

## MINUTES ORDINARY COUNCIL - 23 JUNE 2020

Councillor Paul Le Mottee left the meeting at 5:57pm prior to item 2.  
Mayor Ryan Palmer left the meeting at 5:57pm prior to item 2.

The Deputy Mayor chaired the meeting in the absence of the Mayor.

### ITEM NO. 2

FILE NO: 20/164773  
EDRMS NO: 58-2019-5-1

### PLANNING PROPOSAL FOR 96, 98 & 100 PORT STEPHENS STREET, RAYMOND TERRACE

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION  
MANAGER  
GROUP: DEVELOPMENT SERVICES

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#### RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 3**) to amend the Land Zoning Map, Lot Size Map and Height of Building Map under the Port Stephens Local Environmental Plan 2013 at 96, 98 and 100 Port Stephens Street, Raymond Terrace (Lot 1 DP194796, Lot 1 DP194754 and Lot 1 DP 195285) to rezone the land from R2 Low Density Residential to B3 Commercial Core, increase the maximum building height from 9 metres to 15 metres and remove minimum lot size provisions.
  - 2) Forward the planning proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan.
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### ORDINARY COUNCIL MEETING - 23 JUNE 2020 MOTION

110	<p><b>Councillor Ken Jordan</b> <b>Councillor Glen Dunkley</b> It was resolved that Council:</p> <ol style="list-style-type: none"><li>1) Adopt the planning proposal (<b>ATTACHMENT 3</b>) to amend the Land Zoning Map, Lot Size Map and Height of Building Map under the Port Stephens Local Environmental Plan 2013 at 96, 98 and 100 Port Stephens Street, Raymond Terrace (Lot 1 DP194796, Lot 1 DP194754 and Lot 1 DP 195285) to rezone the land from R2 Low Density Residential to B3 Commercial Core, increase the maximum building height from 9 metres to unrestricted and remove minimum lot size provisions.</li></ol>
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## MINUTES ORDINARY COUNCIL - 23 JUNE 2020

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|  | 2) Forward the planning proposal to the NSW Department of Planning, Industry and Environment for a Gateway determination and request authority to make the plan. |
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, Ken Jordan, John Nell and Sarah Smith.

Those against the Motion: Nil.

The motion was carried.

### BACKGROUND

The purpose of this report is to recommend that Council adopt a planning proposal (**ATTACHMENT 3**) to amend the Port Stephens Local Environmental Plan 2013 (LEP 2013) to enable the development of 96, 98 and 100 Port Stephens Street, Raymond Terrace, for commercial uses consistent with the identification of the subject land as a catalyst site in the Raymond Terrace and Heatherbrae Strategy.

A map showing the location of the subject land is provided at (**ATTACHMENT 1**) and a Strategic Planning Assessment Report is provided at (**ATTACHMENT 2**).

The subject land is currently zoned R2 Low Density Residential and the planning proposal seeks to rezone the land to B3 Commercial Core to enable future commercial development as part of the Raymond Terrace town centre. The Raymond Terrace and Heatherbrae Strategy identifies the subject land as a catalyst site suitable for future commercial use to contribute towards the revitalisation of the Raymond Terrace town centre.

A summary of the planning proposal and property details is provided below:

Date lodged:	19 September 2019
Proponent:	Bamreta Pty Ltd (c/o Monteath and Powys Pty Ltd)
Subject land:	96 Port Stephens Street (Lot 1 DP 194796) 98 Port Stephens Street (Lot 1 DP 194754) 100 Port Stephens Street (Lot 1 DP 195285)
Total area:	2,000m <sup>2</sup> (approximate)
Current zoning:	R2 Low Density Residential
Proposed zoning:	B3 Commercial Core
Current maximum building height:	9 metres

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Proposed maximum building height:	15 metres
Current minimum lot size:	500m <sup>2</sup>
Proposed minimum lot size:	No minimum lot size
Relevant local strategy:	Raymond Terrace and Heatherbrae Strategy
Key issues:	Town centre revitalisation: The subject land is identified as a catalyst site in the Raymond Terrace and Heatherbrae Strategy.
	Flooding: The subject land is in a high hazard flood risk category. A flood report will be required at development application stage.
	Heritage: The subject land is in the Raymond Terrace Heritage Conservation Area. The design of any future commercial development will need to respond to heritage planning controls.

**Purpose of the amendment**

The purpose of the planning proposal is to amend the LEP 2013 to enable the development of the site for commercial uses consistent with its identification as a catalyst site in the Raymond Terrace and Heatherbrae Strategy. The planning proposal will extend the commercial uses of the Raymond Terrace town centre to the site. The proposed amendments are consistent with other commercial zoned land in the Raymond Terrace town centre.

**Existing and surrounding uses**

The site is currently a vacant hard stand area and has previously been used as a car park. The site is located on the southwest corner of the roundabout intersection of Port Stephens Street and Glenelg Street, Raymond Terrace. Nearby surrounding uses include squash courts, residential dwellings, a shopping centre and supermarket, Raymond Terrace War Memorial Park (ANZAC Park), the Raymond Terrace Bowling Club, Raymond Terrace Community Health Centre and Service NSW. Between the site and William Street are 2 residential dwellings and a range of commercial uses.

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 of local significance include the Raymond Terrace War Memorial Park (ANZAC Park) and the Canary Island Date Palms (Adam Place) on Port Stephens Street.

Suitability of the subject land

The site is considered suitable for a commercial zoning given its proximity to the Raymond Terrace town centre and surrounding land uses. It is identified as a catalyst site in the Raymond Terrace and Heatherbrae Strategy, suitable for future commercial uses to revitalise the town centre. Commercial development on the site will provide the opportunity for positive economic outcomes and employment opportunities, and will reinforce the role of Raymond Terrace as a strategic centre in Port Stephens and the Hunter region.

The site is identified as flood prone and is within a high hazard floodway risk category, similar to other land in the Raymond Terrace town centre that is zoned and developed for commercial uses. Commercial uses on the site are considered suitable given there are a number of examples of commercial development in the Raymond Terrace town centre that are also within a high hazard flood risk category that demonstrate appropriate management of flood risks. Therefore risks are likely to be able managed through design details at the development application stage.

The site is located in the Raymond Terrace Heritage Conservation Area under the LEP 2013 and the design of any future commercial development will need to respond to heritage planning controls.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2018-2021</b>
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

**FINANCIAL/RESOURCE IMPLICATIONS**

There are no foreseen financial or resource implications for Council as a consequence of the recommendation of this report.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	Yes		Stage 1 planning proposal fee.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		



**LEGAL, POLICY AND RISK IMPLICATIONS**

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that future development on the site will be subject to high flood risk resulting in the development being unviable.	Medium	Adopt the recommendations of this report (a flood report will be required at development application stage to demonstrate flood risks have been appropriately managed).	Yes
There is a risk that redevelopment of the site will not occur if the current R2 Low Density Residential zoning is retained resulting in the development being unviable.	Medium	Adopt the recommendations of this report.	Yes

**Environmental Planning and Assessment Act 1979**

The planning proposal is being processed in accordance with Part 3 of the Environmental Planning and Assessment Act 1979 (NSW). Should Council resolve to adopt the planning proposal it will be forwarded to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination, including a request for authorisation to make the plan.

**Port Stephens Local Environmental Plan 2013**

The planning proposal seeks to amend the LEP 2013 by rezoning the land from R2 Low Density Residential to B3 Commercial Core, increasing the maximum building height from 9 metres to 15 metres, and removing minimum lot size provisions. The proposed amendments are consistent with the provisions that apply to other land zoned for commercial purposes in the Raymond Terrace town centre.

The planning proposal and a potential commercial development on the site is consistent with the objectives of the proposed B3 Commercial Core zone:

- 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 maximize public transport patronage and encourage walking and cycling.
- To facilitate the growth of Raymond Terrace as a centre.

Under the B3 Commercial Core zone there will be flexibility to accommodate a wide range of future commercial uses on the site to meet market demand and support the Raymond Terrace town centre (subject to development consent).

Existing provisions of the LEP 2013 require detailed heritage assessment (clause 5.10) and consideration of flood risks (clause 7.3) for certain development applications and these will continue to apply to the site and any future development applications.

#### Regional Plans

The planning proposal is consistent with the vision and goals outlined in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036. It will reinforce the role of Raymond Terrace as a strategic centre identified by those regional plans by encouraging commercial development and creating opportunities for local employment. Further technical information can be provided at the development application stage to respond to specific regional plan directions to provide resilience to natural hazards such as flooding.

#### Draft Port Stephens Local Strategic Planning Statement

The draft Port Stephens Local Strategic Planning Statement (LSPS) was considered by Council on 11 February 2020 and endorsed for public exhibition. The planning proposal is consistent with the LSPS priorities to support the growth of employment areas and make business growth easier. Further technical information can be provided at development application stage in order to address the LSPS priority to plan for improved hazard resilience, including flooding.

#### Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy 2011 (PSPS) identifies Raymond Terrace as the regional centre for Port Stephens and seeks to enhance its commercial role. It acknowledges that flooding can be a relevant issue and provides that new development should be assessed on a case-by-case basis with regard to flooding. Proceeding with the planning proposal is consistent with the outcomes of the PSPS subject to flooding matters being addressed at development application stage.

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

The planning proposal is consistent with the goals of the Raymond Terrace and Heatherbrae Strategy 2015-2031 to promote a competitive economy and to provide the opportunity for positive economic outcomes and job creation in Raymond Terrace.

The planning proposal will implement the following directions and actions:

- Promote catalyst sites for commercial development to underpin William Street as the main street of activity.
- Facilitate the development of catalyst sites.
- Explore the possibilities for activating catalyst sites.

Rezoning the site will complete actions in the Raymond Terrace and Heatherbrae Strategy and will enable Council to continue implementation of the Raymond Terrace Heatherbrae Strategy.

#### Port Stephens Development Control Plan 2014

Future development on the site will be subject to the provisions of the Port Stephens Development Control Plan 2014 (DCP 2014) including development controls for flooding, parking, heritage and commercial development.

Flood risk is a key consideration and the DCP 2014 provides that new buildings or structures within a high hazard floodway category are not supported unless accompanied by a flood report, which will be provided at development application stage. Although the DCP 2014 does not encourage development within a floodway, an application may be considered where it is demonstrated to have specific community benefits that do not relate to the provision of housing. In this instance the subject land is a catalyst site and the planning proposal seeks to enable development for commercial uses.

#### **SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The planning proposal seeks to deliver positive social and economic benefits for Raymond Terrace by facilitating the commercial development of a catalyst site and providing additional employment opportunities. A future commercial development may provide employment opportunities similar to the nearby Commonwealth Department of Defence administration centre at the corner of William Street and King Street and create the opportunity for positive flow-on effects to surrounding businesses. Economic benefits will also be generated from employment during the construction phase.

There are no significant environmental implications in proceeding with the planning proposal. Any future development application will need to respond to flood risk and address the requirements of the LEP 2013 and the DCP 2014 including the submission of a flood report. There are a number of precedent commercial developments in the same flood risk category in the town centre that have managed to adequately address this risk.

## **CONSULTATION**

### Internal

Internal consultation was undertaken with the Flooding and Drainage unit and Natural Resources unit.

The matters raised by the Flooding and Drainage unit can be addressed through additional detailed information at the development application stage.

The Natural Resources unit advise that no ecological information is required to support the planning proposal.

### External

Consultation with the community and public authorities will be undertaken in accordance with any Gateway determination issued.

It is anticipated that the planning proposal will be exhibited for 14 days, subject to a Gateway determination.

## **OPTIONS**

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

## **ATTACHMENTS**

- 1) Locality Plan.
- 2) Strategic Planning Assessment Report.
- 3) Planning Proposal.
- 4) Maps.

## **COUNCILLORS ROOM**

Note: All relevant technical studies referenced in this report can be inspected upon request.

## **TABLED DOCUMENTS**

Nil.



ITEM 2 - ATTACHMENT 1 LOCALITY PLAN.





## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.



Our Ref: 58-2019-5-1

### STRATEGIC PLANNING ASSESSMENT REPORT

Assessment of written request made to the Council by a person for the preparation of a planning proposal under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

<b>Application No.</b>	58-2019-5-1
<b>Applicant Name</b>	Bamreta Pty Ltd (c/o Monteath and Powys Pty Ltd)
<b>Applicant Address</b>	PO Box 2270 DANGAR NSW 2302
<b>Site Location Details</b>	Lot 1 DP 194796; Lot 1 DP 194754; Lot 1 DP 195285 - 96, 98 and 100 Port Stephens Street RAYMOND TERRACE.
<b>Proposal Summary</b>	Amend Port Stephens Local Environmental Plan 2013 (LEP 2013) to rezone the site from R2 Low Density Residential to B3 Commercial Core, increase the maximum building height from 9m to 15m and remove the site from the Raymond Terrace Heritage Conservation Area.
<b>Eligible for Planning Proposal Preparation?</b>	Yes
<b>Adequate Information?</b>	Yes
<b>Planning proposal to be prepared?</b>	Yes

The application has been reviewed to determine whether it sufficiently addresses the requirements for preparation of a planning proposal under the EP&A Act and guidelines issued under s3.33(3) of the EP&A Act.

### RECOMMENDATION

Based on the information lodged with the application, the LEP amendment proposal is considered to have sufficient merit to warrant preparation of a planning proposal by Council.

It is recommended that a planning proposal be prepared for the LEP amendment proposal and lodged with the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination.

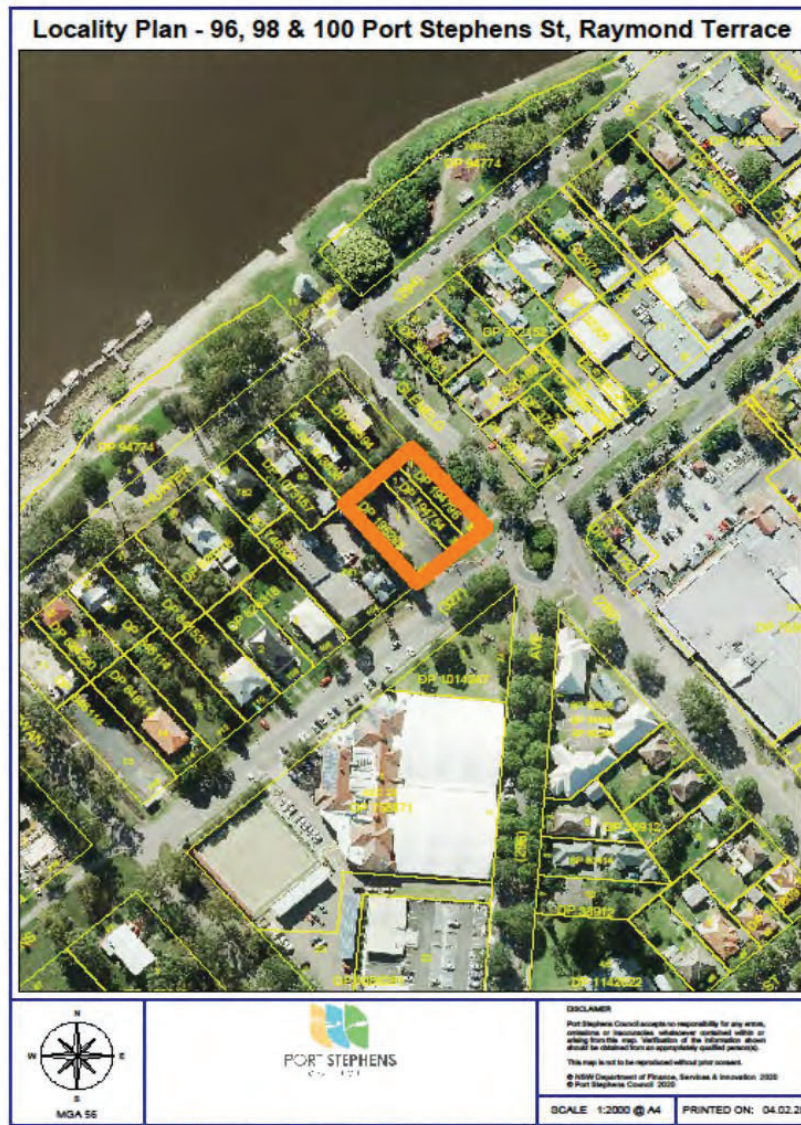
## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

## PRE-LODGEMENT MATTERS

Matter	Comment
1. Consistency with the Raymond Terrace & Heatherbrae Strategy	The planning proposal will need to set out the relationship of the site to the surrounding land.
2. Options to amend LEP 2013	The planning proposal will need to establish the range of potential options for amending the LEP 2013 to achieve the intended outcome.
3. Relationship to surrounding land	The planning proposal will need to consider the relationship of the site to the surrounding land.
4. Site characteristics	The planning proposal should address flood risk in relation to the proposed change in land use planning controls.
5. Social and economic effects	The planning proposal needs to discuss potential social and economic effects.

## INTERNAL REFERRALS

Internal Body	Referral Response
Development Engineers	<p>Flooding – The Williamtown/Salt Ash Floodplain Risk Management Study and Plan (BMT WBM 2017) identifies a Flood Planning Level of 5.8m AHD and High Hazard Floodway category for the site.</p> <p>The planning proposal will need to demonstrate it is in accordance with the floodplain risk management plan for the area and the Floodplain Development Manual 2005 or that the provisions of the planning proposal that are inconsistent with Ministerial Direction 4.3 Flood Prone Land are of minor significance, taking into consideration flooding data and the social and economic benefits of the proposal.</p> <p>The planning proposal will need to address concern that future development within a floodway may result in significant changes to the floodplain as well as posing a significant risk to life of potential occupants living within the floodway.</p> <p>Traffic – No objection to the proposed rezoning. There will be a requirement for a traffic impact assessment, addressing the traffic generating nature of the specific development, to accompany any future development application</p>
Natural Resources	The vegetation on the site is considered unlikely to constitute any significant features or constraints that cannot be resolved at the DA stage. The planning proposal is supported for proceeding without further ecological survey or information.





## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

## INFORMATION ASSESSMENT

TABLE 1 – STRATEGIC MERIT ASSESSMENT

Assessment of technical information

Information	Applicable	Lodged	Adequacy
<b>Considerations under s3.33(2) of the EP&amp;A Act</b>			
Statement of objectives or intended outcomes of the proposed instrument.	Yes	Yes	Adequate. The submitted planning proposal includes the objective to rezone the land to B3 Commercial Core, increase the height limit to 15m.
Explanation of the provisions that are to be included in the proposed instrument.	Yes	Yes	Adequate. The submitted planning proposal adequately describes the intended changes to the mapping in the PSLEP 2013.
Justification for the objectives, outcomes and provisions of the proposed instrument, and whether it will give effect to, or is a product of, a local planning priority or action in an endorsed local strategic planning statement.	Yes	Yes	Adequate. The submitted planning proposal makes reference to the identification of the land as a "catalyst site" in the Raymond Terrace and Heatherbrae Strategy. The Port Stephens Local Strategic Planning Statement was in draft form at the time the planning proposal was submitted.
Maps containing sufficient detail to indicate the substantive effect of the proposed instrument.	Yes	No	The maps included in the information lodged for the LEP amendment request do not adequately identify the substantive effect of the proposed instrument. New maps have been drafted for the planning proposal prepared by Council.

## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

Information	Applicable	Lodged	Adequacy
Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	Yes	Yes	Adequate. The submitted planning proposal does not include details of the community consultation that is proposed to be undertaken. Community consultation requirements can be set by a Gateway determination and are included in the planning proposal.
Projected timeline of the plan making process	Yes	Yes	The submitted planning proposal does not include details of the project timeline describing the plan making process. A projected timeframe for completing the planning proposal can be set by a Gateway determination and is included in the Council planning proposal.
<b>Strategic Planning Context and Strategic Merit</b>			
Assessment of consistency with the Hunter Regional Plan and Greater Newcastle Metropolitan Plan.	Yes	Yes	Adequate. The submitted planning proposal provides general consideration of consistency with the role of Raymond Terrace as a strategic centre in regional plans.
Assessment of consistency with relevant Council strategy (or strategies).	Yes	Yes	Adequate. The submitted planning proposal provides general consideration of consistency with the Raymond Terrace and Heatherbrae Strategy and role of Raymond Terrace in the Port Stephens Planning Strategy.

## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

Information	Applicable	Lodged	Adequacy
<b>Site-Specific Merit</b>			
Does the proposal have site-specific merit, having regard to the natural environment (including known significant environmental values, resources or hazards)?	Yes	Yes	Adequate. The submitted planning proposal acknowledges the location of the site within a high hazard flood category based on information available at the time. It lists the reasons why the potential impact of flooding is reduced for the site and why commercial development should proceed. Further information may be required following a Gateway determination.
Does the proposal have site-specific merit, having regard to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?	Yes	Yes	Adequate. The submitted planning proposal acknowledges the identification of the land as a catalyst site and its location in the town centre. It provides limited discussion on surrounding land uses.
Does the proposal have site-specific merit, having regard to 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.	Yes	Yes	Adequate. The site is within an existing urban area serviced by reticulated sewer and water infrastructure. Consultation will be undertaken with Hunter Water Corporation following Gateway.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

Information	Applicable	Lodged	Adequacy
<b>Site Description/Context</b>			
Aerial photographs	Yes	Yes	Adequate.
Site photos	N/A	No	Site photos are not required for the LEP amendment request.

## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

TABLE 2 – SEPP ASSESSMENT

Assessment against State Environmental Planning Policies (SEPP's)

SEPP	Overview	Applicable	Consistency
SEPP No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	Yes	Adequate. The submitted planning proposal considers this SEPP and advises the NSW Environmental Protection Agency database confirms of no applicable notices or declarations. A preliminary contamination report can be provided following a Gateway determination.
SEPP (Coastal Management) 2018	Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the <i>Coastal Management Act 2016</i> .	Yes	Adequate. The submitted planning proposal relates to land identified within the Coastal Zone Combined Footprint. The submitted planning proposal adequately considers this SEPP.

## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

TABLE 3 – MINISTERIAL DIRECTION ASSESSMENT

Assessment against Ministerial Directions

Ministerial Direction	Overview	Applicable	Consistency
<b>1. Employment and Resources</b>			
1.1 Business and Industrial Zones	<p>Applies to planning proposals affecting existing or proposed business or industrial zone land.</p> <p>By requiring consistency with the objectives of the direction, retention of areas of business and industrial zoned land, protection of floor space potential, and/or justification under a relevant strategy/study; the direction seeks to protect employment land in business and industrial zones, encourage employment growth in suitable locations and support the viability of identified centres.</p>	Yes	Adequate. The submitted planning proposal will encourage employment growth on a catalyst site in a strategic centre.
<b>2. Environment and Heritage</b>			
2.2 Coastal Management	<p>Applies to land within a coastal zone, as defined in the <i>Coastal Management Act 2016</i>.</p> <p>The direction seeks to protect and manage coastal areas of NSW. Proposals must include provisions that give effect to and are consistent with the objects of the <i>Coastal Management Act 2016</i>, the Coastal Management Manual and Toolkit, Coastal Design Guidelines and any relevant Coastal Management Program certified by the Minister.</p>	Yes	Adequate. The planning proposal LEP relates to land within the coastal zone. The submitted planning proposal is consistent with this direction.

## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

Ministerial Direction	Overview	Applicable	Consistency
2.3 Heritage Conservation	Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Yes	<p>Insufficient information and justification is provided in the submitted planning proposal to adequately assess consistency with this direction.</p> <p>Removal of the site from the Raymond Terrace Heritage Conservation Area as proposed in the submitted planning proposal is not supported.</p> <p>Under the Council planning proposal the site will remain in the Raymond Terrace Heritage Conservation Area. The location of the site in the Raymond Terrace Heritage Conservation Area does not prevent the land being used as a catalyst site or its consideration for rezoning. The design of any future commercial development will need to respond heritage planning controls at development application stage.</p>

ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

Ministerial Direction	Overview	Applicable	Consistency
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	<p>Applies to planning proposals affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted.</p> <p>Requires relevant planning proposals to include provisions that encourage housing development, ensures satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).</p>	Yes	<p>Adequate. The submitted planning proposal is consistent with this direction because it will make commercial land available in close proximity to existing residential areas.</p>
3.4 Integrating Land Use and Transport	<p>Requires planning proposals, which seek to create, alter or remove a zone or provision relating to urban land (including land zoned for residential, business, industrial, village or tourist purposes), to be consistent with the aims, objectives and principles of 'Improving Transport Choice – Guidelines for planning and development' and 'The Right Place for Business and Services – Planning Policy' or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).</p>	Yes	<p>Adequate. The submitted planning proposal seeks to introduce provisions into LEP relating to urban land and provides some discussion of consistency with this direction.</p>



ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

Ministerial Direction	Overview	Applicable	Consistency
<b>4. Hazard and Risk</b>			
4.1 Acid Sulfate Soils	Requires the provisions of planning proposals must be consistent with the Acid Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes	Adequate. The site is mapped as potentially containing low risk category acid sulfate soils. The existing provisions of the LEP are suitable to manage any potential risk. The submitted planning proposal adequately addresses this direction.
4.3 Flood Prone Land	Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes	Adequate. The submitted planning proposal provides limited discussion on the reasons why inconsistency with this direction is of minor significance. However, the planning proposal is assessed as suitable for a Gateway determination because the intended commercial zoning may accommodate a development designed and constructed to be commensurate with flood risk, similar to other existing commercial developments on flood prone land in Raymond Terrace. The land is also identified as a catalyst site in a strategic centre with potential social and economic benefits from its redevelopment.

**ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.**

Ministerial Direction		Overview	Applicable	Consistency
<b>5. Regional Planning</b>				
5.10	Implementation of Regional Plans	Requires that planning proposals be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	Adequate. The submitted planning proposal will seek to reinforce the role of Raymond Terrace as a strategic centre.

## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

TABLE 4 – TECHNICAL CONTENT ASSESSMENT

Assessment of technical information (note: no supporting technical studies are considered necessary prior to a Gateway determination for this planning proposal).

Information	Applicable	Lodged	Adequacy
<b>Environmental Considerations</b>			
Acid sulphate soil assessment	Yes	No	An acid sulphate soil assessment is not required to enable preparation of an initial planning proposal.
Flood impact assessment	Yes	No	The potential flood risk can be further addressed through the provision of additional information following a Gateway determination. This information will need to demonstrate that the proposed planning controls are acceptable for the site and that measures can be put in place for future development to manage flood risk.
Contamination assessment	Yes	No	A preliminary contamination report can be provided following Gateway if required.
<b>Social and cultural considerations</b>			
Heritage impact assessment	Yes	No	The site is within and will remain within the Raymond Terrace Heritage Conservation Area. The design of any future commercial development will need to respond to heritage planning controls at development application stage.

## ITEM 2 - ATTACHMENT 2 STRATEGIC PLANNING ASSESSMENT REPORT.

Information	Applicable	Lodged	Adequacy
<b>Infrastructure considerations</b>			
Utility servicing assessment	Yes	No	A utility servicing assessment is not required to enable preparation of an initial planning proposal.

**Note:**

This report has been prepared on the basis of information submitted at the time of lodgement of the LEP amendment request and in consideration of the planning requirements applying at the time of assessment.

**Report prepared by:**

**Report reviewed by:**

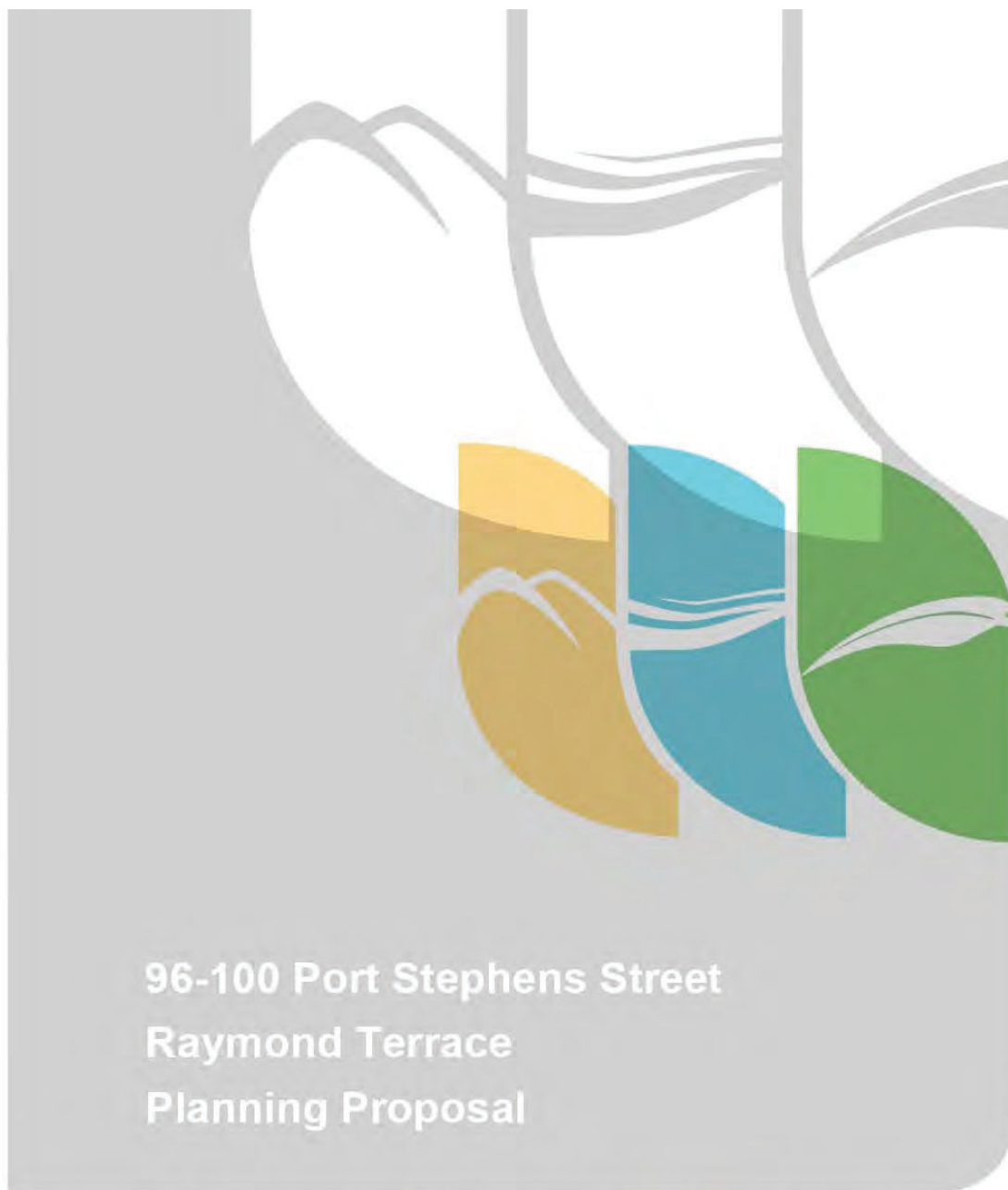
**Matthew Borsato**

Senior Strategic Planner

**Elizabeth Lamb**

Strategic Planning Coordinator

ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.



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)  
Raymond Terrace



**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.****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
- Amend the maximum building height for the subject land from 9m to 15m
- 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 that is zoned and developed for commercial uses.

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.

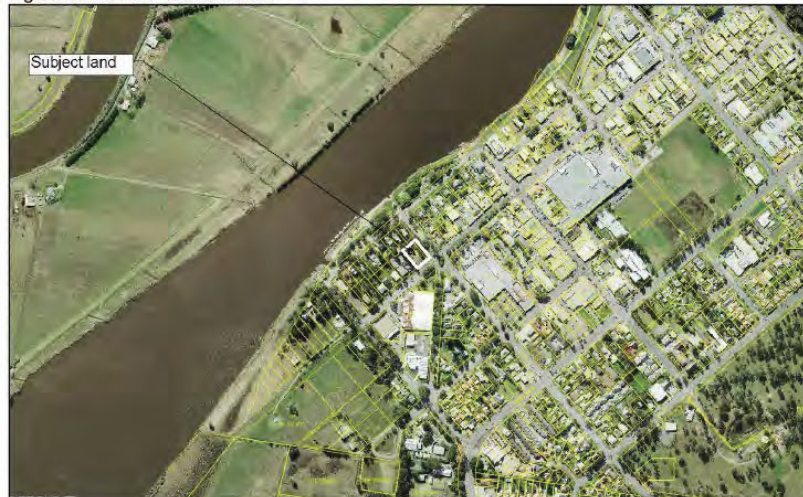
ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.

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





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Figure 3. Site and surrounding uses



Figure 4. Site photo





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**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**

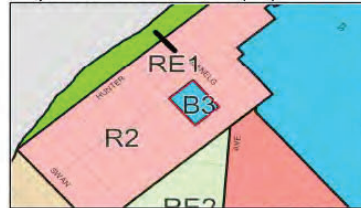
The objective of the planning proposal will be achieved by the following amendments to the LEP 2013:

- 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 from 9m to 15m.
- 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 Height of Building (9m)



Proposed Height of Building (15m)



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



Proposed Minimum Lot Size (N/A)



**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.****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 and to increase the permitted building height to 15m (Option 1).

**1. Rezone the site to B3 Commercial Core and increase the permitted height of building to 15m**

This is the preferred means of achieving the objective of the planning proposal because this option 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 amending the permitted height of building map from 9m to 15m and removing minimum lot size provisions.

**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.****2. 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.

**3. 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.

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**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.



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- 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.

**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.*

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*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.

**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 circumstance s, 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.

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*

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- *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.

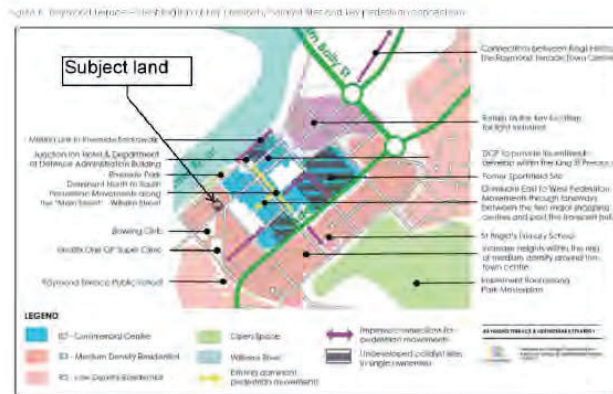
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**Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?**

**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.

Figure 7. Raymond Terrace and Heatherbrae Strategy



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.



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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)
- Explore the possibilities for activation of undeveloped sites including those identified as catalyst sites (Action 28).

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

**(Draft) Port Stephens Local Strategic Planning Statement**

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

- Planning Priority 1 Support the growth of major employment areas; and
- Planning Priority 2 Make business growth easier

Further technical information in relation to flood risks can be provided following any gateway determination to demonstrate the proposal can satisfy Planning Priority 6 Improve resilience to hazards and climate change.

**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 Planning Strategy 2011**

The Port Stephens Planning Strategy was developed at the time that the Lower Hunter Regional Strategy was in place (the Lower Hunter Regional Strategy has now been replaced by the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan). The Port Stephens Planning Strategy identifies Raymond Terrace as the regional centre for Port Stephens and seeks to enhance its commercial role. It acknowledges that flooding is an issue in the town centre, however, each proposal should be assessed on its merits on a case by case basis (Port Stephens Planning Strategy, page 70).

**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.

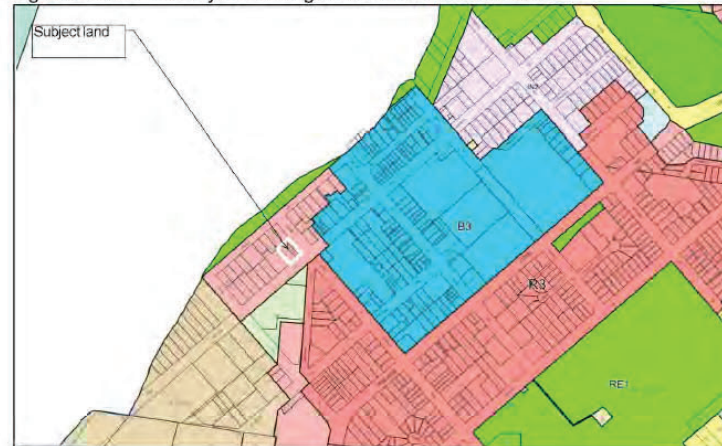
The Commercial and Industrial Lands Study identifies Raymond Terrace as major centre, being a concentration of business, higher order retailing, employment, and

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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.

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

Table 1 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
<p><b>SEPP 55 Remediation of Land</b></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 <i>Contaminated Land Management Act 1997 (NSW)</i>. 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 SEPP can be confirmed by undertaking a preliminary investigation following a Gateway determination.</b></p>
<p><b>SEPP (Coastal Management) 2018</b></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. 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>

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Is the planning proposal consistent with applicable Ministerial Directions?

Table 2 – Relevant Ministerial Directions

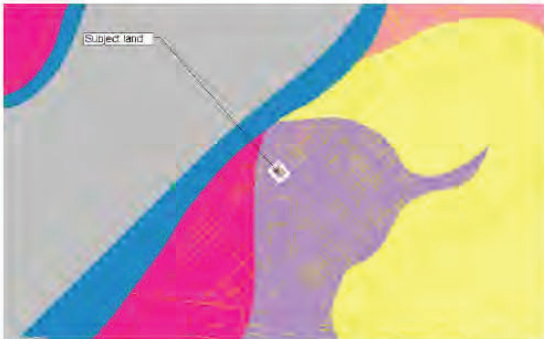
Ministerial Direction	Consistency and Implications
<b>1. EMPLOYMENT AND RESOURCES</b>	
<p><b>1.1 Business and Industrial Zones</b></p> <p>The objectives of this direction are to: encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the 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 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. Flooding is addressed separately in the response to Direction 4.3 Flood Prone Land.</p> <p><b>Any inconsistency of the planning proposal in relation to enabling increased development on flood prone land is addressed separately in the response to Direction 4.3 Flood Prone Land.</b></p>



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<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><b>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 any future development application.</b></p>
<p><b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b></p>	
<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 intention is to develop the land for commercial use.</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>

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<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 <i>Improving transport choice – Guidelines for planning and development</i> and <i>The right Place for Business and Services – Planning Policy</i>. 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>
<p><b>4. HAZARD AND RISK</b></p>	
<p><b>4.1 Acid Sulfate Soils</b></p> <p>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.</p>	<p>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.</p>  <p>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 <i>Acid sulfate soils</i> of LEP 2013 will apply to any future development and suitable to manage this issue.</p> <p><b>The planning proposal is consistent with this direction.</b></p>



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**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. It 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 *Williamstown/Salt Ash Floodplain Risk Management Study and Plan 2017*. The location of the site in relation to flood category and is shown in the following figure (red is high hazard floodway, orange is high hazard flood storage, green is low hazard flood fringe). The site is 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 intended zoning of the site is commercial and 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.

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	<p>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.</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>The inconsistency of the planning proposal with this direction is considered to be of minor significance and can be further investigated following a Gateway determination.</b></p>
<b>5. REGIONAL PLANNING</b>	
<p><b>5.10 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.</p> <p>The planning proposal is consistent with this description 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. The planning proposal supports these outcomes by encouraging the redevelopment of a catalyst site in a strategic centre.</p> <p><b>The planning proposal is consistent with this direction because 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 of its vision, land use strategy, goals directions or actions.</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 potential 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. This includes 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.

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.

**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.****Q7. Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal is likely to have positive social and economic effects. It 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. A commercial development could 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.

**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 and Environment (Biodiversity and Conservation Division) to comment on flooding.

**PART 4 – Mapping**

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 15m

**ITEM 2 - ATTACHMENT 3 PLANNING PROPOSAL.**

**PART 5 – Community consultation**

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

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

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay

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

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

**PART 6 – Project timeline**

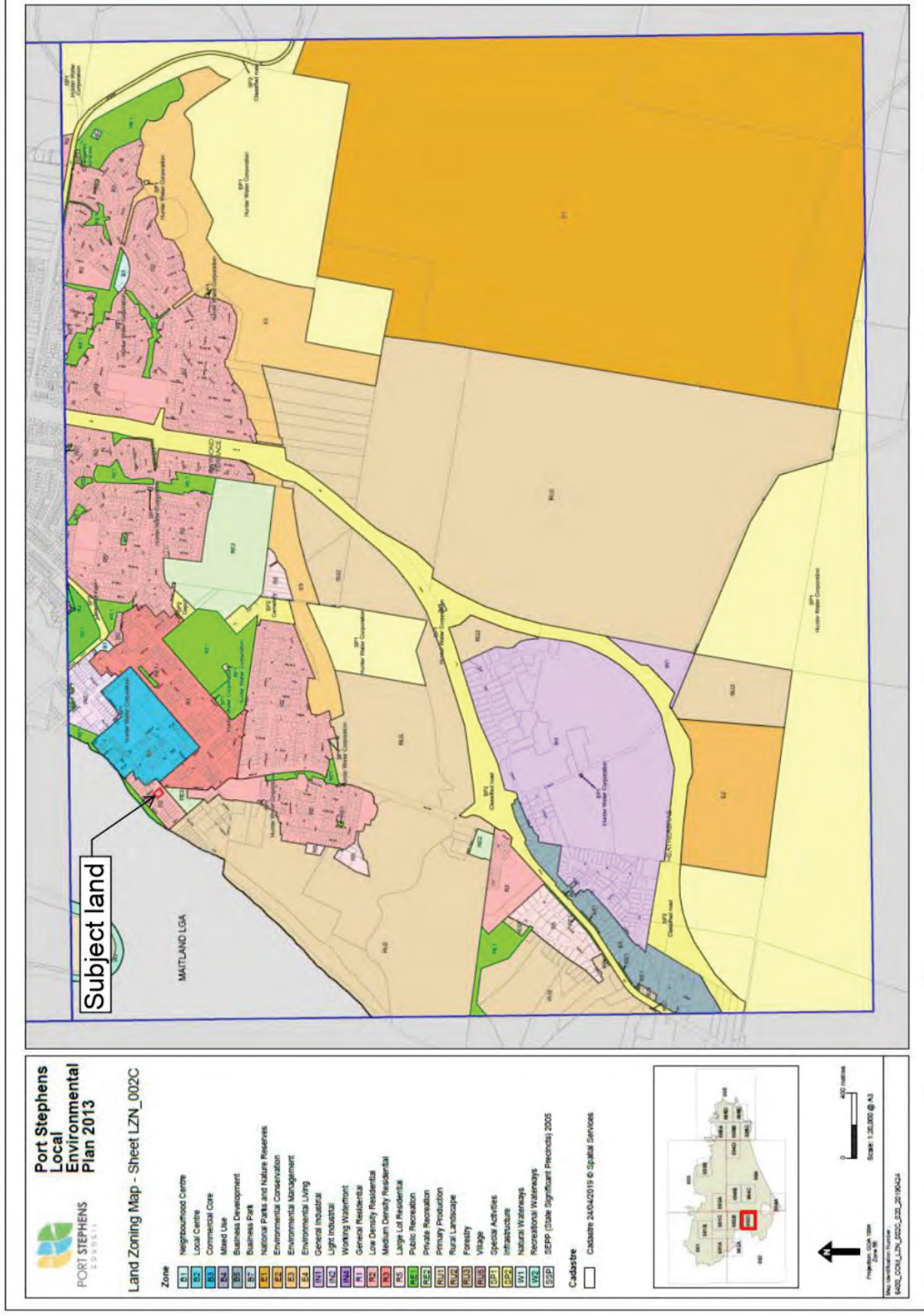
The following timetable is estimated for the planning proposal in year 2020:

	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Gateway determination</b>								
<b>Additional information</b>								
<b>Public authority consultation</b>								
<b>Public exhibition</b>								
<b>Address submissions</b>								
<b>Post exhibition Council report</b>								
<b>Finalise the plan</b>								

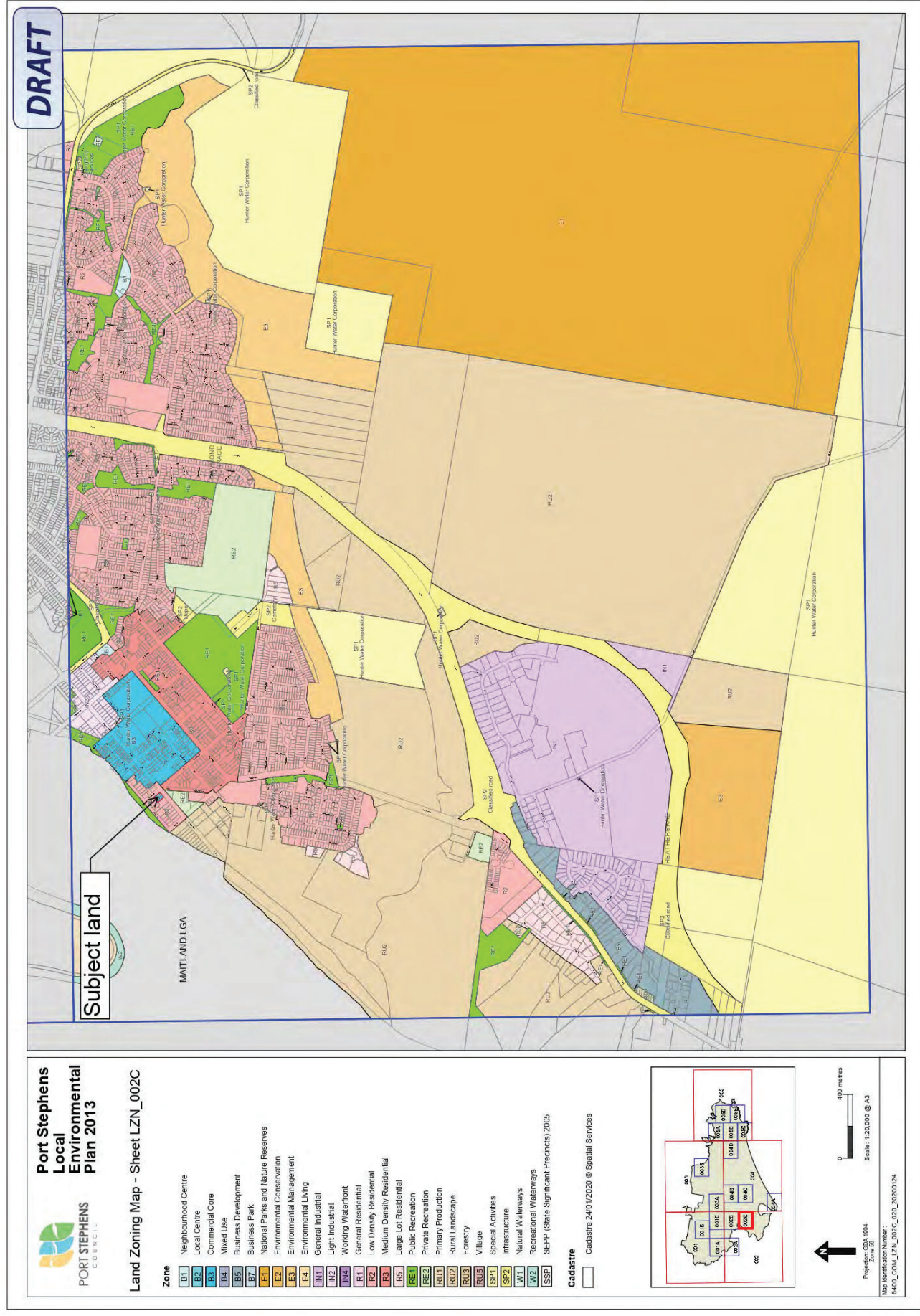


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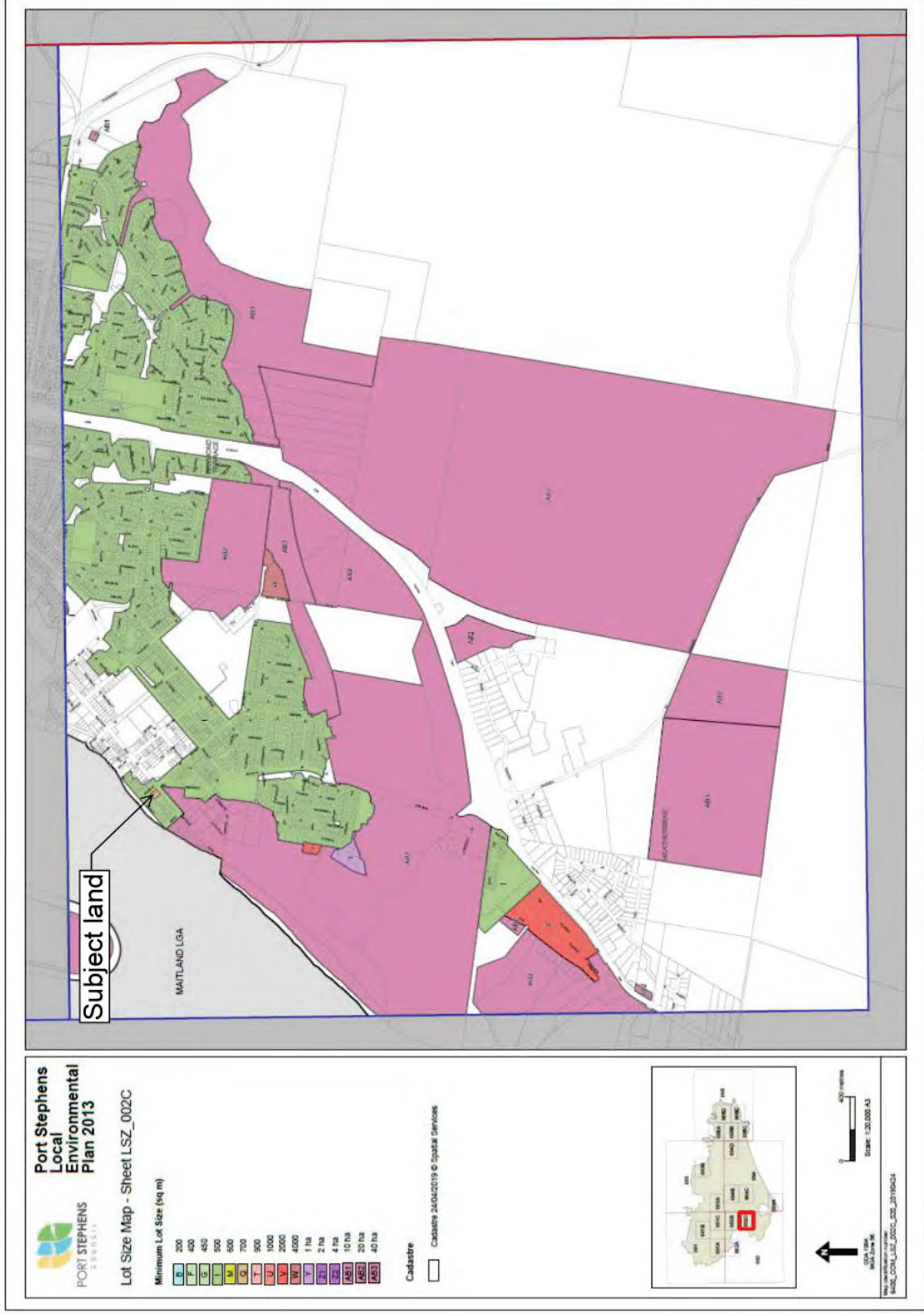
ITEM 2 - ATTACHMENT 4 MAPS.



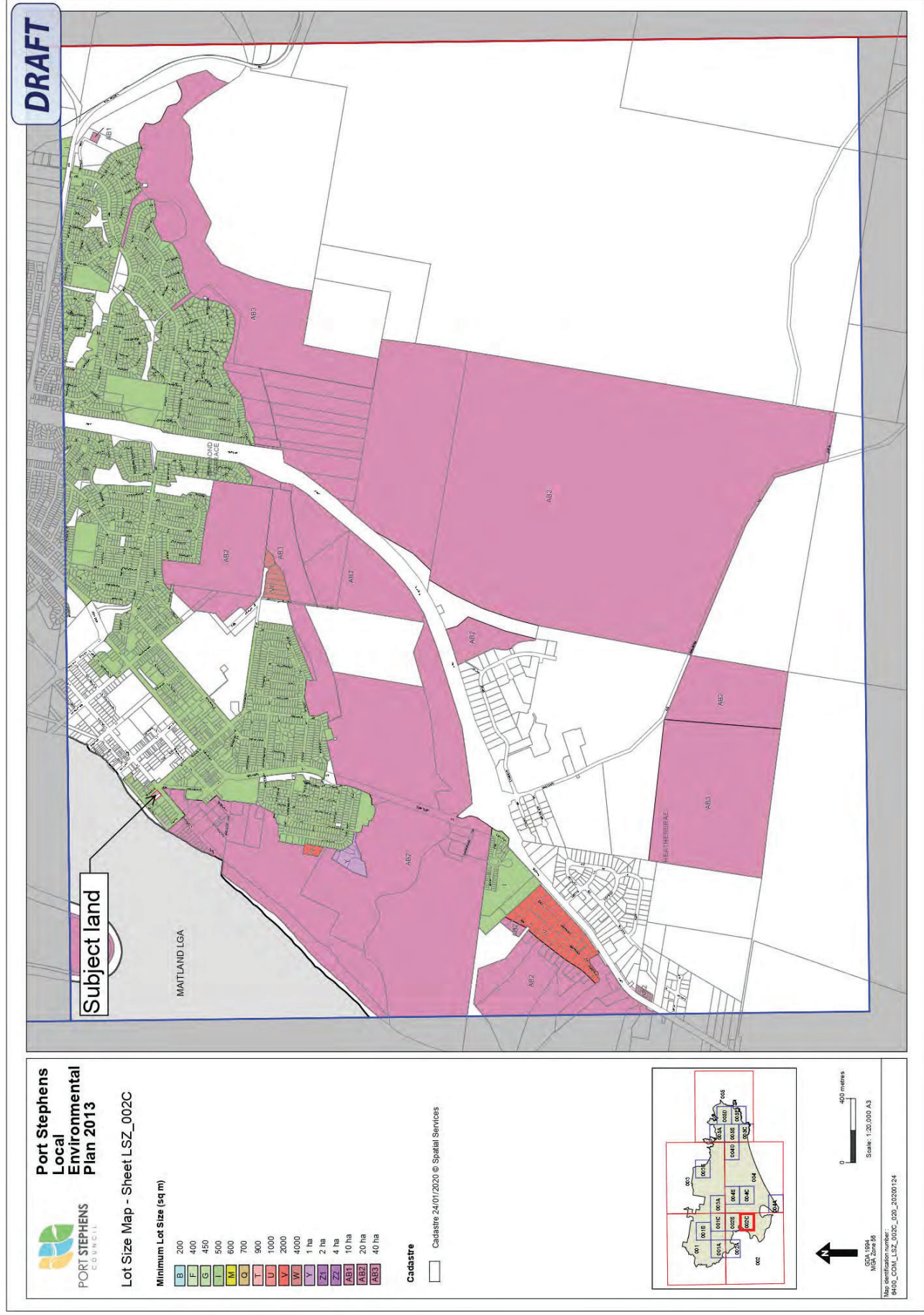




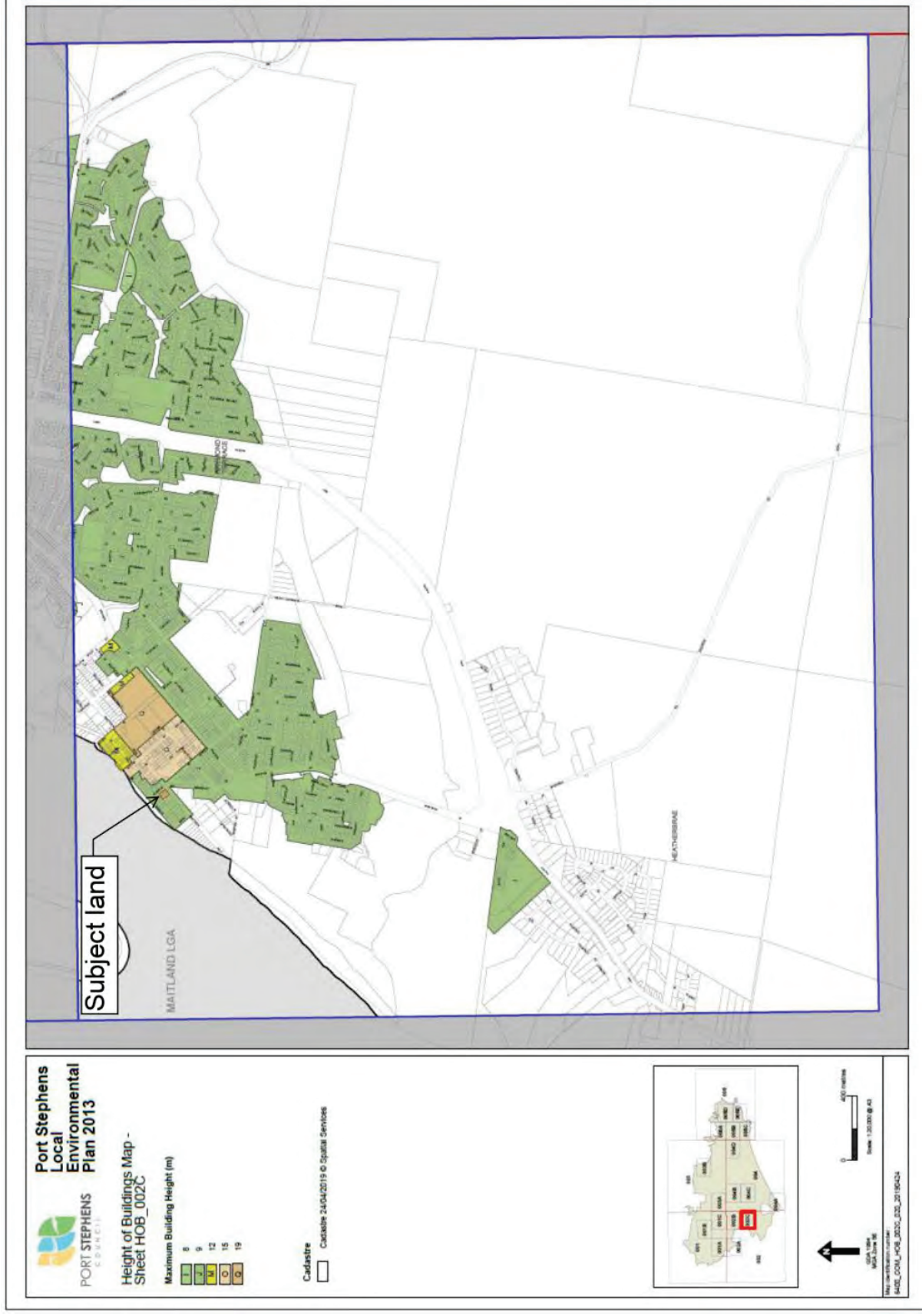
ITEM 2 - ATTACHMENT 4 MAPS.



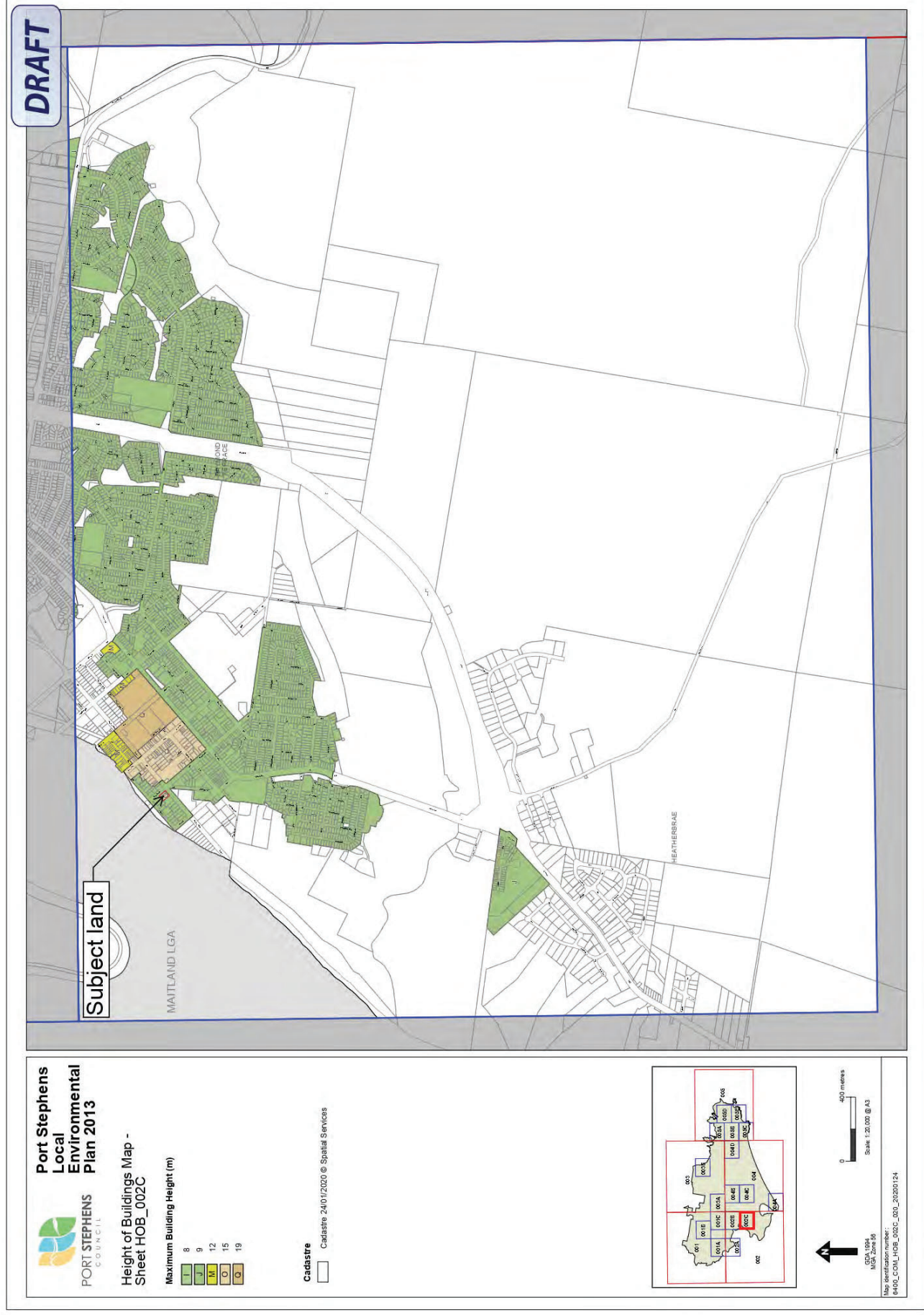




ITEM 2 - ATTACHMENT 4 MAPS.







**DRAFT**

**Subject land**

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