

Planning Proposal – Council Owned Lands at Soldiers Point

Part 1 – Objectives or Intended Outcomes

- To rezone and reclassify certain parcels of land at Soldiers Point in accordance with an independent review into Council-owned land in the locality (*Strategic Overview – Council Owned Lands at Salamander/Soldiers Point Strategy Hunter Consultants January 2008*).

Part 2 – Explanation of Provisions

The provisions of the Planning Proposal are summarised in Table 1 *Summary of Proposed Changes*.

Council resolved to rezone and reclassify various sites at Soldiers Point on 25th November 2008 in accordance with the *Strategic Overview of Council Owned Land at Soldiers Point* (the Strategic Overview).

The Planning Proposal does not include all sites from the Strategic Overview. It only includes Site 3, Site 4, Site 5, and Site 7 – their location is shown in the Strategic Overview.

Clarification of the Council's resolution of 25th November 2008 has resulted in the exclusion of Site 8 (Lot 598 in DP 27382) from the Planning Proposal. It will be subject to a separate planning proposal at a future date.

Advice from the NSW Department of Planning LEP Review Panel dated 3rd August 2009 also informs the current Planning Proposal. It has resulted in the

exclusion of further investigations into rezoning Diemar's Quarry for urban purposes (Part of Site 7).

Part 3 – Justification

Section A – Need for the planning proposal.

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

Strategic Overview – Council Owned Lands at Salamander/Soldiers Point

A strategic review into Council owned land has been undertaken and forms the basis of this Planning Proposal (refer to *Strategic Overview – Council Owned Lands at Salamander/Soldiers Point Strategy Hunter Consultants January 2008*).

The aims of the Strategic Overview are:

- To undertake a strategic overview of Council owned lands in the Salamander/Soldiers Point area of the Tomaree Peninsula, specifically:
- To provide recommendations for the best outcomes for all the nominated sites in terms of balance between the social, economic and environmental land infrastructure factors that are relevant, and
- To provide clear directions as to further planning and research tasks required to fully evaluate the future development and environmental management of these parcels within the appropriate legislative framework

The Strategic Overview investigates a total of 9 sites (note: each site may include more than one allotment).

This Planning Proposal seeks to proceed with investigations of Site 3, Site 4, Site 5 and Site 7 (excluding Diemar's Quarry).

The Strategic Overview provides guidance on the most appropriate zoning and classification of Council owned land at Soldiers Point. The proper management of the land is in the interest of the Council and the community.

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 best means of achieving the objectives. It is based on an independent review and deals with the management of Council owned land at Soldiers Point in a comprehensive manner.

Is there a community benefit?

The level of community benefit varies from site to site and is addressed in the *Strategic Overview*.

Section B – Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Lower Hunter Regional Strategy (LHRS)

The LHRS does not identify the Tomaree Peninsula for major growth, and does not identify any "proposed urban areas" on the map. Soldiers Point, which is located on the Tomaree Peninsula, is identified as an "existing urban area" on the main map of the LHRS.

In terms of urban development, the Planning Proposal is not regionally significant. It is only proposing to rezone approximately 2000 square metres of land for industrial development that is adjacent to existing industrial development (Part of Site 3).

The LHRS focus is on identified regional green corridors. Land subject to the Planning Proposal is not within a regional green corridor, however it makes a positive contribution towards environmental conservation primarily by rezoning Stoney Ridge Reserve from 6(a) General Recreation to 7(a) Environment Protection.

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

Council has a Community Settlement and Infrastructure Strategy (CSIS) that was adopted by Council in 2007; however, it has not been endorsed by the Department of Planning. The CSIS is currently under review.

The sites are not specifically identified for development in the CSIS. In any case, the proposed rezoning and reclassification of each site is consistent with Part 4 Sustainability Principles and Criteria of the CSIS:

- a minor and logical extension to an existing industrial area (Site 3); and
- rezoning a large part of Stoney Ridge Reserve and adjacent land from 6(a) General Recreation to 7(a) Environment Protection to reflect its environmental value (Site 4 and part Site 5).

Is the planning proposal consistent with applicable state environmental planning policies?

SEPP 14 Coastal Wetlands

A southern part of Lot 51 in DP 803471 is mapped as SEPP 14 Wetland. The land is currently zoned 6(a) General Recreation and proposed for zoning to 7(a) Environmental Protection.

Is the planning proposal consistent with applicable Ministerial Directions?

1.1 Business and Industrial Zones

The objectives of this direction are to:

1. encourage employment growth in suitable locations
2. protect employment land in business and industrial zones, and
3. support the viability of identified strategic centres.

The direction applies because the Planning Proposal seeks rezoning of Lot 54 & 56 in DP 260211 from 4(a) Industrial to 6(a) Open Space. These lots form part of Site 7. They are currently zoned industrial with the intention of supporting the local oyster industry and are vacant.

The proposal is inconsistent with the direction because it will result in a loss of industrial zoned land.

The loss of the industrially zoned land is justified principally because it may provide an opportunity to provide an improved waterfront environment as well as potentially facilitate public access to the waterfront and opportunity for reinforcement of a wildlife corridor (refer to page 57).

The Port Stephens Foreshore Management Plan also recommends that foreshore sites are rezoned 6(a) Open Space to provide improved public access to the foreshore.

The recommendation to rezone these two allotments is linked to rezoning of Diemar's Quarry for urban development. Given that rezoning the quarry was not supported by the NSW Department of Planning LEP Review Panel, it may not be appropriate to continue with any rezoning of Lot 54 & 56 in DP 260211. In any case, consultation is required with the relevant private landowners, and with the section of Council responsible for any acquisition of the land. This would occur as part of the exhibition process and be reported to Council for further consideration.

Direction 2.1 Environmental Protection Zones

The objective of this directive is to protect and conserve environmentally sensitive areas. It applies to the Planning Proposal because it seeks to rezone Site 4 and Site 5 from 6(a) Open Space to 7(a) Environmental Protection. The Planning Proposal is consistent with this Direction.

Direction 2.2 Coastal Protection

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

The direction applies because the land is within the Coastal Zone.

The Planning Proposal is consistent with this direction. In the first instance, it seeks to rezone a large parts of Site 4 and Site 5 from 6(a) General Recreation to 7(a) Environmental Protection in proper recognition of the land's environmental value.

The other elements of the proposal are minor and justified by the Strategic Overview, particularly rezoning the southern portion of Site 3 from 6(a) General Recreation to 4(a) Industrial. The Strategic Overview recommends Council investigates rezoning this part of the land for light industrial development, pending an assessment of wildlife movement corridors in the vicinity.

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.

A draft LEP shall not create, alter or reduce existing zonings or reservations or of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

This direction applies to the planning proposal because it seeks to:

- Rezone the southern part of Site 3 from 6(a) General Recreation to 4(a) Industrial and reclassify that part from Community Land to Operational Land to enable its potential sale;
- Rezone Site 4 from 6(a) General Recreation to 7(a) Environmental Protection. This land is known as Stoney Ridge Reserve and has significant environmental value.
- Rezone Site 5 from 6(a) General Recreation to 7(a) Environment Protection. These allotments form part of an environmental corridor linking with Stoney Ridge Reserve.

Section C – Environmental, Social and Economic Impact

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?

It is unlikely that the Planning Proposal will adversely affect any threatened species, populations or ecological communities, or their habitats. It proposes zoning changes that acknowledge the environmental value of each site and, in general, seeks to rezone large areas of land for environmental protection.

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

There are no other likely environmental effects as a result of the planning proposal.

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

The planning proposal has positive social effects by rezoning land to 7(a) Environmental Protection.

Broader economic effects include financial benefits to Council from the reclassification, rezoning and sale or lease of surplus land including Lot 600 in DP 27382 and Part Lot 1 in DP 263269.

Section D – State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

The planning proposal will have little or no impact on State and Commonwealth interests.

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

Not applicable.

Part 4 – Community Consultation

It is recommended that the planning proposal be placed on public exhibition for a period of 28 days.

The Strategic Overview will be included in the documentation for public exhibition.

A public hearing is required for Site 3 and Site 5 because the Planning Proposal seeks:

- To reclassify Lot 1 in DP 263269 from Community Land to Operational Land;

- To reclassify the southern part of Lot 600 in DP 27382 from Community Land to Operational Land; and
- To reclassify Lot 2 in DP 791551 from Operational Land to Part Operational Land and Part Community Land.

If the proposal proceeds to public exhibition additional information will be provided to address the requirements of the LEP practice note *Classification and reclassification of public land through a local environmental plan* (Department of Planning 12 June 2009).

Table 1 Summary of Proposed Changes

Site Number in Strategic Overview	Lot and DP	Street Address	Current Classification	Proposed Classification	Current Zone	Proposed Zone	Reason for Change
3(a)	Lot 1 in DP 263269	314 Soldiers Point Road	Community	Operational	4(a) Industrial	4(a) Industrial	This site, a corner allotment, has an area of only 470m ² and is bound by industrial development and roads. It is situated in an industrial area and is used by an adjoining site for informal parking. Due to its location, size and industrial zoning it as merit in being classified operational.
3(b)	Lot 600 DP 27382	308 Soldiers Point Road	Community	Part operational (southern portion) & part community (northern portion)	6(a) General Recreation	6(a) General Recreation (northern portion) & 4(a) Industrial (southern portion)	This site is split north-south by a road that serves an existing industrial estate. Rezoning and reclassifying the southern portion to 4(a) Industrial has merit because it forms a logical part of the existing industrial estate. The northern portion has environmental value as a wildlife corridor and open space, and will remain zoned and classified for those purposes.
4	Lot 51 in DP 803471 (excluding quarry)	1 Diemars Road	Community	Community	6(a) General Recreation	7(a) Environment Protection	This site, known as Stoney Ridge Reserve, contains a variety of habitats and vegetation types. It performs an important conservation role and provides a significant north south corridor for the movement of wildlife along the Soldiers Point Peninsula.

5(a)	Lot 3 in DP 791551	160B Soldiers Point Road	Community	Community	6(a) General Recreation	7(a) Environment Protection	These sites form part of an environmental corridor linking with Stoney Ridge Reserve, which is located further to the west.
5(b)	Lot 164 in DP 27047	160A Soldiers Point Road	Community	Community	6(a) General Recreation	7(a) Environment Protection	This site is immediately adjacent to Stoney Ridge Reserve and forms part of an environmental corridor. It has significant environmental value including areas of swamp sclerophyll forest and other endangered flora species. The existing area zoned 2(a) Residential will be retained and the remainder zoned 7(a) Environment Protection and classified community.
5(c)	Lot 2 in DP 791551	8 Fleet Street	Operational	Part operational (northern portion) & part community (southern portion)	6(a) General Recreation & 2(a) Residential	7(a) Environment Protection & 2(a) Residential	
7(b)	Lot 54 in DP 260211	25 Diemars Road	Privately owned	Privately owned	4(a) Industrial	Open Space or Environment Protection (zone to be clarified)	The <i>Foreshore Management Plan</i> recently adopted by Council makes general reference that foreshore sites be rezoned 6(a) General Recreation. These sites are not specifically identified for acquisition in the <i>Foreshore Management Plan</i> . They are identified in the <i>Strategic Overview</i> as having potential merit for rezoning to improve public access to the foreshore.
7(c)	Lot 56 in DP 260211	27 Diemars Road	Privately owned	Privately owned	4(a) Industrial	Open Space or Environment Protection (zone to be clarified)	