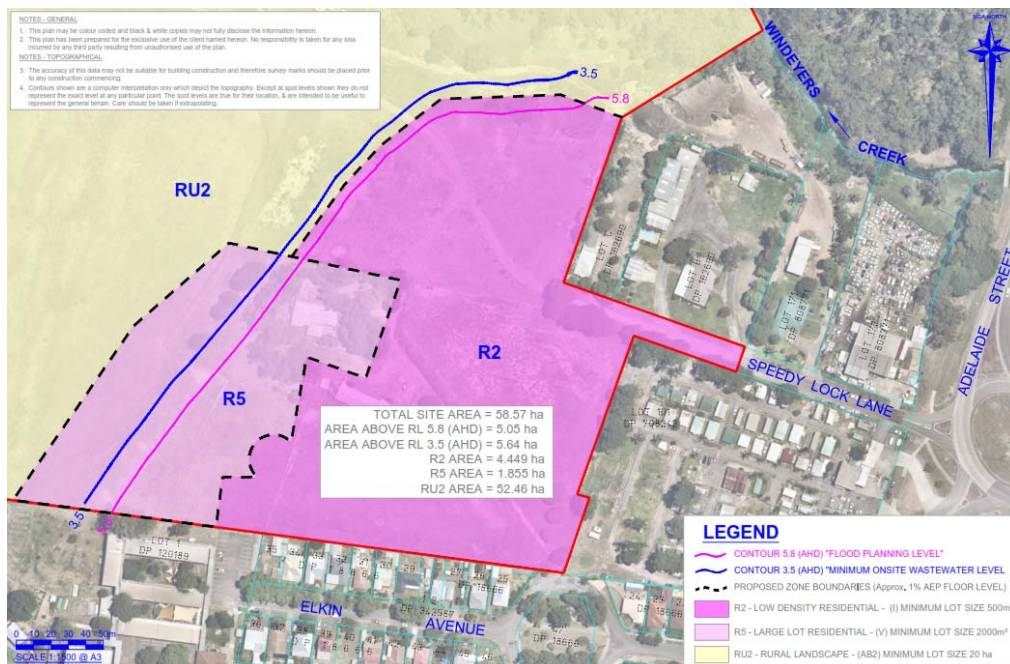




# LE MOTTEE GROUP

SURVEYING | CIVIL ENGINEERING | TOWN PLANNING | PROJECT MANAGEMENT  
STRATA CERTIFICATION | ECOLOGY | BUSHFIRE ASSESSMENT  
Pty Limited ABN 38 136 535 156



## PLANNING PROPOSAL

FOR

PROPOSED REZONING OF

LOT 173 DP 808771

5 SPEEDY LOCK LANE, HEATHERBRAE

OUR REF: 6705

This report was prepared by Hugh Jones from Le Mottee Group Pty Ltd (LMG).

LMG Ref: 6705

Date: 4 February 2019

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## **BACKGROUND**

The subject land is located within the Port Stephens Council (PSC) Local Government Area (LGA) and comprises Lot 173 DP 808771. Under the PSC Local Environmental Plan (LEP) Lot 173 is zoned RU2 Rural Landscape. Subdivision of land zoned RU2 requires the creation of lots with a minimum area of 20 hectares (ha). In order to facilitate the future subdivision of Lot 173 into smaller, more appropriately sized residential lots, the land must be rezoned and the minimum lot size amended.

The site is located on the fringe of existing urban development, adjoining residential development to the south. Hunter River is located approximately 40m from the site and the Raymond Terrace town centre is 2km north of the site. Further, Heatherbrae which supports a growing commercial and industrial precinct is only 300m south east of the site. Overall it is considered that the site is central to services and facilities and perfect for residential development.

During the strategic planning meeting held prior to submission of this planning proposal, PSC indicated their support to the rezoning proposal. In accordance with the Raymond Terrace and Heatherbrae Strategy 2015-2031 council preferred the creation of 500m<sup>2</sup> to 2,000m<sup>2</sup> lots. It is therefore proposed to rezone a portion of Lot 173 from RU2 Rural Landscape to both R2 Low Density Residential and R5 Large Lot Residential. Along with the rezoning it is proposed to reduce the minimum lot size so that the portion of the site rezoned to R2 will have a minimum lot size of 500m<sup>2</sup> and the portion of the site to be zoned R5 will have a minimum lot size of 2,000m<sup>2</sup>. The subject site is indicated by council in the Raymond Terrace and Heatherbrae Strategy as a site that can facilitate the future rezoning to residential land.

The future subdivision of the site into 500m<sup>2</sup> to 2,000m<sup>2</sup> Lots would require servicing infrastructure, in particular, the provision of reticulated water and sewerage to each lot. Hunter Water Corporation (HWC) has indicated that there is sufficient capacity for water in their gravity system to service the future subdivision. The nearest connection point is located at the entrance of the site located within Speedy Lock Lane.

In regards to services, Hunter Water Corporation (HWC) has indicated that there are three Wastewater Pumping Stations (WWPS) available. These include Raymond Terrace 1, Heatherbrae 1 and Heatherbrae 2. All of which have capacity to service a future development on the site. The nearest connection point for the site is Heatherbrae 2, located 500m from the site along Masonite Road. Heatherbrae 1 is located 600m to the south east from the site, located near Camfield Drive. Raymond Terrace 1 is located along Adelaide Street, approximately 1km from the site. It is anticipated the developer could connect to any of these at DA stage for a subdivision depending on availability of the line of connection.

A conceptual subdivision layout prepared as part of the rezoning proposal, has been designed to show compliance with the provisions of Councils LEP 2013, and Development Control Plan (DCP) as well as *Planning for Bushfire Protection, and relative State Environmental Planning Policies*.

Land surrounding the subject site supports a range of rural, residential, and commercial developments.

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**Annexure A** – Proposed Rezoning Plans

**Annexure B** – Traffic Impact Assessment

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**Annexure D** – Bushfire Threat Assessment

**Annexure E** – Hunter Water Corporation Preliminary Servicing Advice

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**Annexure G** – NBN Co Servicing Agreement

**Annexure H** – AHIMS Search Results

**Annexure I** – Site Infrastructure Location

## 1. OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are to:

- enable the use of Lot 173 DP 808771 for the purpose of creating residential lots by rezoning the land to a mix of R2 Low Density Residential and R5 Large Lot Residential land;
- implement a Land Zoning Map for the site which is consistent with the rezoning plans for the site; and
- amend the minimum Lot Size Map for the site to reflect reduced lot sizes suitable for the proposed zones.

The location of the subject land is shown on *Figure 1* and the existing zoning is shown on *Figure 2*.

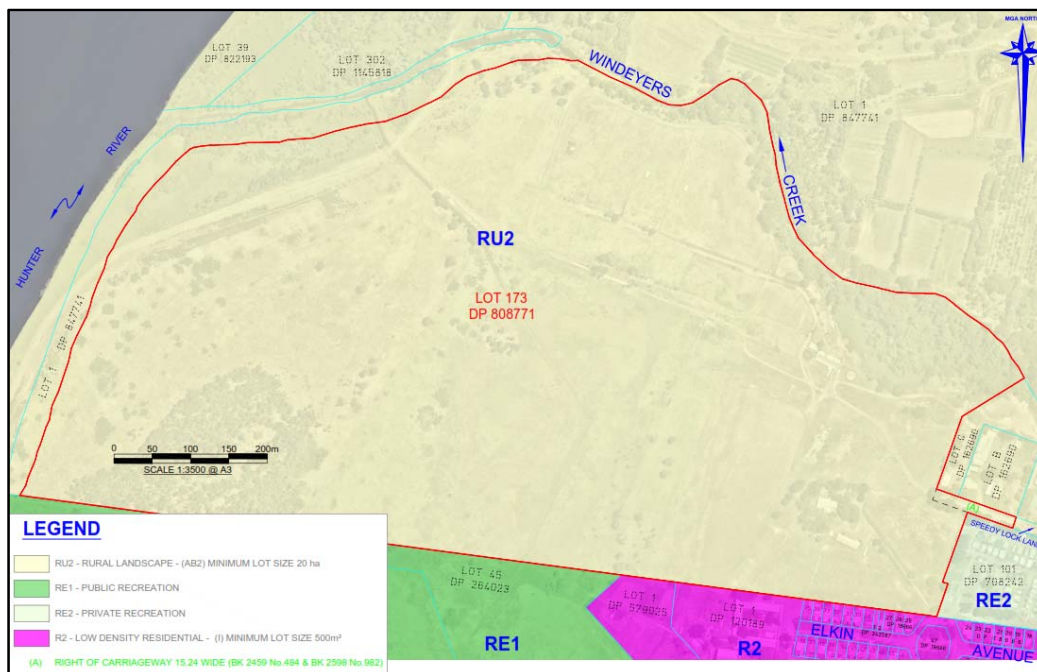


Figure 1 – Port Stephens LEP 2013 land zoning map extract (map = 002C).

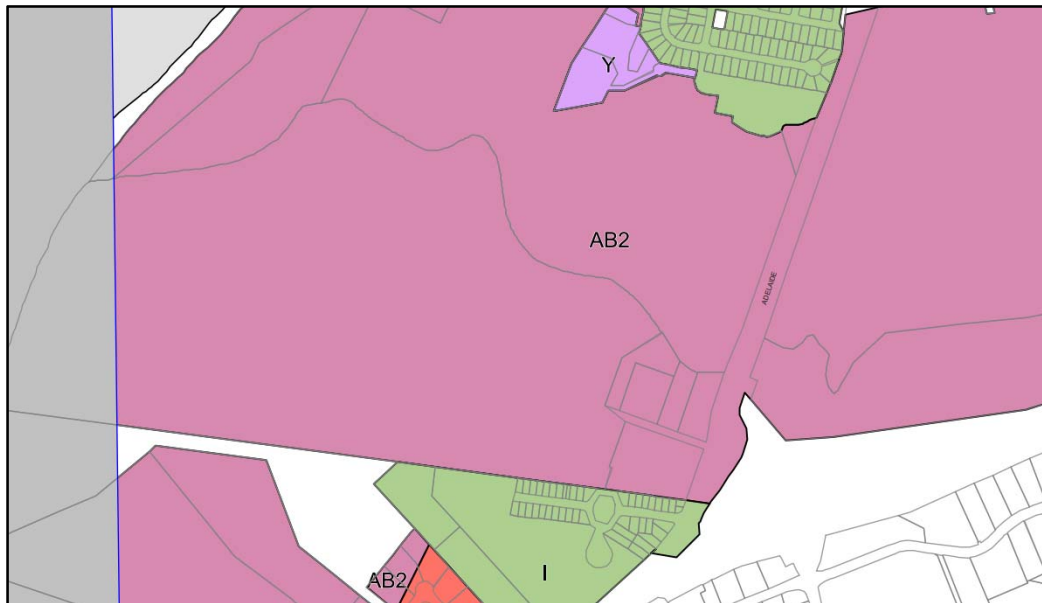


Figure 2 – Port Stephens LEP 2013 minimum lot size extract (AB2 = 20ha)

## 2. EXPLANATION OF PROVISIONS

To facilitate residential development on the land, the following amendments to the Port Stephens Local Environment Plan (LEP) 2013 are proposed:

- Land Zoning Map - RU2 Rural Landscape to part RU2 Rural Landscape, R2 Low Density Residential and R5 Large Lot Residential under the LEP 2013;
- Lot Size Map – 'AB' 20 hectares to part 'AB' 20 hectares, 'I' 500m<sup>2</sup> and 'V' 2,000m<sup>2</sup>; and,
- Height of Buildings Map – No height specified to part no height specified and 9 metres maximum building height.

Amending the existing zoning enables the subject land to be utilised for residential development and reducing the minimum lot size allows the land to be subdivided. Combined these changes / amendments will assist in achieving residential housing targets within the Raymond Terrace and Heatherbrae area (Please refer to *Annexure A* for the proposed LEP maps).

The site is not identified as having a specific maximum building height under the Port Stephens LEP, and therefore a maximum height limit of 9m will apply as outlined in the Port Stephens Development Control Plan (DCP). The height limit of similar residential areas is 9m, and thus the proposed rezoning will not result in inappropriate development for the area.

Further, the proposed rezoning of the land is expected to improve the potential for future urban growth. The subject site is therefore eligible to become an urban release area. However, the designation of the site as an

urban release area is not suggested in this planning proposal. Given the proximity to community facilities and transport centres, the subject land shall be able to accommodate the desired urban growth without the need to significantly alter existing infrastructure or require the erection of regionally significant infrastructure.

Any future subdivision of the land will be supported by existing public infrastructure, and it is therefore unlikely that additional retail, commercial or public space is likely to be established. Given the above, developmental control to the extent proposed within the Port Stephens LEP regarding Urban Release Areas will not be required.

This complies with the Port Stephens LEP and is in accordance with the Raymond Terrace and Heatherbrae Strategy, adopted by Council on 24 November 2015.

### **3. JUSTIFICATION**

#### **3.1 SECTION A – NEED FOR THE PLANNING PROPOSAL**

##### **1. Is the Planning Proposal a result of any strategic study or report?**

The subject land is identified within the Raymond Terrace and Heatherbrae Strategy (RT&HS) as suitable for re-zoning to low density residential. A majority of the selected land identified within Lot 173 is above the flood planning level and is consistent with the portion of land earmarked within the RT&HS.

The RT&HS has identified the subject land as a potential site for residential expansion in order to achieve local residential housing targets. The given zoning for the site is R2 Low Density Residential, however on consultation with PSC the preferred residential form should include a mix of lot sizes to better cater to the long-term housing availability for a wider range of residents. Lot sizes between 500m<sup>2</sup> and 2,000m<sup>2</sup> were identified as an acceptable solution to allow for residential development that will meet the established desire for "Lifestyle" sized lots, while simultaneously providing opportunity for further urban infill growth.

As stated above, due to the natural constraints of the site only a small portion of the subject land is suitable for residential development. The proposed rezoning will provide an opportunity for large lot residential development to be implemented where higher densities are considered not suitable. The creation of a Large lot residential zone is considered an appropriate response to the constraints of the site, where less intensive residential development will be able to manage flood risk without difficulty. The resultant area will act as a transitional zone between constrained and unconstrained land.

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

Yes, it is the best means of achieving the objectives.

The subject land is currently zoned RU2 Rural Landscape, under the current Port Stephens LEP 2013. This zone prohibits the subject land from being subdivided unless each allotment created has a minimum area of 20 hectares.

To facilitate the subdivision of the subject land into residential lots as proposed by the Raymond Terrace and Heatherbrae Strategy, an amendment to the LEP zoning and minimum lot size maps must occur.

The planning proposal is the only way of achieving the aims and objectives, and the practicality of initiating the intent to release residential land as set out in the RT&HS.

***3. Is there a net community benefit?***

The proposed rezoning of the subject land would allow the creation of additional lots for residential development in an appropriate location as determined by Port Stephens Council within the Raymond Terrace and Heatherbrae Strategy.

The proposal will benefit the community by providing low density residential allotments to meet projected increasing demand for housing in a location close to schools, facilities, services and transport. The Raymond Terrace and Heatherbrae Strategy have identified the site as having high potential for residential development in an area which has virtually reached the maximum capability for Greenfield residential development.

The strategy uses statistics on historical population growth and historical dwelling demand to project future population growth and demand for new dwellings. This data formed the basis for determining how much land would be needed to provide for the future population in the LGA.

The proposal will rezone the subject land and provide for a future residential subdivision to help meet the identified demand for residential development. This planning proposal is not expected to create an unfavourable precedent, change the expectations of the landowner(s), or result in a loss of employment lands.

The site is located on the fringe of the existing Heatherbrae residential area and is within walking distance to a variety of commercial businesses and the Hunter River High School. This provision of additional residential land in close proximity to local infrastructure provides a net community benefit.

The site is currently not serviced by reticulated water or sewer, however, HWC have indicated that is sufficient capacity available for connection to both reticulated water and sewer. As the future subdivision of the site will be connected to both reticulated water and sewer the developer will be arranging for the service infrastructure to be extended, providing adjoining properties that are not currently serviced to connect into the network. It is considered that providing this infrastructure will be a benefit to the immediate local community and environment.

A traffic study and subsequent report has been prepared to identify whether the additional traffic generated by the development shall require upgrades. Speedy Lock Lane is to be upgraded along its length as part of the development; the road currently provides a 7 metre sealed road width, with kerb and guttering along the northern side. The carriageway width will be upgraded to 8 metres with kerb and guttering on both sides. Therefore will be no impact on existing residents and should increase the saleability and liveability of the area by providing wider and more attractive public infrastructure. Refer to *Annexure B* for the full Traffic Impact Assessment.

Overall, the proposal is considered to generate benefits to the immediate and greater community.

### **3.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.**

#### ***4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

##### **Hunter Regional Plan 2036**

The *Hunter Regional Plan (HRP) 2036* suggests that the greater Hunter aims to be the leading regional economy in Australia, whilst promoting a biodiversity-rich natural environment, thriving communities, and generating greater housing choice and jobs. The strategy will guide the growth of the Lower Hunter for the next 19 years, by identifying future development areas, principle land use types, settlement patterns and conservation outcomes.

The strategy aims to provide a further 60,450 dwellings to the lower hunter by 2036 for the projected population growth over the next 19 years. Of this 11,050 dwellings will be in the Port Stephens LGA.

Raymond Terrace is identified within the strategy as the ‘main service centre’ for the Port Stephens LGA and as such is earmarked to deliver infill potential and deliver urban release areas.

## Greater Newcastle Metropolitan Plan 2036

The **Greater Newcastle Metropolitan Plan (GNMP) 2036** provides a clear direction for the intended character of future residential and urban growth within the Greater Newcastle area. The plan identifies the site as being with a housing release area, and therefore consideration of the relevant actions will be discussed below.

**Strategy 16:** *Prioritise the delivery of infill housing opportunities within existing urban areas.*

The subject site is the last remaining unconstrained large holding with the locality, and is located within the vicinity of a housing release area and existing urban area as identified within the abovementioned plan. The proposed rezoning will achieve the desired urban growth, settlement character and intended future targets of the area by creating a more seamless transitional zone between rural and urban space in an area approved for future expansion.

**Strategy 17:** *Unlock housing supply through infrastructure coordination and delivery.*

Under the abovementioned plan, Raymond Terrace is defined as a strategic centre within greater Newcastle. Therefore, the rezoning of the site will provide infill housing opportunities within a strategic centre and is therefore consistent with the plan.

**Strategy 18:** *Deliver well-planned rural residential housing areas.*

-The potential subdivision yield resulting from the proposed rezoning represents the most logical use of land and will provide rural residential housing where land is unlikely to be utilised for more intensive purposes. The proposed large lot residential area will not conflict with existing or potential agricultural use of the site and will act as a transition zone between the Low density development and existing Rural Landscape.

Given the natural constraints of the site, higher density residential expansion of the site unlikely to be desired by future developers. Under Action 18.1 of the GNMP, rural residential housing is considered acceptable in cases where this type of development will result in the best use of the land. The proposed rezoning will provide an opportunity for large lot residential development to be implemented where higher densities are considered not suitable.

**5. *Is the planning proposal consistent with the local councils Community Strategic Plan, or other local strategic plan?***

The '*Port Stephens Planning Strategy (PSPS) 2011*' was adopted by Council on the 20<sup>th</sup> December 2011. The PSPS describes Councils land use strategy to 2036 and provides the basis for the Council's Principle LEP.

Raymond Terrace-Heatherbrae-Nelsons Plains area is identified as an enterprise corridor under the PSPS with an expected population increase of 8,034 people by 2031. As a result of the population increase further residential development is required in the Heatherbrae area.

The Planning Proposal is consistent with the vision and objectives of the '*Port Stephens Planning Strategy 2011 – 2036*', providing additional housing for the expected population growth of the area.

The '*Raymond Terrace and Heatherbrae Strategy*' was adopted by Council on the 24 November 2015 with an aim to identify ways to develop a strong regional centre and create a great place to live, work and play within Raymond Terrace and Heatherbrae that are in line with the *Hunter Regional Plan 2036*, and the *Lower Hunter Regional Conservation Plan*. The strategy has a goal to create a city of housing choice with homes that meet the needs and lifestyles of the community, with a focus to provide affordable accommodation, together with both student and seniors' living opportunities.

Under the Raymond Terrace and Heatherbrae Strategy the site has been mapped as suitable for Low Density Residential lots. Generally throughout the surrounding residential areas, land mapped as R2 (low density residential) has an associated minimum lot size of 500m<sup>2</sup>.

The proposal includes a portion of land that shall be rezoned to R5 Large Lot Residential. This is proposed to be a transition between the existing RU2 Rural Landscape zoned land and the proposed R2 Low Density Residential zoned land. By implementing the R5 zone, it will self-guard the land by avoiding the risk of over-development in close proximity to flood prone land. This is consistent with *Goal 4* of the *Raymond Terrace and Heatherbrae Strategy* by creating a resilient city with clear directions for improved social, environmental and economic outcomes.

The Planning Proposal is consistent with the vision and objectives of the '*Raymond Terrace and Heatherbrae Strategy*'.

**6. *Is the planning proposal consistent with applicable state environmental planning policies?***

The following SEPP's apply in respect to the development on the subject land.

***SEPP No 44 – Koala Habitat Protection***

A patch of vegetation along the northern and western boundaries of the site is mapped as preferred koala habitat. The vegetation mapped as preferred koala habitat is not located within the area to be rezoned. No detailed investigation has occurred at this stage to confirm the presence of preferred Koala habitat nor is it envisaged to be necessary in the future. As an initiative to attract Koala Habitat to the area, the owner of the subject site has planted 1,000 Koala habitat trees in the preferred Koala habitat hatched area; this is located along the creek on the northern boundary away from the land subject to this proposal. The tree planting was undertaken with the assistance of a commonwealth government grant.

***SEPP No 55 – Remediation of Land***

The planning proposal does not include land identified for the purposes of this clause. Minimal activities that may cause contamination, as defined in Table 1 of the contaminated land planning guidelines, have occurred. The site has a land use history of agricultural/horticultural activities. However, the subject site is not considered contaminated land nor unsuitable for residential use due to existing contamination or requirements to undertake remediation. The planning proposal is therefore consistent with the objectives of this SEPP.

***SEPP (Building Sustainability Index: BASIX) 2004***

SEPP (BASIX) 2004 would be applicable to future development should the land be rezoned.

***SEPP (Infrastructure) 2007***

SEPP (Infrastructure) 2007 is applicable to the planning proposal as a range of services and facilities would need to be provided to facilitate planning outcomes. The planning proposal is consistent with the objectives of this SEPP with consultation to occur following gateway determination.

***SEPP (Rural Lands) 2008***

Clause 7 Rural Planning Principles and Clause 8 Rural Subdivision Principles of the SEPP (Rural Lands) 2008 will apply in accordance with Ministerial Direction 1.5. The proposal will result in additional rural lifestyle opportunities through the rezoning of an existing infill area. Thus, the impact on rural land and agriculture will be minimal.

**7. Is the planning proposal consistent with applicable Ministerial Direction (s.117 directions)?**

**Table 1 – Ministerial Directions for Local Planning Proposals**

Employment and Resources	Applicable	Consistency with current LEP 2013
1.1 Business and Industrial Zone	No	The planning proposal does not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	Yes	<p>The planning proposal seeks to rezone rural zoned land to “R2 Low Density Residential” and “R5 Large Lot Residential”. The proposed zoning does not aim to protect the agricultural production value of the land but is in keeping with the Raymond Terrace and Heatherbrae Strategy prepared by PSC to provide Lots of such character on the subject site. However a substantial amount of the Lot is to remain RU2 zoned land and will be connected to the residue Lot; allowing a portion of the site to support the agricultural viability of the area.</p> <p>The potential future subdivision as a result of the rezoning shall create Lots that will link to the existing Heatherbrae residential area.</p>
1.3 Mining, Petroleum Production and Extractive Industries	No	n/a
1.4 Oyster Aquaculture	No	n/a
1.5 Rural Lands	Yes	This planning proposal affects land within an existing rural zone. It also seeks to change the existing minimum lot size for subdivision of the land.

		Any perceived inconsistencies with this direction are considered to be justified by the Raymond Terrace and Heatherbrae Strategy.
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Environment and Heritage	Applicable	Consistency with Current LEP 2013
2.1 Environment Protection Zones	No	n/a
2.2 Coastal Protection	No	n/a
2.3 Heritage Conservation	No	n/a
2.4 Recreation Vehicle Areas	No	n/a

Housing, Infrastructure and Urban Development	Applicable	Consistency with Current LEP 2013
3.1 Residential Zones	Yes	Under the Draft LEP the site will be rezoned to R2 Low Density Residential and R5 Large Lot Residential. This is in keeping with the PS&H Strategy.
3.2 Caravan Parks and Manufactured Home Estates	No	n/a
3.3 Home Occupations	Yes	The mandatory provisions of the Port Stephens LEP make home occupations exempt from requiring development consent under the <i>R2 Low Density Residential</i> and <i>R5 Large Lot Residential</i> zones.
3.4 Integrating Land Use and Transport	Yes	The site is located close to the Town Centre of Raymond Terrace and within walking distance to Hunter River High School. A bike track / walking pathway starts at the corner of Speedy Lock Lane and Adelaide Street and runs along Adelaide Street nearest

		bus stop and highway link to the north coast, Sydney, and Queensland. As such, the planning proposal is able to satisfy this direction by increasing the choices available and limiting the use of cars.
<b>3.5 Development Near Licensed Aerodromes</b>	No	n/a
<b>3.6 Shooting Ranges</b>	No	n/a

<b>Hazard and Risk</b>	<b>Applicable</b>	<b>Consistency with Current LEP 2013</b>
<b>4.1 Acid Sulfate Soils</b>	Yes	The site is zoned as Class 2 and Class 4, however only land zoned as Class 4 is proposed to be rezoned. Therefore, the potential for development to trigger oxidation and the production of acid from acid sulphate soils is envisaged to be low.
<b>4.2 Mine Subsidence and Unstable Land</b>	No	n/a
<b>4.3 Flood Prone Land</b>	Yes	A portion of the site is flood prone. The majority of the land proposed to be rezoned is above the FPL, however a section of land to be zoned R5 Large Lot Residential is below the FPL. This portion of land will provide sufficient buildable areas for future residential development whilst protecting the flood constrained land from the impacts of over-development.
<b>4.4 Planning for Bushfire Protection</b>	Yes	<p>This Planning Proposal is considered to be consistent with this direction.</p> <p>Part of the land subject to this planning proposal is mapped as being bushfire prone land on Council's bushfire prone land</p>

		<p>mapping.</p> <p>This planning proposal seeks to consult with the NSW RFS subsequent to gateway determination being issued and prior to undertaking community consultation.</p> <p>Most of the land is cleared of significant vegetation and used for agricultural production. The site is considered to be capable of providing for development that complies with Planning for Bushfire Protection 2006.</p>
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Regional Planning	Applicable	Consistency with Current LEP 2013
5.1 Implementation of Regional Strategies	No	n/a
5.2 Sydney Drinking Water Catchments	No	n/a
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	n/a
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	n/a
5.5 Development within the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA). Revoked 18 June 2010.	No	n/a
5.6 Sydney to Canberra Corridor. Revoked 10 July 2008. See amended Direction 5.1	--	--
5.7 Central Coast. Revoked 10 July 2008. See amended direction 5.1	--	--

<b>5.8</b> Second Sydney Airport : Badgerys Creek	No	n/a
<b>5.9</b> North West Rail Link Corridor Strategy		
<b>5.10</b> Implementation of Regional Plans	Yes	This planning proposal is considered to be in keeping with both regional and local strategies, providing for further residential development within a corridor earmarked for growth.

<b>Local Plan Making</b>	<b>Applicable</b>	<b>Consistency with Current LEP 2013</b>
<b>6.1</b> Approval and Referral requirements	Yes	This planning proposal is considered to be consistent with this direction.
<b>6.2</b> Reserving Land for Public Purposes	Yes	This planning proposal is considered to be consistent with this direction.
<b>6.3</b> Site Specific Provisions	Yes	This planning proposal is considered to be consistent with this direction.

<b>Metropolitan Planning</b>	<b>Applicable</b>	<b>Consistency with Current LEP 2013</b>
<b>7.1</b> Implementation of the Metropolitan Plan for Sydney 2036	No	n/a
<b>7.2</b> Implementation of Greater Macarthur Land Release Investigation		n/a
<b>7.3</b> Parramatta Road Corridor Urban Transformation Strategy		n/a
<b>7.4</b> Implementation of the North West Priority		n/a

### **3.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

***8. 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?***

The subject land is predominantly clear of native vegetation and has been used for agricultural purposes for many years. A relatively small patch of vegetation is located along Windeyers Creek (northern boundary) and is mapped as preferred koala habitat. The remainder of the site is devoid of native vegetation.

As there is potential to retain vegetation if necessary the proposal shall not result in any adverse impacts in regard to critical habitat, threatened species, populations or ecological communities, or their habitants.

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

The actual rezoning of the land is not expected to result in any adverse environmental impacts. However, future development on each lot and road construction has potential to result in adverse environmental effects if not managed properly. Any future development will be required to adhere to strict planning provisions and subsequent assessment. Therefore, it is envisaged any future development will not generate further environmental impacts. Some of the proposed mitigation measures are outlined below.

#### **Waste Management**

The site has access to reticulated water supply infrastructure, with a main located along Speedy Lock Lane. HWC have also indicated there is capacity available for connection to reticulated sewer in the area. Therefore, it is possible that future subdivision of the site could be connected to reticulated sewer.

#### **Stormwater Management and Erosion / Sediment Control**

A contour survey was undertaken to determine the topography of the site and the natural path of water across the site. It has been determined that water will generally flow westerly toward the Hunter River.

A concept stormwater management plan has been prepared and can be found as *Annexure C*. It is important to note that these plans are only indicative for the purposes of identifying an appropriate stormwater strategy and therefore should not be read as plans of subdivision.

Should gateway approval be granted, a Stormwater Management and Erosion / Sedimentation Plan shall be prepared to address stormwater management within the estate. Best practice management techniques, consistent with Council requirements and current industry standards, shall be appropriately used within the stormwater management design.

### **Bushfire Protection and Mitigation**

Windeyers Creek (the northern boundary) and the land along the Hunter River of the site are mapped as bushfire prone land. As such a Bushfire Threat Assessment Report has been prepared and provided as part of this application.

Asset protection zones (APZ's) necessary to protect future development are able to be easily provided. Most of the site is cleared of native vegetation and is not considered bushfire prone.

This planning proposal seeks to consult with the NSW Rural Fire Service subsequent to gateway determination being issued and prior to undertaking community consultation.

The proposal is able to satisfy regulation setback requirements to vegetation considered a bushfire threat.

Refer to *Annexure D* for the full Bushfire Threat Assessment.

### **Indigenous Heritage**

To ensure due diligence, a search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken with a 200m buffer around the site. To this end, there were no Aboriginal sites or places recorded within the study area. Therefore, it is envisaged the proposed development will not require an Aboriginal Heritage Impact Statement.

The planning proposal is unlikely to have any significant adverse impacts in regard to indigenous heritage.

### ***10. How has the planning proposal adequately addressed any social and economic effects?***

The planning proposal is not expected to create any adverse social or economic effects. The proposal forms a logical extension to the existing Heatherbrae residential area.

Subdivision of the subject land shall have a positive social effect on the area by the creation of additional lots during a period of unprecedented demand for residential development in Raymond Terrace, Heatherbrae and the Port Stephens LGA.

### **3.4 SECTION D – STATE AND COMMONWEALTH INTERESTS.**

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

Yes. The subject land is serviced by electricity and telecommunication infrastructure that shall be extended upon future approved to subdivide.

Hunter Water Corporation has indicated that access to reticulated water supply infrastructure is available for the site, with a water main located along Speedy Lock Lane. Further, HWC also indicated there is capacity available for connection to the reticulated sewer pump system. Therefore, it is expected that a future subdivision of the site would be connected to reticulated sewer.

The subject land is connected by Speedy Lock Lane and is located within 500m of the Heatherbrae industrial precinct and a local school. A traffic statement was prepared by a qualified traffic consultant to determine if any upgrades to nearby roads would be required as a result of the rezoning. The report indicated that the proposed rezoning is compatible with the vision for the area and that due to the existing street hierarchy developed in the Raymond Terrace and Heatherbrae Strategy it is required that Speedy Lock Lane be widened and upgrade kerb and guttering.

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

No consultation has been undertaken at this stage. Following the gateway determination the relevant agencies shall be consulted.

### **4. CONSULTATION AND PROJECT TIMELINE**

The planning proposal is considered a low impact planning proposal and therefore an exhibition period of 14 days should be sufficient.

The gateway determination shall identify any additional consultation required. Notwithstanding this, it is expected that as a minimum the following external agencies will be consulted:

- Ausgrid;
- Hunter Water Corporation;
- Office of Environment and Heritage;
- NSW Rural Fire Service;
- NSW Roads and Maritime Service; and,
- Worimi Local Aboriginal Land Council.

The following timeline is proposed:

	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	June 2019	July 2019	Aug 2019
Council Endorsement											
Gateway Determination											
Prepare Stage 2 Proposal											
Consultation and Exhibition											
Proposal Assessment											
Plan Making											

## **5. CONCLUSION**

The proposed rezoning and subsequent subdivision of the subject land is consistent with the Raymond Terrace and Heatherbrae Strategies' objectives for future development on the subject land. The proposed subdivision shall comply with the Port Stephens LEP and DCP's. The selected land makes suitable sense to facilitate a rezoning of such nature.

The portion of land selected is not constrained by way of vegetation, flooding, or agricultural pursuits. The proposal comprises infill development as it is the last remaining unconstrained large holding within the locality.

Lot sizes and configuration of the proposed subdivision are consistent with the surrounding land use settlement pattern, and are consistent with the land use capabilities of the site and the broader locality.

The rezoning and future subdivision of the land is not expected to establish a precedent in the area for further development due to the constraints and limitations on the surrounding lands at the present time.

This future subdivision can comply with the development and construction requirements of Port Stephens Council and the relevant development controls. Appropriate mitigation measures can be implemented during the development phase to manage any potential impacts on the future residents within the area.

It is recommended that Council support the planning proposal for the rezoning of the subject land to provide for the mixed residential development.

## **Annexure A**

Proposed Rezoning Plans

Le Mottee Group

## **Annexure B**

### Traffic Impact Assessment

SECA Solution

## **Annexure C**

### Stormwater Management Plan

Le Mottee Group

## **Annexure D**

### **Bushfire Threat Assessment**

Firebird EcoSultants Pty Ltd

## **Annexure E**

Preliminary Servicing Advice  
Hunter Water Corporation

## **Annexure F**

Preliminary Servicing Advice

Ausgrid

## **Annexure G**

NBN Co Servicing Agreement

NBN Co

## **Annexure H**

AHIMS Search Results  
NSW Office of Environment & Heritage

## **Annexure I**

### Site Infrastructure Location

Dial-Before-You-Dig