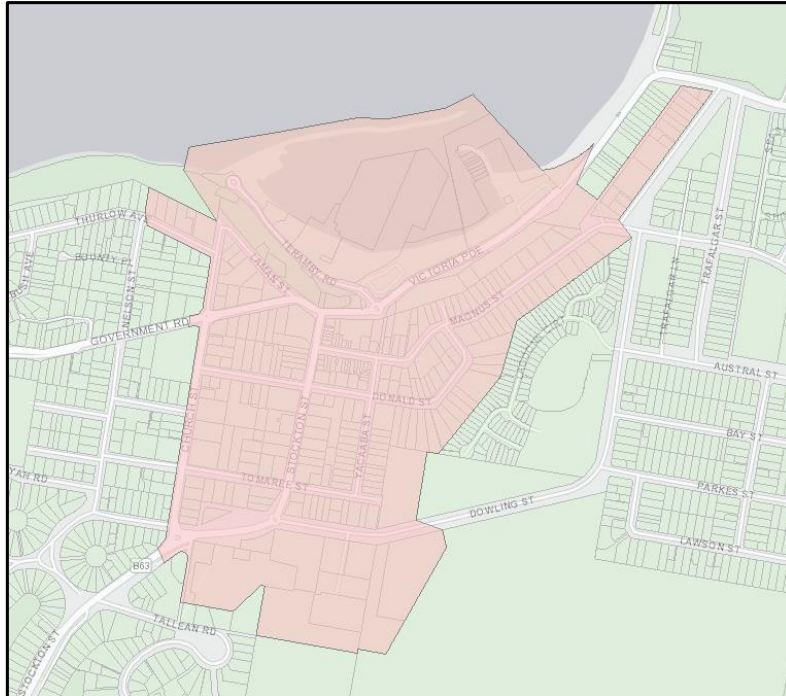
**Proposed Amendment:**

Amend Clause 7.23 Minimum building street frontages for development in Zones R3 and E1 to limit its application to larger types of development instead of “any building”.

**Explanation:**

Clause 7.23 currently requires a minimum street frontage of 15 metres (m) for “any building” proposed in the precinct areas map in Nelson Bay. **Figure 3** displays the precinct boundaries which extend beyond the immediate town centre into residential areas. As Clause 7.23 refers to “any buildings” it places a minimum street frontage of 15m on smaller residential development such as dwellings and dual occupancies.

**Figure 3: Port Stephens Local Environmental Plan 2013 precinct map in Nelson Bay**



Lots as narrow as 12m are common throughout the precinct area. Some of these lots are suitable for dwellings and dual occupancies, but currently the LEP requires them to consolidate, which is not practical or feasible to do so. It is not the intention of council to require small developments to achieve a street frontage of 15m.

The intention behind clause 7.23 was to ensure that the height and width of buildings are visually proportionate. It seeks to encourage the amalgamation of lots for development that requires a larger footprint and prevent tall narrow buildings that cannot achieve good urban design outcomes.

A minimum street frontage of 15m is appropriate for larger residential and tourist accommodations such as motel and hotel accommodation, multi-dwelling housing, residential flat buildings, serviced apartments, and shop-top housing as they require larger footprints to achieve good urban design outcomes.

Council wishes to restrict the application of Clause 7.23 to only apply to developments that require a larger footprint, and no longer apply to dwellings or dual occupancies.



## ITEM 6 – Schedule 5 Environmental Heritage

## Proposed Amendment:

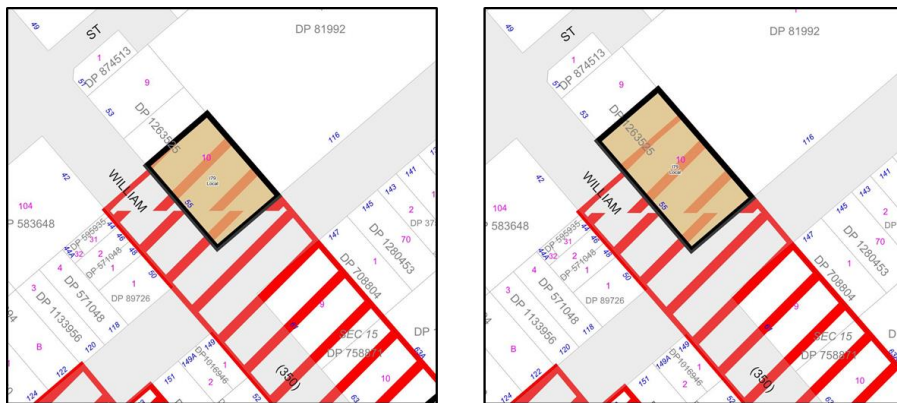
Amend Schedule 5 Environmental Heritage of the *Port Stephens Local Environmental Plan 2013* to:

- Correct the address for item I79 Courthouse; and
- Update Heritage map to reflect the amalgamation of item I79 **ATTACHMENT 4**

Table 2: Current and proposed address for Item I79

Current address in LEP	Proposed address
59 William Street, Raymond Terrace Lot 10 Section 11 DP 758871	55 William Street, Raymond Terrace Lot 10 DP 1263525

Figure 4: Existing and proposed Heritage Map



## Explanation:

Item I79 of Schedule 5 Environmental Heritage is currently incorrect as it refers to a historical address. In 2020, Lot 10 and Lot 9 Section 11 DP 758871 were subject to a 2 into 2 subdivision that moved the boundary of the lot Item I79 sits within.

Council wishes to update Item I79 to reflect the correct address. The Heritage map also requires an amendment to reflect the new lot boundary for Item I79 as displayed in **Figure 4**.

**ITEM 7 – National Parks and Nature Reserves****Proposed Amendment:**

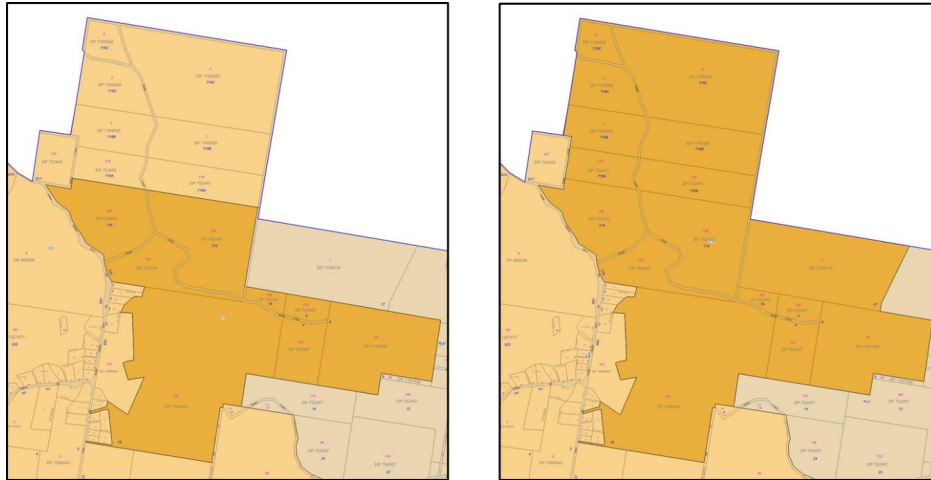
Amend Land Zoning Map to rezone the following sites to C1 National Parks and Nature Reserves (**ATTACHMENTS 5 - 8**).

**Table 3: List of land to be rezoned to C1 National Park and Nature Reserves**

Address	Current Zone	Reservation status
Lot 2 DP 1224780 139 Boundary Road, Medowie	C2 Environmental Conservation	Medowie State Conservation Area
Lot 1 DP 1192418 17 Notts Lane, Glen Oak	RU2 Rural Landscape	Columbey National Park
Lot 119 DP 752445 716A Duns Creek Road, Duns Creek	C3 Environmental Management	Columbey National Park
Lot 1 DP 1168926 716B Duns Creek Road, Duns Creek	C3 Environmental Management	Columbey National Park
Lot 2 DP 1168926 716C Duns Creek, Duns Creek	C3 Environmental Management	Columbey National Park

**Figure 5: Existing and proposed Land Zoning Map - Medowie State Conservation Area**

Figure 6: Existing and proposed Land Zoning Map – Columbey National Park

**Explanation:**

The planning proposal seeks to rezone the land identified in **Table 3** to C1 National parks and Nature Reserves to reflect their reservation under the National Parks and Wildlife Act 1974.

On the 7 November 2022, the National Parks and Wildlife Service (NPWS) wrote to council to notify the reservation of and recommend the rezoning of land at Lot 2 DP 1224780, 139 Boundary Road, Medowie (**ATTACHMENT 5**). On the 4 November 2022, the land was reserved as part of the Medowie State Conservation Area, under the provisions of Section 30A(1)(c) of the *National Parks and Wildlife Act 1974* (NP&W Act). Land reserved under the NP&W Act is zoned C1 National Parks and Nature Reserves.

On the 14 February 2019, the NPWS provided a submission on a previous planning proposal relating to the rezoning of other reserved land. In the submission, the NPWS identified additional land reserved as part of the Columbey National Park with a recommendation to review the zoning (**ATTACHMENT 7**). Land reserved under the NP&W Act is zoned C1 National Parks and Nature Reserves.

Following advice from NPWS, Council proposes to rezone the land identified in **Table 3** to C1 National Parks and Nature Reserves to reflect their reservation (**ATTACHMENT 6** and **ATTACHMENT 8**).

**ITEM 8 – Masonite Road, Heatherbrae****Proposed Amendment:**

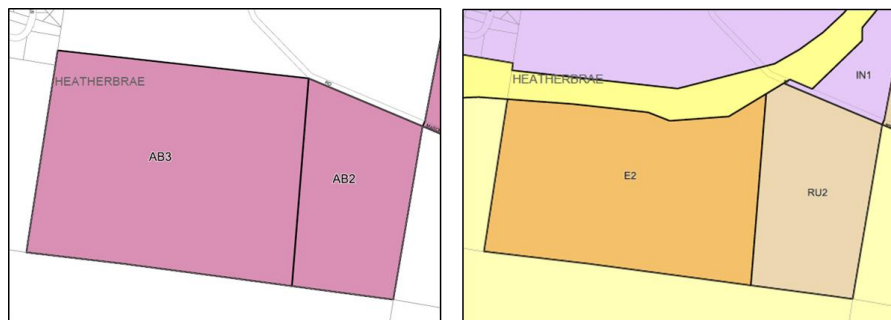
Amend Lot Size Map for Part of Lot 1401 DP 1272419 to remove the identification of part of the site as 20 hectares (**ATTACHMENT 9**).

**Figure 7: Current and proposed Lot size Map at 343 Masonite Road, Heatherbrae**

**Explanation:**

The Lot Size Map at 343 Masonite Road, Heatherbrae, Lot 1401 DP 1272419 incorrectly applies a minimum lot size of 20 hectares over land zoned SP2 Classified Road and E4 General Industrial. **Figure 8** displays the misalignment between the land zoning map and lot size map.

**Figure 8: Current Lot Size Map and current Land Zoning Map at 343 Masonite Road, Heatherbrae**



Prior to the digital LEP transition, the above site sat within the PDF Lot Size Map Sheet LSZ\_002C. This map sheet was subject to a previous planning proposal (Amendment No 30) to correct misalignments relating to the Heatherbrae bypass road corridor, zoned SP2 Classified Road.

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

During the finalisation stage of the planning proposal (Amendment No 30) two sets of mapping were provided. The first set provided on the 1 November 2019, Map B in **Figure 9**, was correct but due to a corrupted file a new suite of maps were provided on the 8 November 2019. The replacement maps however contained an error identified in blue in Map C in **Figure 9**.

**Figure 9: Comparison of the Lot Size Map intended for adoption against endorsed maps.** Map A - Previous Lot Size Map endorsed 17 Jun 2016 to 5 Dec 2019; Map B - Lot Size Map intended for adoption 6 Dec 2019; Map C Incorrect Lot Size Map adopted 6 Dec 2019.



The current misalignment between the Lot Size Map and the Land Zoning Map for Lot 1401 DP 1272419 is causing issues for the subdivision of this industrial land. Council wishes to realign the Lot Size Map with the current Land Zoning Map to correct this error and allow for the practical subdivision of the remaining industrial land (**ATTACHMENT 9**).

**PART 3 – Justification of strategic merit and site specific merit****Strategic merit****Section A – Need for the planning proposal****Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

The planning proposal has been prepared to address various errors or matters that have arisen over the past two years. While the planning proposal is not the result of an endorsed LSPS, strategic study or report it will enable outcomes of the LSPS, Local Housing Strategy and regional plans relating to housing diversity and density, managing flood risks, and protecting the environment. These are addressed in detail under Questions 3 and 4.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The amendments to the LEP as described by this planning proposal are the best means of achieving the stated objectives.

Items 1 and 8 are necessary to correct errors and an amendment to the LEP is the only way to address these matters. Items 1 to 5 are required to improve the assessment and regulation of new development and the best means to address these matters. Items 6 and 7 are required to reflect the changed status of the land and an amendment to the LEP is the only way to address these matters.

**Section B – Relationship to strategic planning framework****Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?**

The objectives of the Hunter Regional Plan 2041 (HRP) and Greater Newcastle Metropolitan Plan 2036 (GNMP) have limited application to this planning proposal because it seeks to address general administrative matters. However, some items within the planning proposal will give effect to the objectives and actions of the HRP and GNMP which are addressed in detail below.

**Hunter Regional Plan 2041 (HRP)**

The planning proposal gives effect to the following objectives and strategies of the HRP:

**ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.**

Strategy	Consistency
<b>Objective 6: Conserve heritage landscapes, environmentally sensitive areas, waterways and drinking water catchments</b>	
Strategy 6.3 Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.	Item 7 seeks to rezone land from RU2 Rural Landscape, C3 Environmental Management and C2 Environmental Conservation to C1 National Parks and Nature Reserves to provide an appropriate level of environmental protection to these lands.
Strategy 6.6 Local strategic planning will ensure all known places, precincts, landscapes and buildings of historic, scientific, cultural, social, archaeological, architectural and aesthetic significance to the region are identified and protected in planning instruments.	Item 6 seeks to correct the property address and mapping for heritage item I79, the Raymond Terrace court house.
Strategy 6.7 Local strategic planning will identify and protect drinking water catchments and storages ensuring that incompatible land uses will not compromise future water security.	Item 4 seeks to insert optional Clause 5.22 Special Flood Considerations into the LEP to require more stringent assessment of hazardous development within the probable maximum flood (PMF). Much of the drinking water catchment in Port Stephens is within the PMF so the clause will help prevent incompatible development within drinking water catchments.
<b>Objective 7: Reach net zero and increase resilience and sustainable infrastructure</b>	
Strategy 7.7 Local strategic planning will demonstrate alignment with the NSW Government's natural hazard management and risk mitigation policy framework including: <ul style="list-style-type: none"> <li>• Planning for Bushfire Protection 2019</li> <li>• NSW Coastal Management Framework</li> <li>• Floodplain Development Manual and the Flood Prone Land Policy</li> <li>• Planning for a more resilient NSW: A strategic guide to planning for natural hazards</li> <li>• any other natural hazards guidance that is released</li> </ul>	Item 4 seeks to insert optional Clause 5.22 Special Flood Considerations into the LEP to ensure future development in flood prone areas is compatible with the level of risk, avoids accumulative impacts, protects the capacity of emergency responses and avoids adverse effects of hazardous development during flood events.
<b>Objective 9: Sustain and balance productive rural landscapes</b>	
Item 2 seeks to restrict the application of Clause 4.1E (boundary adjustments) to prevent unplanned and inappropriate rural subdivisions.	

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

Greater Newcastle Metropolitan Plan 2036 (GNMP)

The planning proposal gives effect to the following strategies of the GNMP:

Strategy	Consistency
Strategy 7: Respond to the changing land use needs of the new economy	Item 8 seeks to correct the minimum lot size in an existing industrial area to facilitate new development.
Strategy 12: Enhance the Blue and Green Grid and the urban tree canopy	Item 7 seeks to rezone land from RU2 Rural Landscape, C3 Environmental Management and C2 Environmental Conservation to C1 National Parks and Nature Reserves to provide an appropriate level of environmental protection to these lands.
Strategy 13: Protect rural amenity outside urban areas	Item 2 seeks to restrict the application of Clause 4.1E (boundary adjustments) to prevent unplanned and inappropriate subdivisions in rural areas.
Strategy 14: Improve resilience to natural hazards	Item 4 seeks to insert optional clause 5.22 Special Flood Considerations into the LEP to ensure flood risks for sensitive and hazardous development is appropriately considered.

**Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

Port Stephens Local Strategic Planning Statement (2020)

The Port Stephens LSPS identifies the 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered.

As the planning proposal is administrative in nature, much of the LSPS is not applicable, however the planning proposal will facilitate an economic outcome as well as environmental outcomes as identified in the table below.

Planning Priority	Consistency
Planning Priority 2: Make business growth easier	Item 8 is consistent with this priority as it seeks to correct the minimum lot size (MLS) in a growing industrial estate in Heatherbrae to facilitate subdivision. Parts of Kinross Estate in Heatherbrae are zoned E4 General Industrial but cannot be subdivided due to a MLS of 20 hectares. Removing the MLS restriction from this land will make business growth easier by permitting the subdivision of this land.
Planning Priority 7: Conserve biodiversity values and corridors	Item 7 is consistent with this priority as it seeks to rezone land from RU2 Rural Landscape, C3 Environmental Management and C2 Environmental Conservation to C1



ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

	National Parks and Nature Reserves to conserve the biodiversity values of these lands and protect corridors.
Planning priority 8: Improve resilience to hazards and climate change	Item 4 is consistent with this priority as it seeks to insert optional clause 5.22 Special Flood Considerations into the LEP to ensure future development in flood prone areas is compatible with the level of risk to improve resilience to future flood events.
Planning priority 9: Protect and preserve productive agricultural land	Item 2 is consistent with this priority as it seeks to limit the application of Clause 4.1E (boundary adjustments) to 2 lots to prevent unplanned and inappropriate rural subdivisions and protect rural agricultural land.

Port Stephens Local Housing Strategy 2020 (Live Port Stephens)

Live Port Stephens is the overarching strategy to guide land use planning for new housing in Port Stephens and aims to ensure suitable land supply, improve housing affordability, increase diversity of housing choice and facilitate liveable communities.

As the planning proposal is administrative in nature, much of Live Port Stephens is not applicable, however the planning proposal will facilitate priorities relating to housing diversity as identified in the table below.

Priority / Action	Consistency
Outcome 3: Increase housing diversity	
Priority 3.1 Facilitate new housing within existing urban areas	Item 5 is consistent with this priority as it seeks to amend clause 7.23 to remove the requirement for dwellings and dual occupancies to have a 15 metre street frontage in the town centre of Nelson Bay. This will facilitate new development opportunities on smaller lots within the town centre while still requiring larger residential developments to provide a wider street frontage for improved urban design outcomes.
Priority 3.2 Encourage a range of housing types and sizes	Item 1 is consistent with this priority as it seeks to amend Clause 4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings to be a development standard that can be varied under Clause 4.6. This amendment would provide more flexibility for development to vary the minimum lot size where good urban design outcomes can be achieved.  Item 3 is also consistent with this direction as it seeks to expand the objectives in Clause 4.3 Height of buildings to improve the assessment of development that exceeds the height limit. This will encourage a wider range of housing types and sizes
Action 15 Consider incentives to encourage the amalgamation of sites.	Item 1 is consistent with this action as it seeks to increase the minimum lot size for residential flat buildings to require the amalgamation of small lots.

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

Due to the administrative nature of this planning proposal, no other State and regional studies or strategies are applicable.

**Q6. Is the planning proposal consistent with applicable SEPPs?**

An assessment of the relevant applicable State Environmental Planning Policies (SEPPs) against the planning proposal is provided in the table below.

SEPP	Consistency and Implications
<b>SEPP (Primary Production) 2021</b>	
<b>Chapter 2 Primary production and rural development</b>	The planning proposal is consistent with this SEPP.
<b>SEPP (Resilience and Hazards) 2021</b>	
<b>Chapter 2 Coastal Management</b>	The planning proposal is consistent with this SEPP.
<b>Chapter 3 Hazardous and Offensive Development</b>	The planning proposal is consistent with this SEPP.
<b>Chapter 4 Remediation of Land</b>	This chapter is not applicable.
<b>SEPP (Transport and Infrastructure) 2021</b>	
<b>Chapter 2 Infrastructure</b>	The planning proposal is consistent with this SEPP.
<b>Chapter 3 Educational Establishments and Child Care Facilities</b>	This Chapter is not applicable.
<b>SEPP (Biodiversity and Conservation) 2021</b>	
<b>Chapter 2 Vegetation in non-rural areas</b>	The planning proposal is consistent with this SEPP.
<b>Chapter 3 Koala habitat protection 2020</b>	The planning proposal is consistent with this SEPP.
<b>Chapter 4 Koala habitat protection 2021</b>	The planning proposal is consistent with this SEPP.

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

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

Ministerial Direction	Consistency and Implications
<b>1. PLANNING SYSTEMS</b>	
<b>1.1 Implementation of Regional Plans</b>	Consistent. The planning proposal is consistent with the relevant directions of the HRP as demonstrated under Question 3.
<b>1.3 Approval and Referral Requirements</b>	Consistent. The planning proposal would not require any additional concurrences or referrals requirements. The proposed amendments will improve the assessment of development.
<b>3. BIODIVERSITY AND CONSERVATION</b>	
<b>3.1 Conservation Zones</b>	Consistent. The planning proposal seeks to rezone land currently zoned RU2 Rural landscape, C3 Environmental Management and C2 Environmental Conservation to C1 National Parks and Natures Reserves, which offers a higher level of protection (Item 7).
<b>3.2 Heritage Conservation</b>	Consistent. The planning proposal seeks to correct the address and mapping of heritage item 179, Raymond terrace Court House (Item 6).
<b>4. RESILIENCE AND HAZARDS</b>	
<b>4.1 Flooding</b>	Consistent. The planning proposal seeks to improve the assessment of development in flood prone land by adopting the optional Clause 5.22 Special Flood Considerations (Item 4).
<b>4.2 Coastal Management</b>	Consistent. The planning proposal seeks to improve the assessment of development in flood prone coastal areas by adopting the optional Clause 5.22 Special Flood Considerations (Item 4).
<b>4.3 Planning for Bushfire Protection</b>	Consistent. The planning proposal will not affect land mapped as bushfire prone.

Ministerial Direction	Consistency and Implications
<b>6. HOUSING</b>	
<b>6.1 Residential Zones</b>	Consistent. The planning proposal seeks to provide more flexibility in the assessment of 4.6 variations by amending Clause 4.1B to be a development standard (Item 1) and expanding the objectives of Clause 4.3 Height of buildings (Item 3).
<b>7: INDUSTRY AND EMPLOYMENT</b>	
<b>7.1 Employment Zones</b>	Consistent. The planning proposal is consistent with this direction as it seeks to facilitate subdivision and development of an existing E4 General Industrial zone (Item 8).
<b>9. PRIMARY PRODUCTION</b>	
<b>9.1 Rural Zones</b>	Consistent. The planning proposal does not seek to rezone rural land.
<b>9.2 Rural Lands</b>	Consistent. The planning proposal seeks to protect rural lands from unplanned rural subdivision by restricting the application of Clause 4.1E Boundary adjustments (Item 2).

**Site-specific merit****Section C – Environmental, social and economic impact**

**Q8. 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?**

Item 7 of the planning proposal seeks to rezone land currently zoned RU2 Rural landscape, C3 Environmental Management and C2 Environmental Conservation to C1 National Parks and Natures Reserves, to reflect their reservation under the *National parks and Wildlife Act 1974*.

No other items in the planning proposal related to critical habitat or threatened species, populations or ecological communities or their habitats and the proposed amendments are unlikely to adversely impact on them.

**ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.****Q9. 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 as a result of this planning proposal due to the administrative nature of the changes.

**Q10. Has the planning proposal adequately addressed any social and economic effects?**

The proposed amendments are considered to result in positive social outcomes for the community. The planning proposal will address errors and uncertainty and remove minor anomalies in the LEP. The proposed amendments will increase opportunities for industrial development in Heatherbrae, improve biodiversity outcomes in Dunns Creek, Glen Oak and Medowie and simplify the assessment of residential development in Nelson Bay and across Port Stephens.

**Section D – Infrastructure (Local, State and Commonwealth)****Q11. Is there adequate public infrastructure for the planning proposal?**

The planning proposal unlikely to have any impacts on infrastructure provision. The proposed amendments are unlikely to generate the need for significant public infrastructure.

**Section E – State and Commonwealth Interests****Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Consultation with relevant State and Commonwealth agencies can be undertaken following a Gateway Determination.

**PART 4 – Mapping**

---

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

- Item 6 - Existing and Proposed Heritage Maps in Raymond Terrace  
**ATTACHMENT 4**
- Item 7 - Existing and Proposed Land Zoning Maps in Medowie State Conservation Area  
**ATTACHMENT 6**
- Item 7 - Existing and Proposed Land Zoning Maps in Columbey National Park  
**ATTACHMENT 8**

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

- Item 8 - Existing and Proposed Lot size Maps in Heatherbrae **ATTACHMENT 9**

**PART 5 – Community consultation**

Community consultation will be undertaken in accordance with the Gateway determination.

Notice of the public exhibition period will be placed on Council's website. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay
- Medowie Community Centre, Cnr of Medowie and Ferodale Streets, Medowie

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

**PART 6 – Project timeline**

Should the planning proposal receive a Gateway determination, it is expected to be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024	Jun 2024	Jul 2024
<b>Gateway Determination</b>								
<b>Agency Consultation</b>								
<b>Public Exhibition</b>								
<b>Consider submissions</b>								
<b>Council Report</b>								
<b>Parliamentary Counsel</b>								

**ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.****ATTACHMENT 1 - Urban Design Panel Advice****Subject: Urban Design Panel (UDP) – Council Advice for minimum lot size for Residential Flat Buildings (RFBs) to increase from 450sqm to 900sqm**

The minimum lot size of 450sqm for residential flat buildings has been problematic for applications submitted to Council and presented to the Urban Design Review Panel. Since the Panel's inception in late 2019, several buildings have been submitted with a lot size of between 450sqm and 800sqm. In most instances, a 'small lot' also has a narrow lot frontage. Several developments reviewed by the Panel have had a lot frontage between 12 and 15 metres. While a 15 metre wide lot is extremely challenging for even a very competent designer, achieving a reasonable outcome on a 12 metre width is impossible. The emphasis is on 'reasonable' and not 'good' as even a 15 metre frontage, which is the current minimum frontage, is insufficient. To better understand this, consider a 12 metre wide lot within a suburb context, which typically is a level site (following the benching of the subdivision). A project home designed for a 12.5 metre wide lot is described as 'narrow' and uses language such as "clever, light-filled home designs that offer all the living spaces and bedrooms you'd expect from a new home on a much larger block" (Clarendon Homes). This recognises the challenges of a narrow lot. For lots ranging from 12 to 15 metres, the developments presented to Panel are predominately single apartments vertically stacked, in some cases five storeys high. This means the challenges experienced on a narrow lot, such as achieving good light, ventilation and privacy, are more significant than those experienced on a traditional suburban lot. In Port Stephens, these challenges increase as the majority of lots have steep topography, which creates issues for vehicular and pedestrian access, retaining, and landscaping.

Considering the above, the Panel is concerned that the current pattern of small lot development will continue. Several streets in Nelson Bay, such as Magnus Street and Donald Street, have seen multiple single lot redevelopments – converting a single house into three to five dwellings. In Magnus Street, there is a run of 12 metre wide lots, some of which have RFBs developed in the past. These RFBs have not considered the Apartment Design Guides (ADG) and impact privacy, sunlight, ventilation and landscape. These RFBs generally have limited or no landscaping / deep soil but are used as an argument to justify the development of single lots. These areas are also visually significant for the landscape context.

To further articulate the issues for 'small lots' the following is provided:

**Carparks**

On small lots, carparks have the greatest impact on the ground plane and its existing and future landscape. Basement and on-grade carparks must comply with minimum dimensions for the width of parking spaces and aisles. For instance, simple numerical sums show the challenges:

Central aisle with parking spaces on either side :  $6 + 6 + 6 = 18$  metres \*

Aisle and single row of spaces:  $6 + 6 = 12$  metres \*

\* Figures rounded, noting the parking spaces can be slightly wider or narrower and structure taken into account.

**ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.**

This demonstrates that a double row of parking spaces is not feasible on a 15 metre wide lot. However, even if a single row carpark is proposed on a 15 metre lot, it still leaves inadequate room for deep soil planting between the boundary and the carpark wall, as this area needs to be used for the structure.

In summary the impact of a carpark being built to the boundaries results in the following interconnected problems:

1. No landscaping in the side setback, or the landscape needs to be on structure or the podium. The lack of landscaping increases urban heat, reduces opportunities to improve privacy between neighbours and planting on structures less likely to survive.
2. As the lots are so narrow, many of the carparks presented to the Panel cannot be enclosed. Open carparks close to the boundary are common, and have significant acoustic impacts resulting from the hard surfaces of the carpark. The sounds of the squealing tyres and a larger number of people talking bounce off the surfaces and into the adjoining dwellings. There are also visual impacts from car lights at night impacting neighbouring windows.
3. While a carpark may be compliant, they are often awkward and difficult to use. For instance, if the lot is just a little wider than 15 metres, there is an attempt to use parallel parking on the opposite side of the aisle to increase parking numbers and unit yield. These parallel parking spaces are impractical and difficult to access.
4. To accommodate a large basement carpark on a small lot, all existing landscaping is generally removed, and trees in adjacent sites vulnerable to critical root zone imposition. While these developments are required to include new trees in the front and rear setbacks, there is often insufficient room, and if space is provided, there is a long lead time to recover from the loss of shade and visual amenity provided by large trees. These areas intended for landscaping are also compromised, as discussed below.

**Landscape and open space**

Good landscaping is critical today to manage urban heat, create microclimates and amenity for residents. Small lots naturally have less space to accommodate landscaping and open space.

1. Small lots have constrained setbacks; as explained above, small lots generally have a narrow frontage. This frontage is expected to do a lot of the heavy lifting – it must make the development functional, safe, a comfortable environment and become an attractive contribution to the street. The front setbacks in developments typically presented to the Panel include a driveway (which may be single or double), a pedestrian entry path, access ramps if the site is steep, and waste services such as a bin enclosure. Stormwater storage is commonly located underground in the front setback and substations, fire booster pumps and other utilities are also often sited here. These are mostly hardscaped areas that leave little space for landscaping and, in particular deep soil. The front setback is one of the most important areas to increase tree cover to address urban heat, due to the combination of a wide road, driveways and footpaths. (“The urban heat island is the phenomenon of increased temperature in urban areas, caused by loss of vegetation, changes in built form, and increased areas of dark impervious surfaces such as asphalt” Green Places Guide 2020 GA NSW). Small, narrow lots have proportionally greater areas of driveways, which reduces the amount of on-street parking. The cumulation of driveways also reduces the



**ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.**

opportunities for street trees, increasing urban heat. An overdeveloped small lot has a flow on effect that impacts the development and the surrounding environment.

2. As the development typically encompasses the entire lot, communal open spaces are proposed on the rooftops, or are omitted completely. Roof top communal spaces provide the residents with a great outlook; however, privacy, both visual and acoustic, is pushed upwards, where its impact is greater than on the ground.
3. One of the best uses of communal open space on the ground is its ability to co-locate with deep soil. These areas provide space for large trees. The Panel has not seen any small lot development of apartment buildings that achieve a provision of ground level open space that provides good resident amenity.
4. A number of trees proposed to be retained are unlikely to survive due to compromised TPZ.

**Topography**

Port Stephens is an area of natural beauty with some steep topography in developed areas. Steep sites are challenging as they often expose a basement carpark and require large retaining walls.

1. The Panel have seen a number of developments proposed with effectively subterranean units to address level changes while maintaining yield.
2. To manage the level change, large retaining walls are required. Retaining walls take up a large part of a small and narrow lot. Retaining walls are also used to manage level changes, this impacts deep soil areas, restricting opportunities for large and medium trees.
3. Less space to provide accessible access. The Panel encourages 1:20 ramps as they are easier to negotiate, less obtrusive and allow for more landscaping and sightlines. When sites have less space, a 1:14 ramp is required; however, it has a greater impact on the front setback.

**Streetscape**Activation and Natural Surveillance

A small and narrow lot substantially reduces the number of units addressing the street, which are needed to activate the street and provide natural surveillance. The ground level which is the best location for surveillance and for the identification of offenders. However, in a small narrow lot the frontage is generally limited to a garage door and driveway and pedestrian entry. The remaining area is allocated to fire stairs, waste areas and other service requirements. A continuous street of small lot / narrow frontage RFB's results in an inactive street level.

More driveways

As mentioned above, small lots have a greater number of driveways. A large number of driveways reduce the number of parking spaces on the street. This is important to consider as many developments in Nelson Bay are for visitor accommodation. In these developments, the unit

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

typology is a single level 3 – 4 bedroom unit used by large families or groups travelling with multiple cars. The car parks cannot accommodate these vehicles, and visitors are required to park on the street.

Excessive driveways also reduce the number of spaces for street trees and create a greater risk for pedestrians. These driveways are no longer single-dwelling driveways. Post-development they generate significantly more vehicle movement, and many by visitors unfamiliar with the location – both the driver and the pedestrian.

#### Solar Access

Smaller lots with reduced boundary setbacks are commonly sought to be developed to the maximum heights permitted under the controls. When this occurs, adjacent lots are inevitably compromised in respect to solar access to their open spaces (communal and private) and to Living areas.

#### Policy Objectives

The following table summarises the Panel's concerns regarding 450sqm remaining as the minimum lot size. The table considers relevant policy and strategy that supports the increase in lot size.

Item	Observations from Port Stephens Development Applications	Policy/Strategy	ADG	UDP Experience
<b>1.0 Landscape</b>				
1.1	Loss of existing vegetation to facilitate site development	<a href="https://www.governmentarchitect.nsw.gov.au/policies/greener-places">https://www.governmentarchitect.nsw.gov.au/policies/greener-places</a>  Relevant strategy from Greener Places guide: <ul style="list-style-type: none"> <li>Protect, maintain, and enhance the existing urban tree canopy</li> </ul>	<i>Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</i> <ul style="list-style-type: none"> <li>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:               <ul style="list-style-type: none"> <li>basement and sub-basement car park design that is consolidated beneath building footprints</li> </ul> </li> </ul>	The majority of development considered by the Panel removed all or most vegetation to accommodate the basement or on-grade carpark and retaining walls.  Small lots are not capable of positioning the basement carpark beneath the building footprint.  Tree retention is more likely to occur in the front and rear setbacks but is uncommon. The Panel have not seen tree retention in side setbacks on small lots.

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

1.2	Impact on ridgelines unique to Port Stephens		<p><i>Objective 4O-2 Landscape design contributes to the streetscape and amenity.</i></p> <ul style="list-style-type: none"> <li>• Landscape design responds to the existing site conditions including: <ul style="list-style-type: none"> <li>- changes of levels</li> <li>- views</li> <li>- significant landscape features including trees and rock outcrops</li> </ul> </li> </ul>	<p>Small lots reduce the opportunity for new rear landscaping to contribute to or protect ridgelines.</p> <p>Retaining is often occurring at the rear of the site to manage level changes which requires the removal of trees which contribute to scenic amenity.</p>
1.3	Lack of space for landscaping that includes large and medium trees.	<p><a href="https://www.governmentarchitect.nsw.gov.au/policies/greener-places">https://www.governmentarchitect.nsw.gov.au/policies/greener-places</a></p> <p>Relevant strategy from Greener Places guide: 2. Create an interconnected urban tree canopy across NSW</p>	<p><i>Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</i></p> <ul style="list-style-type: none"> <li>- Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees</li> </ul> <p><i>Objective 4O-2 Landscape design contributes to the streetscape and amenity</i></p> <ul style="list-style-type: none"> <li>• Significant landscape features should be protected by: <ul style="list-style-type: none"> <li>- tree protection zones (see figure 4O.5)</li> </ul> </li> <li>• appropriate signage and fencing during construction</li> </ul>	<ul style="list-style-type: none"> <li>• In most instances, there is insufficient space for new landscaping due to services, retaining walls and basement carpark.</li> <li>• Basement and above ground carparks are typically built to boundary and require landscaping to be built on structure.</li> <li>• The ADG recommends 1 tree per 50sqm for lots less than 850sqm. 80m<sup>3</sup> of soil volume is recommended however, a RFB on a 450sqm lot has difficulty accommodating this volume.</li> <li>• As 450sqm lots are generally only 12 – 15 metres wide, front setbacks are occupied by the driveway, a pedestrian footpath, ramps, fire egress and waste storage. This does not leave adequate space for landscaping.</li> </ul>
1.4	Steep sites		<p>Considerations in setting side and rear setback controls</p> <ul style="list-style-type: none"> <li>• On sloping sites, consider increasing side and rear setbacks where new development is uphill to minimise</li> </ul>	<ul style="list-style-type: none"> <li>• Most lots in Port Stephens, and in particular Nelson Bay are steep. Developments in Nelson Bay are typically the smallest sites considered by the Panel.</li> </ul>

ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

			overshadowing and assist with visual privacy	<ul style="list-style-type: none"> <li>All developments have setbacks of 3 metres or less and include habitable rooms and balconies. This is half the controls required in the ADG. These developments have a significant impact on adjoining dwellings.</li> </ul>
<b>2.0 Urban Heat</b>				
2.1	<p>Reduced opportunities for shading landscape which increases Urban Heat.</p> <p>Existing trees removed to facilitate development on small sites. See Section 1.0 Landscape</p>	<p>NSW Climate Change Adaptation Strategy</p> <p>Local Government response  <a href="https://www.climatechange.environment.nsw.gov.au/local-councils-and-authorities">https://www.climatechange.environment.nsw.gov.au/local-councils-and-authorities</a>  <a href="https://www.climatechange.environment.nsw.gov.au/urban-heat">https://www.climatechange.environment.nsw.gov.au/urban-heat</a>  <a href="https://www.climatechange.environment.nsw.gov.au/green-cover-and-open-spaces">https://www.climatechange.environment.nsw.gov.au/green-cover-and-open-spaces</a>  <a href="https://www.governmentarchitect.nsw.gov.au/policies/greener-places">https://www.governmentarchitect.nsw.gov.au/policies/greener-places</a></p>	<p>Objective 40-1 Landscape design is viable and sustainable.</p> <ul style="list-style-type: none"> <li>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: <ul style="list-style-type: none"> <li>diverse and appropriate planting</li> <li>bio-filtration gardens</li> <li><u>appropriately planted shading trees</u></li> <li>areas for residents to plant vegetables and herbs</li> <li>composting</li> <li>green roofs or walls</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Small lots have constrained setbacks and generally have a narrow frontage. This frontage is expected to do a lot of the heavy lifting – it has to make the development functional, safe, a comfortable environment and an attractive contribution to the street.</li> <li>These front setbacks typically presented to the Panel include a driveway (which may be single or double), a pedestrian entry path, access ramps if the site is steep, waste services such as a bin enclosure. Stormwater storage is commonly located under the ground in the front setback, substations, and other utilities. These are mostly hardscaped areas that leave little space for landscaping and, in particular deep soil.</li> <li>The front setback is one of the most important areas to increase tree cover to address urban heat, due to the combination of a wide road, driveways and footpaths. Small, narrow lots have more driveways which reduces the amount of on-street parking. The cumulation of</li> </ul>

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

				driveways also reduces the opportunities for street trees which in turn increases urban heat. A small lot has a flow on effect that impacts the development and the surrounding environment.
<b>3.0 Narrow Lots</b>				
3.1	Narrow Lots		<p>Narrow infill apartments are typically older two to three storey walk-up apartments (stairs only) or buildings with three to five levels and a lift. They are a response to the dimension of traditional residential lot sizes in suburban areas in NSW which are narrow and deep, and are often surrounded by a combination of detached houses and flat buildings from previous eras.</p> <p>Privacy impacts along side and rear boundaries to neighbouring properties need to be carefully managed as achieving minimum building separation can be a challenge. This building type is best used when:</p> <ul style="list-style-type: none"> <li>• a narrow lot width or frontage results in a building envelope oriented perpendicular to the street frontage</li> <li>• amalgamation opportunities of properties in the area are constrained.</li> </ul>	<p>Lot frontage must be considered in tandem with a site's area. The narrower a site, the more difficult it is to accommodate the basic needs of any RFB e.g pedestrian and vehicle access, waste, services and fire egress.</p> <p>Narrow lots cannot accommodate deep soil side setbacks due to the minimum width of carpark arrangement.</p> <p>The majority of basement carparks presented to the Panel are built to the boundary.</p> <p>Narrow lots commonly require open air carparks which have acoustic impacts and also risk the safety of the carpark and its users.</p> <p>There are generally more retaining walls on a narrow lot as there is less space to manage level changes. Retaining walls are the most efficient way to provide a 'flat site' however, retaining walls are prone to failure, are costly thereby increasing the cost of development and can result in subterranean units and areas with less natural light.</p>

## ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

4.0 Impact on Streetscape				
	More driveways		<p>Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p> <ul style="list-style-type: none"> <li>The width and number of vehicle access points should be limited to the minimum.</li> </ul>	<p>Small / narrow lots results in a loss of on street parking.</p> <p>Small / narrow lots reduces number of street trees.</p> <p>Small / narrow lots has greater hardscape areas.</p> <p>There is a greater risk to public with more cars crossing pedestrian footpaths.</p>
	Trend in two driveways for corner lots to access each level			<p>Although not experienced in any Port Stephens applications, the trend of separate driveways leading into separated basement carpark levels is growing in popularity. This duplicates the number of driveways. It is popular for small, constrained lots, particularly sloping lots. It is envisaged that this may occur in the LGA, particularly on small lots to improve yield.</p>
	Less activation of the streetscape.	<p><a href="https://www.transport.nsw.gov.au/industry/cities-and-active-transport/cities-revitalisation-and-place/great-public-spaces-toolkit-4">https://www.transport.nsw.gov.au/industry/cities-and-active-transport/cities-revitalisation-and-place/great-public-spaces-toolkit-4</a></p> <p>Note: This toolkit identifies the role of each individual - from the government level to the community - in positively activating public space.</p>		<p>Small lots reduce street activation as the ground floor is utilised for driveways, footpaths, servicing and egress.</p> <p>This pattern of development is not isolated and there are locations in Port Stephens where entire streets could lack activation, which could impact safety.</p>

## ATTACHMENT 2 Model Boundary Adjustment Clause

Example  
Boundary Adjustment

**1 Boundary changes between lots in certain rural, residential and environment protection zones (d01.06)**

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.

**Drafting direction for subclause (1).**

A Council may choose to restrict the application of this clause to just 2 adjoining lots by omitting "or more" from subclauses (1) and (3).

- (2) This clause applies to land in any of the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU3 Forestry,
- (d) Zone RU4 Primary Production Small Lots,
- (e) Zone RU6 Transition,
- (f) Zone R5 Large Lot Residential,
- (g) Zone E1 National Parks and Nature Reserves,
- (h) Zone E2 Environmental Conservation,
- (i) Zone E3 Environmental Management,
- (j) Zone E4 Environmental Living.

**Drafting direction for subclause (2).**

If any of the above rural, residential or environment protection zones are not used in the Plan they should be omitted from subclause (2).

- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following:

- (a) an increase in the number of lots,
- (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.

**Drafting direction for subclause (3).**

If the intention is to permit secondary dwellings or dual occupancies as well as dwelling houses, then the specific types of dwellings for which the clause is to apply should be included in the appropriate places.

- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:

- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
  - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
  - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.



**ATTACHMENT 3 Matter Arising 14 March 2023 (minute 046)****ORDINARY COUNCIL MEETING - 14 MARCH 2023  
MATTER ARISING**

<b>046</b>	<b>Councillor Giacomo Arnott Councillor Peter Kafer</b>  It was resolved that Council requests the General Manager to prepare an LEP amendment which contains a review of building height controls in the surrounding area, taking into account the number of unbuilt lots, the significant fall in the land, and the need to ensure consistency with already approved buildings.
------------	---

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

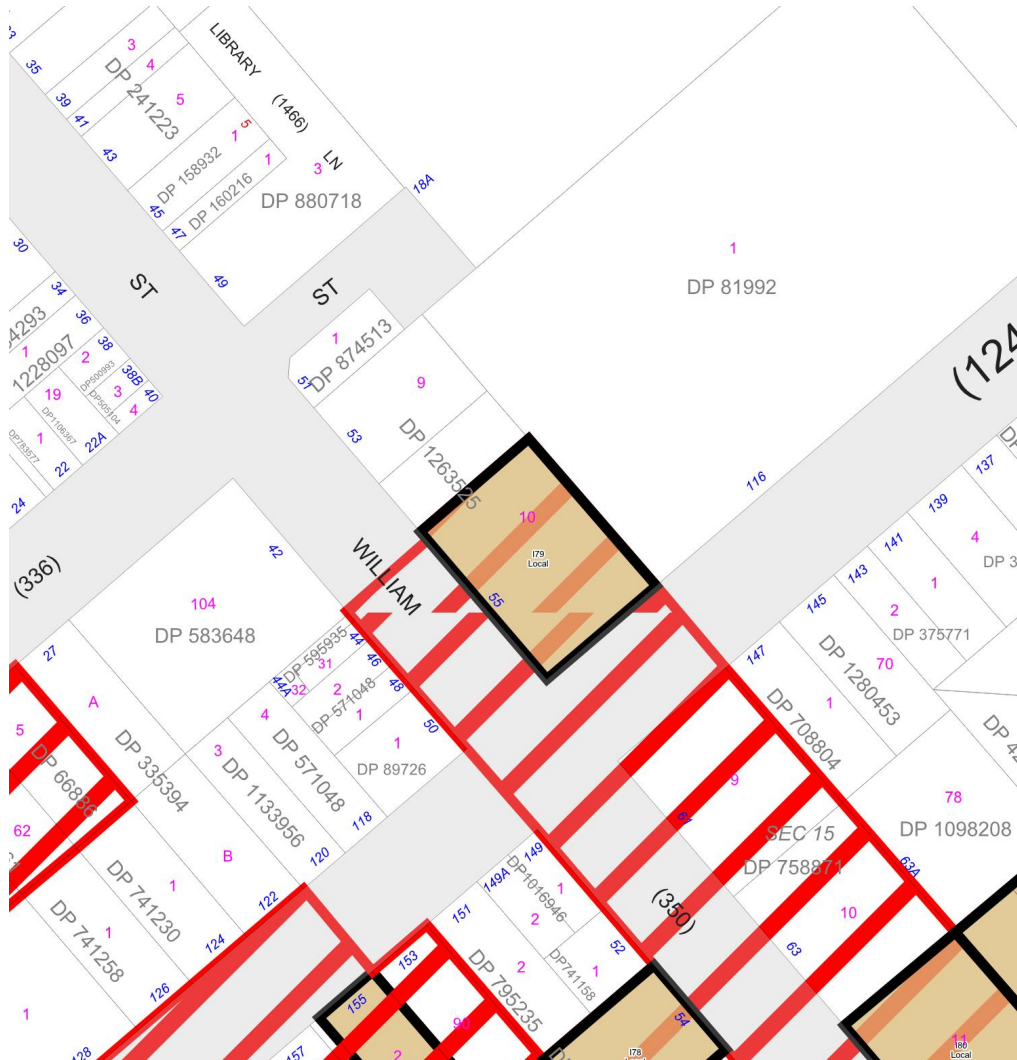
Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Chris Doohan, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells

Those against the Motion: Nil.

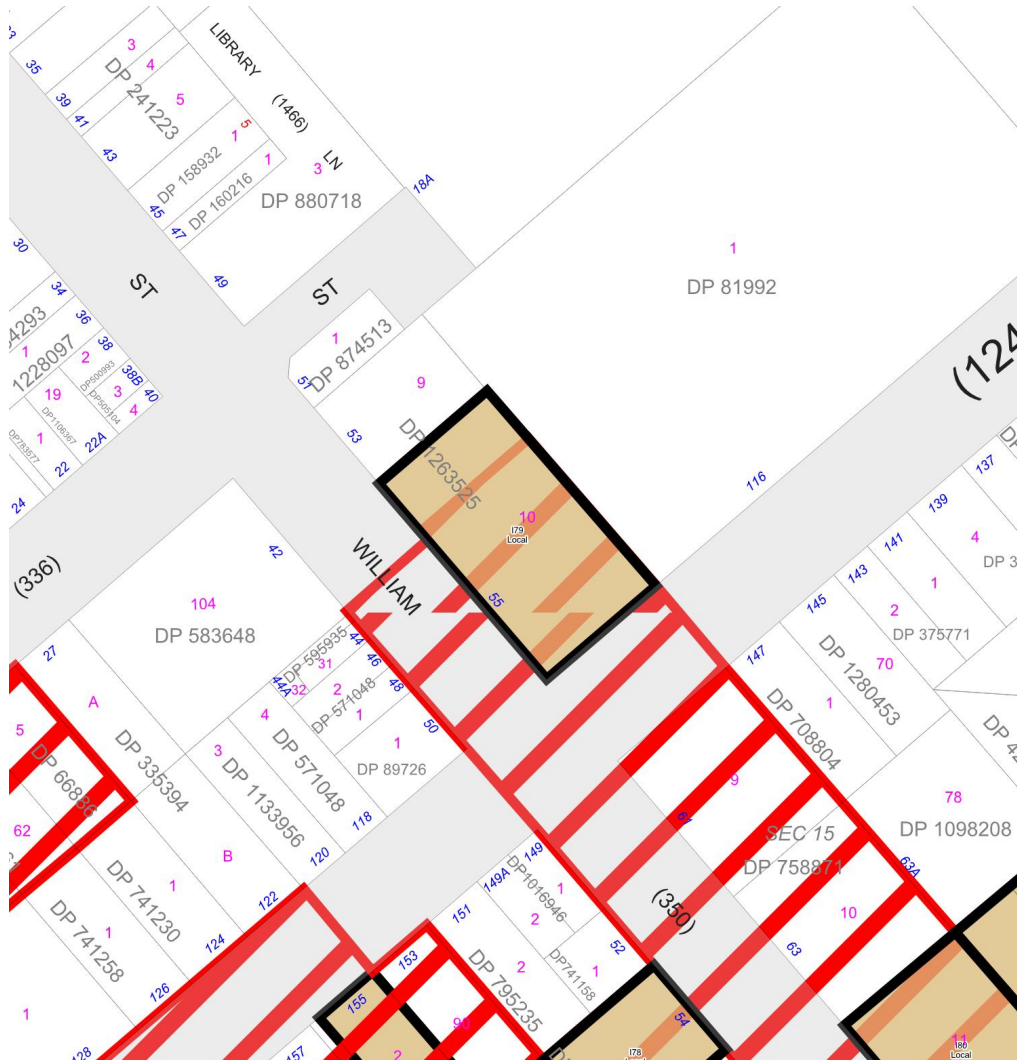
The motion was carried.

ATTACHMENT 4 Existing and Proposed Heritage Maps - Raymond Terrace

Existing Heritage Map - Raymond Terrace



Proposed Heritage Map - Raymond Terrace



ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

**From:** [REDACTED]  
**To:** [Port Stephens Council](#)  
**Subject:** Reservation of land under the National Parks & Wildlife Act 1974 - Medowie State Conservation Area  
**Date:** Monday, 7 November 2022 3:39:19 PM  
**Attachments:** [Government Gazette No 516 of 4 November 2022 - Medowie State Conservation Area.pdf](#)

Caution! This message was sent from outside your organization.

Dear Council

**Notice of Reservation under the National Parks & Wildlife Act 1974**

**Addition of land to Medowie State Conservation Area**

Please find attached Government Gazette notice published 4 November 2022 in regard to the above for your information and records.

Land reserved under the National Parks and Wildlife Act 1974 is zoned C1 National Parks and Nature Reserves and this can be amended in your Local Environmental Plan.

Regards

**Cathy Johnson**

Project Officer – Land Information, Reserve Establishment  
Biodiversity and Ecological Health Branch  
National Parks and Wildlife Service

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

-----  
This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A STATE CONSERVATION AREA

I, the Honourable Margaret Beazley AC KC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below as part of **Medowie State Conservation Area**, under the provisions of Section 30A(1)(c) of the *National Parks and Wildlife Act 1974*.

Dated this 19<sup>th</sup> day of October 2022.

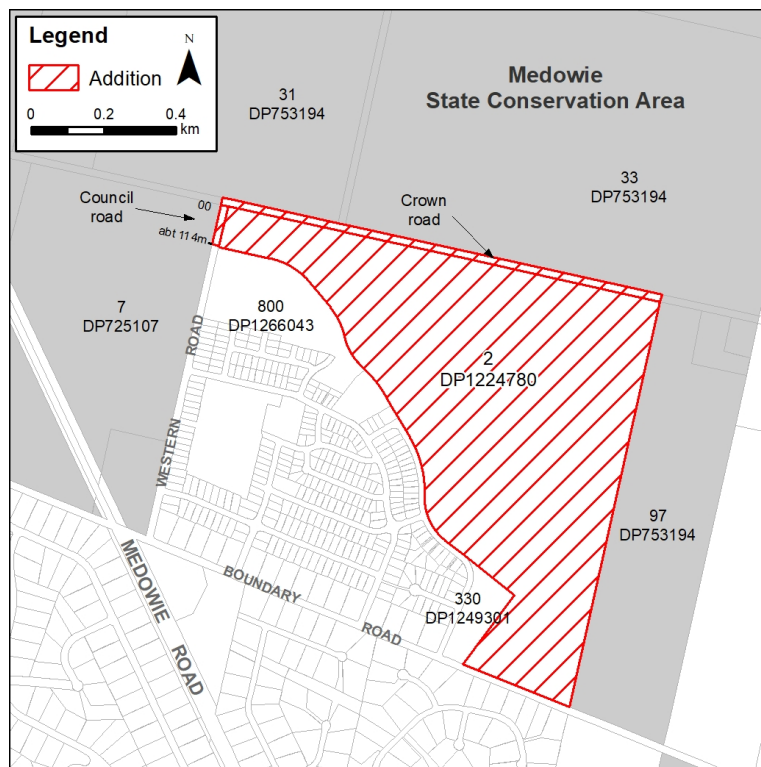
MARGARET BEAZLEY  
Governor,  
By Her Excellency's Command,

JAMES GRIFFIN  
Minister for Environment and Heritage.

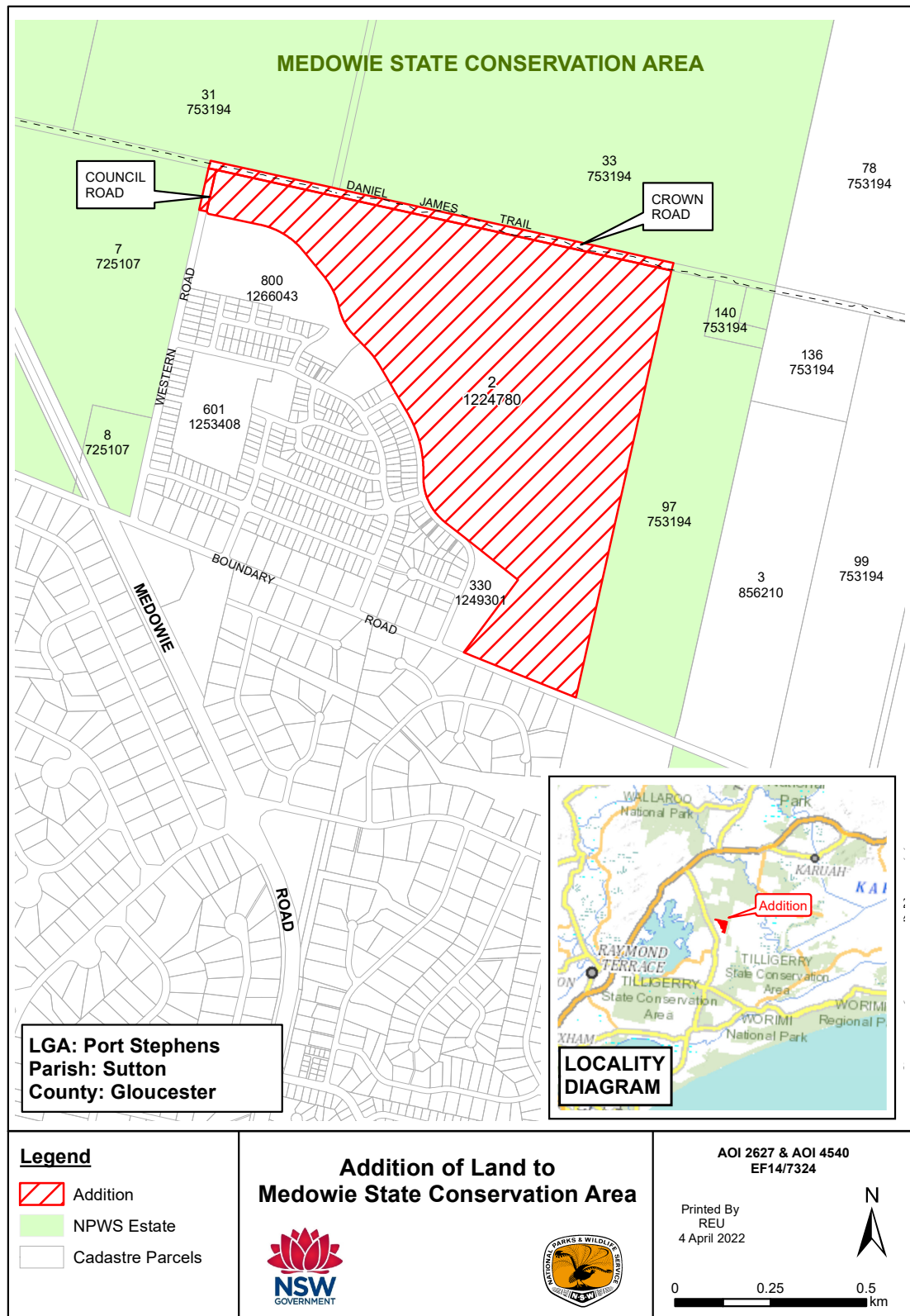
**Schedule**

Land District – Newcastle LGA – Port Stephens

County of Gloucester, Parish of Sutton, about 71.92 hectares, being Lot 2 DP1224780 and the Council and Crown road separating Lot 2 DP1224780 from Medowie State Conservation Area; as shown by red hatching in the diagram below.



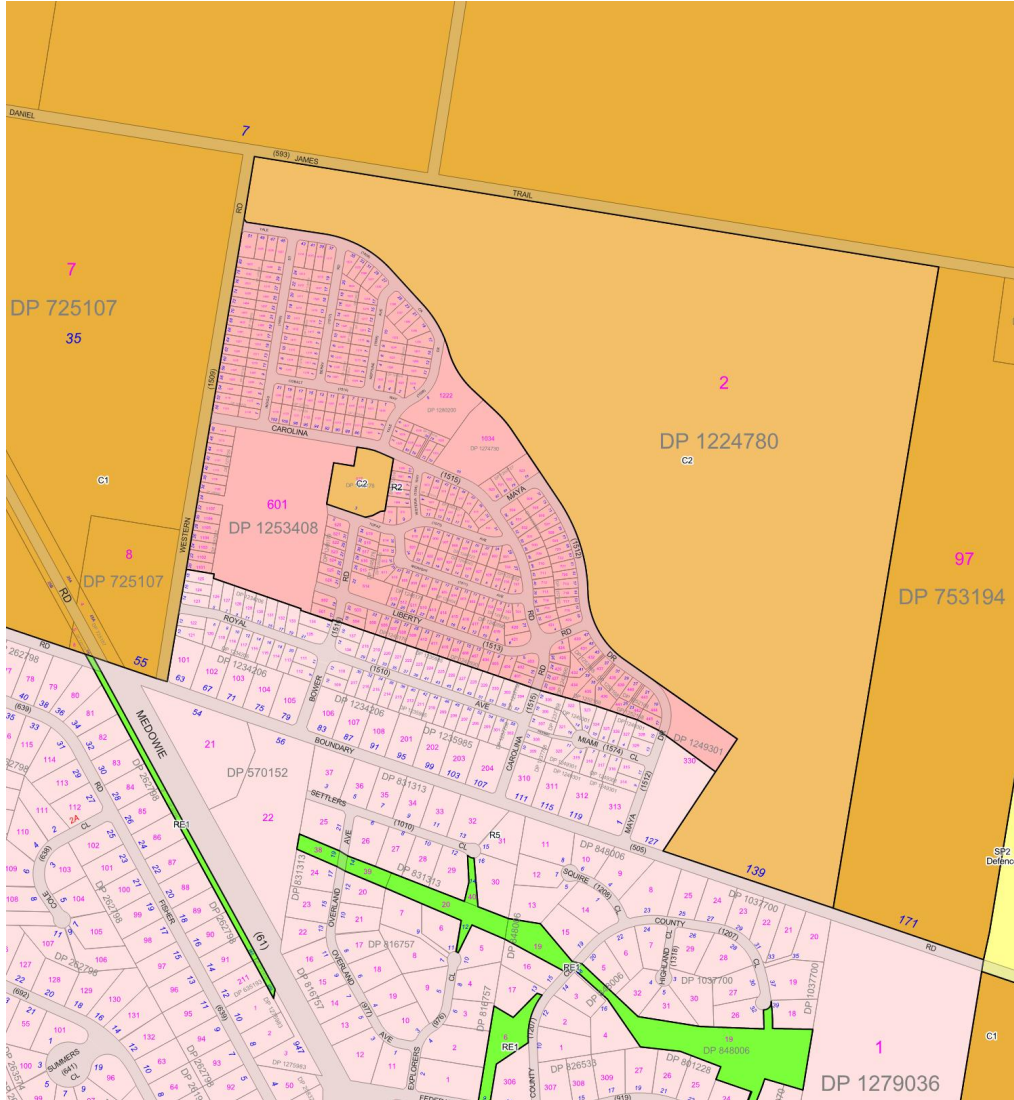
Papers NPWS/EF14/7324





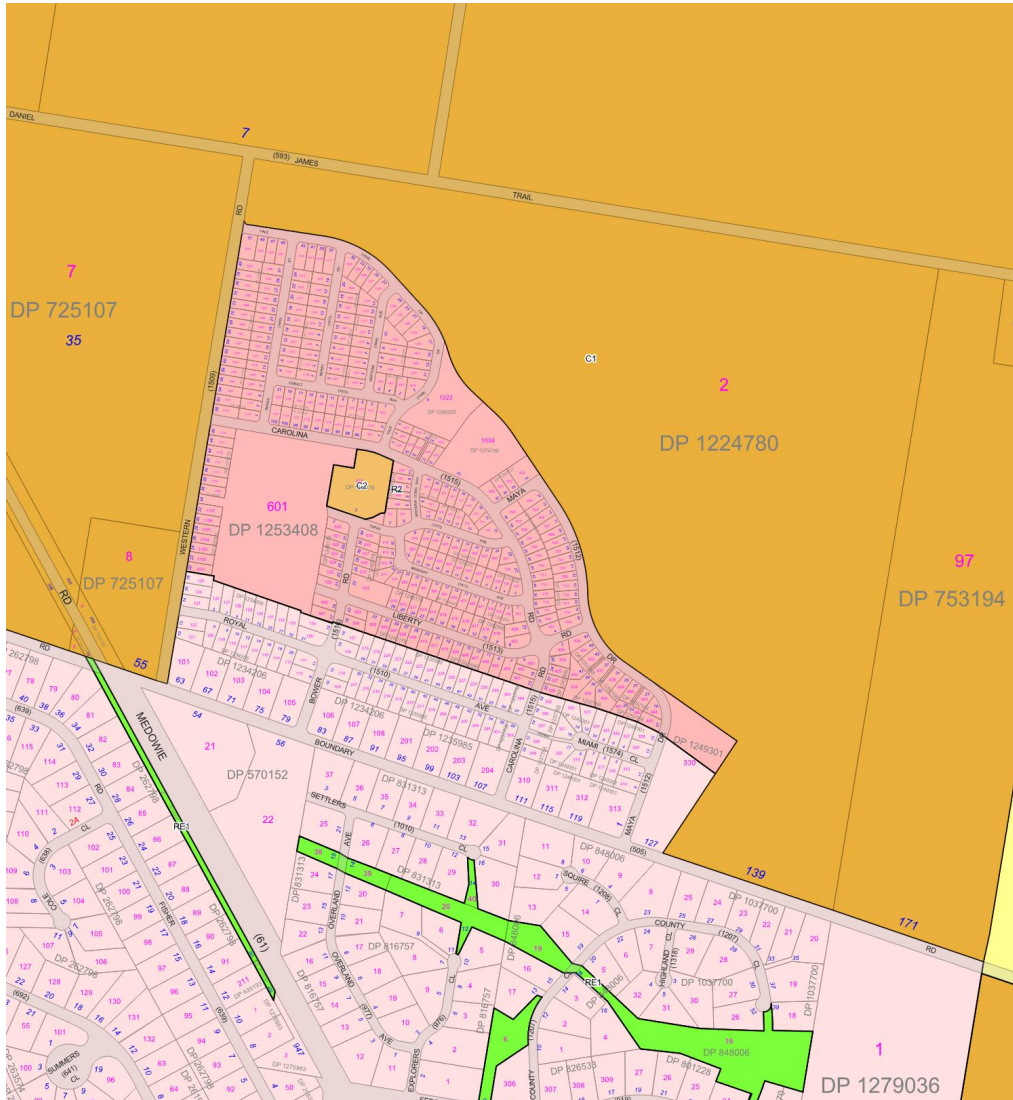
ATTACHMENT 6 Existing and Proposed Land Zoning Maps - Medowie State Conservation Area

Existing Land Zoning Map - Medowie State Conservation Area





## Proposed Land Zoning Map - Meadowie State Conservation Area





Office of  
Environment & Heritage  
NSW National Parks & Wildlife Service



Our Ref: EF14/7608  
Your Ref: PSC 2016-01454

Matthew Borsato  
Port Stephens Council  
PO Box 42  
RAYMOND TERRACE NSW 2324

Email: [landusesubmissions@portstephens.nsw.gov.au](mailto:landusesubmissions@portstephens.nsw.gov.au)

Dear Matthew

**Housekeeping Amendment – PS 2016-01454**

NSW National Parks and Wildlife Service (NPWS) has reviewed the proposed 'housekeeping' amendment to the Port Stephens Local Environmental Plan 2013 (PSLEP 2013) referencing **Item 2** and submit the following comments.

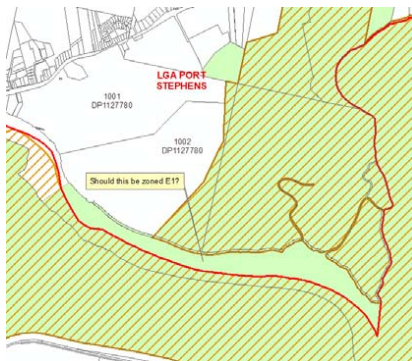
**601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630)** should be zoned E1 National Parks and Nature Reserves to reflect its reservation as Hunter Wetlands National Park under the *National Parks and Wildlife Act 1974* on 9 October 2015.

In addition to 601 Cabbage Tree Road, Williamtown NPWS noted other parcels of land within Port Stephens LGA that may require updating to E1 zoning. NPWS records these lands as reserved under the *National Parks and Wildlife Act 1974* and request Port Stephens Council review the lands listed below for possible rezoning to E1

Lot	DP	Address
1	1192418	17 Notts Ln, Glen Oak 2320
2	1168926	716C Dunns Creek Rd, Dunns Creek 2321
1	1168926	716B Dunns Creek Rd, Dunns Creek 2321
119	752445	716A Dunns Creek Rd, Dunns Creek 2321
12	1081193	162B Masonite Rd, Williamtown 2318
1	156512	162B Masonite Rd, Williamtown 2318
22	1150980	319A Tomago Rd, Tomago 2322

The diagram below shows an area of land with no folio identifier that is reserved as Hunter Wetlands National Park. Can this also be reviewed possible rezoning to E1.

PO Box 1967 Hurstville NSW 1481  
43 Bridge Street HURSTVILLE NSW 2232  
Tel: (02) 9585 6444 Fax: (02) 9585 6555  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)



A copy of the current NPWS Estate is available to download from the SEED data portal <https://www.seed.nsw.gov.au/> searching 'NSW National Parks and Wildlife Service (NPWS) Estate' Gazetted information for lands reserved under the *National Parks and Wildlife Act 1974* is also available on request.

If you require further information, please contact Cathy Johnson on [REDACTED]

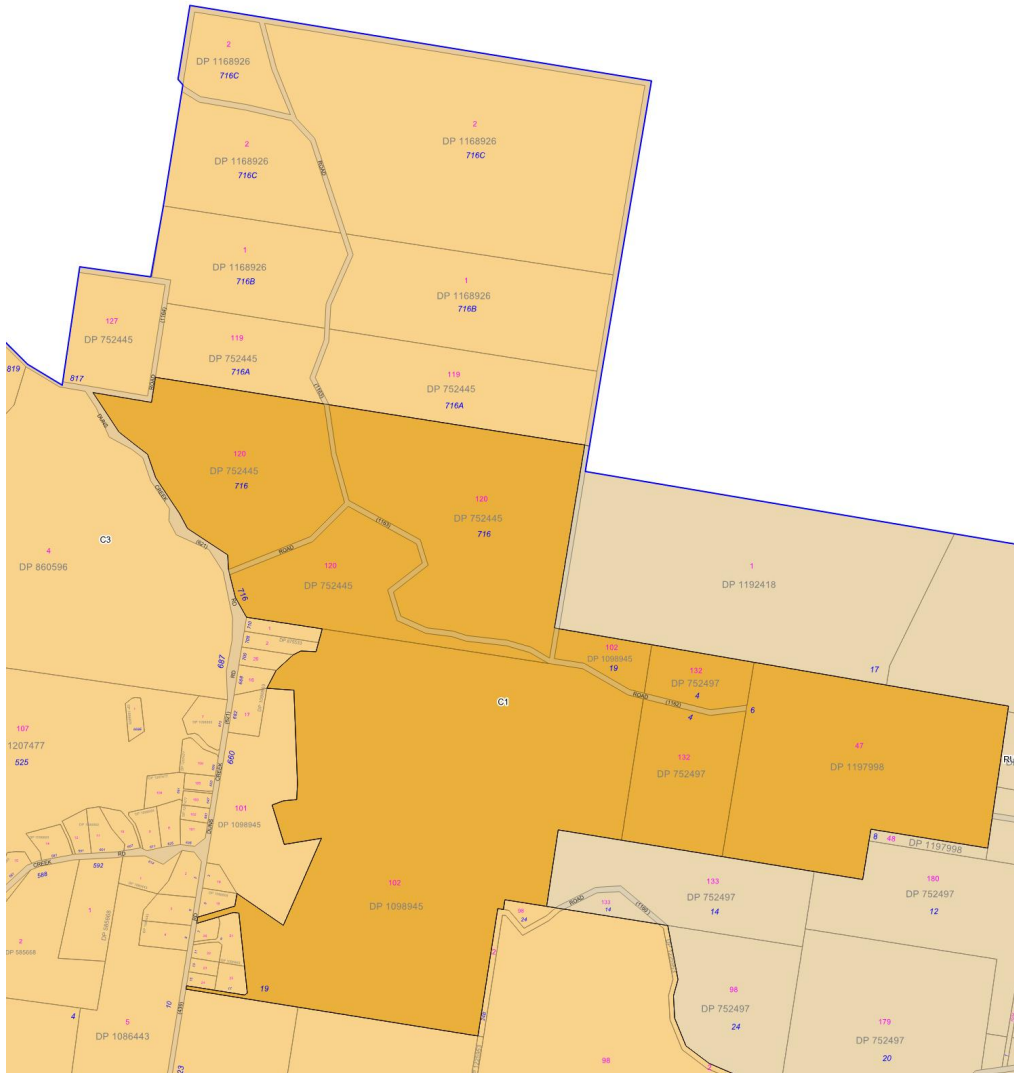


14 February 2019

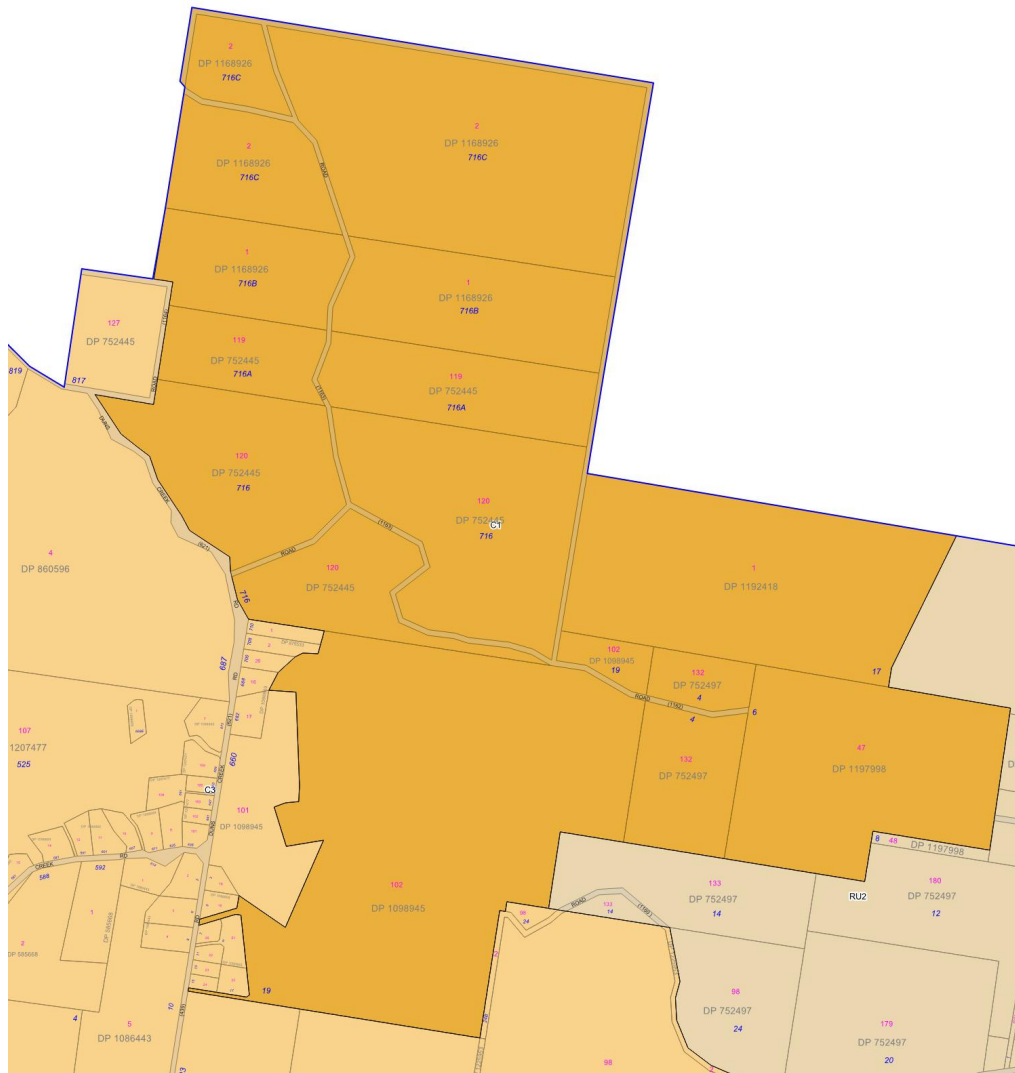
PO Box 1967 Hurstville NSW 1481  
43 Bridge Street HURSTVILLE NSW 2232  
Tel: (02) 9585 6444 Fax: (02) 9585 6555  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

ATTACHMENT 8 Existing and Proposed Land Zoning Maps - Columbey National Park

Existing Land Zoning Map - Columbey National Park



## Proposed Land Zoning Map - Columbey National Park



ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.

ATTACHMENT 9 Existing and Proposed Lot Size Map - Heatherbrae



Port Stephens  
Local  
Environmental  
Plan 2013

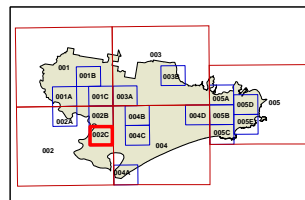
Lot Size Map - Sheet LSZ\_002C

Minimum Lot Size (sq m)

B	200
F	400
G	450
I	500
M	600
Q	700
T	900
U	1000
V	2000
W	4000
Y	1 ha
Z1	2 ha
Z2	4 ha
AB1	10 ha
AB2	20 ha
AB3	40 ha

Cadastre

Cadastre 24/04/2019 © Spatial Services

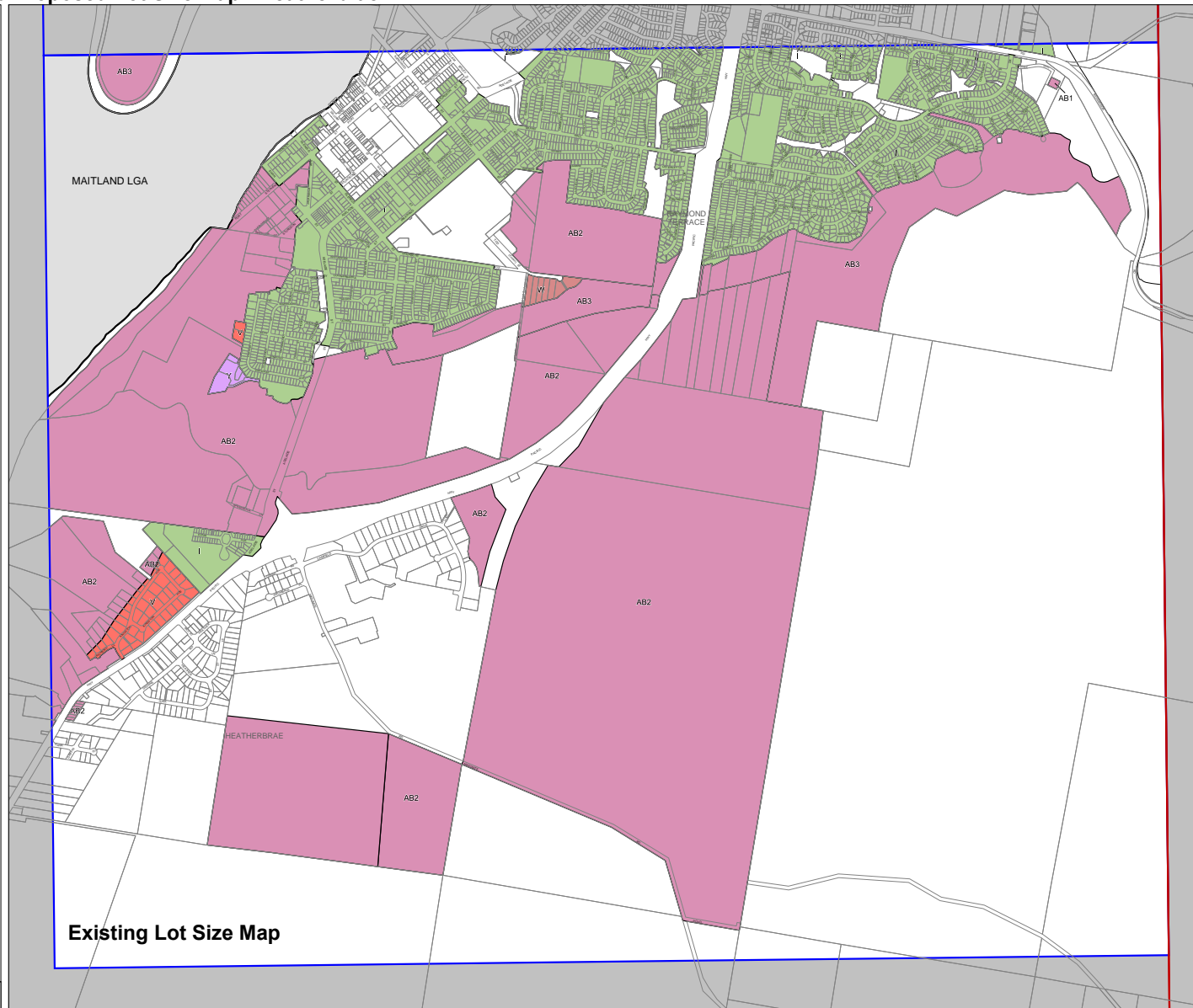


GDA 1994  
MGA Zone 56

0 400 metres

Scale: 1:20,000 A3

Map identification number:  
6400\_COM\_LSZ\_002C\_020\_20190424





ITEM 3 - ATTACHMENT 1 ADMINISTRATIVE PLANNING PROPOSAL.



Port Stephens  
Local  
Environmental  
Plan 2013

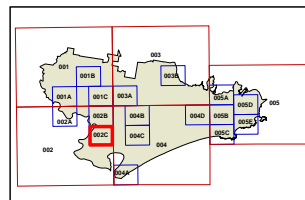
Lot Size Map - Sheet LSZ\_002C

Minimum Lot Size (sq m)

B	200
F	400
G	450
I	500
M	600
Q	700
T	900
U	1000
V	2000
W	4000
Y	1 ha
Z1	2 ha
Z2	4 ha
AB1	10 ha
AB2	20 ha
AB3	40 ha

Cadastre

Cadastre 24/04/2019 © Spatial Services



GDA 1994  
MGA Zone 56

0 400 metres

Scale: 1:20,000 A3

Map identification number:  
6400\_COM\_LSZ\_002C\_020\_20190424

