

Reclassification and Rezoning of Surplus Council Sites Planning Proposal

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

Various Council-owned sites at Raymond Terrace,
Anna Bay, Fingal Bay and Medowie



PORT STEPHENS
COUNCIL

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VERSION CONTROL

Version	Date	Details
1	February 2025	Planning proposal as submitted to Council (Urbanism)
2	September 2025	Updated for submission to Gateway (PSC)
3	October 2025	Updated for resubmission to Gateway (Urbanism)
4	January 2026	Updated for resubmission to Gateway (PSC)
5	February 2026	Updated for agency consultation (PSC)
6	April 2026	Updated for exhibition (PSC)

ATTACHMENTS

- ATTACHMENT 1** Ecological Assessment Report (Wildthing, Dec 2025)
ATTACHMENT 2 Information addressing LEP Practice Note PN 16-001
ATTACHMENT 3 Locality Plans
ATTACHMENT 4 K200000P Caveat and Titles
ATTACHMENT 5 AHIMS Searches
ATTACHMENT 6 Relevant Flood Certificates

FILE NUMBERS

Council: 58-2025-2-1

Department: PP-2025-2134

SUMMARY

Subject land:

1B Jessica Close, Raymond Terrace.	Lot 4 DP 807214
4 Payton Street, Raymond Terrace.	Lot 68 DP 248229
20 Benjamin Lee Drive, Raymond Terrace.	Lot 1063 DP 826758
27 Campbell Ave, Anna Bay.	Lot 4 DP 787398
101 Kindlebark Drive, Medowie.	Lot 721 DP 1033896
124 Benjamin Lee Drive, Raymond Terrace (southern portion).	Lot 3082 DP 786401
154 Rocky Point Road, Fingal Bay.	Lot 17 DP 805074
A-1 Mount Hall Road, Raymond Terrace.	Lot 18 DP 238628

Proponent: Urbanism Pty Ltd (on behalf of Port Stephens Council Property Investment and Development Section)

Landowner: Port Stephens Council

Proposed changes: Reclassify all of the sites from Community to Operational land

Rezone the following four of the sites from RE1 Public Recreation to R2 Low Density Residential.

- 1B Jessica Close, Raymond Terrace
- 4 Payton Street, Raymond Terrace
- 20 Benjamin Lee Drive, Raymond Terrace
- 27 Campbell Avenue, Anna Bay

The remaining sites will retain their existing R2 Low Density Residential zoning.

Area of sites: Varies from 306m² to 1,728m²

Dwelling yield: 8 (approximate)

BACKGROUND

The planning proposal seeks to amend the Port Stephens Local Environmental Plan 2013 (LEP) for eight sites at various locations across the Port Stephens Local Government Area.

All of the sites are proposed for reclassification from Community to Operational land so they may be disposed of by Council.

Four of the sites are also proposed for rezoning from RE1 Public Recreation to R2 Low Density Residential:

- 1B Jessica Close, Raymond Terrace
- 4 Payton Street, Raymond Terrace
- 20 Benjamin Lee Drive, Raymond Terrace
- 27 Campbell Avenue, Anna Bay

The other sites in this planning proposal will retain their existing R2 Low Density Residential zoning.

The Port Stephens Council Property Investment and Development Section identified the sites as surplus Council-owned land following a strategic review process. A review of Community land was completed through the preparation of the Recreation Strategy (adopted by Council 13 November 2018) which considered open space needs and requirements, and opportunities to improve the quality of recreation facilities and the supply and demand for them. The Recreation Strategy details what the Council considered to be valuable open space and surplus lands.

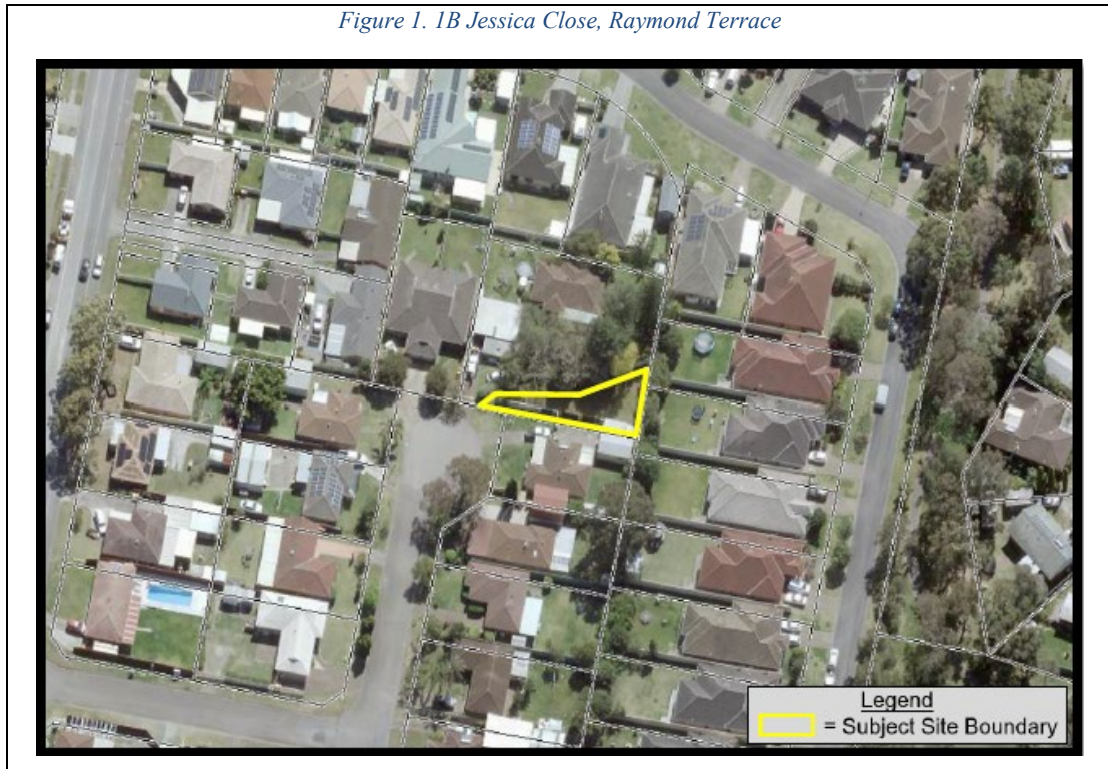
The sites have also been selected due to the low environmental values and small site areas, thereby not requiring a Biodiversity Development Assessment Report (BDAR).

A Council Resolution dated 11 October 2022 gave approval for the preparation of this planning proposal.

SITES

Site:	1B Jessica Close, Raymond Terrace (Lot 4 DP 807214)
Description:	Vacant parcel, no significant vegetation.
Size and configuration:	306m ² irregular shaped lot.
Current zoning:	RE1 Public Recreation.
Proposed zoning:	R2 Low Density Residential.
Current classification:	Community.
Proposed classification:	Operational.
Location and adjoining uses:	Located within R2 Low Density Residential area.
Current use and improvements:	Nil.
Hazards:	Nil.
Site History:	The Recreation Strategy found that there is sufficient allocation of recreation land in Raymond Terrace. The surplus is projected in local parks by 2036.
DA History:	None since establishment of lot.
Previous Dumping:	Nil.
Easements/restrictions:	Caveat on title. K200000P by the Registrar General forbidding unauthorised dealings with public reserves.
BDAR status:	Biodiversity threshold not triggered.

Figure 1. 1B Jessica Close, Raymond Terrace



Site	4 Payton Street, Raymond Terrace (Lot 68 DP 248229)
Description:	Vacant parcel, mature trees located on site.
Size and configuration:	1,706m ² irregular shaped lot.
Current zoning	RE1 Public Recreation.
Proposed zoning:	R2 Low Density Residential.
Current classification:	Community.
Proposed classification:	Operational.
Location and adjoining land uses:	Located within R2 Low Density Residential area.
Current use and improvements:	Nil.
Hazards:	Flood Planning Area.
DA History:	None since establishment of the lot.
Previous Dumping:	Nil.

Site History:	Dedicated to Council on 16 March 1979 as public reserve from Housing Commission NSW. The Recreation Strategy found that there is sufficient allocation of recreation land in Raymond Terrace. The surplus is projected in local parks by 2036.
Easements/restrictions	Caveat on title; will remain.
BDAR status:	Biodiversity threshold not triggered.

Figure 2. 4 Payton Street, Raymond Terrace



Site	20 Benjamin Lee Drive, Raymond Terrace (Lot 1063 DP 826758)
Description:	Vacant parcel, no significant vegetation.
Size and configuration:	1,176m ² irregular shaped lot.
Current zoning	RE1 Public Recreation.
Proposed zoning:	R2 Low Density Residential.
Current classification:	Community.
Proposed classification:	Operational.

Location and adjoining land uses:	Located within R2 Low Density Residential area.
Current use and improvements:	Nil.
DA History:	None since establishment of lot.
Previous Dumping:	Illegal domestic dumping has been recorded on the site previously. The dumping records is typical of a built up suburban residential area and it was investigated and removed per Councils policy.
Site Hazards:	Nil.
Site History:	Dedicated to Council on 21 August 1989, creation of lot and dedication as public reserve. The Recreation Strategy found that there is sufficient allocation of recreation land in the area. The surplus is projected in local parks by 2036.
Easements/restrictions	Caveat on title. K200000P by the Registrar General forbidding unauthorised dealings with public reserves.
BDAR status:	Biodiversity threshold not triggered.

Figure 3. 20 Benjamin Lee Drive, Raymond Terrace



Site	27 Campbell Avenue, Anna Bay (Lot 4 DP 787398)
Description:	Vacant parcel, no significant vegetation.
Size and configuration:	1,010m ² irregular shaped lot.
Current zoning	RE1 Public Recreation.
Proposed zoning:	R2 Low Density Residential.
Current classification:	Community.
Proposed classification:	Operational.
Location and adjoining land uses:	Located within R2 Low Density Residential area.
Current use and improvements:	Nil.
Hazards:	Nil.
DA History:	None since establishment of lot.
Previous Dumping:	Nil.
Site History:	<p>The land was part of a land swap that occurred as minute in Council Meeting 4 October 1988.</p> <p>The DP states the support of the subdivision is per the resolution of Council at the meeting on 4 October 1988.</p> <p>A consent order was resolved in the Land and Environment Court which provided for the exchange of part of a site for a section of Council owned land.</p> <p>The Recreation Strategy found that there is sufficient allocation of recreational land in the area and Tomaree Peninsula.</p>
Easements/restrictions	Nil.
BDAR status:	Biodiversity threshold not triggered.

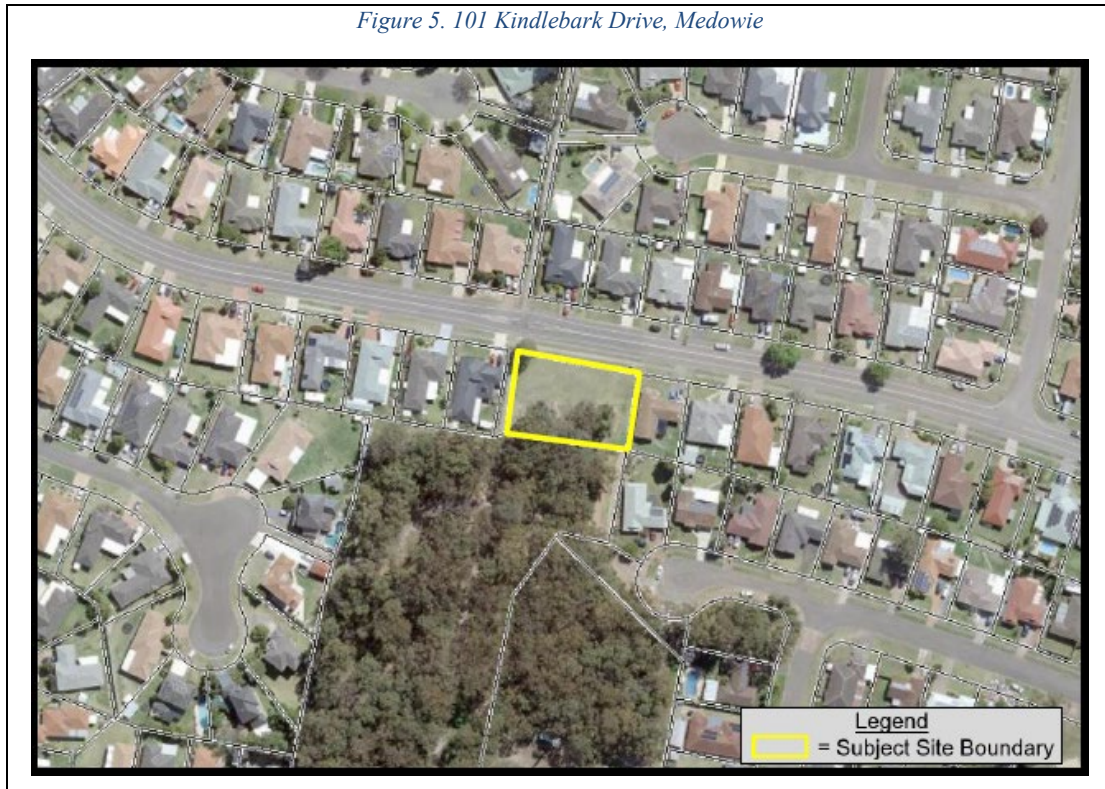
Figure 4. 27 Campbell Avenue, Anna Bay



Site	101 Kindlebark Drive, Medowie (Lot 721 DP 1033896)
Description:	Vacant parcel, mature vegetation on part of site.
Size and configuration:	1,418m ² rectangular shaped lot.
Current zoning	R2 Low Density Residential.
Proposed zoning:	No change.
Current classification:	Community.
Proposed classification:	Operational.
Location and adjoining land uses:	Located within R2 Low Density Residential area abuts RE1 Public Recreation to the rear (south).
Current use and improvements:	Nil.
Hazards:	Nil.
DA History:	None since establishment of lot.
Previous Dumping:	Illegal domestic dumping has been recorded on the site previously. The dumping records is

	<p>typical of a built up suburban residential area and it was investigated and removed per Councils policy.</p>
<p>Site History:</p>	<p>4 December 2001 acquired lot 721 Kindlebark Drive, Medowie for \$1.00 for the purpose of possible community use. Following the 257 lot Subdivision, determined 23 July 1996 of Lot 100 DP 847643 (48 Casuarina Ave, Medowie). Council Resolution 18 December 2001.</p> <p>The land was acquired per the Conditions of Consent that stated, the provision of fully serviced land for use as a multi-function community centre. Additionally, should at some time in the future Council deem that the location is not suitable for the purpose of community facilities the site may be sold subject to a resolution of Council.</p> <p>Through the analysis completed in the Recreation Strategy prepared by Council, a surplus of local parks was identified. The land is not listed as significant asset and underutilised assets can be a maintenance liability for Council. 680m to the east of the site is the Kindlebark Oval which is a regularly used recreational area.</p>
<p>Easements/restrictions:</p>	<p>There are several interests on the land, all of which are to be retained, being water easements and restrictions on the use of land.</p>
<p>BDAR status:</p>	<p>Biodiversity threshold not triggered.</p>

Figure 5. 101 Kindlebark Drive, Medowie



Site	124 Benjamin Lee Drive, Raymond Terrace (Lot 3082 DP 786401)
Description:	Vacant parcel, no significant vegetation onsite.
Size and configuration:	1,728m ² rectangular shaped lot.
Current zoning	R2 Low Density Residential.
Proposed zoning:	No change.
Current classification:	Community.
Proposed classification:	Part Community and Part Operational. It is proposed to reclassify only the southern rectangular portion of this site (approximately 538m ²) to Operational Land. The northern portion will retain its current classification as Community Land.
Location and adjoining land uses:	Located within R2 Low Density Residential area.
Current use and improvements:	Nil.

Hazards:	Nil.
DA History:	None since establishment of lot.
Previous Dumping:	Illegal domestic dumping has been recorded on the site previously. The dumping records is typical of a built up suburban residential area and it was investigated and removed per Councils policy.
Site History:	<p>The land was dedicated to Council as a public reserve by NSW Land and Housing Corporation by notification in Government Gazette dated 25/7/1997 folio 5805.</p> <p>The Recreation Strategy found that there is sufficient allocation of recreation land in Raymond Terrace. The surplus is projected in local parks by 2036.</p>
Easements/restrictions:	The current easement to drain water that runs along the northern portion of the site is to be retained along with that portion that is not included in the reclassification.
BDAR status:	Biodiversity threshold not triggered.

Figure 6. 124 Benjamin Lee Drive, Raymond Terrace



Site	154 Rocky Point Road, Fingal Bay (Lot 17 DP 805074)
Description:	Vacant parcel, some minor vegetation on site.
Size and configuration:	315m ² irregular-shaped lot.
Current zoning:	R2 Low Density Residential.
Proposed zoning:	No change.
Current classification:	Community.
Proposed classification:	Operational.
Location and adjoining land uses:	Located within R2 Low Density Residential area abuts C1 National Parks and Nature Reserves (west).
Current use and improvements:	Nil.
Hazards:	Bushfire Prone land. Flood Planning Area.
DA History:	None since the establishment of lot.
Previous Dumping:	Illegal domestic dumping has been recorded on the site previously. The dumping record is typical of a built up suburban residential area and it was investigated and removed per Councils policy.
Site History:	The land was created as a public reserve per the registration of the DP on 19 September 1990. The Recreation Strategy found that there is sufficient allocation of recreational land in the area and the Tomaree Peninsula.
Easements/restrictions:	Caveat on title. K200000P by the Registrar General forbidding unauthorised dealings with public reserves.
BDAR status:	Biodiversity threshold not triggered.

Figure 7. 154 Rocky Point Road, Fingal Bay



Site	A-1 Mount Hall Road, Raymond Terrace (Lot 18 DP 238628)
Description:	Vacant parcel, some minor vegetation.
Size and configuration:	698m ² irregular-shaped lot
Current zoning:	R2 Low Density Residential
Proposed zoning:	No change
Current classification:	Community
Proposed classification:	Operational
Location and adjoining land uses:	Located within R2 Low Density Residential area, part of site contains drainage line and culvert.
Current use and improvements:	Nil.
Hazards:	Flood Planning Area.
DA History:	None since establishment of the lot.
Previous Dumping:	Nil.
Site History:	10 February 1970 the lot was created.

	<p>Lot 18 was dedicated as a public reserve through the creation of the lot in DP 238628.</p> <p>The Recreation Strategy found that there is sufficient allocation of recreation land in Raymond Terrace. The surplus is projected in local parks in 2036.</p>
Easements/restrictions	Caveat on title K200000P by the Registrar General forbidding unauthorised dealings with public reserves.
BDAR status:	Biodiversity threshold not triggered.

Figure 8. A-1 Mount Hall Road, Raymond Terrace



PART 1 – Objectives or intended outcomes

The objective of the planning proposal is to reclassify eight sites from Community to Operational land and rezone of four of the sites from RE1 Public Recreation to R2 Low Density Residential. The planning proposal will allow all of the sites to be sold by Council and used for residential purposes.

PART 2 – Explanation of provisions

The planning proposal will amend LEP Schedule 4 'Classification and reclassification of public land' to reclassify all of the sites from Community to Operational land as follows:

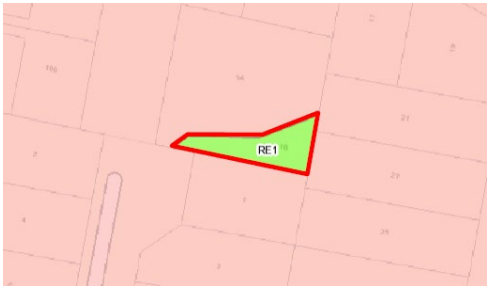
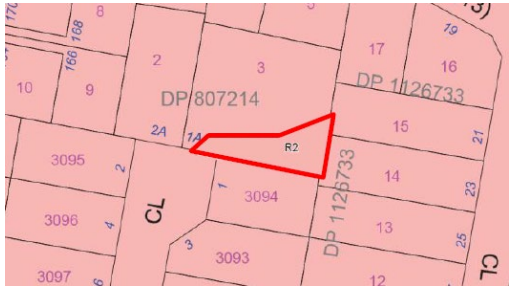
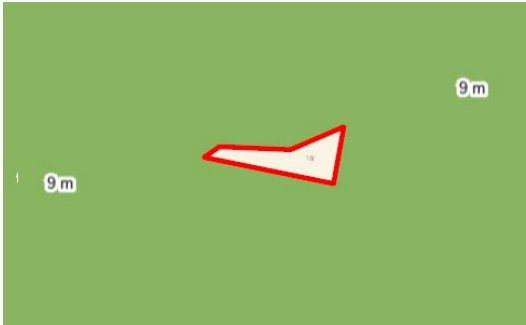
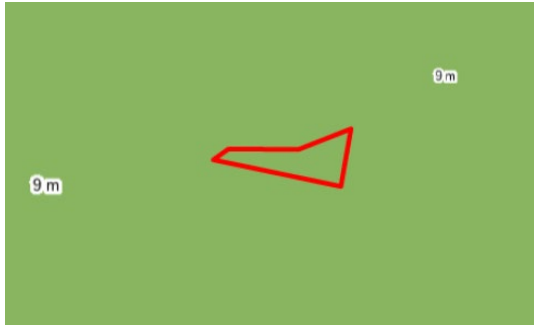
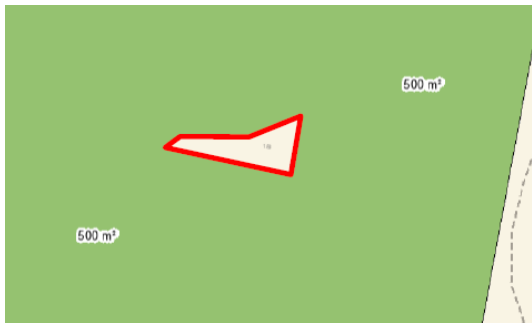
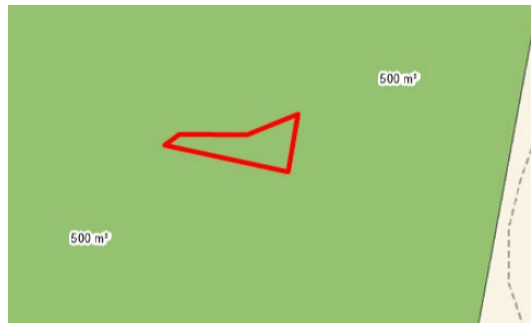
1B Jessica Close, Raymond Terrace (Lot 4 DP 807214)	
Current Classification	Proposed Classification
Community	Operational. To be listed in Part 2 of Schedule 4 'Classification and reclassification of public land' of the LEP.
4 Payton Street, Raymond Terrace (Lot 68 DP 248229)	
Current Classification	Proposed Classification
Community	Operational. To be listed in Part 1 of Schedule 4 'Classification and reclassification of public land' of the LEP.
20 Benjamin Lee Drive, Raymond Terrace (Lot 1063 DP 826758)	
Current Classification	Proposed Classification
Community	Operational. To be listed in Part 2 of Schedule 4 'Classification and reclassification of public land' of the LEP.
27 Campbell Ave, Anna Bay (Lot 4 DP 787398)	
Current Classification	Proposed Classification
Community	Operational.

	To be listed in Part 1 of Schedule 4 'Classification and reclassification of public land' of the LEP.
101 Kindlebark Drive, Medowie (Lot 721 DP 1033896)	
Current Classification	Proposed Classification
Community	Operational. To be listed in Part 1 of Schedule 4 'Classification and reclassification of public land' of the LEP.
154 Rocky Point Road, Fingal Bay (Lot 17 DP 805074)	
Current Classification	Proposed Classification
Community	Operational. To be listed in Part 2 of Schedule 4 'Classification and reclassification of public land' of the LEP.
A-1 Mount Hall Road, Raymond Terrace (Lot 18 DP 238628)	
Current Classification	Proposed Classification
Community	Operational. To be listed in Part 2 of Schedule 4 'Classification and reclassification of public land' of the LEP.
124 Benjamin Lee Drive, Raymond Terrace (Lot 3082 DP 786401)	
Current Classification	Proposed Classification
Community	Part Community, Part Operational. Operational land to be listed in Part 1 of Schedule 4 'Classification and reclassification of public land' of the LEP.

Note: only a southern rectangular part of 124 Benjamin Lee Drive, Raymond Terrace (Lot 3082 DP 786401) will require LEP mapping as 'Operational Land' on the LEP Reclassification (Part Lots) Map as indicated below.



Four of the sites require LEP map amendments for zoning, height of building and minimum lot size as follows:

1B Jessica Close, Raymond Terrace (Lot 4 DP 807214)	
<ul style="list-style-type: none"> Amend land zoning map from RE1 Public Recreation to R2 Low Density Residential. Amend maximum building height map to apply a maximum building height to 9m. Amend minimum lot size to apply a minimum lot size of 500m². 	
Current zoning	Proposed zoning
	
Current height of building	Proposed height of building
	
Current minimum lot size	Proposed minimum lot size
	

4 Payton Street, Raymond Terrace (Lot 68 DP 248229)

- Amend land zoning map from RE1 Public Recreation to R2 Low Density Residential.
- Amend maximum building height map to apply a maximum building height of 9m.
- Amend minimum lot size map to apply a minimum lot size of 500m².

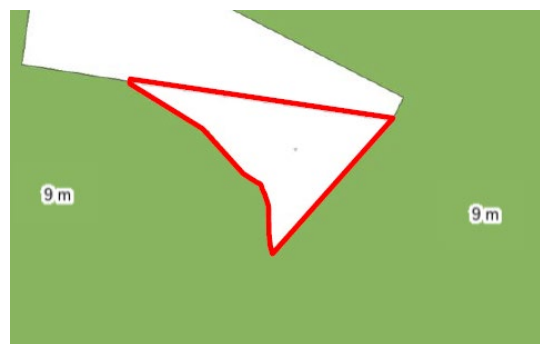
Current zoning



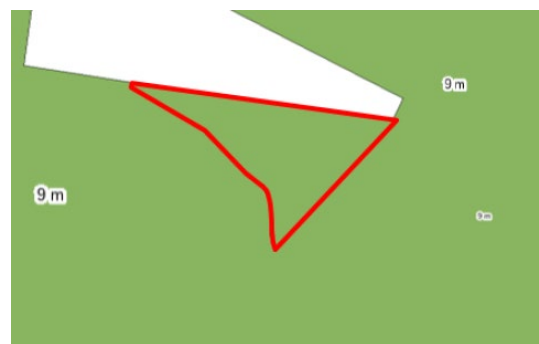
Proposed zoning



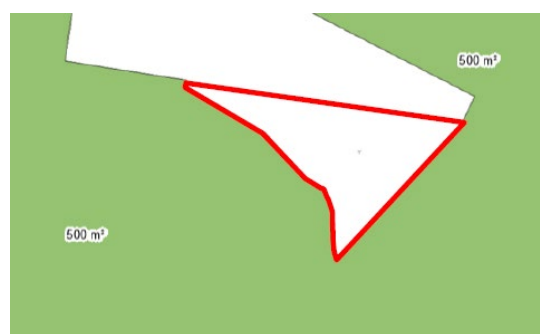
Current height of building



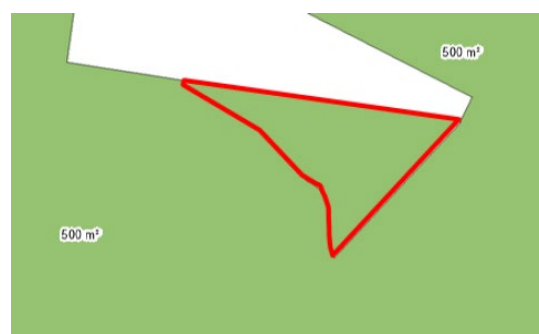
Proposed height of building

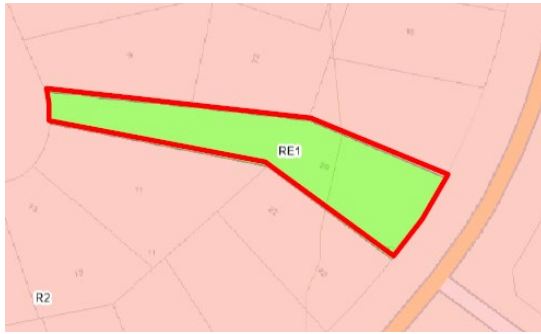
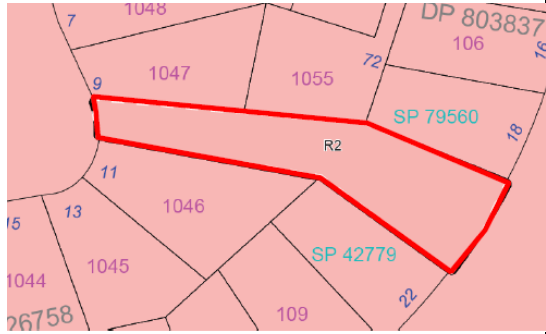
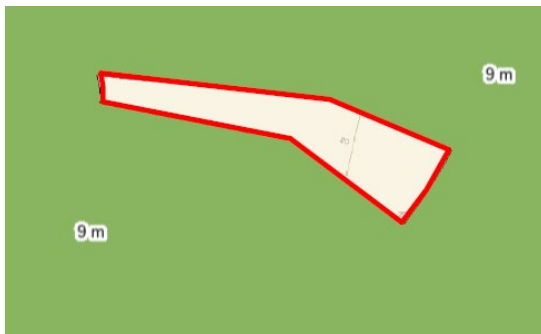
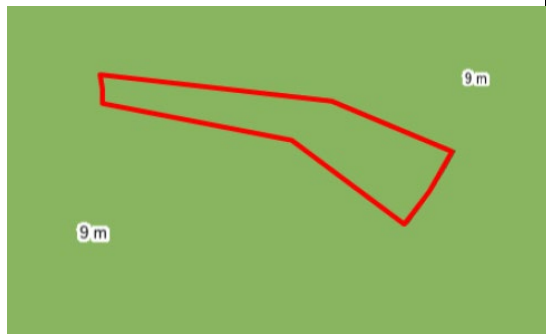
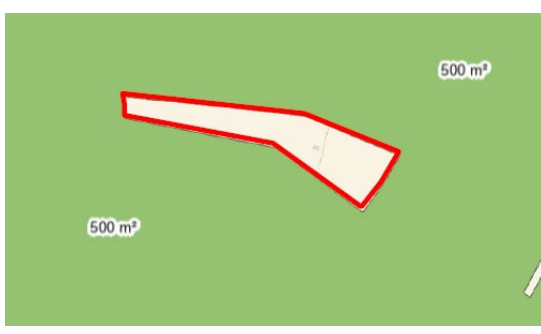



Current minimum lot size



Proposed minimum lot size



20 Benjamin Lee Drive, Raymond Terrace (Lot 1063 DP 826758)	
<ul style="list-style-type: none"> Amend land zoning map from RE1 Public Recreation to R2 Low Density Residential. Amend maximum building height map to apply a maximum building height of 9m. Amend minimum lot size map to apply a minimum lot size of 500m². 	
Current zoning	Proposed zoning
	
Current height of building	Proposed height of building
	
Current minimum lot size	Proposed minimum lot size
	

27 Campbell Ave, Anna Bay (Lot 4 DP 787398)

- Amend land zoning map from RE1 Public Recreation to R2 Low Density Residential.
- Amend maximum building height map to apply a maximum building height of 9m.
- Amend minimum lot size map to apply a minimum lot size of 500m².

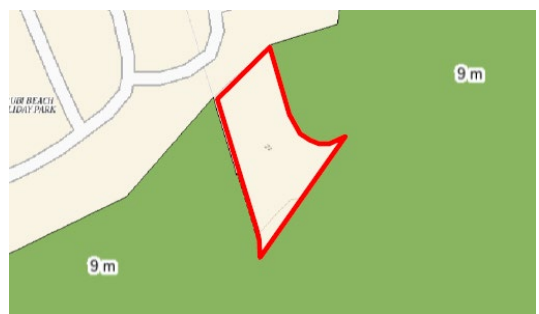
Current zoning



Proposed zoning



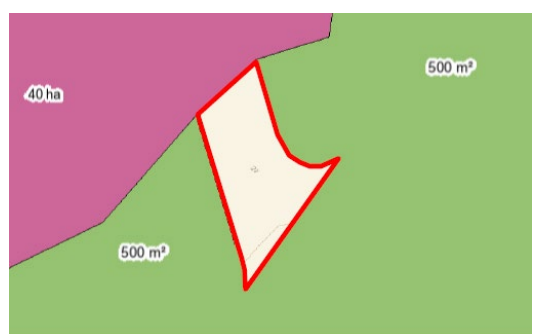
Current height of building



Proposed height of building



Current minimum lot size



Proposed minimum lot size



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 is the result of the Port Stephens Local Planning Statement (LSPS) which was adopted by Council on 14 July 2022, to implement actions and priorities from the Hunter Regional Plan 2041. It identifies a 20-year vision for land use that supports the Hunter Regional Plan 2041 (HRP) and the Greater Newcastle Metropolitan Plan 2036 (GNMP).

The LSPS identifies twelve planning priorities. The planning proposal is consistent with planning priorities 1, 4 and 5 as listed below:

- Planning Priority 1 - Support the growth of strategic centres and major employment areas.
- Planning Priority 4 – Ensure suitable land supply.
- Planning Priority 5 – Increase diversity of housing choice.

The planning proposal will achieve these priorities by enabling surplus community land to be sold and by providing the opportunity for additional housing supply. The varying parcel sizes will enable additional dwellings or additional site area for adjacent lots.

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

Yes, the classification or reclassification of public land may be made by a local environmental plan. The classification or reclassification of public land may also be made by a resolution of the council under section 31, 32 or 33 of the Local Government Act 1993 (LG Act).

The circumstances under sections 31, 32 or 33 of the LG Act are either not applicable in this case or cannot be followed for all lots in the same manner. Accordingly, an amendment to the LEP is the best means of achieving the objectives of the planning proposal.

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)?

Hunter Regional Plan 2041

The planning proposal is consistent with the HRP as it will facilitate the release of minor surplus sites within existing urban areas for additional housing opportunities.

The following table demonstrates the consistency of the planning proposal with the relevant objectives and strategies of the HRP.

Table 1. Consistency with Hunter Regional Plan 2041

The Hunter Regional Plan 2041	
Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities.	
Strategy	Consistency
Strategy 3.5 Local strategic planning should consider strategies to ensure 90% of houses are within a 15-minute walk of open space, recreation areas or waterways.	All sites are infill parcels located with established R2 Low Density Residential suburban areas. Any additional housing will be located in proximity to surrounding open space and recreation areas.
Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development	
Strategy	Consistency
Strategy 5.2 Local strategic planning will consider amendments to planning and development controls that reflect the desired density targets for the urban core, general urban, inner suburban and general suburban contexts.	All sites are infill parcels located within established urban areas and are proposed to be zoned R2 Low Density Residential consistent with adjoining lots.
Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments.	
Strategy	Consistency
Strategy 6.3 Planning proposals will ensure the biodiversity network is protected within an appropriate	The sites are small in area and located within existing suburban locations. The accompanying

<p>conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.</p>	<p>Ecological Assessment sets out the biodiversity values of each site, potential impacts and concept dwelling siting to demonstrate avoidance or minimisation of any impacts. Future development on each site would be subject to the development application process.</p>
<p>Objective 7: Reach net zero an increase resilience and sustainable infrastructure.</p>	
<p>Strategy</p>	<p>Consistency</p>
<p>Strategy 7.7 Local strategic planning will demonstrate alignment with the NSW Government’s natural hazard management and risk mitigation policy framework including:</p> <ul style="list-style-type: none"> • Planning for Bushfire Protection 2019 • NSW Coastal Management Framework • Floodplain Development Manual and the Flood Prone Land Policy • Planning for a more resilient NSW: A strategic guide to planning for natural hazards • any other natural hazards guidance that is released 	<p>Some of the sites are identified as either flood prone or bushfire prone to varying extents.</p> <p>Flooding is a constraint applying to the following sites:</p> <ul style="list-style-type: none"> • A-1 Mount Hall Road (part Flood Free and part High Hazard Overland Flow Path). • 154 Rocky Point Road, Fingal Bay (Minimal Risk). • 4 Payton Street, Raymond Terrace (part Low Hazard Flood Fringe, part Low Hazard Overland Flow Path). <p>Given the minor scale of the planning proposal and sites, natural hazards such as flooding and bushfire (where applicable) are suitable to address at the development application stage for the reasons outlined in this planning proposal.</p>

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.

The LSPS identifies twelve planning priorities, the planning proposal will be consistent with planning priorities 1, 4 & 5 as addressed in the following table.

Table 2. Consistency with the Port Stephens Local Strategic Planning Statement

Port Stephens Local Strategic Planning Statement	
Planning Priorities	Consistency
Planning Priority 1: Support the growth of strategic centres and major employment areas	The planning proposal seeks to provide additional housing near existing and emerging employment clusters at Raymond Terrace.
Planning Priority 4: Ensure suitable land supply	The planning proposal seeks to provide a minor amount of additional land supply in Raymond Terrace, Medowie, Fingal Bay and Anna Bay.
Planning Priority 5: Increase diversity of housing choice	The subject sites are infill parcels suburban areas and provide some potential to increase the diversity of housing choice, consistent with adjacent existing development.

Port Stephens Local Housing Strategy

The LHS strategy was developed in consultation with the community and sets the strategic direction for future housing growth across Port Stephens.

Because of the minor scale of the sites they are not directly identified in the LHS Housing Supply Plan (HSP).

The consistency of the planning proposal with the relevant key outcomes and priorities from the LHS is set out in the following table.

Table 3. Consistency with the Local Housing Strategy

Port Stephens Local Housing Strategy	
Outcomes	Consistency
Outcome 1 Ensure Suitable Land Supply 1.1 Ensure adequate supply of new housing 1.2 Remove barriers to unlock housing supply 1.3 Increase the proportion of infill housing	The planning proposal seeks to provide additional infill land supply for housing in Raymond Terrace, Medowie, Anna Bay and Fingal Bay.

<p>Outcome 2 Improve housing affordability</p> <p>2.1 Respond to housing stress</p> <p>2.2 Provide more affordable housing near jobs</p> <p>2.3 Reduce the cost of new housing</p>	<p>The planning proposal, albeit minor in scale, will assist in housing supply and reduce housing stress. It seeks to provide additional infill housing in existing urban areas.</p>
<p>Outcome 3 Increase diversity of housing choice</p> <p>3.1 Facilitate new housing within existing urban areas</p> <p>3.2 Encourage a range of housing types and sizes</p> <p>3.3 Enable better planning for diverse lifestyles</p>	<p>All sites are infill parcels located with established R2 Low Density Residential suburban areas. Additional infill housing provided will likely be similar to adjacent development and thus reinforce the local housing character, types and lifestyles.</p>
<p>Outcome 4 Facilitate liveable communities</p> <p>4.1 Housing enhances local character</p> <p>4.2 Communities are connected</p> <p>4.3 Grow connections between people</p>	<p>The potential additional infill housing provided will be typical of similar low-density settings and thus reinforce the local character. It can maximise the use of existing infrastructure and continue to facilitate community connections.</p>

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

There are no other State and regional studies or strategies relevant to the planning proposal that are directly applicable to the planning proposal.

Q6. Is the planning proposal consistent with applicable SEPPs?

An assessment of the relevant applicable SEPPs against the planning proposal is provided in the following table.

Table 4. Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP (Resilience and Hazards) 2021	
Chapter 4 Remediation of Land	<p>As the subject sites are within established residential areas, they are not considered likely to comprise any significant land risk of contamination.</p> <p>Furthermore, a review of Council's internal illegal dumping records indicates no reported instances of</p>

	dumping involving contaminated or hazardous materials. Where instances of dumping have been recorded, these relate solely to domestic waste and have been managed and disposed of in accordance with Council's policies and procedures. The nature of these records is consistent with that typically observed in established suburban residential areas, and all incidents were investigated and remediated in accordance with Council policy.
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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 following table.

Table 5. Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. PLANNING SYSTEMS	
1.1 Implementation of Regional Plans	The planning proposal is consistent with the HRP. It will provide additional infill residential development opportunities and utilising existing infrastructure and services.
4. RESILIENCE AND HAZARDS	
4.1 Flooding	<p>Only the following sites are identified as flood prone land:</p> <ul style="list-style-type: none"> • 4 Payton Street, Raymond Terrace. • A-1 Mount Hall Road, Raymond Terrace. • 154 Rocky Point Road, Fingal Bay. <p>The flood hazard categories for these sites is shown in flood certificate map extracts in a following section of this planning proposal.</p> <p>4 Payton Street, Raymond Terrace is proposed for rezoning and reclassification. It is within the Low Hazard Flood Fringe area and a Low Hazard Overland Flow Path traverses through a part of the site, however there is sufficient area for a future dwelling to be considered.</p> <p>A-1 Mount Hall Road, Raymond Terrace is already zoned residential. Part of the site is High Hazard Overland Flow Path, however there is a sufficient</p>

	<p>part of the site that is flood free for a potential future dwelling to be considered.</p> <p>154 Rocky Point Road, Fingal Bay is already zoned residential and is mapped as minimal risk flood prone land.</p> <p>Direction 4.1 contains provisions allowing certain inconsistencies under specific conditions. Relevant circumstances include support from both the Floodplain Development Manual 2005 and a floodplain risk management study or plan adopted by the relevant council. The sites identified in this planning proposal that are flood prone are considered to meet these criteria.</p> <p>Any inconsistency of the planning proposal with this direction is of minor significance for the reasons set out in this planning proposal. Information is provided which demonstrates that future potential development is able to respond to flood constraints for each relevant site.</p>
<p>4.3 Planning for Bushfire Protection</p>	<p>154 Rocky Point Road, Fingal Bay is the only site mapped as bushfire prone land and is already zoned R2 Low Density Residential. The reclassification of this site from Community to Operational land will result in a currently vacant parcel of land within an established residential area to be sold. Any future development on the site will need to demonstrate it can satisfy the requirements of the NSW Rural Fire Service Guideline Planning for Bush Fire Protection 2019.</p> <p>The planning proposal has been referred to the NSW Rural Fire Service for comment.</p>
<p>4.4 Remediation of Contaminated Land</p>	<p>The sites are located within established residential areas, and are not considered to contain contaminated land or present a significant risk from potentially contaminated land.</p> <p>These lands have been designated as community land since their transfer into Council ownership and have not been subject to any of the uses listed in Table 1 of the Contaminated Land Planning Guidelines. They are not located within an investigation area within the meaning of the Contaminated Land Management Act 1997.</p> <p>Furthermore, a review of Council's internal illegal dumping records indicates no reported instances of on any dumping of contaminated or hazardous materials. The nature of these records is consistent</p>

	<p>with that typically observed in established suburban residential areas, and all incidents were investigated and remediated in accordance with Council policy.</p> <p>Accordingly, the sites do not meet the threshold for the application of Ministerial Direction 4.4.</p>
<p>4.5 Acid Sulfate Soils</p>	<p>The planning proposal does not seek to rezone sites with a high risk of acid sulfate soils. The planning proposal is consistent with this direction.</p>
<p>5. TRANSPORT AND INFRASTRUCTURE</p>	
<p>5.1 Integrating Land Use and Transport</p>	<p>The subject sites are all infill residential development within established residential areas and are consistent with the objectives of this direction.</p> <p>Although 154 Rocky Point Road lacks direct road frontage, the adjoining Council Road Reserve to the north provides sufficient space for driveway access. Several potential driveway locations are available, with one shown below. The 6m gap between the power pole and lot easily accommodates a standard 3m driveway in accordance with Australian Standards.</p>  <p>The road reserve and site are both within Council ownership, therefore access can be provided in the instance of the site being sold. Specifications can be addressed at DA stage.</p>
<p>5.2 Reserving Land for Public Purposes</p>	<p>The planning proposal seeks to reclassify each of the sites from Community land to Operational land. The effect is the sites will no longer be reserved for public purposes and they may be disposed of (sold) or used for operational purposes if the planning proposal proceeds.</p> <p>Four of the subject sites are already zoned R2 Low</p>

	<p>Density Residential, whilst four of the subject sites are proposed to also be rezoned from RE1 Public Recreation to R2 Low Density Residential in addition to their reclassification.</p> <p>All of the sites have been identified as being surplus Council-owned land following a strategic review, including the preparation of the Port Stephens Recreation Strategy adopted by Council 13 November 2018.</p> <p>A Council resolution dated 11 October 2022 gave approval for the preparation of this planning proposal to reclassify and rezone the sites.</p> <p>Any inconsistency of the planning proposal with this Direction is of minor significance.</p>
6. HOUSING	
6.1 Residential Zones	<p>The proposal seeks to facilitate infill housing within existing residential areas with access to infrastructure and services and is consistent with this direction.</p>

Site-specific merit

Section C – Environmental, social and economic impact

Potential environmental, social and economic impacts are identified below.

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?

An Ecological Assessment Report has been prepared by Wildthing Environmental Consultants and accompanies this planning proposal. It focuses on three of the eight sites (4 Payton Close, Raymond Terrace; 101 Kindlebark Drive, Medowie and 154 Rocky Point Road, Fingal Bay). The report investigates these sites in detail and includes potential building envelopes. These building envelopes are not proposed as formal controls at this stage, they serve to demonstrate that the sites can potentially be developed and avoid or minimise impacts on biodiversity.

The Ecological Assessment Report found that:

- Vegetation was found to be in varying quality within all subject lands.
- On some sites, high incursion of weed species was present.
- No threatened flora species were recorded within the survey area during fieldwork.

- The planning proposal would not have any Serious and Irreversible Impact (SAIL) upon the fourteen potential SAIL entities known to occurring with the subject areas.

The investigation found specifically in relation to Port Stephens Comprehensive Koala Plan of Management (CKPoM) that the proposal would result in the following:

- Removal of up to 0.01ha of Preferred Koala Habitat from 4 Payton Street, Raymond Terrace.
- Removal of 0.05ha of 50m Buffer over mainly cleared land from 4 Payton Street, Raymond Terrace.
- Removal of up to 0.001ha of Supplementary Koala Habitat from 154 Rocky Point Road, Fingal Bay.
- No areas of habitat are likely to become significantly fragmented or isolated from other areas of habitat because of the planning proposal.

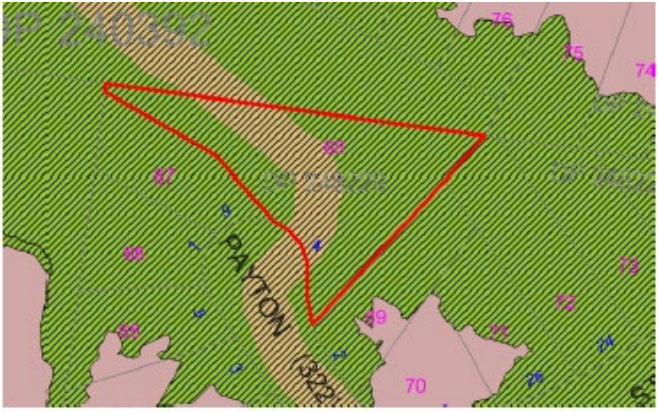
Several recommendations including the retention of Preferred Koala Feed Trees wherever possible, planting of compensatory Koala Feed Trees and allowing the safe movement of Koalas have been provided to help reduce the impact of the proposal on the Koala. These measures are outlined in the Ecological Assessment Report.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As described in this planning proposal and as shown below, only three of the sites are identified as flood prone to varying extents (4 Payton Street, Raymond Terrace; A-1 Mount Hall Road, Raymond Terrace; 154 Rocky Point Road, Fingal Bay).

Overall, the Port Stephens Floodplain Risk Management Policy recognises that appropriately developed flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.

The information provided in this planning proposal demonstrates that future development is able to respond to flooding constraints for each site with a future development application. This includes including the ability to respond to future development assessment objectives and controls set by Chapter B4 Flooding of the Port Stephens Development Control Plan 2025 (DCP).

<p>4 Payton Street, Raymond Terrace</p>	<p>Flooding extent</p>
<p>4 Payton Street, Raymond Terrace</p> <p>Flood Hazard Hydraulic Categories</p> <ul style="list-style-type: none"> Minimal Risk Flood Prone land Flood Planning Level Low Hazard Flood Fringe area Low Hazard Flood Storage area Low Hazard Overland Flow Path area Low Hazard Floodway area High Hazard Flood Fringe area High Hazard Flood Storage area High Hazard Overland Flow Path area High Hazard Floodway area 	
<p><u>Flood risk response</u></p> <p>As shown in the above figure, the site is located within the Low Hazard Flood Fringe Area, with the central extent intersected by a Low Hazard Overland Flow Path. Council acknowledges that the site is flood-prone land below the flood planning level and that it forms part of a broader catchment which conveys runoff through Vogele Place Reserve to Payton Street. It is critical that this major flow path be retained and not impeded.</p> <p>It is anticipated that any future development would be restricted to the Low Hazard Flood Fringe Area, with the overland flow path appropriately managed and integrated into the site design. The eastern portion of the site can accommodate a residential building footprint while providing safe access and egress and without impeding the existing flow path. Future development will be required to demonstrate, through a detailed Flood Impact Risk Assessment, that the overland flow path is preserved and that no adverse impacts occur to adjoining properties, consistent with DCP Chapter B4 Flooding.</p> <p>Reclassification and rezoning of the site do not in themselves authorise physical works or alter existing flood behaviour. Rather, they recognise the site's flood-related constraints while allowing future, site-specific assessment to determine how risk can be appropriately managed. This approach aligns with Planning Circular PS 24-001, which promotes a risk-based approach to land use planning and supports consideration of development within low-hazard flood fringe areas where flood risks can be effectively mitigated.</p> <p>The proposal therefore allows the land's classification and zoning to be aligned with the surrounding residential context while ensuring that the drainage function through Vogele Place Reserve to Payton Street is maintained and appropriately addressed at the development application stage. The following figure provides an indicative footprint for a future dwelling.</p>	



<p>A1 Mount Hall Road, Raymond Terrace</p>	<p>Flooding extent</p>
<p>A1 Mount Hall Road, Raymond Terrace</p> <p>Flood Hazard Hydraulic Categories</p> <ul style="list-style-type: none"> Minimal Risk Flood Prone land Flood Planning Level Low Hazard Flood Fringe area Low Hazard Flood Storage area Low Hazard Overland Flow Path area Low Hazard Floodway area High Hazard Flood Fringe area High Hazard Flood Storage area High Hazard Overland Flow Path area High Hazard Floodway area 	
<p><u>Flood risk response</u></p> <p>The site is already zoned R2 Low Density Residential, permitting a dwelling house (with development consent). The site is proposed to be reclassified from Community to Operational land to enable its potential future sale and development.</p> <p>This site is indicated as having a High Hazard Overland Flow Path on the western portion of the site. A large area of the site (approximately 330m²) in the easternmost portion is flood free and can accommodate residential development. The site topography allows a suitable building footprint that will not impede overland flow.</p> <p>Future development will be able to respond to the objectives and development controls of DCP Chapter B4 Flooding. Any filling (if required) would be minimal. Site access can be provided directly to Mount Hall Road similar to the immediately adjoining dwellings. A Flood Impact Risk Assessment could be provided with a future development application (if required).</p>	

An indicative building footprint of approximately 150m² within the flood free part of the site is provided below for reference.



To maintain the overland flow path, a potential solution could relate to fencing being permeable to not obstruct conveyance of overland flow, and access to Mount Hall Road suitably engineered. Site-specific flood management responses will be provided at the development application stage.

Reclassification of the entire lot is sought to avoid fragmented landholdings and reduce ongoing Council maintenance responsibilities, while enabling an integrated design response to flooding, access, and drainage across the site. The flood-affected portion of the site is also required to remain operational to facilitate site coverage and landscaping calculations for any future development application. This approach ensures a consistent planning outcome that aligns with the adjoining residential development. It is noted that reclassification does not permit development but rather allows future design and flood management measures to be appropriately addressed at the development application stage in accordance with DCP Chapter B4 Flooding.

154 Rocky Point Road, Fingal Bay	Flooding extent
<p>154 Rocky Point Road, Fingal Bay</p> <p>Flood Hazard Hydraulic Categories</p> <ul style="list-style-type: none"> Minimal Risk Flood Prone land Flood Planning Level Low Hazard Flood Fringe area Low Hazard Flood Storage area Low Hazard Overland Flow Path area Low Hazard Floodway area High Hazard Flood Fringe area High Hazard Flood Storage area High Hazard Overland Flow Path area High Hazard Floodway area 	

This site is indicated as a Minimal Risk Flood Prone Land. It is not within the Flood Planning Area.

The site is already zoned R2 Low Density Residential, permitting a dwelling house (with development consent). The site is proposed to be reclassified from Community to Operational land to enable its potential future sale and development.

Any flood risk is very minor and can be addressed with a future development application.

Although the site is identified as flood-prone, its location outside the FPL and within a designated low-hazard area indicates a lower residual flood risk. In accordance with Planning Circular PS 24-001, development in such areas is generally considered acceptable, provided key flood-related risks are appropriately managed. These matters will be addressed in further detail at the development application stage.

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

The planning proposal has the potential for positive social economic and environmental effects by making the sites available for housing opportunities.

The proposed reclassification rezoning of sites by this planning proposal is a result of a strategic review of open space assets, which found these parcels to be surplus to local open space needs.

Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

All sites are infill parcels located with established R2 Low Density Residential suburban areas with existing access to 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 agencies is being undertaken in accordance the Gateway determination.

The NSW Department of Climate Change, Energy, the Environment and Water - Conservation Programs Heritage and Regulation Group (DCCEEW – CPHR) provided the following comments:

- Biodiversity - subject to the adoption recommendations provided within the Ecological Assessment Report (e.g. retention of koala feed trees and hollow-bearing trees through adjustments of the proposed building envelopes), the planning proposal can proceed to the next stage of assessment.
- Flooding - subject to the comments in the strategic planning assessment report (e.g. placing future development to avoid any flow paths through the property, rezoning only part of the property that is not flood affected, considering flood-related constraints and risks across the full range of relevant design events), the planning proposal can proceed to the next stage of assessment.

Comment is being sought from the NSW Rural Fire Service.

PART 4 - Maps

The proposed Land Zoning, Height of Buildings and Lot Size LEP map layer amendments are shown in 'PART 2 – Explanation of provisions' of this planning proposal and relate to the following sites:

- 1B Jessica Close, Raymond Terrace.
- 4 Payton Street, Raymond Terrace.
- 20 Benjamin Lee Drive, Raymond Terrace.
- 27 Campbell Avenue, Anna Bay.

The proposal seeks to amend the LEP maps to rezone the above sites R2 Low Density Residential, apply a 9m height of building limit and 500m² minimum lot size. The other sites in this planning proposal are already zoned R2 Low Density Residential and do not require LEP mapping changes.

The LEP Land Reclassification (Part Lots) Map would be amended to identify that the southern rectangular part of 124 Benjamin Lee Drive, Raymond Terrace (Lot 3082 DP 786401) is Operational land. The other sites in this planning proposal would be reclassified to Operational land in their entirety and would be listed in LEP Schedule 4 'Classification and reclassification of public land' and would not require LEP mapping changes.

PART 5 – Community consultation

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

The planning proposal will be made available on Council's website and the NSW Planning Portal.

A public hearing will be held for the proposed reclassification of the sites.

PART 6 – Project timeline

The following timeline is intended for completing the proposal:

	Jan 2026	Feb 2026	Mar 2026	April 2026	May 2026	June 2026	July 2026	Aug 2026	Sept 2026	Oct 2026
<i>Council decision</i>										
<i>Gateway Determination</i>										
<i>Pre-exhibition</i>										
<i>Public Exhibition</i>										
<i>Public Hearing</i>										
<i>Consideration of submissions</i>										
<i>Post-exhibition review and Council report</i>										
<i>Gazettal of LEP amendment</i>										