

Planning Proposal – Port Stephens Local Environmental Plan 2010 – Kings Hill North Raymond Terrace (Amendment No.1)

Part 1 – Objectives or Intended Outcomes

To rezone land to enable residential development on land at North Raymond Terrace that is adjacent to, and will form part of, the proposed new town commonly referred to as Kings Hill.

Part 2 – Explanation of Provisions

The *Lower Hunter Regional Strategy* (LHRS) identifies North Raymond Terrace/Kings Hill as a proposed urban area of up to 5000 dwellings, subject to consideration of aircraft noise impacts. The *Port Stephens Community Settlement and Infrastructure Strategy* (CSIS) identifies the locality as a potential future urban area.

This Planning Proposal is seeking an amendment to the existing draft *Port Stephens Local Environmental Plan 2010 – Kings Hill North Raymond Terrace* to identify approximately 40 hectares of additional land principally for residential development.

The Planning Proposal will utilise the same zones, written provisions and map types that have been prepared for the main Kings Hill site *Port Stephens Local Environmental Plan 2010 – Kings Hill North Raymond Terrace*. This is because any development of the site will form a logical extension of the main Kings Hill development.

Current zoning

The land is currently zoned 1(a) Rural Agriculture under the *Port Stephens Local Environmental Plan 2000*.

Proposed Zones

At this stage of the process, the proposal applies the following zones:

- Zone R1 General Residential (to enable the residential development of the majority of the site) and;
- Zone E2 Environmental Conservation (to conserve land of environmental significance located at the eastern part of the site).

Following the public exhibition process the zone footprint will be reviewed with a view to updating and applying environmental zones in a manner that more accurately reflects the findings of an environmental report (Wildthing, March 2010) prepared for the proposal.

Part 3 – Justification

Section A – Need for the planning proposal.

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

The proposal seeks to implement housing objectives of the LHRS and the CSIS, by rezoning land for urban development.

Due to the scale of mapping in the LHRS and CSIS it is difficult to identify whether the land is specifically identified in these strategies as a potential urban development area. It is, however, located immediately adjacent to the main Kings Hill development site and has merit for investigation.

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

Applying the R1 General Residential zone to the majority of the site is the best means of enabling the proposal to progress at this time. It is proposed to further address, investigate and resolve the following issues post-exhibition:

- Potential for odour from a nearby waste recycling facility to the south;

- The application of environmental zones in a manner that more accurately reflects the findings of an (Wildthing, March 2010) environmental report prepared for the proposal; and
- Aircraft noise.

Is there a community benefit?

The following community benefits will result from the proposal:

- Additional land will be made available for housing;
- The availability of land for housing will assist in maintaining housing affordability;
- Development of the land will contribute towards the expected 25 year timeframe for development of Kings Hill as a whole;
- Development of the land will provide employment and economic development over a sustained period;
- Environmentally significant land will be conserved (subject to further clarification and application of zone footprints during the process); and
- The regional centre of Raymond Terrace will receive additional patronage.

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)

North Raymond Terrace - Kings Hill is shown as a proposed urban area. The land joins or forms a logical extension of Kings Hill.

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

Port Stephens Futures

The development of Kings Hill is a component of Council's adopted Futures Strategy (2009). The subject site is immediately adjacent to the main Kings Hill development site. The Futures Strategy is a companion document to the Community Strategic Plan.

Community Strategic Plan

Provision of a range of residential lot sizes and types is part of the Community Strategic Plan. This proposal will assist in implementing this objective. The development of Kings Hill is a listed action.

Community Settlement and Infrastructure Strategy

Kings Hill is included in the CSIS as a proposed urban development area.

Kings Hill Environmental Management Strategy

An Environmental Management Strategy (JW Planning, February 2007) has been prepared for the main Kings Hill development area. It does not investigate the land subject to this proposal. The site is subject to separate investigations undertaken by the landowner, including a planning report (Tattersall Surveyors, March 2007) and environmental report (Wildthing, March 2010).

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

SEPP (Affordable Rental Housing) 2009

The proposal provides for additional land to which the SEPP applies, and accordingly has the potential to increase the supply of affordable housing.

SEPP (Rural Lands)

The then Department of Agriculture confirmed in 2003 for the main Kings Hill development that that land has limited agriculture value and raised no objection. The site subject of this planning proposal is immediately adjacent to

the greater Kings Hill site. It is assumed that any comment from the Department of Agriculture would be similar to their comments for the main Kings Hill site and the loss of rural land is not significant.

SEPP 44 Koala Habitat Protection

SEPP 44 is applied through the *Port Stephens Koala Plan of Management* (CKPoM) applies in the Port Stephens local government area.

The environment report submitted for the proposal provides an assessment of Koala habitat under the CKPoM (refer to report by Wildthing, pages 43 to 47). It identifies the site as comprising Marginal Koala Habitat only, consistent with the mapping in the CKPoM. Any impact is manageable if the recommendations of the report are applied to any subsequent development.

SEPP 55 Remediation of Land

At this stage of the process it is unclear whether a specific investigation into any potential contamination of the site has been carried out. This matter will be addressed as part of the rezoning process.

Is the planning proposal consistent with applicable Ministerial Directions?

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

The then Department of Agriculture confirmed in 2003 that the main Kings Hill site has limited agricultural value. It is assumed that the site of the current proposal has similar value. A large majority of the site is not mapped as prime agricultural land.

Direction 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.

The Department of Mineral Resources in 2003 raised no objection to the main Kings Hill site. It is assumed that the comments would be consistent for the current proposal.

Direction 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 then Department of Agriculture confirmed in 2003 that the main Kings Hill site has limited agricultural value. It is assumed that the site of the current proposal has similar value. A large majority of the site is not mapped as prime agricultural land.

Direction 2.1 Environmental Protection Zones

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

The current proposal identifies a small amount of land to be zoned E2 Environment Protection in the eastern part of the site. Following the public exhibition process the zone footprint will be reviewed, with a view to updating and applying environmental zones in a manner that more accurately reflects the findings of the environmental report submitted by the consultant Wildthing in March 2010.

Direction 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.

The current proposal will use the Standard Instrument clause 5.10 Heritage Conservation in the *Port Stephens Local Environmental Plan 2010 – Kings Hill North Raymond Terrace* to regulate the protection of heritage on the site.

Direction 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 efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- to minimise the impact of residential development on the environment and resource lands.

The proposal provides for additional land for housing, and permits a variety of dwelling types. The proposal contains provisions to ensure adequate infrastructure can be made available prior to development being approved.

Direction 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.

The proposal does not affect existing provisions that permit the development of a caravan park or affect the existing zoning of a caravan park.

It is not proposed to establish a manufactured home estate on the land.

Direction 3.3 Home Occupations

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

The proposal provides for home occupations in all zones where a dwelling is permissible.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is 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.

The proposal is additional to the main Kings Hill site, which has been developed in the context of a settlement pattern for the land focussed on a local and several neighbourhood mixed use centres, and the intensity of development will progressively intensify closer to these centres. Studies undertaken as part of the Environmental Management Strategy and Local Environmental Study have identified ways of ensuring the resultant development can be effectively served by public transport, and that an effective cycleway and pedestrian footpath network can be established.

Direction 3.5 Development Near Licensed Aerodromes

The objectives of this Direction are:

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

The western part of the site is located within the 20 to 25 ANEF contour under the 2025 ANEF map. The predicted up to average maximum noise levels (LA max) for this part of the site are up to 96 decibels. Any subsequent development within these contours will require noise attenuation measures to meet the requirements of *Australian Standard 201-2000 Acoustics – Aircraft noise intrusion – building siting and construction*.

The Commonwealth Department of Defence has provided advice that it does not support the rezoning of the land.

Direction 4.1 Acid Sulfate Soils

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

A model local provision is included in the *Port Stephens Local Environmental Plan 2010 Kings Hill North Raymond Terrace* to manage acid sulfate soils to ensure that adverse impacts do not result from development.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- to encourage sound management of bush fire prone areas.

A bushfire assessment has been carried out and will the proposed development will be undertaken consistent with the publication *Planning for Bushfire Protection*.

The Rural Fire Service has provided comment and does not object to the proposal.

Direction 4.3 Flood Prone Land

The objectives of this Direction are:

- To ensure that development of flood prone land is consistent with the NSW Government's *Flood 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.

The proposal is consistent with the *Port Stephens Local Environmental Plan 2010 Kings Hill North Raymond Terrace* to ensure that development will not adversely affect flood behaviour, create significant environmental impacts as a result of flood, and that safety of occupants is maintained. It contains a clause to ensure that all parts of the site have relatively flood free access to the Pacific Highway.

Direction of 5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The proposal implements the LHRs. The land forms a logical extension of the main Kings Hill site.

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?

An environment report on the Planning Proposal has been submitted by Wildthing Environmental Consultants (March, 2010). The report concludes:

- The site has a relatively long history of grazing and selective logging, which has resulted in the eastern and western portions of the site

being virtually cleared of native vegetation. Native woodland/forest was present within the central portion of the site. In total five vegetation communities are present:

- Spotted Gum – Ironbark Woodland (5.75 ha)
 - Spotted Gum – Ironbark Forest (11.8ha)
 - Treed Pasture (Spotted Gum – Ironbark) (1.7 ha)
 - Pasture (1.7 ha)
 - Dam vegetation (<0.5 ha);
- No endangered ecological communities were found to be present on the site. No threatened flora species were also recorded within the site during the survey. However, marginal habitat was found to be present for 4 of the 15 threatened flora species addressed. Considering the marginal quality of the habitat and/or lack of local records for these flora species and the fact that these species were not recorded on the site the proposal is unlikely to cause the extinction of any local population of these flora species;
- Three threatened fauna species - Grey-crowned Babbler, Small Bentwing-bat and the Greater Broad-nosed Bat were recorded within the site as a result of the survey;
- No other threatened species were recorded within the site despite suitable foraging/hunting/nesting resources of varying quality being available for 33 of the 40 remaining fauna species assessed. The proposal will result in an incremental loss of habitat for these addressed threatened species. Considering the given recommendations the proposal is unlikely to disrupt the lifecycle of the addressed species such that a local extinction would occur;
- Investigations into the Port Stephens Comprehensive Koala Plan of Management (CKPoM) revealed the site contains Marginal Koala Habitat and Mainly Cleared Habitat. One preferred koala feed tree, a Forest Red Gum was found. No direct sightings of Koalas or signs, such as scratches on trees and scats observed. Given the connectivity of the site to large tracts of suitable habitat there is potential for Koalas to utilise the site;

- Consideration has been given to the *Commonwealth Environment Protection and Biodiversity Conservation Act* (1999). It was determined that the proposal should have no significant impact on a matter of National Environmental Significance; and
- In conclusion, provided the recommendations in the report are implemented it is unlikely that the proposal will result in a significant adverse impact upon any viable local communities, populations or individuals of the assessed threatened species.

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

The report submitted by Wildthing Environmental Consultants (March, 2010) makes the following recommendations to manage environmental impacts:

- That future residences and associated structures contained within low-density lots within suitable Grey-crowned Babbler habitat be restricted to designated building envelopes. Outside these building envelopes additional restrictions will also be required to retain Babbler nesting areas and other habitat requirements such as fallen timber and trees.
- Where possible it is recommended that hollow bearing trees be retained. Hollow bearing trees which are required to be removed are to be compensated by suitable nest boxes. Additionally any future removal of hollow bearing trees from the site will be required to be supervised by a suitably qualified ecologist.
- All infestations of Lantana, Noogoora Burr, Prickly Pear and Blackberry are to be controlled within the site.
- Before any works take place within the two adjoining dams in the far west of the site which are proposed to become a retention basin, the infestation of Water Hyacinth will be required to be brought under control.
- New roads within the site will be required to carry low speed limits to reduce the potential for collision with fauna.

Part of the land is located within the 20-25 ANEF contour under the 2025 ANEF map. Development within this contour is conditionally acceptable under *Australian Standard 2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction* and is required to meet the relevant indoor design sound levels.

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

The Planning Proposal may have positive social and economic impacts through the delivery of land for housing and recreation facilities.

It will support the further development of service and commercial enterprises in the Raymond Terrace regional centre.

Most required infrastructure will be provided by the developer. The major exception is headworks and facility upgrades provided by Hunter Water Corporation.

Section D – State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will be subject to the same infrastructure contribution requirements required for the main Kings Hill development. In this regard, clauses that require contributions towards the provision of public infrastructure are included in the *Port Stephens Local Environmental Plan 2010 – Kings Hill North Raymond Terrace (Amendment No.1)* and will apply to the subject site.

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

Consultation has been undertaken with the following agencies under the now superseded section 62 of the *Environmental Planning and Assessment Act 1979*:

- NSW Department of Environment, Conservation, Climate Change and Water
- NSW Rural Fire Service;
- NSW Ministry of Transport;
- NSW Roads and Traffic Authority; and
- Commonwealth Department of Defence.

The advice from each of these organisations has been provided separately.

Part 4 – Community Consultation

It is proposed to place the Planning Proposal on public exhibition for a period of 28 days. Included in the exhibition material will be at least the following:

- The main draft *Port Stephens Local Environmental Plan 2010 – Kings Hill North Raymond Terrace (Amendment No.1)*;
- The draft Port Stephens Local Environmental Plan 2010 Kings Hill North Raymond Terrace (Amendment No.1) including accompanying maps;
- This Planning Proposal for the subject additional land;
- Environmental Report (Wildthing, March 2010); and
- Advice provided by relevant government authorities under the previous section 62 of the *Environmental Planning and Assessment Act 1979*.

Notice of the exhibition will be placed in the local newspaper and all documentation placed on Council's website, at local libraries and Council's administration building at Raymond Terrace.