



# 96-100 Port Stephens Street Raymond Terrace Planning Proposal

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

Lot 1 DP 194796 (96 Port Stephens Street)  
Lot 1 194754 (98 Port Stephens Street)  
Lot 1 DP 195285 (100 Port Stephens Street)



**PORT STEPHENS**  
COUNCIL

## FILE NUMBERS

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**Council:** 58-2019-5-1  
**Department:** To be provided at Gateway determination.

## SUMMARY

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**Subject land:** Lot 1 DP 194796 (96 Port Stephens Street)  
Lot 1 DP 194754 (98 Port Stephens Street)  
Lot 1 DP 195285 (100 Port Stephens Street)

**Proponent:** Bamreta Pty Ltd (c/o Monteath and Powys Pty Ltd)

**Proposed changes:** Amend the mapping in the Port Stephens Local Environmental Plan 2013 to:

- Rezone the subject land from R2 Low Density Residential to B3 Commercial Core
- Remove the 9m maximum building height restriction (consistent with the resolution of Council at its meeting on 23 June 2020)
- Remove minimum lot size provisions for the subject land (consistent with other commercially zoned land).

**Area of subject land:** 2,000m<sup>2</sup> (approximate)

## SITE

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The site has an area of 2,000m<sup>2</sup> and is currently used as a hard stand area/car park. It is located in the town centre of Raymond Terrace, on the southwest corner of the roundabout intersection of Port Stephens Street and Glenelg Street.

Nearby surrounding land uses include squash courts, residential dwellings, a supermarket and carpark, Raymond Terrace War Memorial Park (ANZAC Park), the Raymond Terrace Bowling Club, the Community Health Centre, and Service NSW. Between the site and William Street (the main street) along Port Stephens Street are a range of commercial premises and business uses, and two residential dwellings.

There are some medium to large individual trees located on the periphery of the site.

The site is identified as flood prone, similar to other land in the Raymond Terrace town centre zoned and developed for commercial use.

The site is within the Raymond Terrace Heritage Conservation Area however there are no items of heritage significance located on the land. Nearby heritage items, listed as being of local significance, include the Raymond Terrace War Memorial Park (ANZAC Park) on the opposite side of Port Stephens Street and the Canary Island Date Palms (Adam Place) along Port Stephens Street.

The Raymond Terrace and Heatherbrae Strategy identifies the land as a 'catalyst site' and suitable for redevelopment to revitalise the town centre. Raymond Terrace has a prominent role locally and in the region, and is recognised as a strategic centre in local and regional plans.

Figure 1. Site location



Figure 2. Broader site location



Figure 3. Site and surrounding uses



Figure 4. Site photo



## **PART 1 – Objectives or intended outcomes**

The objective of the planning proposal is to amend the Port Stephens Local Environmental Plan 2013 (LEP 2013) to enable the redevelopment of the site for commercial uses consistent with the Raymond Terrace and Heatherbrae Strategy.

## **PART 2 – Explanation of provisions**

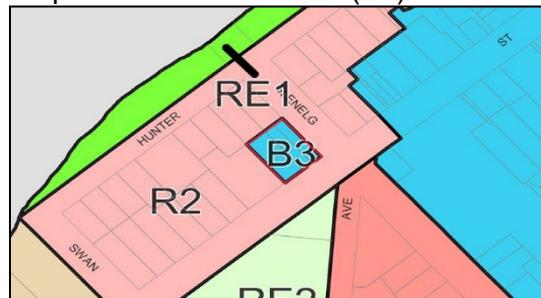
The objective of the planning proposal will be achieved by the following amendments to the LEP 2013:

- Amending the Land Zoning Map for the site from R2 Low Density Residential to B3 Commercial Core.
- Amending the Height of Building Map for the site to remove the 9m maximum building height restriction (consistent with the resolution of Council at its meeting on 23 June 2020).
- Amending the Lot Size Map for the site from 500m<sup>2</sup> to remove minimum lot size provisions (consistent with other commercial-zoned land in the LEP 2013).

Existing land Use Zone (R2)



Proposed Land Use Zone (B3)



Existing Max. Height of Building (9m)



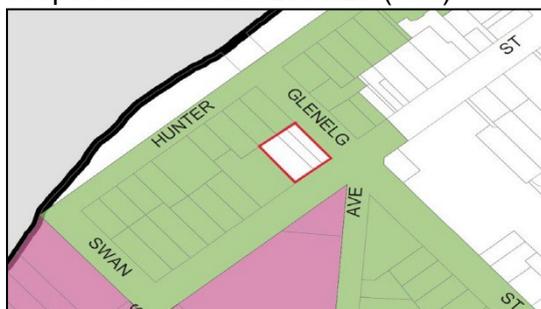
Proposed Max. Height of Building (unrestricted)



Existing Minimum Lot Size (500m<sup>2</sup>)



Proposed Minimum Lot Size (N/A)



## **PART 3 – Justification**

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### **Section A – Need for the planning proposal**

#### **Q1. Is the planning proposal a result of any strategic study or report?**

Yes. The planning proposal is the result of the identification of the land as a 'catalyst site' suitable for future commercial uses in the Raymond Terrace and Heatherbrae Strategy. A key action in the Strategy is to promote catalyst sites for commercial development to underpin William Street and town centre economic activity (Action 3). A key direction is for Council to facilitate the development of catalyst sites (Direction 2.3).

The Greater Newcastle Metropolitan Plan and the Hunter Regional Plan identify Raymond Terrace as a strategic centre. Facilitating the development on the site will assist in reinforcing its prominent role locally and in the region.

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

This section seeks to provide a summary of the available options to achieve the objective of the planning proposal. The preferred means is to rezone the site to B3 Commercial Core, remove the 9m maximum building height restriction (consistent with the resolution of Council at its meeting on 23 June 2020) and remove minimum lot size provisions (Option 1).

Other surrounding sites, that are currently zoned residential, are not directly identified in the Raymond Terrace and Heatherbrae Strategy for redevelopment, and are not included in the planning proposal.

#### **Option 1. Rezone the site to B3 Commercial Core, remove the maximum building height restriction and remove minimum lot size provisions**

This is the preferred means of achieving the objective of the planning proposal. It provides the greatest flexibility for the catalyst site because it will permit, with development consent, the widest range of potential commercial land uses in the B3 Commercial Core Zone.

The objectives of the B3 Commercial Core Zone align closely with the identification of the land as a catalyst site and the opportunity it provides to reinforce and encourage development in Raymond Terrace town centre. The objectives of the B3 Commercial Core zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community
- To encourage appropriate employment opportunities in accessible locations
- To maximise public transport patronage and encourage walking and cycling
- To facilitate the growth of Raymond Terrace as a regional centre.

This option includes removing the 9m maximum building height restriction so that building heights on the site will be "unrestricted" (in accordance with the resolution of Council at its meeting on 23 June 2020) and removing minimum lot size provisions.

## **Option 2. Rezone the site to B3 Commercial Core, increase the permitted height of building to 15m, and remove minimum lot size provisions**

This option achieves the objective of the planning proposal because it provides the greatest flexibility for the catalyst site. It will permit, with development consent, the widest range of potential commercial land uses in the B3 Commercial Core Zone.

The objectives of the B3 Commercial Core Zone align closely with the identification of the land as a catalyst site and the opportunity it provides to reinforce and encourage development in Raymond Terrace town centre. The objectives of the B3 Commercial Core zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community
- To encourage appropriate employment opportunities in accessible locations
- To maximise public transport patronage and encourage walking and cycling
- To facilitate the growth of Raymond Terrace as a regional centre.

This option includes amending the permitted height of building map from 9m to 15m and removing minimum lot size provisions.

Limiting the maximum building height to 15m is inconsistent with the Council resolution of 23 June 2020 to make the limit “unrestricted”.

## **Option 3. Amend Schedule 1 Additional Permitted Uses of PSLEP 2013 to incorporate identified land uses and increase the permitted height of building to 15m.**

This option would identify specific additional uses for the site and retain the current R2 Low Density Residential zone.

This option provides more certainty as to the proposed future use on the catalyst site and avoids the risk of rezoning land so as to permit (with development consent) a potential increase in residential density on flood prone land, because residential flat buildings would be permitted under some commercial zonings.

Potential additional permitted uses consistent with a catalyst site could include one, or a combination of, the following:

- Business premises
- Office premises
- Hotel or motel accommodation
- Serviced apartments
- Public administration buildings

This option is not preferred because it provides limited flexibility for the future use of the site as a number of other uses in the B3 Commercial Core could also be considered compatible on a catalyst site. The proposed commercial use of the land would also be inconsistent with the objectives of the underlying R2 Low Density Residential zone.

This option includes specifying a permitted height of 15m and removing minimum lot size provisions in Schedule 1.

Limiting the maximum building height to 15m is inconsistent with the Council resolution of 23 June 2020 to make the limit “unrestricted”.

#### **Option 4. Retain the existing R2 Low Density Residential Zone**

This option retains the existing R2 Low Density Residential zone. It is not preferred because it severely limits the ability to develop the land as a catalyst site that can contribute to revitalising the town centre.

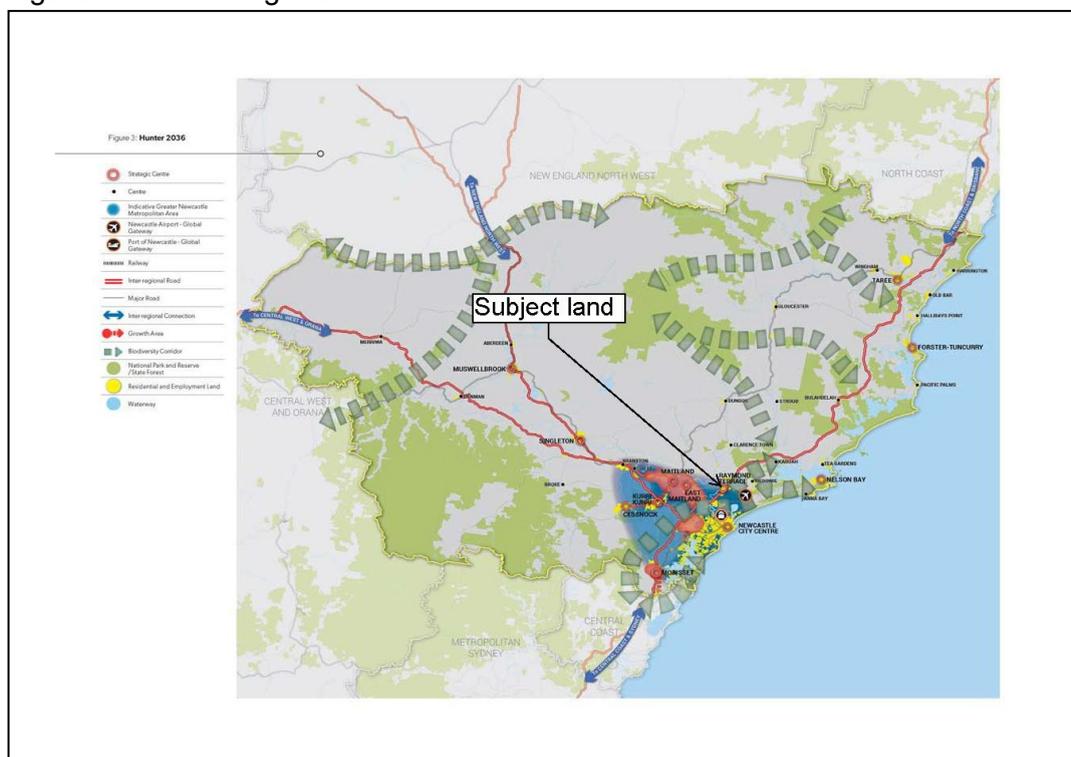
## Section B – Relationship to strategic planning framework

### Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan?

#### Hunter Regional Plan 2036

Yes. The planning proposal is consistent with the vision of the Hunter Regional Plan to create the leading regional economy in Australia. It aligns with Goal 1 of the Hunter Regional Plan and Direction 6 to grow the economy of Port Stephens. The planning proposal supports these outcomes by encouraging the redevelopment of a catalyst site in a regional strategic centre.

Figure 5. Hunter Regional Plan



The Hunter Regional Plan describes strategic centres as the largest centres of activity and employment in the region, containing significant clusters of professional, retail, health and education services that are forecast to be major drivers of the economy in the future. Reinforcing and encouraging development in strategic centres will help sustain their functions and create jobs closer to home (Hunter Regional Plan page 14). The planning proposal will reinforce this role for Raymond Terrace and encourage commercial redevelopment on the site and create the opportunity for more jobs.

The planning proposal is also consistent with the local government narrative for the Port Stephens area specified in the Hunter Regional Plan. The narrative reiterates the role of Raymond Terrace as a strategic centre and lists the following priorities for Raymond Terrace:

- Support its role as the main service centre in Port Stephens, and in providing a range of facilities for surrounding communities, including retailing, government, civic and professional services.

- Investigate increasing social, transport and economic connections to surrounding communities and centres across the Greater Newcastle area.

The planning proposal contributes to achieving these priorities. It will facilitate the redevelopment of a local catalyst site and support the role of Raymond Terrace as the main service centre in Port Stephens. It provides the opportunity to add to, and or support, retailing, government, civic and professional services by encouraging the redevelopment of the site for commercial use. New employees in a future commercial building would provide additional customers for other town centre businesses.

Commercial redevelopment of the site under the proposed B3 Commercial Core zone is a reasonable response to facilitating the redevelopment of the site while responding to Direction 16 'Increase resilience to hazards and climate change' of the Hunter Regional Plan and the following applicable related actions:

- Action 16.1 'Manage the risks of climate change and improve the region's resilience to flooding, sea level rise, bushfire, mine subsidence, and land contamination'.
- Action 16.2 'Review and consistently update floodplain risk and coastal zone management plans, particularly where urban growth is being investigated.'
- Action 16.3 'Incorporate new knowledge on regional climate projections'.

A future commercial development on the site can be designed and assessed to provide resilience to flood hazard and climate change. There are a number of sites that have been recently developed for commercial use in the B3 Commercial Core zone in Raymond Terrace that are subject to the same flood risk category, demonstrating that the site could be redeveloped. Any future development application will need to demonstrate that the proposed development is consistent with the objectives of the NSW Floodplain Development Manual and the range of flood-related land use planning controls are satisfied.

The planning proposal aligns with Direction 23 'Grow centres and renewal corridors' of the Hunter Regional Plan including the following applicable actions:

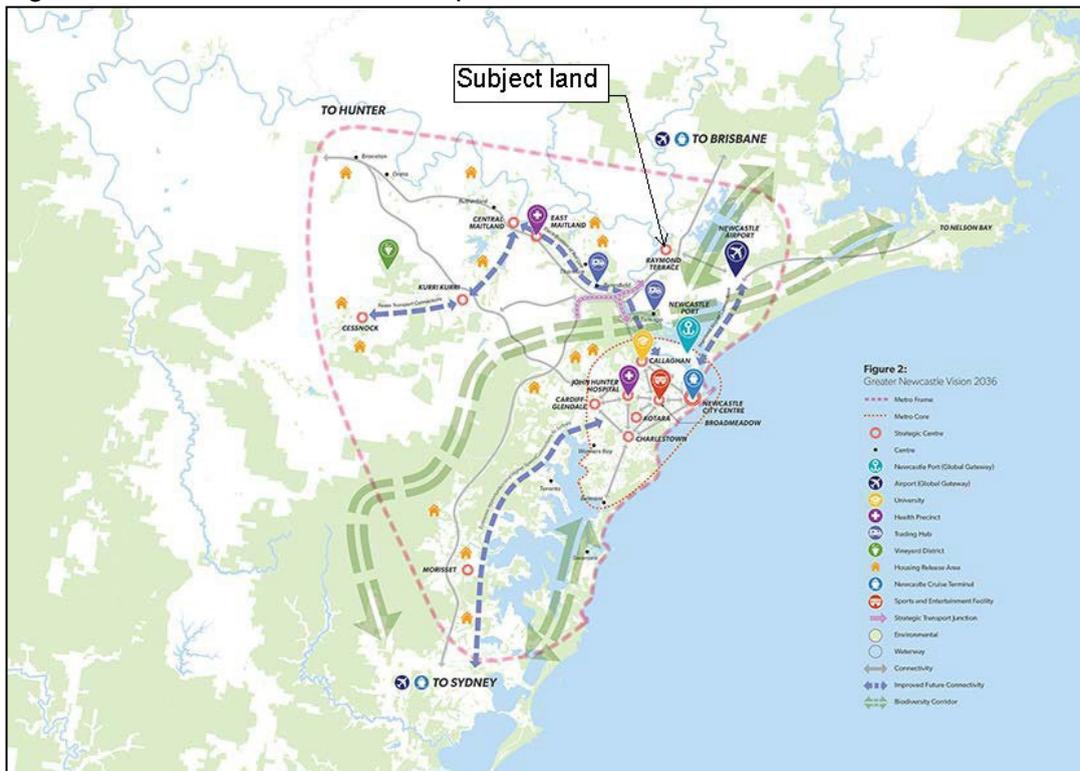
- Action 23.1 'Concentrate growth in strategic centres, local centres and urban renewal corridors to support economic and population growth and a mix of uses'
- Action 23.2 'Development precinct plan for centres to take an integrated approach to transport, open space, urban form and liveable neighbourhoods, and investigate the capacity of centres to accommodate additional housing supply and diversity without compromising employment growth'
- Action 23.3 'Consider improvements to the public transport network when planning new corridors and precincts'
- Action 23.4 'Investigate locations for new and expanded centres, including within the Newcastle-Lake Macquarie Western Corridor and Maitland Corridor growth areas, and in the established urban areas that are projected to have high demand for housing growth'
- Action 23.5 'Focus commercial and retail development within existing centres and transport hubs and ensure that locations for new centres are integrated with existing or planned residential development; do not undermine existing centres; encompass high quality urban design; and consider transport and access requirements'.

The planning proposal aligns with Direction 23 and related actions. It seeks to grow the strategic centre of Raymond Terrace. It supports town centre renewal through investment and redevelopment of a vacant site. A commercial development on the site will integrate with the existing transport network, nearby open space, and the Raymond Terrace town centre neighbourhood.

## Greater Newcastle Metropolitan Plan

The planning proposal is consistent with the vision of the Greater Newcastle Metropolitan Plan for Australia's newest and emerging economic and lifestyle city. Raymond Terrace is within the metro frame and is one of the main strategic centres contributing to the provision of local housing and job opportunities in the region.

Figure 6. Greater Newcastle Metropolitan Plan



The planning proposal aligns with Outcome 1 of the Greater Newcastle Metropolitan Plan to create a workforce skilled and ready for the new economy, including Strategy 9 to plan for jobs closer to homes in the metro frame. The following description is provided in the Greater Newcastle Metropolitan Plan:

*“Greater Newcastle has a range of well-established strategic centres across its metropolitan area which have the potential to accommodate significant growth in the economy and become important residential, employment and entertainment precincts.*

*Cessnock, Central Maitland, Kurri Kurri and Raymond Terrace are emerging city centres that provide convenient access to jobs for the rapidly expanding surrounding communities. They also contain the highest diversity of economic activity, in addition to providing a wide range of services and historic civic functions. These strategic centres will continue to play a critical role in the economic development for the metro core and metro frame.*

*Increasing the numbers of jobs within and near the emerging city centres will assist in meeting the goals in the Hunter Regional Plan, and reduce work related travel and congestion across the metropolitan area. Planning for jobs closer to homes becomes vital as the surrounding population grows, especially in the metro frame.*

*To support job growth, there is a need to attract new business investment that builds on existing strengths of these centres and to leverage opportunities in industries experiencing growth, including health and higher education. This will reinforce*

*economic resilience of Greater Newcastle through maintaining a high diversity of employment.*

*An adequate supply of commercial office space for business is required in city centres, and will need to be monitored by Council's to meet growing demand. Additionally, flexibility for businesses in surrounding residential zones, and the growth of shared work spaces will respond to changing workplace demand."*

In summary, the planning proposal will reinforce the role of Raymond Terrace as a strategic centre, encourage commercial redevelopment on the site, and create the opportunity for more jobs on a catalyst site.

A commercial redevelopment of the site under the proposed B3 Commercial Core zone is a reasonable suitable management response to Strategy 14 'Improve resilience to natural hazards' including the following actions

Action 14.1 Greater Newcastle councils will apply the following principles to land use planning and development assessment decisions:

- Employ risk-responsive land use controls so that new development does not occur in high risk areas
- Ensure coastal dependent development mitigates natural hazards and incorporates resilience measures that have triple bottom line benefits
- Prevent intensive urban development in the Blue and Green Grid
- Ensure the planning for urban development adjoining or interfacing with the Blue and Green Grid addresses the impact of extreme events.

Action 14.2 The Department of Planning and Environment will work with Greater Newcastle councils to plan for a changing climate by:

- Ensuring major redevelopments include a natural hazard risk assessment that incorporates climate change parameters and mitigation/adaptation measures
- Ensuring planning for road upgrades of critical linkages considers sea level rise and flooding, and incorporates resilient design and materials to reduce reconstruction and recovery costs.

A redevelopment of the site under the proposed B3 Commercial Core zone facilitates the redevelopment of the site in a way that can provide resilience to flooding. The site is vacant and located within the town centre that is currently zoned for residential use. The proposed B3 Commercial Core zone is a risk-responsive change to land use planning controls that facilitates redevelopment of the site with triple bottom line benefits.

A new development can be designed and to respond to flood risk, while providing for positive social and economic outcomes through investment in Raymond Terrace town centre. There are a number of examples of sites in Raymond Terrace in the same flood risk category that have been successfully redeveloped for commercial use.

Any future development application will need to demonstrate that the objectives of the NSW Floodplain Development Manual and the range of flood-related land use planning controls are satisfied.

Strategy 16 'Prioritise the delivery of infill housing opportunities within existing urban areas' of the Greater Newcastle Metropolitan Plan has limited application to the planning proposal. The objective of the planning proposal is to encourage the redevelopment of the site for a commercial use (not infill housing). A residential use is very difficult to achieve and unlikely to be supported on the site because of flood risk and associated land use planning controls.

Feasibility testing for height increases for residential uses indicates that market conditions do not currently support viability for higher density residential development in Raymond Terrace.

Alternatively, the planning proposal aligns with Strategy 16 because it seeks to create employment opportunities on land within a strategic centre that can encourage infill residential on other less constrained sites in Raymond Terrace.

### **Assessment Criteria**

a) *Does the proposal have strategic merit? Will it:*

- *give effect to the relevant regional plan outside of Greater Sydney region, the relevant district plan; or*
- *Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.*

Yes. The planning proposal has strategic merit because it will encourage development and employment within a strategic centre recognised in the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan. It seeks to encourage the redevelopment of a catalyst site in the Raymond Terrace and Heatherbrae Strategy. A future commercial development can be designed to manage flood risk.

b) *Does the proposal have site-specific merit, having regard to the following?*

- *the natural environment (including known significant environmental values, resources or hazards); and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

There are no significant environmental values on the site. It is currently used as a hard stand area and car park. There are some individual trees located on the periphery of the site.

The site is prone to flooding, similar to many other sites zoned and used for commercial purposes in Raymond Terrace. Other existing and recent commercial developments in the town centre demonstrate that a feasible flood design solution can be achieved. Further technical investigation of flooding on the site, relevant to the intended commercial zoning, can be provided following a Gateway determination to demonstrate appropriate design outcomes can be achieved to manage flood risk.

The existing use of the site is as a hard stand area or car park. It is located in close proximity to the town centre and any future development would provide occupants with access to goods, services, entertainment and public transport. It is situated on a corner at a roundabout intersection. Surrounding land uses include squash courts, residential dwellings, a supermarket and carpark, Raymond Terrace War Memorial Park (ANZAC Park) and the Raymond Terrace Bowling Club. There is existing commercial development along Port Stephens Street to the north.

The site is in an existing serviced town centre with good levels of public infrastructure. Consultation on servicing a future commercial development on the site will be undertaken with Hunter Water Corporation following any Gateway determination.

**Q4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another local strategy or strategic plan?**

**Raymond Terrace and Heatherbrae Strategy 2015-2031**

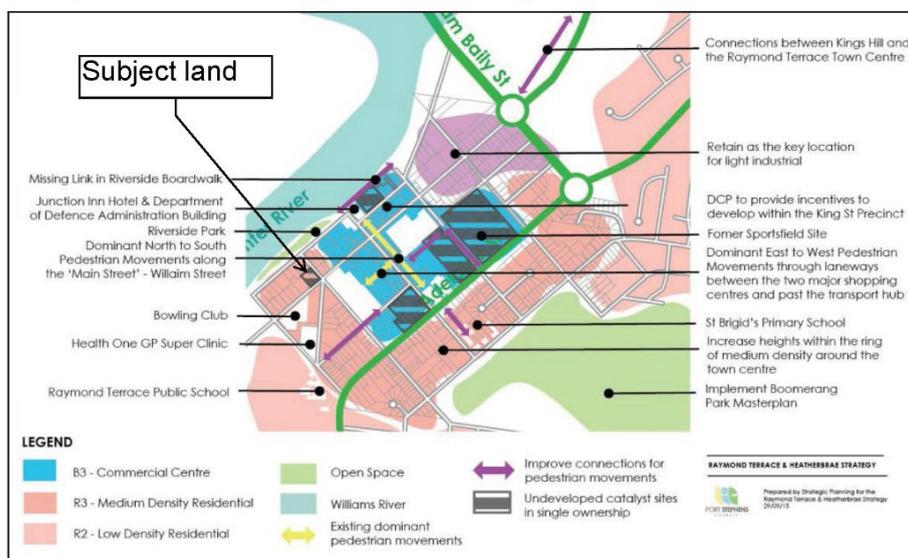
Yes. The planning proposal will give effect to the Raymond Terrace and Heatherbrae Strategy which identifies the land as a catalyst site.

The land is the only remaining catalyst site directly identified by the Raymond Terrace and Heatherbrae Strategy that is not already zoned for commercial development. It is vacant land that is under single ownership. This presents an opportunity to deliver a new commercial development in a timely manner if the land is rezoned. This forms a key basis for its identification as a catalyst site in the Raymond Terrace and Heatherbrae Strategy.

Other surrounding sites, that are currently zoned residential, are not directly identified in the Raymond Terrace and Heatherbrae Strategy for redevelopment, and are not included in the planning proposal. There is the potential to consider other land in a future strategy review.

Figure 7. Raymond Terrace and Heatherbrae Strategy

Figure F: Raymond Terrace – Identification of key precincts, catalyst sites and key pedestrian connections



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The Raymond Terrace and Heatherbrae Strategy sets four overarching goals:

1. A competitive economy with regional services, including transport, health, justice, government, commercial, retail, industrial and entertainment.
2. A city of housing choices with homes that meet our needs and lifestyles with a focus on providing for affordable accommodation, which includes seniors living and student accommodation.
3. A great place to live with quality public and private spaces that are accessible.
4. A resilient city with clear directions for improved social, environmental and economic outcomes.

The planning proposal aligns with these goals by promoting a competitive economy and providing the opportunity for positive economic outcomes and job creation in Raymond Terrace.

The Planning Proposal will implement the applicable directions and actions of the Raymond Terrace and Heatherbrae Strategy in particular:

- Promote catalyst sites for commercial development to underpin William Street as the main street of activity (Action 3)
- Facilitate the development of catalyst sites (Direction 2.3)
- Investigate options to increase the maximum height of buildings at locations zoned R3 and B3 (Action 15)
- Explore the possibilities for activation of undeveloped sites including those identified as catalyst sites (Action 28)

The planning proposal is also consistent with the outcomes described for catalyst sites in the Raymond Terrace and Heatherbrae Strategy, including facilitating redevelopment for commercial purposes.

### **Port Stephens Local Strategic Planning Statement**

The planning proposal aligns with the following planning priorities of the Port Stephens Local Strategic Planning Statement:

- Planning Priority 1 Support the growth of strategic centres and major employment areas including that Council will:
  - proactively develop, implement and monitor the local strategic planning hierarchy incorporating land use planning, infrastructure plans as required to guide future growth
  - support the growth of strategic and local centres with our community through established strategic area Implementation Panels
  - assess rezoning requests for consistency with the economic directions set in local strategies
- Planning Priority 2 Make business growth easier including that Council will:
  - monitor and report on the implementation of town centre strategies in partnership with residents and businesses through established Implementation Panels
  - assess rezoning requests consistent with local strategies, including the Raymond Terrace and Heatherbrae Strategy)

The site is directly identified in the local Raymond Terrace and Heatherbrae Strategy.

Further technical information in relation to flood risks can be provided following a gateway determination to demonstrate the proposal can satisfy Planning Priority 8 Improve resilience to hazards and climate change.

### **Port Stephens Local Housing Strategy ('Live Port Stephens')**

Live Port Stephens has limited application to the planning proposal. Residential use of the site is not the intended outcome.

The proposed B3 Commercial Core zone permits housing (for example 'residential flat buildings'). However the potential use of the site for more intensive residential development is very limited by flood risk.

Feasibility testing for height increases for residential uses indicates that market conditions do not currently support viability for higher density residential development in Raymond Terrace.

Other sites that are flood free are suitable for infill residential development within Raymond Terrace to achieve the outcomes and planning priorities for infill housing sought Live Port Stephens.

## Port Stephens Community Strategic Plan

The planning proposal aligns with the strategic direction of the Port Stephens Community Strategic Plan to create a thriving and safe place to live and the accompanying delivery program to provide land use plans, tools, and advice that sustainably support the community. The planning proposal seeks to achieve these outcomes by encouraging the redevelopment a catalyst site in the Raymond Terrace and Heatherbrae Strategy and contributing towards the revitalisation of Raymond Terrace.

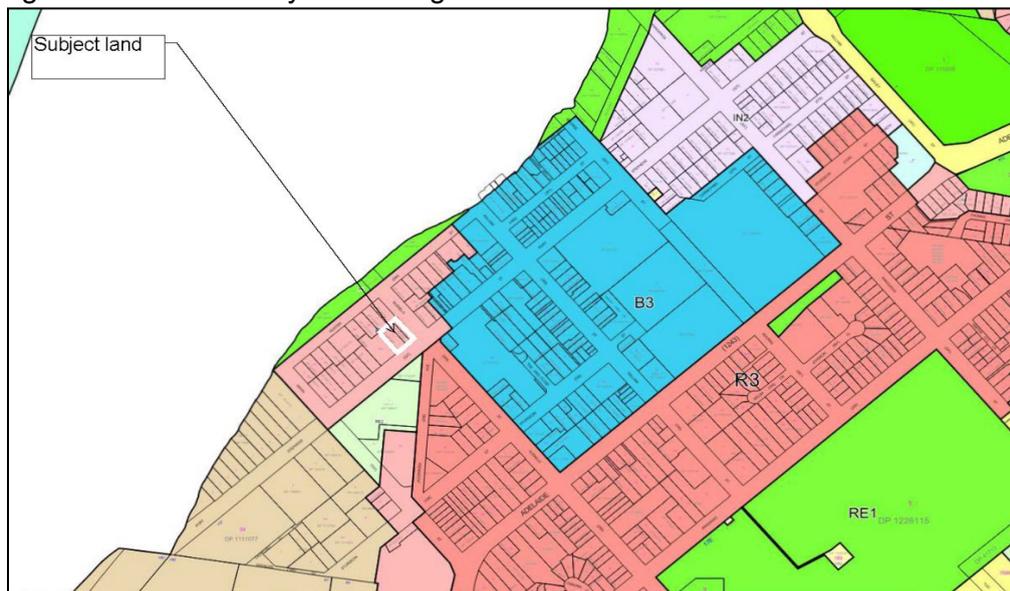
## Port Stephens Commercial and Industrial Lands Study

The Port Stephens Commercial and Industrial Lands Study was completed to inform the preparation of the Port Stephens Planning Strategy and the Port Stephens LEP 2013.

The Commercial and Industrial Lands Study identifies Raymond Terrace as major centre, being a concentration of business, higher order retailing, employment and professional services and generally including civic functions and facilities. It identifies the centre as a focal point for subregional road and transport networks and acknowledges the town centre may service a number of districts. It describes Raymond Terrace as hosting a broad range of industries. It includes the largest amount of government activity in the LGA and a large proportion of business services. The centre provides activities that serve the region, including activities that may be accessed infrequently.

Proceeding with the planning proposal will be a minor addition (2,000m<sup>2</sup>) to the overall area of existing commercially zoned land in the centre (260,000m<sup>2</sup>) on a directly identified catalyst site. The location of the site in relation to existing B3 Core land in Raymond Terrace is shown in the following figure.

Figure 8. Site Proximity to Existing B3 Commercial Core Zone



Commercial development of the site as an outcome of the planning proposal has the potential to act as one of a series of catalysts identified in the Raymond Terrace and Heatherbrae Strategy for the revitalisation of Raymond Terrace and will support existing businesses.

**Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

Ministerial Direction	Consistency and Implications
<p>SEPP 55</p> <p>Remediation of Land (note: refer also to Ministerial Direction 2.6 Remediation of Land)</p> <p>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p>	<p>This SEPP requires a planning authority to consider the potential for contamination and remediation in a planning proposal.</p> <p>The proponent submits that a search of the NSW Environmental Protection Authority website database confirms that no notices or declarations have been issued for the site under the Contaminated Land Management Act 1997 (NSW).</p> <p>Review of previous development approvals do not indicate any contaminating land uses.</p> <p>This SEPP is suitable to be further addressed with a future development application.</p> <p><b>The planning proposal is consistent with this SEPP.</b></p>
<p>SEPP (Coastal Management) 2018</p> <p>The aim of this SEPP is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.</p>	<p>This SEPP applies because the land is within the Coastal Zone.</p> <p>This SEPP has limited application to the planning proposal. The site is currently used as a car park and is located within an existing developed strategic centre, and is not located on waterfront land.</p> <p>The potential future development of the land as a result of the planning proposal is unlikely to have any impact on the coastal zone or the environment.</p> <p>Further consideration of the provisions of this SEPP are suitable to address with a future development application.</p> <p><b>The planning proposal is consistent with this SEPP.</b></p>

## Is the planning proposal consistent with applicable Ministerial Directions?

Ministerial Direction	Consistency and Implications
<b>1. EMPLOYMENT AND RESOURCES</b>	
<p><b>1.1 Business and Industrial Zones</b></p> <p>The objectives of this direction are to: encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified centres.</p>	<p>This direction applies because the planning proposal will affect land within an existing or proposed business zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The direction relevantly provides that a planning proposal must:</p> <ul style="list-style-type: none"> <li>• give effect to the objectives of this direction</li> <li>• retain the areas and locations of existing business and zones</li> <li>• not reduce the total potential floor space area for employment uses and related public services in business zones</li> <li>• ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning, Infrastructure and Environment.</li> </ul> <p>The planning proposal is consistent with this direction because it facilitates the redevelopment of a catalyst site in the Raymond Terrace and Heatherbrae Strategy and supports the role of Raymond Terrace as a strategic centre.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<b>2. ENVIRONMENT AND HERITAGE</b>	
<p><b>2.2 Coastal Management</b></p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>This direction applies because the land is within the Coastal Zone.</p> <p>The site is mapped within the coastal zone. It is located within an existing regional centre located approximately 15km inland from the coast. The site is not located in proximity to any environmentally sensitive areas (for example coastal wetlands).</p> <p>The direction provides that a planning proposal must not rezone land which would enable increased development or more intensive land-use on land that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan. The site is identified as flood prone. Any future development application for a commercial use will need to demonstrate consistency with the objectives of the NSW Floodplain Development Manual and flood-related land use planning controls.</p> <p><b>Any inconsistency of the planning proposal in relation to this direction is of minor significance.</b></p>

<p><b>2.3 Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>This direction applies because the planning proposal is seeking to amend land use planning controls for a site that is within the Raymond Terrace Heritage Conservation Area.</p> <p>The heritage values of the site are limited. It is currently used as a car park. Any future development as a result of the planning proposal can address the heritage development controls and respond to the location of the site within the Raymond Terrace Heritage Conservation Area.</p> <p>Any inconsistency of the planning proposal with this direction is of minor significance and able to be resolved through applicable heritage development controls that will apply to a future development application.</p> <p><b>Any inconsistency of the planning proposal with this direction is of minor significance.</b></p>
<p><b>2.6 Remediation of Land</b></p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>This direction requires a planning authority to consider the potential for contamination and remediation in a planning proposal.</p> <p>The proponent submits that a search of the NSW Environmental Protection Authority website database confirms that no notices or declarations have been issued for the site under the Contaminated Land Management Act 1997 (NSW).</p> <p>Review of previous development applications for the site provide no indication of a previous use that would contaminate the site or make it unsuitable for a commercial uses. The previous development applications are:</p> <p>Carpark (DA7-1991-5326-001)</p> <p>Markets (DA 7-1994-1719-01)</p> <p>Change of use – Youth drop in centre (DA 7-1990-4838-001)</p> <p>Consistency with this SEPP can be demonstrated through a preliminary report provided after a Gateway determination.</p> <p><b>The consistency of the planning proposal with this direction can be confirmed by undertaking a preliminary investigation following a Gateway determination.</b></p>

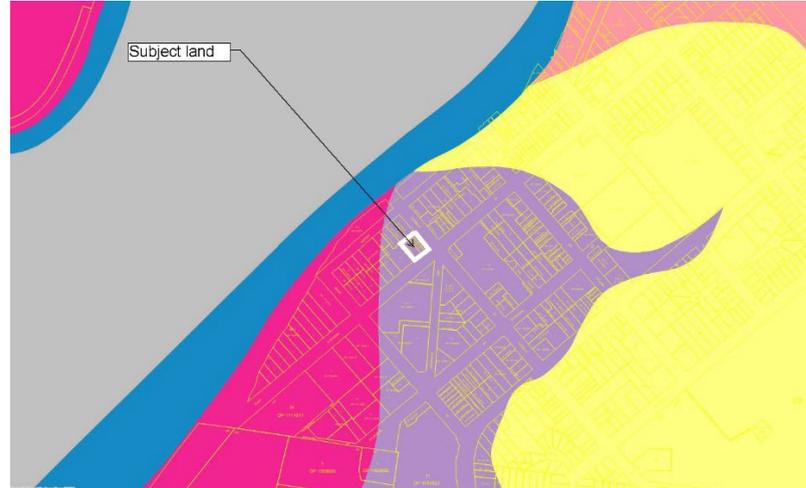
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>	
<p><b>3.1 Residential Zones</b></p> <p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p>	<p>This direction applies because the planning proposal will affect land within an existing residential zone.</p> <p>The objective of the planning proposal is to develop the land for commercial use.</p> <p>The proposed B3 Commercial Core zone permits housing (for example 'residential flat buildings'). However the potential use of the site for more intensive residential development is limited by flood risk and stringent land use planning controls for development applications for residential use of high hazard flood prone land.</p> <p>Feasibility testing for height increases for residential uses indicates that market conditions do not currently support viability for higher density residential development in Raymond Terrace.</p> <p>The planning proposal is consistent with this direction because it will make commercial land available that is in close proximity to existing residential areas.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>This direction applies because the planning proposal will alter a zone relating to urban land by seeking to rezone the site from R2 Low Density Residential to B3 Commercial Core.</p> <p>The planning proposal is consistent with this direction because it seeks to rezone a catalyst site within a strategic centre from low density residential to commercial use. The planning proposal gives effect to, and is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001). A new commercial development on the site will encourage greater use of walking, cycling and public transport in the Raymond Terrace town centre and encourage jobs close to existing housing.</p> <p><b>The planning proposal is consistent with this direction.</b></p>

#### 4. HAZARD AND RISK

##### 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.

Acid sulfate soil maps in the LEP 2013 indicate the site may contain Class 4 acid sulfate soils. Class 1 is the highest risk and Class 5 is the lowest risk.



The risk from acid sulfate soils as a result of the planning proposal is low. The land is within an existing urban area and town centre. The provisions of Clause 7.1 Acid sulfate soils of LEP 2013 will apply to any future development and suitable to manage this issue.

**The planning proposal is consistent with this direction.**

##### 4.3 Flood Prone Land

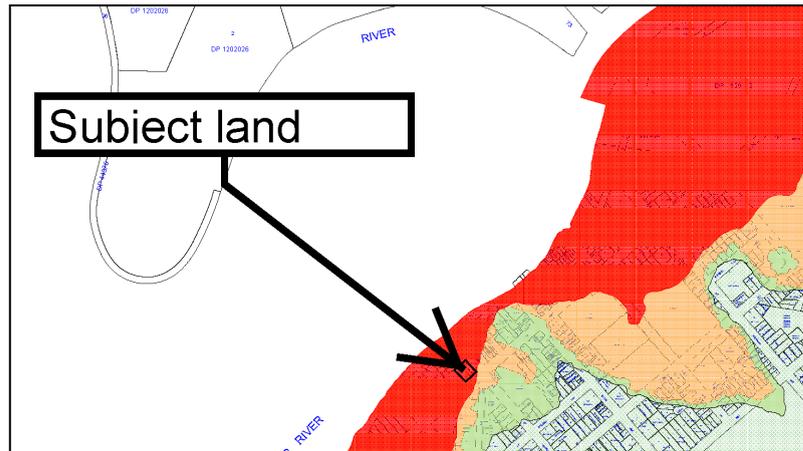
The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Policy and the principles of the Floodplain Development Manual 2005 and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies because the planning proposal seeks to change the zoning of flood prone land. The direction relevantly requires that:

- A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas)
- A planning proposal must not contain provisions that apply to the flood planning areas which:
  - permit development in floodway areas;
  - permit development that will result in significant flood impacts to other properties;
  - permit a significant increase in the development of that land; or
  - are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

Extensive areas in the Raymond Terrace town centre, including the site, are categorised as within a High Hazard Floodway by the Williamtown/Salt Ash Floodplain Risk Management Study and Plan 2017.

The location of the site in relation to flood category is shown in the following figure (red is High Hazard Floodway, orange is High Hazard Flood Storage and green is Low Hazard Flood Fringe). The site located on the edge of the designated High Hazard Floodway.



The planning proposal is inconsistent with this direction because it seeks to permit development within an identified floodway area.

The proposed zoning of the site is B3 Commercial Core. A commercial development on the site could be designed and constructed to be commensurate with flood risk, similar to other existing and recent commercial developments on flood prone land in the Raymond Terrace town centre that demonstrate a feasible flood design solution can be achieved.

The inconsistency with this direction is of minor significance because of the potential social and economic benefits to the Raymond Terrace town centre from the development of a catalyst site for commercial use, in a strategic centre. There will be additional employment with flow on effects to other businesses.

There is a minor risk that a future development application could be sought for a residential use ('residential flat building') under the proposed B3 Commercial Core zone. This risk low for the following reasons:

- The objective of the planning proposal is to enable the redevelopment of the site for commercial uses (not residential use).
- There is low development feasibility for residential flat buildings in Raymond Terrace.
- Stringent land-use planning controls that apply to development applications for residential development on high-hazard flood-prone land.

	<p>Council Flood engineers do not support residential development within the defined Floodway. A development application may only be considered where it demonstrates to have specific community needs/benefits, which do not relate to the provision of housing. Generally, development applications for the provision of housing cannot demonstrate compatibility with the flood hazard present in accordance with the Port Stephens Development Control Plan 2014 (Chapter B5 Flooding), LEP 2013 and the NSW Floodplain Development Manual and therefore are recommended for refusal by the Port Stephens Council Flooding Section.</p> <p>Any future development application generally needs to demonstrate compliance with the objectives of the NSW Floodplain Development Manual and the range of flood-related land use planning controls.</p> <p>Further technical information on the characteristics of flooding at the site, to determine more precisely the boundary of the high hazard floodway and the feasibility of potential design solutions for future commercial development, can be provided following a Gateway determination.</p> <p><b>Further information on flooding characteristics, and consultation with NSW Department of Planning, Industry and Environment (Biodiversity and Conservation Division) on flood matters to address the inconsistency with this direction, is required post Gateway determination.</b></p>
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**5. REGIONAL PLANNING**

<p><b>5.10</b></p> <p><b>Implementation of Regional Plans</b></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in Regional Plans.</p>	<p>This direction applies because the planning proposal seeks to rezone land in a strategic centre identified in the Hunter Regional Plan. The planning proposal is consistent with this direction because it will reinforce the role of Raymond Terrace as a strategic centre and encourage commercial redevelopment on the site and create the opportunity for more jobs. It aligns with Goal 1 of the Hunter Regional Plan to create the leading regional economy in Australia and Direction 6 to grow the economy of Port Stephens, and Direction 23 to grow centre and renewal corridors. The planning proposal supports these outcomes by encouraging the redevelopment of a catalyst site in a strategic centre. The planning proposal aligns with Direction 16 'Increase resilience to hazards and climate change' of the Hunter Regional Plan. A future commercial development on the site can be designed and assessed to provide resilience to flood hazard and climate change, and will be assessed against flood planning requirements for development applications.</p> <p><b>The planning proposal is consistent with this direction. It seeks to promote development and employment in a strategic centre identified in the Hunter Regional Plan. It seeks to achieve the overall intent of the Hunter Regional Plan and does not undermine the achievement</b></p>
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### **Section C – Environmental, social and economic impact**

**Q5. 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?**

No. The site is not mapped on the Biodiversity Values Map and does not contain any preferred Koala habitat. The site is a paved hard stand area carpark, with some native and other planted trees on the periphery of the site.

**Q6. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The site is identified as flood prone land and is categorised as High Hazard Floodway by the Williamtown/Salt Ash Floodplain Risk Management Study and Plan.

Extensive areas within the Raymond Terrace town centre are prone to flooding and developed for commercial uses. This includes developments within the high hazard floodway and flood storage categories. Sites with similar characteristics and flood levels have been suitably developed to manage flood risk, for example along Port Stephens Street, north of William Street. This indicates the potential feasibility of developing the site whilst providing associated social and economic benefits for the Raymond Terrace town centre.

If the LEP 2013 is amended as proposed, future development on the site will also be subject to flood related development assessment considerations. These considerations include the matters for consideration listed in 4.15 *Evaluation of the Environmental Planning and Assessment Act 1979 (NSW)* being:

- the provisions of LEP 2013 (including clause 7.3 *Flood planning*)
- the provisions of Port Stephens Development Control Plan 2014 (Chapter B5 Flooding)
- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- the suitability of the site for the development
- any submissions
- the public interest.

Any future development will need to demonstrate that the objectives of the NSW Floodplain Development Manual and the range of flood-related development controls are satisfied.

The potential flood risk can be addressed through the provision of additional information following a Gateway determination, to demonstrate that the proposed amendments LEP 2013 are acceptable for the site and that measures can be put in place to manage flood risk with a potential future commercial development.

**Q7. Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal is likely to have positive social and economic effects. A commercial development on the site will reinforce the role of Raymond Terrace as a strategic centre, contribute to its revitalisation, encourage redevelopment of the site for commercial purposes and create the opportunity for more jobs on a catalyst site. Its potential for redevelopment is directly acknowledged through its specific identification as a catalyst site in an adopted local planning strategy for the area (the Raymond Terrace and Heatherbrae Strategy) and is a reflection of its location, single ownership, and potential for redevelopment.

A commercial development can provide employment opportunities of a similar scale to the nearby Commonwealth Department of Defence administration centre on the corner of William Street and King Street. Jobs will also be provided during the construction phase.

The potential social and economic benefits of a new commercial development provide justification against the flood risk. There are many examples of recently constructed commercial developments in Raymond Terrace on sites that are subject to the same category of flood risk. These other developments provide evidence of the feasibility to redevelop the site and provide employment opportunities.

The proposed height of a commercial building on the site under an 'unrestricted' height limit will be limited by demand for a proposed commercial end use and development feasibility/market demand. It is important to note that the current built form of the town centre is characterised by low rise, predominantly one and two storey development, indicating that ultimate building height is unlikely to be excessive, irrespective of the proposed 'unrestricted' height limit.

The potential for social impacts of any potential residential development on the site from the flood risk is low, as a result of the planning proposal. Feasibility testing for height increases for residential uses also indicates that market conditions do not currently support viability for higher density residential development in Raymond Terrace. Flood-related planning controls are additionally very restrictive for proposed residential uses in affected areas, and a development application for a 'residential flat building', permitted under the B3 Commercial Core Zone, would not be recommended. Alternatively, redevelopment of flood prone land in a town centre for commercial use provides opportunity for social, economic benefits on otherwise constrained land.

**Section D – State and Commonwealth interests**

**Q8. Is there adequate public infrastructure for the planning proposal?**

There is adequate general public infrastructure to support the planning proposal. There are a range of government and private services already available within the Raymond Terrace town centre. This includes public transport, roads, utilities, health, education and emergency services. Consultation will be undertaken with Hunter Water Corporation in relation to sewer and water services.

**Q9. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The planning proposal will be referred to the following public authorities for consultation following a Gateway determination:

- Hunter Water Corporation on the ability to provide sewer and water services.
- NSW Department of Planning, Industry and Environment (Biodiversity and Conservation Division) to comment on flooding.

## **PART 4 – Mapping**

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The following LEP 2013 current and proposed maps are provided as a separate attachment:

- Current Zoning Map LZN\_6400\_COM\_LZN\_002C\_020\_20190424
- Proposed Draft Zoning Map – Map Amendment to Land Zoning Map – Sheet LZN\_6400\_COM\_LZN\_002C\_020\_20200124 from R2 Low Density Residential to B3 Commercial Core Zone
- Current Lot Size Map LSZ\_6400\_COM\_LSZ\_002C\_020\_20190424
- Proposed Draft Lot Size Map – Map amendment to Lot Size Map – Sheet LSZ\_6400\_COM\_LSZ\_002C\_020\_20200124 from 500m to not applicable
- Current Height of Building Map 6400\_COM\_HOB\_002C\_020\_20190424
- Proposed Draft Height of Buildings Map – Map amendment to Height of Buildings Map – Sheet 6400\_COM\_HOB\_002C\_020\_20200124 from 9m to “unrestricted”.

## **PART 5 – Community consultation**

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

The planning proposal and supporting information will be made available on Council's website.

It is proposed to place the planning proposal on public exhibition for 28 days.

## **PART 6 – Project timeline**

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The following timetable is estimated for the planning proposal:

	Dec 2020	Jan 2021	Feb 2021	Mar 2021	April 2021	May 2021	June 2021	July 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021
<b>Gateway determination</b>												
<b>Additional information</b>												
<b>Public authority consultation &amp; public exhibition</b>												
<b>Address submissions</b>												
<b>Post exhibition Council report</b>												
<b>Finalise the plan</b>												