



PNC001191

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Please quote file no:
PSC2006-0191

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Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 – Revision of planning controls for riparian and related conservation areas and other amendments to increase flexibility

At its meeting held on 26 June 2012, Council resolved to prepare a planning proposal to amend the Port Stephens Local Environmental Plan 2000 and the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 in accordance with Section 55 of the Environmental Planning and Assessment Act for the purposes of obtaining a Gateway determination and seeking endorsement for public exhibition by the Department of Planning and Infrastructure.

The purpose of the Planning Proposal is to amend the Port Stephens Local Environmental Plan 2000 and the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 in order to:

1. Provide additional flexibility in minimum lot sizes.
2. Adjust the E2 Environmental Conservation Zone boundaries to more accurately reflect those areas of environmental significance and those areas which will provide biodiversity offsets.
3. Provide for development requirements for development on "sensitive land" as identified on the Natural Resources-Biodiversity Map to be included in the Local Environmental Plan.
4. Address a number of other matters including additional land uses in the Residential, B4 Mixed Use, and E3 Environmental Management zones.

A copy of the Planning Proposal, including the relevant Council report and resolution, are enclosed.

Please contact Sarah Dasey on (02) 4980 0462 or via email sarah.dasey@portstephens.nsw.gov.au should you wish to discuss this matter.

Yours faithfully



Sarah Dasey
Strategic Planner

28 June 2012



ITEM NO. 1

FILE NO: PSC2006-0191

PLANNING PROPOSAL TO AMEND THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN (KINGS HILL, NORTH RAYMOND TERRACE) 2010

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal to amend the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 at **Attachment 1** in accordance with Section 55 of the Environmental Planning and Assessment Act for the purposes of obtaining a Gateway determination and agreement for public exhibition from the Department of Planning and Infrastructure;
- 2) Exhibit the Planning Proposal for at least the minimum period specified following the Gateway determination.

COUNCIL COMMITTEE MEETING – 12 JUNE 2012**RECOMMENDATION:**

	Councillor Bob Westbury Councillor Sally Dover
	That the recommendation be adopted.

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

Those for the motion: Crs Sally Dover, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, John Nell, Peter Kafer, Shirley O'Brien and Steve Tucker.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

135	Councillor Steve Tucker Councillor Shirley O'Brien
	It was resolved that the recommendation be adopted.

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

ITEM NO. 1

FILE NO: PSC2006-0191

PLANNING PROPOSAL TO AMEND THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN (KINGS HILL, NORTH RAYMOND TERRACE) 2010

REPORT OF: BRUCE PETERSEN - COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER
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RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal to amend the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 at **Attachment 1** in accordance with Section 55 of the Environmental Planning and Assessment Act for the purposes of obtaining a Gateway determination and agreement for public exhibition from the Department of Planning and Infrastructure.
- 2) Exhibit the Planning Proposal for at least the minimum period specified following the Gateway determination.

BACKGROUND

The purpose of this report is to seek Council's agreement to progress a Planning Proposal to amend the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 in order to facilitate the development of the land.

Proposal details

Planning Proposal: Refer to Attachment 1.

Subject land: All land within the Kings Hill Urban Release Area.

Proponent: Various landowners.

Current zones: R1 Residential, B2 Local Centre, B4 Mixed Use, E2 Environmental Conservation, and E3 Environmental Management.

Proposed zones: No new zones. Change to the boundary of the E2 Environmental Conservation zone and a corresponding increase in the area of land zoned R1 Residential and B4 Mixed Use.

Other provisions:

Include additional land uses in the B4, E2 and E3 zones.

Provide additional flexibility in minimum lot sizes for dwellings.

Provide flexibility in the lot size of a residual area of land zoned E2 Environmental Conservation within a split zoned lot in a new subdivision.

Adjust the E2 Environmental Conservation Zone boundaries to more accurately reflect those areas of environmental significance and those areas which may provide biodiversity offsets, and to provide flexibility as detailed site planning proceeds.

Provide for a biodiversity map layer and associated "biodiversity protection" clause associated with the rezoning of narrow areas of E2 Environmental Conservation zoned land to R1 Residential and B4 Mixed Use Zones.

Address a number of other matters including additional land uses in the R1 Residential, B4 Mixed Use, and E3 Environmental Management zones.

The proposed amendments have been made necessary as a result of the draft Local Environmental Plan for Kings Hill submitted by Council in 2010 being amended by the Department of Planning and Infrastructure prior to its publication and to address a range of matters arising from more detailed site planning undertaken by the landholders.

Additional land uses

It is proposed to include the following uses as "permitted with consent":

"Car parking" in the B4 Mixed Use zone. This is to permit standalone car parks or those in conjunction with development on the adjacent B2 Local Centre zoned sites in the Town Centre.

"Ecotourist facilities", "flood mitigation works", "sewerage systems", and "water supply systems" in E3 Environmental Management Zone. This is to align the permitted uses with those in the E2 Environmental Conservation zone and to permit hydraulic utilities and flood mitigation works in the zone.

Additional Flexibility in Lot Sizes

This proposed clause applies to land in the R1 Residential, B2 Local Centre or B4 Mixed Use zones and permits development that incorporates lots smaller than the minimum permitted lot size where a single development application is received for both subdivision and residential or commercial development on the lots.

Subdivision of certain Split Zone lots containing E2 zoned land

The proposed clause addressing this matter permits the subdivision of lots that contain more than one zone (one of which is an E2 zone) to create a lot which contains less than the minimum permitted lot size for the E2 zoned land provided that the lot contains all the E2 zoned land in addition to the minimum permitted lot size in a residential or commercial zone.

An additional subclause to the above addressing this matter permits the subdivision of lots that contain more than one zone (one of which is an E2 zone) to create a lot which contains less than the minimum permitted lot size for the E2 zoned land provided that a satisfactory Vegetation Management Plan has been lodged in addition to arrangements for the ongoing management of the Vegetation Management Plan. The Vegetation Management Plan is necessary to provide a formal plan of how the biodiversity values of the land are to be conserved.

Ecotourism

This clause describes the circumstances under which consent may be granted for an ecotourism facility. The amendment to include development requirements for ecotourist facilities as an additional land use in the E2 and E3 zones arises because the Department of Planning and Infrastructure only permitted this land use in a land use table after the publication of the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010.

Biodiversity Protection

This clause seeks to provide a biodiversity map layer over the existing E2 Environmental Conservation zoned land proposed to be zoned to R1 Residential.

Rezoning the "fingers" of E2 Environmental Conservation land to R1 General Residential and other minor adjustments to the E2 Environmental Conservation zone boundary will provide flexibility to enable detailed subdivision planning to be undertaken and for service infrastructure and roads to be constructed. Recent detailed surveying and site investigation by landowners has shown that the boundaries of environmentally significant areas are inaccurate. The purpose of this component of the Proposal is to address these inaccuracies as well as to provide greater flexibility in detailed design. The qualities of riparian areas and related areas of environmental significance will be retained and protected by a "*Biodiversity protection*" clause in the Local Environmental Plan that specifies development considerations, and an associated map. This is consistent with the biodiversity offset arrangements agreed with the Office of Environment and Heritage.

Manufactured home estates

It is proposed to include manufactured home estates as an additional permitted land use in the R1 Residential zoned land on Lot 481 DP 804971 and Lot 4822 DP 852073 owned by Gwynvill. These lots are on the eastern side of Kings Hill, adjacent to the Pacific Highway.

Map amendments

The LEP maps will be amended to reflect changes to the E2 zone boundary. Consequential mapping changes to the Height of Buildings and Lot Size Maps to reflect the zone changes is necessary.

A biodiversity map layer is proposed which will define areas of environmental significance which will be protected by a "*biodiversity protection*" clause.

FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal will be progressed using existing budget allocations and the rezoning fees for the Planning Proposal that have been paid by the landowners.

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal is proposed to be progressed in a manner consistent with statutory and policy requirements. The Planning Proposal is consistent with the Port Stephens Planning Strategy and the Lower Hunter Regional Strategy. The risks associated with progressing the Planning Proposal are minimal.

From a development perspective, the Planning Proposal will provide greater flexibility and certainty in designing and implementing new urban development. Consequently, the Planning Proposal reduces development risk.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Due process not followed	Low	Care is taken to ensure due process is followed	Yes
Planning Proposal does not proceed	Low	Ensure that planning issues are identified during the Planning Proposal process are addressed efficiently and effectively	Yes
Planning proposal is amended during the decision making process	Low	Ensure that any amendments are consistent with ensuring that the objectives of the Planning Process are met	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Planning Proposal seeks to facilitate the development of the Kings Hill Urban Release Area. The development of Kings Hill will deliver a greater supply and greater diversity of housing to the area. It will create employment during the construction and operation of the Urban Release Area.

Rezoning a number of narrow corridors" of E2 Environmental Conservation land to R1 General Residential and other minor adjustments to the E2 Environmental Conservation zone boundary will provide flexibility to enable detailed subdivision planning to be undertaken and for service infrastructure and roads to be constructed. Recent detailed surveying and site investigation by landowners has shown that the boundaries of environmentally significant areas are inaccurate. The purpose of this component of the Proposal is to address these inaccuracies as well as to provide greater flexibility in detailed design. The qualities of riparian areas and related areas of environmental significance will be retained and protected by a "*Biodiversity protection*" clause in the Local Environmental Plan

that specifies development considerations, and an associated map. This land is not proposed to be used for biodiversity offsets.

CONSULTATION

Should the Planning Proposal proceed to public exhibition, it will be notified in the newspaper and exhibited in the Administration Centre, the Raymond Terrace Library and on the Council website. The exhibition will take place for at least the minimum period specified in the Gateway determination.

Consultation with relevant Government agencies as specified by the Gateway determination will be undertaken. Consultation has already been held with the Office of Environment and Heritage and the Department of Planning and Infrastructure. Additional consultation will be held with these agencies.

Submissions will be considered by Council officers in the finalisation of the Planning Proposal, and reported to Council.

OPTIONS

- 1) Adopt the recommendations of this Report to submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination, and henceforth a public exhibition. This is the recommended option.
- 2) Amend one or more of the provisions of the Planning Proposal prior to submitting the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination, and public exhibition. This is not recommended;
- 3) Amend the recommendations of this Report to submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination only. A further Council report would be necessary to seek agreement for a public exhibition of the Planning Proposal. This is not recommended because it is considered unnecessary unless substantive amendments are made to the Planning Proposal prior to exhibition.
- 4) Reject the recommendations of this Report and not initiate the rezoning process. This is not recommended because it will impede the development of Kings Hill.

ATTACHMENTS

- 1) Planning Proposal to amend the Local Environmental Plan (Kings Hill Raymond Terrace) 2010. (Under Separate Cover).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO:

FILE NO: PSC2006-191

Council Meeting Date: 12 June 2012

Draft Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2011 – various matters (Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 – Revision of planning controls for riparian and related conservation areas and other amendments to increase flexibility

ATTACHMENT 1

Draft Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2011 – various matters (Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 – Revision of planning controls for riparian and related conservation areas and other amendments to increase flexibility

Part 1 - Objectives or Intended Outcomes

The purpose of the proposal is to amend the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 in order to:

1. Provide additional flexibility in minimum lot sizes.
2. Adjust the E2 Environmental Conservation Zone boundaries to more accurately reflect those areas of environmental significance and those areas which will provide biodiversity offsets.
3. Provide for development requirements for development on "sensitive land" as identified on the Natural Resources-Biodiversity Map to be included in the Local Environmental Plan.
4. Address a number of other matters including additional land uses in the Residential, B4 Mixed Use, and E3 Environmental Management zones.

Part 2 - Explanation of Provisions

It is proposed to amend the Port Stephens (Kings Hill, North Raymond Terrace) Local Environmental Plan 2010 by:

Amendment applies to:	Explanation of the provision
Part 2 Land Use Table	
	Include "car parks" as a land use "permitted with consent" in the B4 Mixed Use Zone
	Include "ecotourist facilities", "flood mitigation works", "sewerage systems", and "water supply systems" as a land use "permitted with consent" in E3 Environmental Management Zone.
Clause 4.1A (amended) <i>Exception to Minimum Lot Sizes</i>	This provision seeks to provide flexibility in lot sizes while protecting amenity and the quality of urban design 4.1A Exceptions to minimum lot sizes for certain development (1) The objective of this clause is to encourage flexibility in lot sizes without adversely impacting on amenity or urban design. (2) This clause applies to development on land in the following zones: (a) R1 General Residential Zone, (b) B2 Local Centre Residential Zone, (c) B4 Mixed Use Zone (3) Development consent may be granted to a single development application for development to which this applies that is all of the following: (a) the subdivision of land into 2 or more lots, (b) the erection of residential

	accommodation or commercial development on each lot (c) in the case of the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, the size of each lot is equal to or greater than: (i) for the erection of a dwelling house - 200m² each, or (ii) for the erection of an attached dwelling - 200m² each, or (iii) for the erection of a semi-detached dwelling - 200m² each. (4) This clause does not apply if a resulting lot has a street frontage of less than 12 metres and does not have rear lane vehicular access.
<i>Additional Clause 4.1 "B" Minimum subdivision lot sizes for certain split zones</i>	This provision seeks to provide an exception to the minimum lot size in the case of lots containing land in one zone and land in an E2 Environmental Conservation or E3 Environmental Management zone. (1) The objectives of this clause are as follows: (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development. (2) This clause applies to each lot (an original lot) that contains: (a) land in a residential, business or industrial zone, and (b) land in E2 Environmental Conservation Zone, or E3 Environmental Management Zone (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if: (a) one of the resulting lots will contain: (i) land in a residential or business zone that has an area that is not less than the minimum lot size shown on the Lot Size Map in relation to that land, and

	(ii) all the land in E2 Environmental Conservation Zone, or E3 Environmental Management Zone, and (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
Clause 4.1 "C"	This provision seeks to provide greater flexibility for the subdivision of lots with a split zoning where a satisfactory Vegetation Management Plan has been provided. (4) Development consent may be granted for the land referred to in 4.1 (ii) zoned E2 Environmental Conservation to be less than all the land in the E2 Environmental Conservation Zone, or E3 Environmental Management Zone, if: (a) The consent authority is satisfied that the subdivision is consistent with the objectives and strategies of a Vegetation Management Plan which shall describe measures to manage the impacts on fauna and flora of the development of the whole, or the relevant part, of the Urban Release Area, and the Vegetation Management Plan has been prepared to the satisfaction of the consent authority, and (b) arrangements have been made for the ongoing implementation of the Vegetation Management Plan to the satisfaction of the consent authority.
Additional Clause 5.13 Ecotourist facilities	This provision seeks to provide development guidelines for ecotourism development. 5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent] (1) The objectives of this clause are as follows: (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out, (b) to provide for sensitively designed and managed eco-tourist facilities that have

	minimal impact on the environment both on and off-site. (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan. (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that: (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours materials and landscaping with local indigenous flora, and (h) any infrastructure services to the site will be provided without significant modification to the environment, and
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	(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and (j) the development will not adversely affect the agricultural productivity of adjoining land, and (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment: (i) measures to remove any threat of serious or irreversible environmental damage, (ii) the maintenance (or regeneration where necessary) of habitats, (iii) efficient and minimal energy and water use and waste output, (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment, (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.
Additional Clause 7.8 Biodiversity protection	This clause seeks to provide for a biodiversity map layer as a number of measures associated with the rezoning of narrow areas of E2 Environmental Conservation zoned land to R1 Residential. The map identifies areas environmental significance. 7.8 Biodiversity protection (1) The objective of this clause is to maintain terrestrial and aquatic biodiversity including: (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and necessary for their continued existence, and (c) encouraging the recovery of native fauna and flora and their habitats, and

	(d) protecting water quality within drinking water catchments. (2) This clause applies to land identified as "sensitive land" on the Natural Resources-Biodiversity Map. (3) Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following: (a) native ecological communities, (b) the habitat of any threatened species, populations or ecological community, (c) regionally significant species of fauna and flora or habitat, (d) habitat elements providing connectivity, (e) water quality within drinking water catchments. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or (b) if that impact cannot be avoided-the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised-the development will be managed to mitigate that impact.
Schedule 1	Include manufactured home estates as an additional permitted land use on the R1 zoned area of Lots 481 DP 804971 and Lot 4822 DP 852073
Maps	The boundaries of the E2 Environmental Management Zone shown in the Land Zoning Map LZN 001 are amended to more accurately reflect those areas of environmental significance which will provide biodiversity offsets. The former E2 Environmental Conservation Zone areas located in the "fingers" are rezoned R1 General Residential and B4 Mixed Use, as shown in Attachment One. The Height of Buildings Map HOB 001 is amended to reflect the changes in the Land Zoning Map such that the land to be rezoned R1 adopts a maximum building

	height of 9 metres, and the land to be rezoned B4 Mixed Use adopts a maximum building height of 15 metres, as shown in Attachment Two. The Lot Size Map (LSZ 001) is amended to reflect changes in the E2 zone boundary such that the land to be rezoned R1 adopts a minimum lot size of 450 square metres, and the land to be rezoned B4 Mixed Use adopts a minimum lot size of 400 square metres, as shown in Attachment Three. An additional map titled the "Natural Resources-Biodiversity Map" is included in the Port Stephens Local Environmental Plan (North Raymond Terrace, Kings Hill) 2010 in the map layer, as shown in Attachment Four.
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The relevant Council reports and resolutions are at **Attachments 5 and 6** respectively. A Locality Plan is at **Attachment 7**, an aerial photograph is at **Attachment 8** and the existing zoning map (Port Stephens LEP (Kings Hill, North Raymond Terrace) 2010) is at **Attachment 9**. The proposed zoning map is at **Attachment 1**.

Location

The land affected by proposed amendment to Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 is shown in the map at Figure 1.

Kings Hill is located just to the north of Raymond Terrace in the Port Stephens Local Government Area. The Pacific Highway is adjacent to the east of Kings Hill, and New Line Road is adjacent to the west.

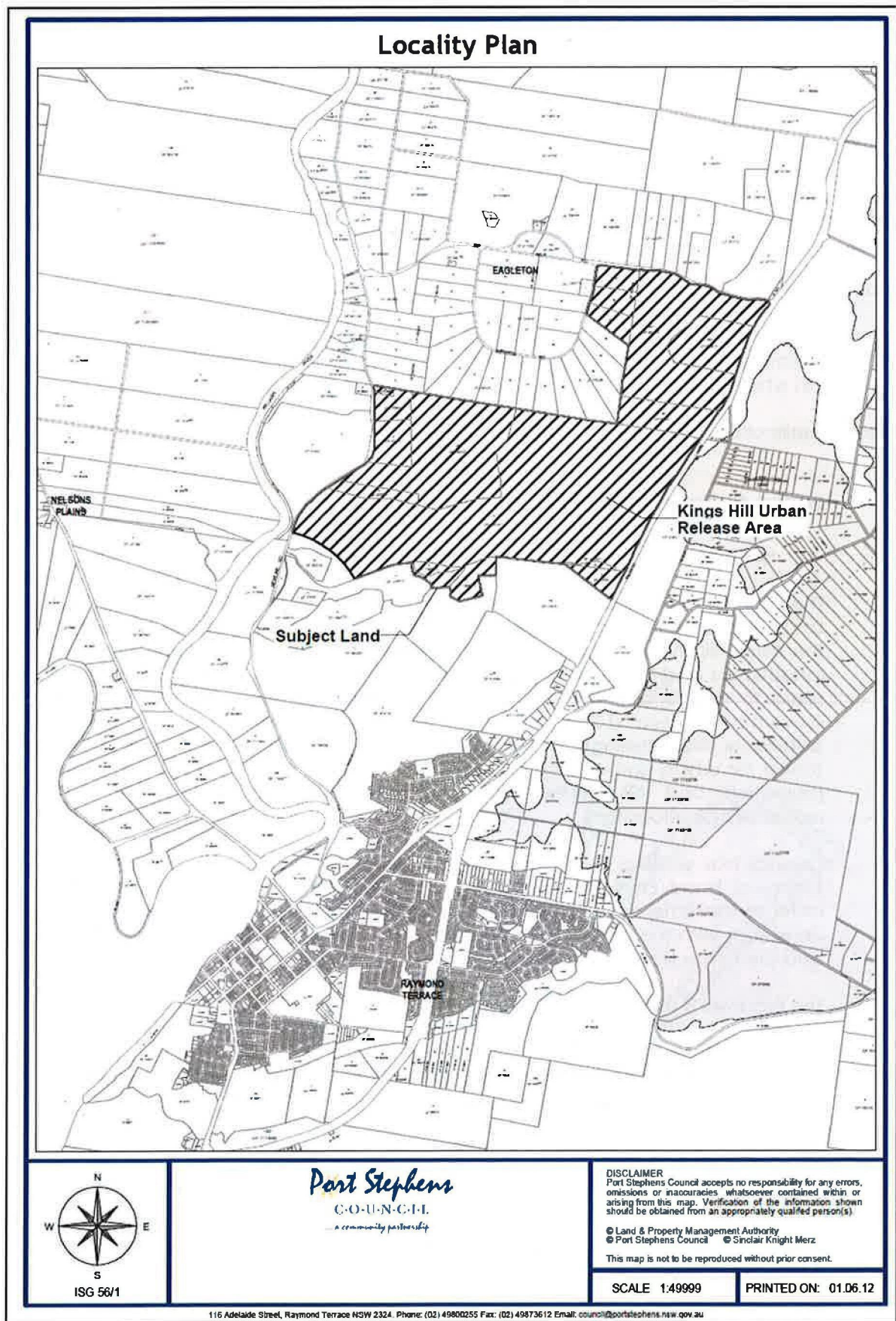


Figure 1: Subject land (hatched area)

Site description

Kings Hill is a residential urban release area, which will have a town centre in the south east and a number of smaller scale retail and services centres to meet the day to day needs of residents. The development area forms a "U" shape around a ridge which runs north south and which, along with a number of riparian corridors, is zoned E2 Environmental Conservation, as can be seen in the map at Figure 1. Kings Hill is estimated to have around 4,500 dwellings or 11,700 residents at completion. The development of Kings Hill will take some 25 years, at an average development rate of 180 dwellings per year.

Current zoning

Kings Hill is zoned R1 General Residential, B2 Local Centre, B4 Mixed Use, E2 Environmental Conservation and E3 Environmental Management. A copy of the existing zoning map is located in Attachment Eight.

Part 3 - Justification

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is based on a strategic study or report. The Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 is an outcome of the Kings Hill Local Environmental Study and extensive consultation with agencies, landowners and the community. Council's Port Stephens Planning Strategy (PSPS) seeks to ensure a sufficient supply of a diverse range of housing in the Local Government Area (LGA). The Lower Hunter Regional Strategy projects 5300 additional infill dwellings in Port Stephens by 2031. The development of the land zoned for urban purposes at Kings Hill land for housing will assist in achieving this projection, and this planning proposal seeks to facilitate timely and efficient residential development.

Council has worked in consultation with Kings Hill landowners to refine the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 in order to facilitate development and to deliver improved environmental outcomes consistent with the Local Environmental Study, the Port Stephens Planning Strategy and the Lower Hunter Regional Strategy.

This Proposal is a product of that process.

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

The Planning Proposal is the most effective and efficient way of achieving the outcomes sought by the amendments to the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010.

Rezoning a number of narrow corridors of E2 Environmental Conservation land to R1 General Residential (see Attachment One) and other minor adjustments to the E2 Environmental Conservation zone boundary will provide flexibility to enable detailed subdivision planning to be undertaken and for service infrastructure and roads to be constructed. Recent detailed surveying and site investigation by landowners has shown that the boundaries of environmentally significant areas are inaccurate. The purpose of this component of the Proposal is to address these inaccuracies as well as to provide greater flexibility in detailed design. The qualities

of riparian areas and related areas of environmental significance will be retained and protected by a "*Biodiversity protection*" clause in the Local Environmental Plan that specifies development considerations, and an associated map (see Attachment Four). This land is not proposed to be used for biodiversity offsets.

The proposed adjustments to minimum lot sizes, including additional flexibility in the size of split zoned lots on the periphery of the core E2 conservation area can only be achieved through this Planning Proposal, because minimum lot sizes are specified by the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010. Any changes to minimum lot sizes requires an amendment to the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010.

The amendment to include development requirements for ecotourist facilities as an additional land use in the E2 and E3 zones arises because the Department of Planning and Infrastructure only permitted this land use in a land use table after the publication of the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010.

It is also proposed to permit manufactured home estates as an additional permitted land use in the R1 zoned area of Lot 481 DP 804971 and Lot 4822 DP 852073. This land use cannot be included in the land use table because the land use is not defined in the Dictionary and its inclusion would be contrary to the Standard Order, consequently it will be shown in Schedule 1 Additional Permitted Uses. Figure 2 shows the land affected by this provision.

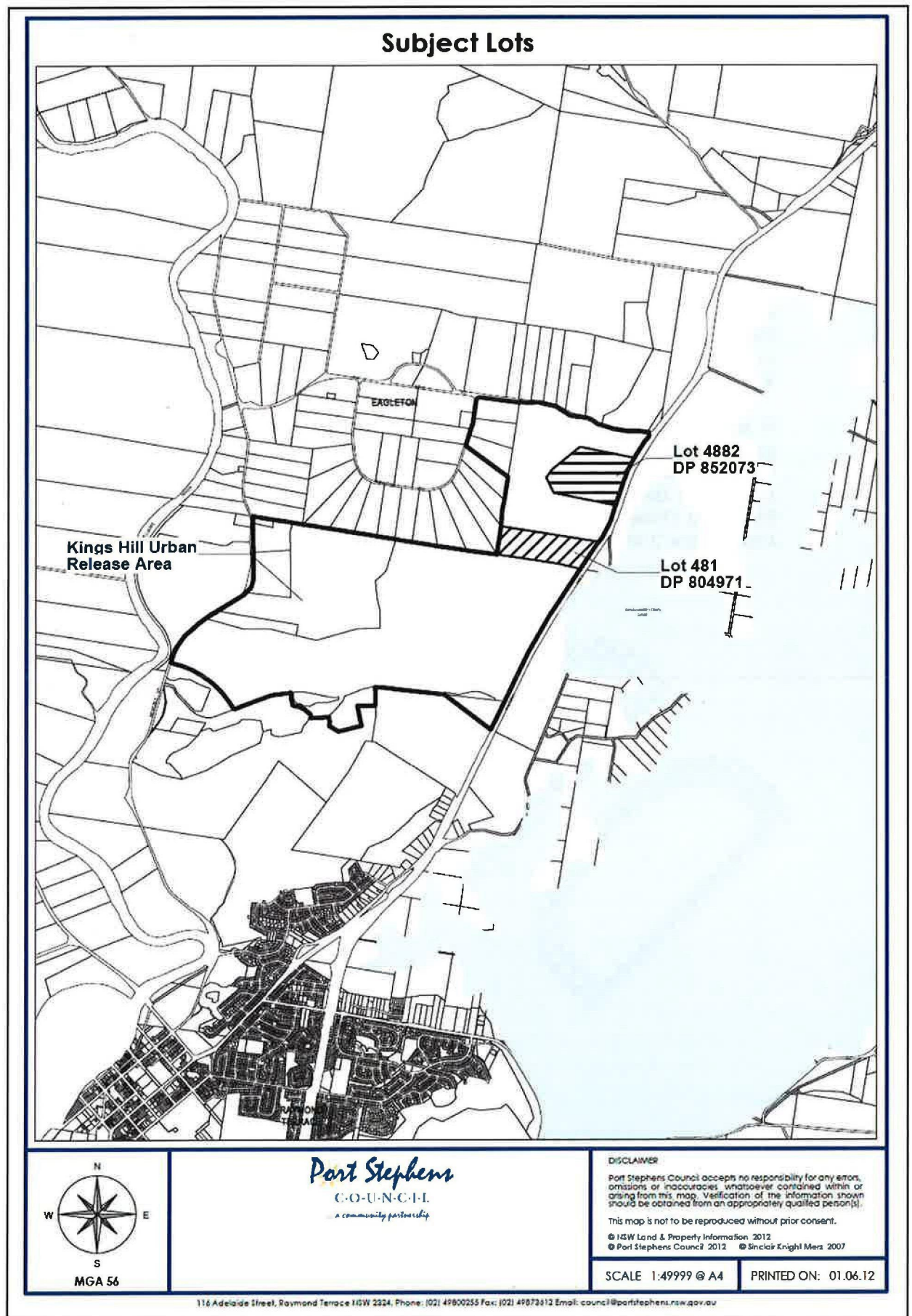


Figure 2: Location of Lot 481 DP 804971 and Lot 4822 DP 852073 (hatched)

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)?

The proposal is consistent with the Lower Hunter Regional Strategy's (LHRS) policies which encourage residential development and increased housing choice. It is also consistent with the Lower Hunter Conservation Plan.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Proposal is consistent with Council's Integrated Strategic Plan which seeks to identify suitable land for housing and provide clarity about the long term development pattern and capacity of Port Stephens

The proposal is consistent with Council's Port Stephens Futures Strategy which states that sustainability should be:

- The basis for planning the overall design of the new urban release areas, and
- The basis for planning a balance between development and environment in the Shire

The following strategic directions are relevant:

- Council should facilitate housing opportunities tailored to demographic structure and community needs, demographic needs and affordability, and
- The unique coastal and natural environmental attributes of Port Stephens are protected and enhanced.

Council's Port Stephens Planning Strategy (PSPS) seeks to encourage a sufficient supply of a diverse range of housing in the Local Government Area (LGA) consistent with overall environmental and biodiversity protection measures. Kings Hill is an identified urban release area under the Port Stephens Planning Strategy.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

SEPP (Affordable Rental Housing) 2009

The proposal facilitates residential development on land to which the SEPP applies, and accordingly has the potential to increase the supply of affordable housing. It is consistent with the SEPP.

SEPP (Exempt and Complying Development Codes) 2008

The proposal facilitates development on land to which the Exempt and Complying Development Code may be applied. It is consistent with the SEPP

SEPP (Rural Lands) 2008

The Plan does not seek to facilitate rural subdivision. It is consistent with the SEPP

SEPP (Infrastructure)

The proposal is consistent with this SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Not applicable.

SEPP (Major Development) 2005

Not applicable.

SEPP (Building Sustainability Index: BASIX) 2004

The proposal is consistent with this SEPP.

SEPP (Housing for Seniors and People with a Disability) 2004

The proposal facilitates development on land upon which housing for seniors and people with a disability may be developed. It is consistent with the SEPP

SEPP 71 (Coastal Protection)

The land is not affected by SEPP 71. It is consistent with the SEPP

SEPP 65- Design Quality of Residential Development

SEPP 65 applies to the site. It is consistent with the SEPP

SEPP No. 62 - Sustainable Aquaculture

Not applicable.

SEPP No. 64 - Advertising and Signage

The proposal is consistent with this SEPP.

SEPP 55 Remediation of Land

There is no known contamination on the land that would make the land economically or environmentally unsuitable for its intended uses. It is consistent with the SEPP

SEPP 44 Koala Habitat Protection

In relation to SEPP 44 Koala Habitat Protection, an ecological assessment by Ecobiological (2009) concluded that while the master plan for the overall Kings Hill development removes some areas of preferred and supplementary habitat for the Koala, it does leave habitat that can be used by this species for dispersal corridors and feeding areas. Roads and services crossing the E2 Environmental Conservation corridors were included in the master plan review.

The requirements of the Port Stephens Koala Comprehensive Plan of Management would be considered in the development of road or service corridor crossings or any other development on Kings Hill and particularly lands of biodiversity significance.

It is consistent with the SEPP

SEPP No. 15 - Rural Land-Sharing Communities

Not applicable.

SEPP No. 50 - Canal Estates

Not applicable.

SEPP No. 53 - Metropolitan Residential Development

Not applicable.

SEPP No. 36 - Manufactured Home Estates

The Proposal does not seek to make caravan parks a permissible use. The land use permissibility and other provisions of SEPP 36 do not apply.

SEPP No. 21 - Caravan Parks

Not applicable.

SEPP No. 33 - Hazardous and Offensive Development

Not applicable.

SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)

Not applicable.

SEPP No. 30 - Intensive Agriculture

Not applicable.

SEPP No. 22 - Shops and Commercial Premises

No applicable.

SEPP 14 Coastal Wetlands

A SEPP 14 Wetland (No 803) is located in the southwest of Kings Hill. It is not proposed to change the zoning of this wetland. It is consistent with the SEPP

SEPP 9 Group Homes

The proposal facilitates development on land upon which group homes may be developed. It is consistent with the SEPP

SEPP No. 6 - Number of Storeys in a Building

The proposal is consistent with this SEPP.

SEPP No. 4 - Development without Consent and Miscellaneous Complying Development

Not applicable.

SEPP 1 Development Standards

SEPP 1 has been replaced by Clause 4.6 of the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010. Therefore the SEPP is not applicable.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

1.1 Business and Industrial Zones

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 strategic centres.

The Proposal does not reduce business or industrial zones.

1.2 Rural Zones

The objective of this direction is essentially to protect the agricultural production value of rural land. This Direction states that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

The Proposal is consistent with the Direction, as it does not apply in this case.

1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This proposal does not affect extractive resources.

1.4 Oyster Aquaculture

This proposal does not affect oyster aquaculture areas.

1.5 Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.

The State Environmental Planning Policy (Rural Lands) 2008 does not apply to the content of this Planning Proposal. Therefore, the Proposal is consistent with the Direction, as it does not apply in this case.

2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

The Proposal does affect environmental sensitive lands. It seeks to rezone narrow areas of land from zone E2 Environmental Conservation to R1 Residential and B4 Mixed Use Zones, and to protect those lands through the application of a clause in the LEP stating development requirements for to protect biodiversity, together with a supporting map layer.

This proposed action is consistent with discussions with the Office of Environment and Heritage, and the affected land is not proposed to be used for biodiversity offsets.

It is considered that the minor inconsistency with this Direction is justified and biodiversity impacts are appropriately managed.

2.2 Coastal Protection

The objective of this direction is to implement the principles in the NSW Coastal Policy.

The land is not within the coastal zone.

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 contains provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

No known items of European heritage are located on the subject land.

Items and places of indigenous heritage significance are located at Kings Hill. The known items and places are located within the land zoned E2 Environmental Conservation under the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010. It is not proposed to alter the zoning of these lands.

Appropriate measures will be taken at the subdivision stage to ensure that any potential items of indigenous heritage are located and appropriately conserved.

It is considered that the Planning Proposal is consistent with this Direction.

2.4 Recreation Vehicle Areas

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

It is not proposed to enable a recreational vehicle area to be developed.

3.1 Residential Zones

The objectives of this Direction are:

- To encourage a variety and choice of housing types to provide for existing and future housing needs
- To make an efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services
- To minimise the impact of residential development on the environment and resource lands.

The proposal facilitates the development of housing.

3.2 Caravan Parks and Manufactured Home Estates

The objectives of this direction are:

- to provide for a variety of housing types, and
- to provide opportunities for caravan parks and manufactured home estates.

Caravan Parks are a not permissible land use under the existing zoning of lands at Kings Hill.

It is considered that the proposal is consistent with this Direction.

3.3 Home Occupations

The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

The proposal does not affect this matter.

3.4 Integrating Land Use and Transport

The objectives of this Direction are to ensure that development:

- Improves access to housing, jobs and services by walking, cycling and public transport;
- Increases the choice of available transport and reducing dependence on cars;
- Reduces travel demand including the number of trips generated by development and the distances travelled, especially by car;
- Supports the efficient and viable operation of public transport services; and
- Provides for the efficient movement of freight.

It is considered that the proposal is consistent with this Direction.

3.5 Development Near Licensed Aerodromes

The objectives of this direction are:

- to ensure the effective and safe operation of aerodromes, and
- to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
- to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The Proposal will not create an obstruction to flying aircraft. The subject land is not affected by the ANEF 2012 or 2025 (Department of Defence 6 March 2007 and 10 August 2011 respectively).

3.6 Shooting Ranges

The objectives of this direction are:

- to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
- to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
- to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

The site does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

4.1 Acid Sulphate Soils

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

A riparian corridor that crosses New Line Road in an easterly direction is Category 3 - Works beyond 1 m below natural ground surface. Another riparian corridor to the north that crosses New Line Road in an easterly direction is Category 4 - Works beyond 2m below natural ground surface. The balance of the land is category 5 - Works within 500m of an adjacent class.

The Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 contains provisions requiring appropriate measures to be taken at the development stage to avoid adverse impacts from the presence of acid sulphate soils. Figure 4 shows the Acid Sulphate Soil Categories in the Kings Hill Urban Release Area.

4.2 Mine Subsidence and Unstable Land

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

The land is unaffected by mine subsidence.

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 Prone Land Policy and the principles of the Floodplain Development Manual 2005
- 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.

Two riparian corridors in the north west of Kings Hill and a wetland in the southwest of Kings Hill are identified as flood prone on the Port Stephens Council GIS.

The Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 contains provisions to ensure flood free access for residents. Development is not proposed for flood prone areas.

Figure 5 shows the extent of flood affected land in the Kings Hill Urban Release Area.

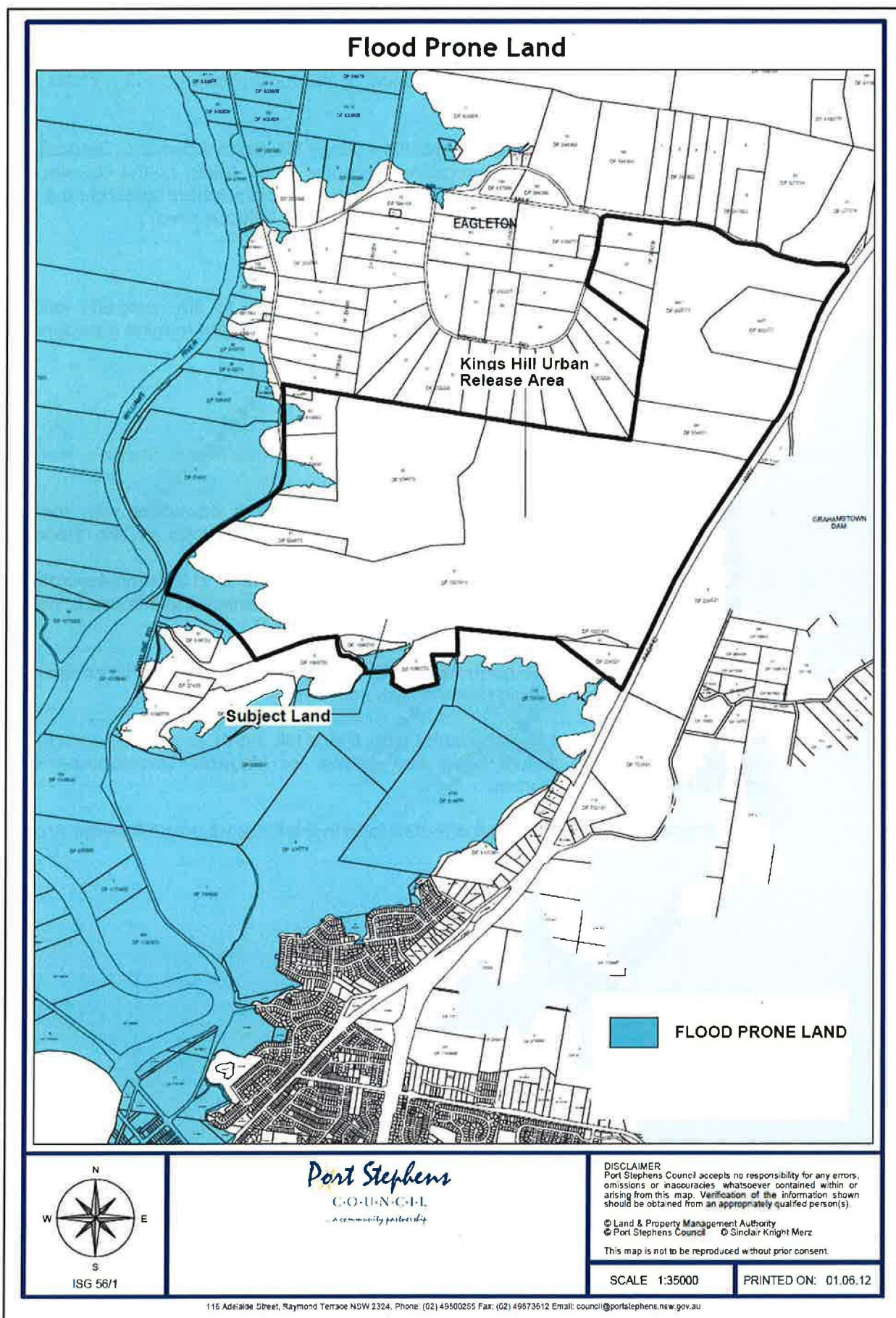


Figure 3: Flood Prone Lands

4.4 Planning for Bushfire Protection

The objectives of this Direction are to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bushfire prone areas.

Kings Hill contains bushfire prone areas. These areas will change as urban areas are developed. The new urban areas will be developed consistent with Planning for Bushfire Protection.

5.1 Implementation of Regional Strategies

The proposal is consistent with the Lower Hunter Regional Strategy.

5.2 Sydney Drinking Water Catchments

Not applicable.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Not applicable.

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

The objectives for managing commercial and retail development along the Pacific Highway are:

- to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;
- to prevent inappropriate development fronting the highway
- to protect public expenditure invested in the Pacific Highway,
- to protect and improve highway safety and highway efficiency,
- to provide for the food, vehicle service and rest needs of travellers on the highway, and
- to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

Where this Direction applies:

This Direction applies to those council areas on the North Coast that the Pacific Highway traverses, being those council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive.

The site is adjacent to the Pacific Highway, but this issue is not relevant to the nature of this Planning Proposal.

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Not applicable.

5.6 Second Sydney Airport: Badgerys Creek

Not applicable.

6.1 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The proposal is consistent with this direction.

6.2 Reserving Land for Public Purposes

The objectives of this direction are:

- to facilitate the provision of public services and facilities by reserving land for public purposes, and
- to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The proposal is consistent with this direction.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The proposal is consistent with this direction.

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Section C - Environmental, social and economic impact.

7. 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 proposal may impact on critical habitat or threatened species, populations or ecological communities, or their habitats. However, a clause and a supporting map layer are proposed to be included in the LEP in order to protect the biodiversity significance of the land. Appropriate studies will be required at the development stage for any development, such as roads or service corridors, which affect land that has been identified as being of biodiversity significance. Biodiversity offset arrangements are not affected by this proposal.

The land is not located within the LHRS green corridor or any areas identified by the Lower Hunter Conservation Plan as being of conservation significance.

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

No significant effects.

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

The social impacts of the proposal are:

- More rapid delivery of housing
- Increased housing diversity.

The economic effects are:

- Potential employment creation associated with the construction and on going occupation of any dwelling on the site
- Infrastructure efficiencies achieved as a result of "connected" development.

In summary the social and environment impacts of the proposal are positive.

Section D - State and Commonwealth interests.

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

Water, sewer, electricity and telecommunication services can be provided to Kings Hill.

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

Consultation with relevant authorities was undertaken prior to finalisation of the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010. The Office of Environment and Heritage has been consulted specifically on this Proposal and has indicated its agreement with the approach being taken. No other agencies have been consulted on this Proposal. Consultation will be undertaken with agencies as specified in the Gateway determination.

Part 4 – Community Consultation

The Proposal will be exhibited in accordance with the requirements of the Environmental Planning and Assessment Act.

The exhibition period will be for the period specified by the Gateway Panel, and will include the availability of hard copy exhibition material at the Council library, the Council administration building and for download from the internet.

Following the exhibition, the public submissions will be assessed, and a recommendation made to Council for their consideration.

DRAFT

Attachment One: Proposed Zoning Plan

Land Zoning Map - Sheet LZN_001
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- Zone**
- Environmental Communities
 - Environmental Management
 - EP1**
 - Local Councils
 - Mixed Uses

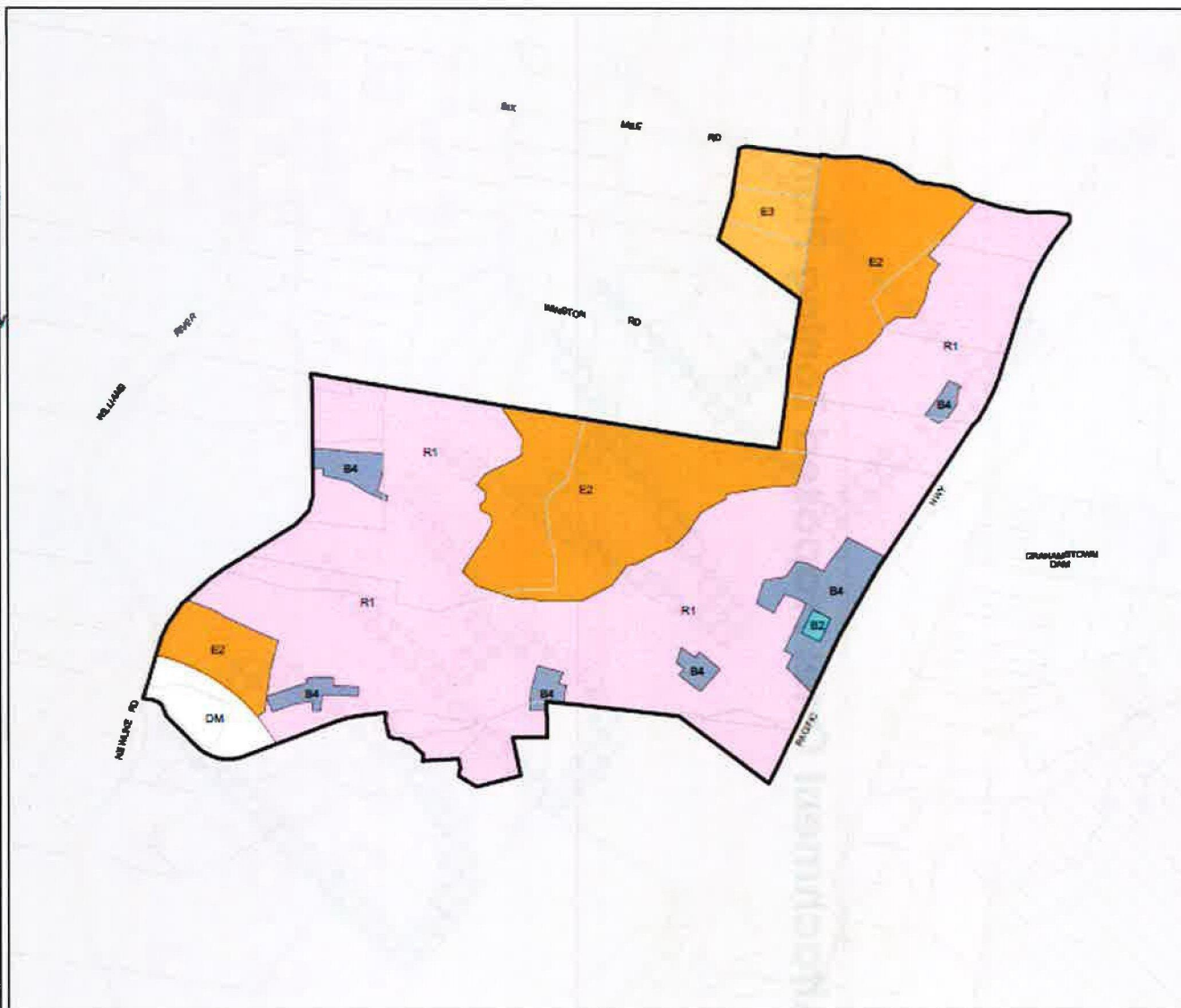
Cadastre
☐ Cadastre 24/03/2012 © Land and Property Information (LPI)



COPY DATE



Report 130000 © AD

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Attachment Two: Height of Buildings Map



**Port Stephens
Local
Environmental
Plan (Kings Hill
North Raymond
Terrace) 2010
Amendment -
Revision of
planning controls
for riparian and
related
conservation
areas and other
amendments to
increase flexibility**

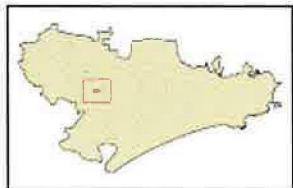
Height of Building Map -
Sheet HOB_001
8400_URB_HOB_001_020_20120516

Maximum Building Height (m)



Cadastral

Orange outline: Cadastre's 240220013 10 Land and Property Information (LPI)

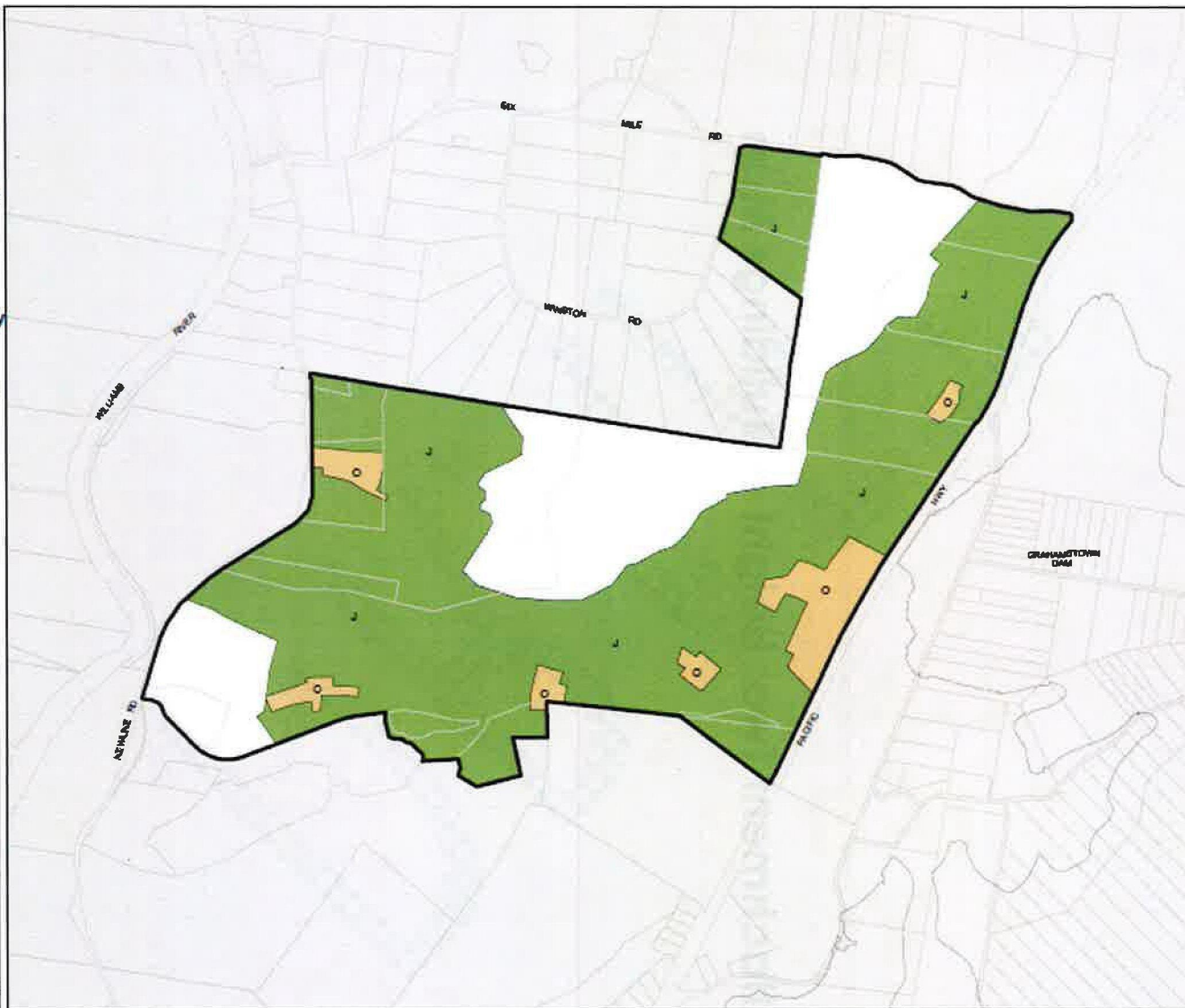


North arrow



Scale 1:2000 @ A3

Map creation/revision number
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Attachment Three: Lot Size Map

Lot Size Map -
Sheet LSZ_001
6400_URB_LSZ_001_020_20120516

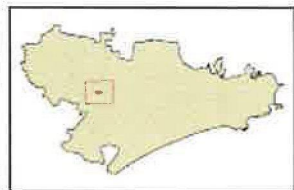
Minimum Lot Size 400 m²

4D H



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☐ Certificate 24/03/2012 @ Land and Property Information (LPI)



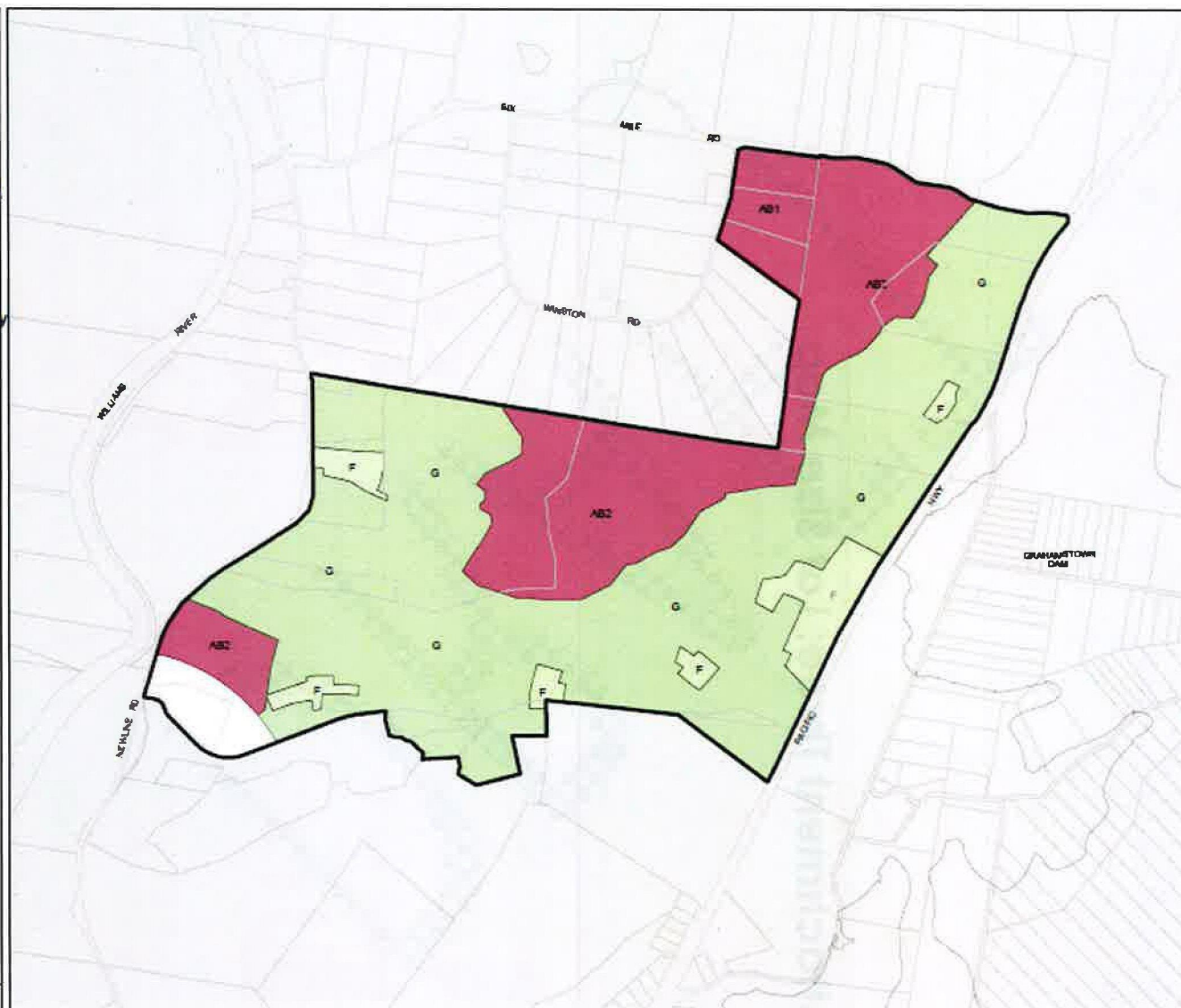
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Source: U.S. Census Bureau.

Study identification number

B08J_2616_wd2o_1E9_2X_29.JEPH



Attachment Four: Natural Resources – Biodiversity Map

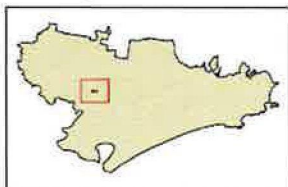


**Port Stephens
Local
Environmental
Plan (Kings Hill
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Amendment -
Revision of
planning controls
for riparian and
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conservation
areas and other
amendments to
increase flexibility**

Natural Resources - Biodiversity Map -
Sheet NRB_001
6400_URB_NRB_001_020_20120516

Zone
Sensitive Areas

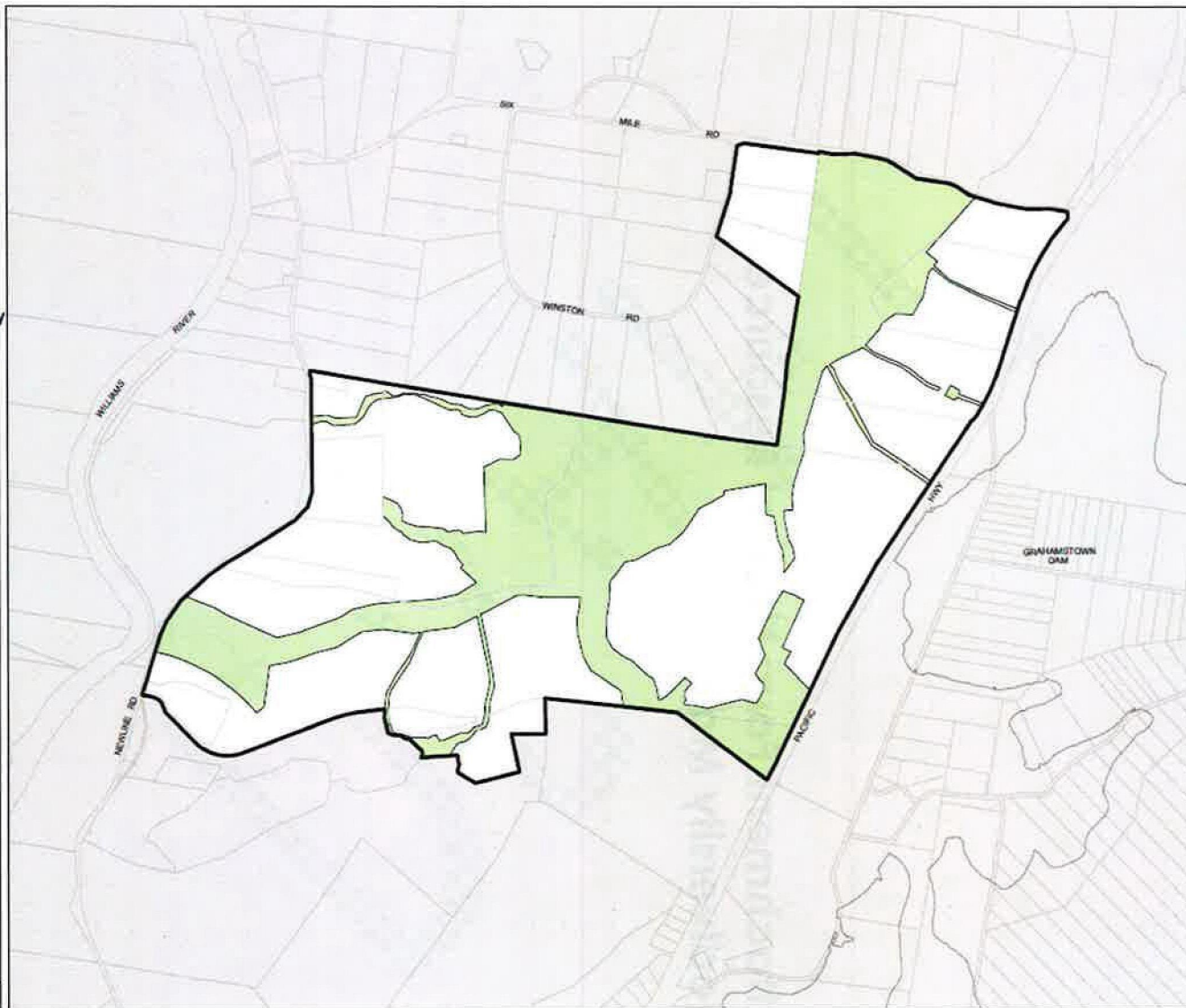
Cartodrone
Cartodrone 34035012 © Land and Property
Information (LPI)



0 400 metres

Scale: 1:20,000 @ A3

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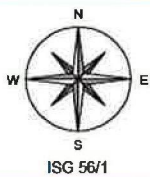
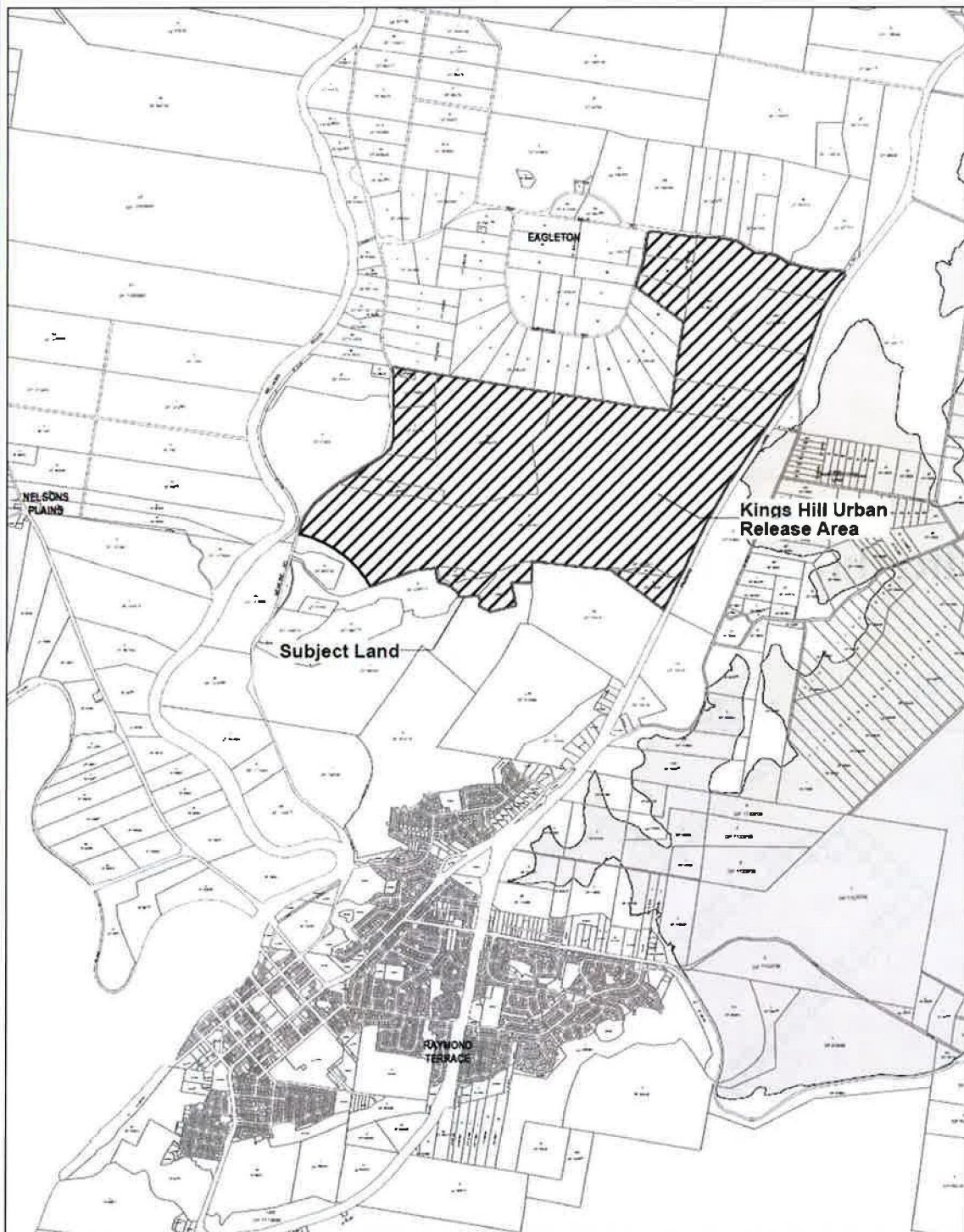
Attachment Five: Council Report

Attachment Six: Council Resolution

(Note: these attachments will be included in the Planning Proposal submitted to the Department of Planning and Infrastructure)

Attachment Seven: Locality Plan

Locality Plan



Port Stephens
COUNCIL
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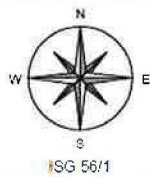
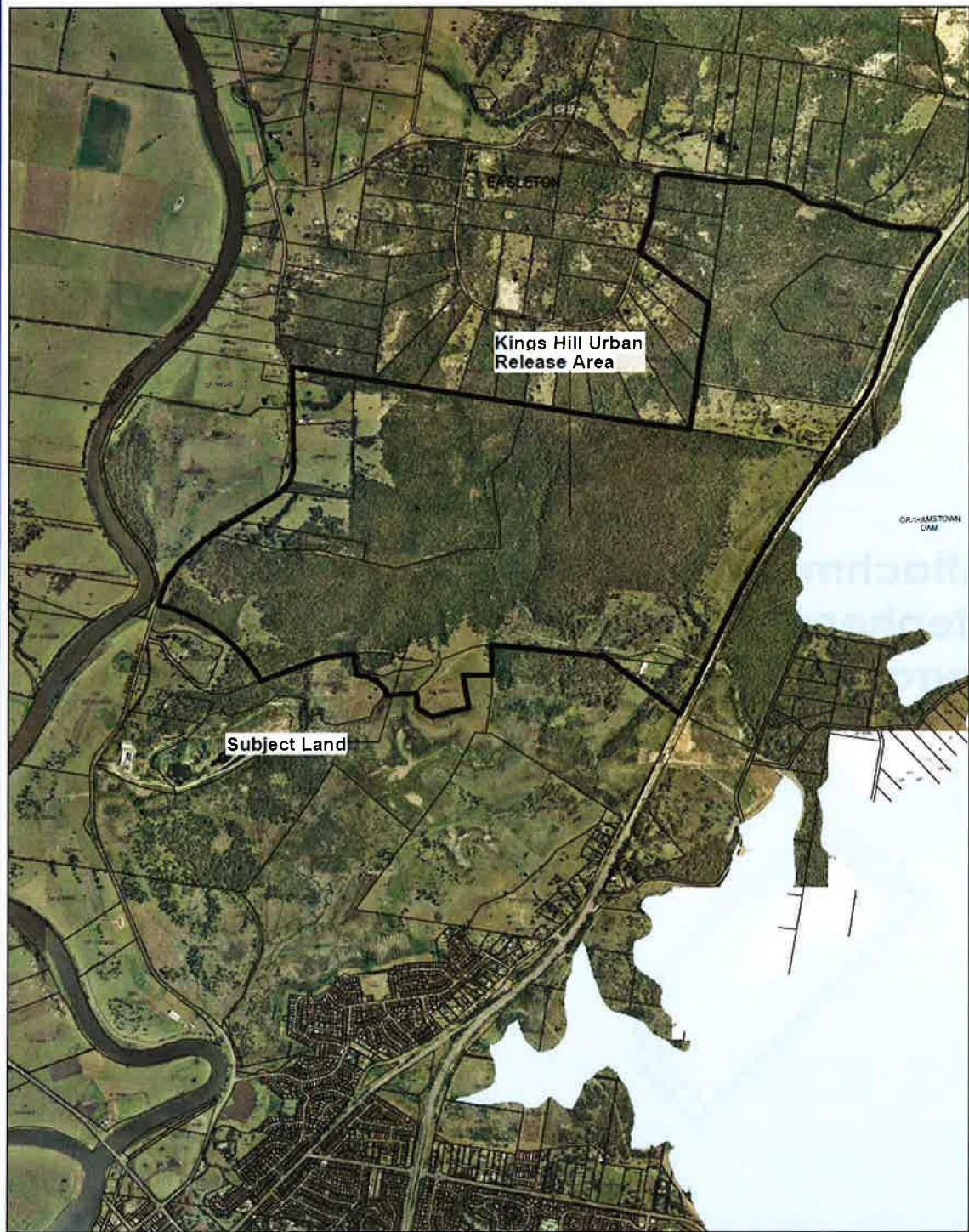
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PRINTED ON: 01.06.12

116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49500255 Fax: (02) 49875612 Email: council@portstephens.nsw.gov.au

Attachment Eight: Aerial Photograph

Aerial Photography



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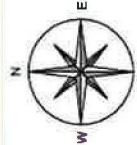
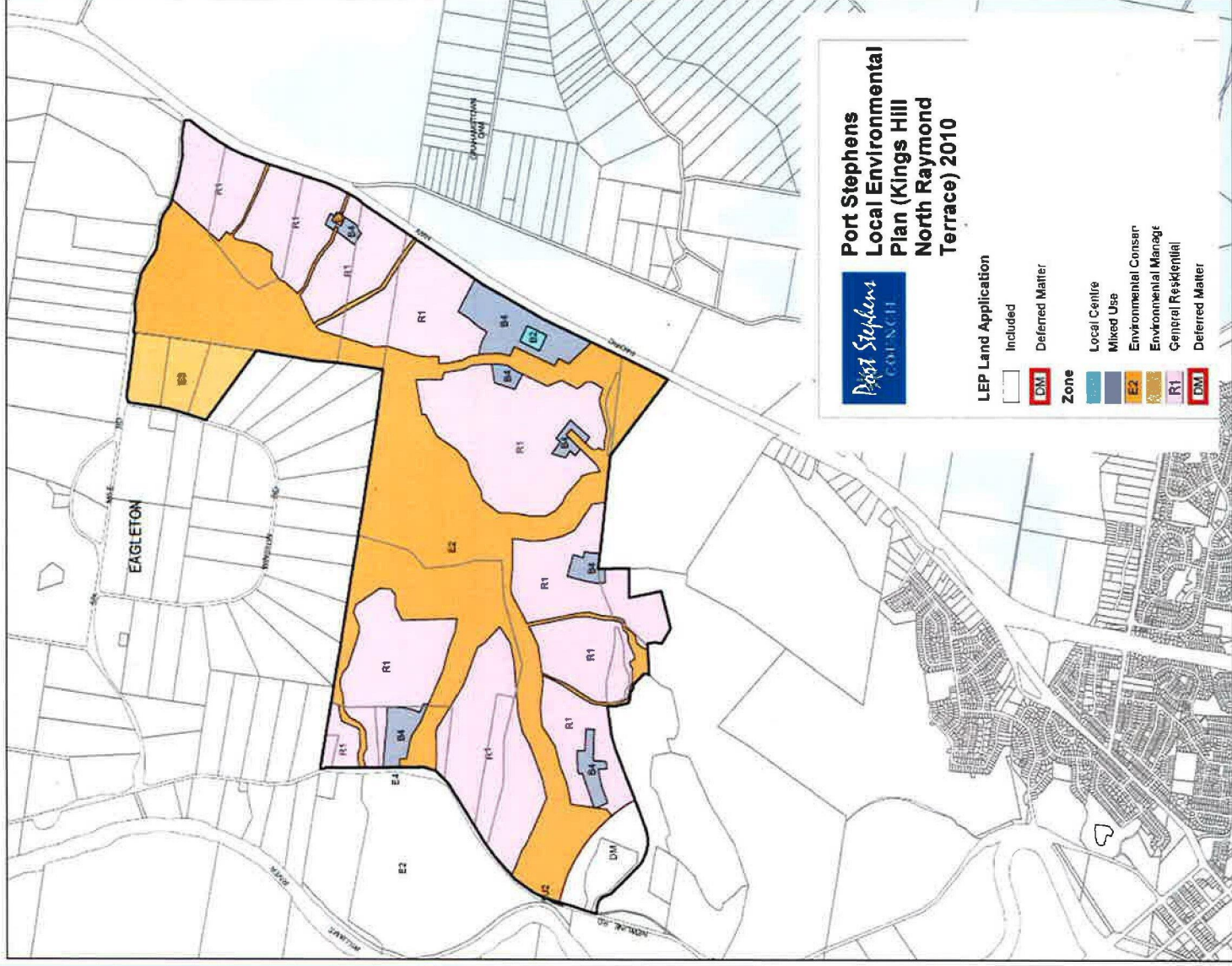
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116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49500255 Fax: (02) 49573512 Email: council@portstephens.nsw.gov.au

**Attachment Nine: Existing Zoning Map – Port
Stephens LEP (Kings Hill, North Raymond
Terrace) 2010**

Existing Zoning Plan - (PSLEP Kings Hill North Raymond Terrace) 2010



ISG 56/1

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