

Cr Glenys Francis returned to the meeting at 8.15pm following Item 1.

ITEM NO. 2

FILE NO: 2008-3522

**REVIEW (2010) OF PORT STEPHENS LOCAL ENVIRONMENTAL PLAN
2000**

**REPORT OF: PETER MARLER - ACTING MANAGER INTEGRATED PLANNING
GROUP: SUSTAINABLE PLANNING**

RECOMMENDATION IS THAT COUNCIL:

1) Prepare a Planning Proposal pursuant to the Environmental Planning and Assessment Act 1979 to amend the Port Stephens Local Environmental Plan (LEP) 2000 to:

- Alter the Heritage Conservation Area boundary;
- Include the Farm Silo Steel Street Williamstown as an additional heritage item of local significance;
- Make a general administrative update to Schedule 2 of LEP 2000 to reflect changes to lot numbers, deposited plans etc and bring the Schedule into the Standard Instrument format;
- Provide a minor addition to Schedule 3 Exempt development – signage for sponsorship in open space areas;
- Rezone Lot 1 DP 874513, 51 William Street Raymond Terrace from 3(a) General Business to 5(c) Proposed Road Zone;
- Remove superfluous provisions from the Exempt and Complying Schedules in accordance with the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Code) 2008;
- Rezone and reclassify part of Lot 61 DP 24364, Johnson Avenue Karuah from Residential 2(a) to Public Open Space 6(a).

2) On receipt of the Authorisation to Exercise Delegation from the Minister, place the draft LEP and supporting documentation on exhibition in accordance with the requirements of the Department of Planning.

3) Note that No 2,4,6 and 11 Irrawang Street, Raymond Terrace and Williamstown Primary School have been identified as potential heritage items and should be considered for listing if any funding becomes available.

**COUNCIL COMMITTEE – 23 MARCH 2010
RECOMMENDATION:**

	Councillor Bruce Mackenzie	Councillor Peter Kater	That the recommendation be adopted.
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In accordance with Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Bruce Mackenzie, Steve Tucker, Shirley O'Brien, Steve Tucker, John Nell, Frank Ward, Sally Dover and Daniel Maher.

Those against the Motion: Nil

ORDINARY COUNCIL MEETING – 23 MARCH 2010

082	Councillor Steve Tucker Councillor John Nell	It was resolved that the recommendation be adopted.
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In accordance with Section 375A, Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Peter Kafer, Glenys Francis, Bruce Mackenzie, Steve Tucker, Shirley O'Brien, Steve Tucker, John Nell, Frank Ward, Sally Dover and Daniel Maher.

Those against the Motion: Nil

The purpose of this Report is to recommend Council resolve to prepare and place on exhibition an amendment to the Port Stephens Local Environmental Plan (LEP) 2000. The Amendment is the result of a comprehensive review of the existing Heritage Conservation Areas at Raymond Terrace, Tipperary Hill and Hinton in association with Council's Heritage Advisory Committee, a minor addition to Schedule 3 Exempt development, the actioning of three Council resolutions and removal of provisions in the Exempt and Complying Schedules resulting from the implementation of the SEPP Exempt and Complying Development Code.

In addition Council resolved on 28 July 2009 to initiate a draft amendment to Clause 14 of LEP 2000 to enable permissibility of dwellings on allotments created prior to the appointed date. To progress the proposed amendment the Department of Planning has confirmed Council will need to undertake an analysis of the implications having regard to the State Environmental Planning Policy (Rural Lands) 2008. This work is currently being prepared and will be presented to Council once completed.

Council also resolved on 24th October 2006 to rezone and reclassify part of Lot 61 DP 24364, Johnson Avenue Karuah from Residential 2(a) to Public Open Space 6(a) in order for the land to be maintained as a public park as part of Aliceton Reserve. This recommendation will implement Council's earlier resolution on this matter.

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- 2) On receipt of the Authorisation to Exercise Delegation from the Minister, place the draft LEP and supporting documentation on exhibition in accordance with the requirements of the Department of Planning.
- 3) Note that No 2,4,6 and 11 Irawang Street, Raymond Terrace and Williamstown Primary School have been identified as potential heritage items and should be considered for listing if any funding becomes available.

The purpose of this Report is to recommend Council resolve to prepare and place on exhibition an amendment to the Port Stephens Local Environmental Plan (LEP) 2000. The Amendment is the result of a comprehensive review of the existing Heritage Conservation Areas at Raymond Terrace, Tipperary Hill and Hinton in association with Council's Heritage Advisory Committee, a minor addition to Schedule 3 Exempt development, the actioning of three Council resolutions and removal of provisions in the Exempt and Complying Schedules resulting from the implementation of the SEPP Exempt and Complying Development Code.

In addition Council resolved on 28 July 2009 to initiate a draft amendment to Clause 14 of LEP 2000 to enable permissibility of dwellings on allotments created prior to the appointed date. To progress the proposed amendment the Department of Planning has confirmed Council will need to undertake an analysis of the implications having regard to the State Environmental Planning Policy (Rural Lands) 2008. This work is currently being prepared and will be presented to Council once completed.

Council also resolved on 24th October 2006 to rezone and reclassify part of Lot 61 DP 24364, Johnson Avenue Karuah from Residential 2(a) to Public Open Space 6(a) in order for the land to be maintained as a public park as part of Aliceton Reserve. This recommendation will implement Council's earlier resolution on this matter.

BACKGROUND

This Report was originally presented to Council on the 9 February 2010, however, Council resolved to defer the matter until a 2-way conversation was held. The 2-way conversation occurred on 2 March 2010.

Previously Council has requested that LEP 2000 be reviewed regularly to ensure the document is current and reflects the changing demands on land use provisions. Since the 2008 General Review additional matters have been identified to be addressed prior to the Principal LEP required in 2011. A copy of the Planning Proposal and draft instrument are provided as **Attachments 1 and 2**.

Key Proposed Amendments

Heritage

As part of the preparation of the Principal LEP the current heritage schedule and Heritage Conservation Areas have been reviewed. As the work has been completed it is considered appropriate to progress these amendments now rather than wait for the Principal LEP. Council's Heritage Advisory Committee (the Committee) had initially reviewed the current schedule of heritage items and their associated level of significance with the recommended changes being addressed in the 2008 General Review. The Committee and Council's Heritage Advisor have now reviewed the existing three Heritage Conservation Areas of Hinton, Tipperary Hill and Raymond Terrace.

A review of the three Heritage Conservation Areas, two located within Raymond Terrace and the third at Hinton, was conducted by the Heritage Advisor between August 2008 and February 2009 in consultation with the Committee. The purpose of this review was to ascertain the integrity of the conservation areas. Recommendations from the Committee for retaining existing boundaries or contraction of some areas within the HCA's are outlined as follows:

1) Raymond Terrace
The precinct nominated as the Raymond Terrace Conservation Area generally describes a section of Raymond Terrace which contains the majority of listed heritage items. There has been some new residential development occur in the Melba Crescent/ Bourke Street area, which mostly contains residences that are of a post war period with little or no heritage significance. Likewise there are areas that have had commercial development of an unsympathetic heritage nature that now require removal from the conservation area boundaries.

Main areas to be deleted:
Location: The residential block bounded by Irawang, Bourke and Melba Crescent. Modern housing development has occurred in this area, which appears to be generally made up of typical post war housing with little or no heritage significance.

Location: Properties to the west of Adelaide Street between Glenelg and William Street. This is predominantly vacant commercial land and is located in a commercial precinct that has no heritage significance.

Recommendation: Remove existing HCA boundaries to the above 2 areas, and other minor locations in accordance with the attached map.

Refer to **Attachment 3** for the existing HCA boundary for Raymond Terrace and **Attachment 4** for the proposed conservation area boundary.

2) Tipperary Hill
It is recommended that this Heritage Conservation Area be deleted due to very recent and dense housing unit development. It is also recommended that the following residences be locally heritage listed due to their local significance, historical and visual qualities - Numbers 2, 4, 6 and 11 Irawang Street.

Recommendation: Delete Tipperary Hill Heritage Conservation Area and consider listing of No 2, 4, 6 and 11 Irawang Street as heritage items of local significance.

3) Hinton
Currently bounded by Nulla Nulla Street in the east and the Patterson River and bridge to the west. Generally following Hinton Road, and side streets and Patterson Street towards the Patterson River either side. (Refer to map at **Attachment 5**)

While there has been a considerable amount of development along Hinton Road on the eastern approaches to the village, the former Residential 2(a) zoned land to the north and south of Hinton Road, as far east as Dillin Lane and the western boundaries of the properties fronting Bounty Close, this land is important in the cultural landscape setting of the village. This includes land around Stuart Park and its heritage-listed grandstand, where Heritage Conservation Area controls are considered necessary to ensure that new development enhances rather than detracts from the heritage values of Hinton.

Recommendation: Retain existing Hinton Heritage Conservation Area boundaries.Heritage Conservation Area Maps

The HCAs are identified on a separate map from the LEP zone maps. As a result they are often considered difficult to find. To improve interpretation and allow ease of access it is proposed to include the Heritage Conservation Area on the zone maps. To allow this to occur an additional clause is proposed to be included in LEP 2000 stating the names of the Heritage Conservation Areas and referencing the zoning maps. The relevant definitions have been amended accordingly.

Proposed Additional Heritage Item – Lot 2001 DP 1033856 20 Steel Street Williamstown
On 25 November 2008 a Mayoral Minute resolved:

To prepare a draft amendment to Port Stephens Local Environmental Plan 2000 to include the silo at Steel Street, Williamstown in the schedule of items of local heritage significance and consult with the Heritage Advisor as part of the process.

To progress this Resolution a heritage assessment of the silo was undertaken in accordance with the NSW Heritage Office assessment criteria and by a suitably qualified heritage expert. This work has now been completed and the heritage expert has recommended that the silo be listed as an item of local significance in LEP 2000. This Heritage Assessment document will form part of the supporting documentation for the public exhibition period and a copy has been placed in the Councilors Rooms.

Administrative Update

In preparation for the Principal LEP, an administrative review of the Heritage Schedule in LEP 2000 was undertaken. This review has allowed for the updating of property information and conversion into the format required by the Department of Planning for the Principal LEP. Excluding the proposed listing of the silo in Williamstown and the reformatting of the document is administrative only, no other changes are recommended to the items currently listed in Schedule 2 of LEP 2000.

Schedule 3 Exempt development – signage for sponsorship in open space areas.

The LEP 2000 Schedule 3 identifies Exempt development. Exempt development, is development that does not require approval under the Environmental Planning and Assessment Act, 1979.

The Schedule identifies several types of relatively minor development including signage. One type of sign listed is for sporting fields which specifies a maximum 5m width and 0.9 height as well as locational restrictions and consistency with an adopted Plan of Management. However, this only relates to sporting fields with no provisions included for other open space areas. As a result, an amendment to the Schedule is proposed to allow sponsorship signage in open space areas with a maximum width of 5m and height of 1m, a maximum of 1 sign per site and in accordance with an adopted Plan of Management.

Rezoning – Lot 1 DP 874513 51 William Street Raymond Terrace
 The subject site is the former Raymond Terrace Fire Brigade Station. On 25 August 2009 Council resolved to identify the site as public road. The resolution outlined a series of legal steps the Council would need to undertake to identify the land as public road. The final step was to refer the information to the Strategic Planning Section to rezone the site from 3(a) (Business General "A" Zone) to 5(c) Proposed Road Zone under LEP 2000. A draft LEP to rezone the site is located at **Attachment 6**.

Rezoning part of Lot 61 DP 24364, Johnson Avenue Karuah from 2(a) Residential to 6(a) General Recreation. (Aliceon Reserve)

In 2006 Council considered a proposal to subdivide a portion of lot 61 DP 24364 for 8 residential lots at Johnson Avenue Karuah. The land currently forms part of Aliceon Reserve at Karuah. Most of the land (approx. 3.4 ha) is currently zoned 6(a) while a small proportion is zoned 2(a) (approx. 0.6 ha). In 2006 Council was considering a proposal to subdivide the 2(a) portion for residential purposes, however community opposition, potential ecological values and the recognition by Council officers that the Reserve has the potential to become the town's most highly utilised park, resulted in the following resolution being adopted by Council on 24th October 2006:

- 1) There be no further action regarding this matter; and
- 2) That the subject land be reclassified from operational to community; and
- 3) That a draft LEP be initiated under the Environmental Planning and Assessment Act 1979 with the intent of rezoning from Residential 2(a) to Public Open Space 6(a) in the Port Stephens LEP 2000.

The proposed rezoning and reclassification of Aliceon Reserve was previously included in Council's draft LEP amendment for the rezoning and reclassification of various parcels of Council owned land throughout the LGA, which was considered by Council at its meeting of 28th July 2009. However, due to the additional information requirements of the DOP, the large number of properties considered for rezoning and the site already having a separate Council resolution, it is considered appropriate to include the subject site as part of this LEP amendment.

The Reserve is currently classified as operational land, therefore it can be reclassified to community land and through the Council resolution (which has occurred on 24th October 2006) and therefore only the rezoning component needs to be included in this LEP amendment. As the land is being reclassified to community land, a public hearing is not required. A draft LEP to rezone the site is located at **Attachment 7**.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Exempt and Complying Development Code) 2008 (the SEPP) commenced on 27 February 2009. The SEPP has implications for Schedules 3 and 4 of LEP 2000 Exempt and Complying provisions in so far as any inconsistency with the SEPP, the SEPP prevails over LEP 2000.

For a 12 month period the SEPP allowed exempt and complying development under Councils LEP 2000 to run concurrently with the SEPP. Initially, as of the 27 February 2010, the SEPP alone would prevail to the extent of any inconsistency. However, on

the 26 February 2010, the Department of Planning (Dop) have now delayed the full implementation of the SEFP until 1 January 2011.

Dop have advised that Council's Schedules will not automatically be updated by Parliamentary Counsel in the short term. This will leave superfluous information in LEP 2000 where the LEP is inconsistent with the SEFP creating confusion for those using the document. To overcome this problem it is proposed to amend the Schedule by deleting duplicated provisions under Section 73A of the Act. This part of the Act deals with administrative amendments which do not alter policy and do not require exhibition.

FINANCIAL/RESOURCE IMPLICATIONS

The financial impacts associated with this review and the resultant amendments have been funded from the existing operational budget and using current staff resources. No additional funds are being sort to complete this work.

In addition to the request to list four properties recommended by the Heritage Advisory Committee in the review of the Tipperary Hill Heritage Conservation Area, a submission to list the Williamstown Primary School has also been received. As in the case of the request to list the silo in Williamstown, a heritage assessment prepared in accordance with the Heritage Office guidelines would need to be undertaken. Council does not have a budget allocation for this work.

The proposed 5(c) zone for William Street Raymond Terrace will require acquisition and associated costs to Council at some point in time. However, these matters were dealt with in a previous Council report 25 August 2009.

LEGAL AND POLICY IMPLICATIONS

Adoption of the recommendations of this Report will formally commence the process of amending LEP 2000, in order to improve its operation. The Environmental Planning and Assessment Act, 1979 requires Council to resolve to prepare a draft planning proposal (amending LEP) and forward it to the Department of Planning LEP Review Panel for Authorisation of Delegation prior to proceeding to public exhibition.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

To support a sustainable Port Stephens, in accordance with Council's Sustainability Policy, LEP 2000 needs to maintain its accuracy and currency to respond to changes in trends, demands and government policy for land use. The annual review and proposed amendments to LEP 2000 provides Council with the opportunity to make amendments or clarifications which assist in the interpretation and operation of the document for both the community and Council officers. By amending the LEP, Council continues to emphasise its commitment to streamline the development assessment process.

CONSULTATION

The results of the above review of the Heritage Conservation Area have been mapped and presented to the Heritage Advisory Committee for comment. No issues were raised by the Committee and the recommendations made by the Heritage Advisor were adopted. External consultation will occur in accordance with the provisions of the Act. The Committee will be advised of any submissions received relating to their recommendations.

The Recreation and Strategic Planning Sections discussed the legal requirements of signage proposed on Council assets to ascertain the current development requirements and ensure compliance. As a result of these discussions only a minor amendment was required.

In relation to the partial rezoning of Aliceton Reserve Karuah from 2(a) Residential to 6(a) Public Open Space, previous consultation has occurred with West Ward Councillors, the Business and Support Group Manager, Recreation Services Manager, Recreation Planner, Property Unit Co-ordinator, Property focus Group and members of the Karuah Progress Association.

OPTIONS

- 1) Council resolve to support the recommendations of this Report to refer the draft Amendment to the Minister seeking Authorisation to Exercise Delegation and proceed to exhibition. This is the recommended option.
- 2) Request changes to the draft Amendment. This would require the reallocation of resources to undertake requested changes and delay both this Amendment and the preparation of the Principal LEP.
- 3) Not support the recommendation. This is not the preferred option and will not assist the improvement in the operation of the document or support the improvements to the development assessment process.

ATTACHMENTS

- 1) Planning Proposal
- 2) Instrument
- 3) Map – Existing Raymond Terrace Heritage Conservation Area boundary
- 4) Map – Proposed Raymond Terrace Heritage Conservation Area boundary
- 5) Map – Hinton Existing Conservation Area
- 6) Rezoning Map – Lot 1 DP 874513, 51 William Street Raymond Terrace
- 7) Rezoning Map – Lot 61 DP 24364, Johnson Avenue Karuah

COUNCILLORS ROOM

- 1) Copy of Heritage Assessment of the Silo Steel Street Williamtown

TABLED DOCUMENTS

Nil.

ATTACHMENT 1 PLANNING PROPOSAL

Planning Proposal – Amendment to Port Stephens LEP 2000

Part 1 – Objectives or Intended Outcomes

To amend the conservation area boundaries to reflect more appropriately areas to be identified as conservation areas, list an additional heritage item of local significance and undertake a general administrative update of the Schedule to reflect changes to lot numbers, deposited plans etc. The Planning Proposal also recommends the rezoning of an existing commercially zoned site to proposed road reserve in accordance with an approved Road Widening Scheme, a minor addition to Schedule 3 Exempt development – signage for sponsorship in open space areas and Section 73A amendment to Exempt and Complying development Schedules in response to the SEPP Exempt and Complying Development Codes 2008 changes in force 27 February 2010. In addition the proposal seeks to rezone part of Lot 61 DP 24364, Johnson Avenue Karuah from Residential 2(a) to Public Open Space 6(a) in order for the land to be maintained as a public park as part of Aliceton Reserve.

Part 2 – Explanation of Provisions

The intent of the proposal is to:

- Alter the Heritage Conservation Area boundary;
- Include Farm Silo Steel Street Willamtown as a heritage item of local significance;
- Undertake a general administrative update of Schedule 2 of LEP 2000 to reflect changes to lot numbers, deposited plans etc and bring the Schedule into the Standard Instrument format;
- Undertake minor addition to Schedule 3 Exempt development;
- Rezoning of Lot 1 DP 874513, 51 William Street Raymond Terrace.
- Rezone and reclassify part of Lot 61 DP 24364, Johnson Avenue Karuah from Residential 2(a) to Public Open Space 6(a).

Part 3 – Justification

Section A – Need for the planning proposal

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

The Amendment is the result of a comprehensive review of the Heritage Conservation Areas in Port Stephens LEP 2000 in association with Council's Heritage Advisory Committee, a minor addition to Schedule 3 Exempt development and the actioning of three Council resolutions. Part of the amendment relates to updating and reformatting the heritage schedule in readiness for its move across to the Standard Template LEP format.

The following is the detail of what is proposed in the Planning Proposal and the rationale for the Amendment.

Heritage

As part of the preparation of the Principal LEP the current heritage schedule and Heritage Conservation Areas have been reviewed. As the work has been completed it is considered appropriate to progress these amendments now rather than hold them back and wait for the Principal LEP. Council's Heritage Advisory Committee had initially only reviewed the current schedule of heritage items and their associated level of significance with the recommended changes being addressed in the 2008 General Review (Amendment 31). The Committee have now reviewed the existing three Heritage Conservation Areas of Hinton, Tipperary Hill and Raymond Terrace.

The purpose of a heritage conservation area (HCA) is to identify and protect an area recognised as having both important visual and historic qualities. Development within the HCA is required to be monitored to ensure that the areas unique qualities are not compromised in any manner by poorly conceived or unsympathetic acts. A review of the three HCA, two located within Raymond Terrace and the third at Hinton, was conducted by the Heritage Advisor between August 2008 and February 2009 in consultation with the Committee. The purpose of this review is to ascertain the integrity of the conservation areas and make recommendations for the effective management of each area. Recommendations from the Committee for retaining existing boundaries or contraction of some areas within the HCA's are outlined as follows:

4) Raymond Terrace

The precinct nominated as the Raymond Terrace Conservation Area generally describes a section of Raymond Terrace which contains the majority of listed heritage items. There has been some new residential development occur in the Melba Crescent/ Bourke Street area, which mostly contains residences that are of a post war period with little or no heritage significance. Likewise there are areas that have had commercial development of an unsympathetic heritage nature that now require removal from the conservation area boundaries.

Main areas to be deleted:

Location: The residential block bounded by Irawang, Bourke and Melba Crescent. Modern housing development has occurred in this area, which appears to be generally made up of typical post war housing with little or no heritage significance.

Location: Properties to the west of Adelaide Street between Glenelg and William Street. This is predominantly vacant commercial land and is located in a commercial precinct that has no heritage significance.

Recommendation: Remove existing HCA boundaries to the above 2 areas, and other minor locations in accordance with the attached map.

Refer to **Attachments** for the existing HCA boundary for Raymond Terrace and for the proposed conservation area boundary.

5) Tipperary Hill

It is recommended that this HCA be deleted due to very recent and dense housing unit development. It is also recommended that the following residences be locally heritage listed due to their local significance, historical and visual qualities - Numbers 2, 4, 6 and 11 Irrawang Street.

Recommendation: Delete Tipperary Hill HCA and consider listing of No 2, 4, 6 and 11 Irrawang Street.

6) Hinton

Currently bounded by Nulla Nulla Street in the east and the Patterson River and bridge to the west. Generally following Hinton Road, and side streets and Patterson Street towards the Patterson River either side. (Refer to map for details)

While there has been a considerable amount of development along Hinton Road on the eastern approaches to the village, the former Residential 2(a) zoned land to the north and south of Hinton Road, as far east as Dillin Lane and the western boundaries of the properties fronting Bounty Close, this land is important in the cultural landscape setting of the village. This includes land around Stuart Park and its heritage-listed grandstand, where HCA controls are considered necessary to ensure that new development enhances rather than detracts from the heritage values of Hinton.

Recommendation: Retain existing Hinton HCA boundaries.

Heritage Conservation Area Maps

The Heritage Conservation Areas are identified on a separate map from the zone maps. As a result they are often considered difficult to find. To improve interpretation and allow ease of access the Heritage Conservation Areas will now appear on the zone maps. To allow this to occur an addition clause will be included in LEP 2000 stating the names of the areas and referencing the zoning maps. The relevant definitions have been amended to reflect the change in reference to the specific parts of the LEP. An example being **heritage item means** a building, work, relic tree or place listed in Part 1 of Schedule 2 rather than the reference to Part 1 or 2 of Schedule 2.

Proposed Additional Heritage Item – Lot 2001 DP 1033856 20 Steel Street Williamtown
On 25 November 2008 a Mayoral Minute resolved:

To prepare a draft amendment to Port Stephens Local Environmental Plan 2000 to include the silo at Steel Street, Willamstown in the schedule of items of local heritage significance and consult with the Heritage Advisor as part of the process.

To progress this Resolution a heritage assessment of the silo was required to be undertaken in accordance with the Heritage Office criteria and by a suitably qualified heritage expert. This work has now been completed and the heritage expert has recommended that the silo be listed as an item of local significance in LEP 2000. This Heritage Assessment document will form part of the supporting documentation for the public exhibition period.

Administrative Update

In preparation for the Principal LEP, an administrative review of the Heritage Schedule in LEP 2000 was undertaken. This review has allowed for the updating of property information and conversion of the information into the format required by the Department of Planning for the Principal LEP. Excluding the proposed listing of the silo in Willamstown and the reformatting of the document, there are no other changes recommended to the items currently listed in Schedule 2 of LEP 2000.

Schedule 3 Exempt development – Signage for sports fields and open space access.
The LEP 2000 Schedule 3 identifies Exempt development. Exempt development, is development that does not require approval under the Environmental Planning and Assessment Act, 1979.

The Schedule identifies several types of relatively minor development including signage. One type of sign listed is for sporting fields which specifies a maximum 5m width and 0.9 height as well as locational restrictions and the need to be in accordance with an adopted Plan of Management. However, this only relates to sporting fields with no provisions included for other open space areas. As a result, an amendment to the Schedule is proposed to allow sponsorship signage in open space areas with a maximum width of 5m and height of 1m, a maximum of 1 sign per site and in accordance with an adopted Plan of Management.

Rezoning – Lot 1 DP 874513 51 Williams Street Raymond Terrace

The subject site is the former Raymond Terrace Fire Brigade Station. On 25 August 2009 Council resolved to identify the site as public road. The resolution outlined a series of legal steps the Council would need to undertake to return the site to this status. The final step was to refer the information to the Strategic Planning Section to rezone the site from 3(a) (Business General "A" Zone) to 5(c) Proposed Road Zone under LEP 2000.

Rezoning part of Lot 61 DP 24364, Johnson Avenue Karuah from 2(a) Residential to 6(a) General Recreation.

The land currently forms part of Aliceon Reserve at Karuah. Most of the land that forms part of the reserve (approx. 3.4 ha) is currently zoned 6(a) while a small proportion is zoned 2(a) (approx. 0.6 ha). The Reserve is well utilised by the residents and visitors to Karuah and is anticipated to be highly utilised in the future.

The proposed rezoning and reclassification of part of Aliceton Reserve was previously included in Council's draft LEP amendment for the rezoning and reclassification of various parcels of Council owned land throughout the LGA, which was considered and recommended by Council at its meeting of 28th July 2009. However, in order to expedite the rezoning, it is considered appropriate to remove this rezoning from this draft amendment. The Reserve is currently classified as operational land, therefore it can be reclassified to community land through the Council resolution and therefore only the rezoning component need to be included as part of this LEP amendment.

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

The Planning Proposal is the only means of achieving the intended outcomes as Council is unable to move outside the legislative framework determined by the Environmental Planning and Assessment Act, 1979.

3) Is there a net community benefit?

Consideration of net community benefit is not relevant to what is proposed in this Planning Proposal.

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 Planning Proposal is consistent with the Lower Hunter Regional Strategy (LHRS) 2006. The changes proposed are generally minor in nature having regard to the broad strategic context of the LHRS.

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

The Planning Proposal is consistent with Council's adopted Community Settlement and Infrastructure Strategy (CSIS). The proposed Amendment is considered of minor planning significance in the broader strategic context.

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

The Planning Proposal is consistent with the relevant state environmental planning policies.

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

Business and Industrial Zones (1.1) – The Planning Proposal is considered to be consistent with the Direction. Although the proposal will result in a minor reduction of commercial zone by one small parcel of land, the new use will facilitate better traffic flow by improving the existing network.

Heritage Conservation (2.3) – The Planning Proposal is generally consistent with this Direction. An additional item is recommended for listing as an item of local significance. A comprehensive review of the Heritage Conservation Areas (HCA) has been undertaken. Changes are in accordance with the Heritage Office Guidelines. It is recommended that Tipperary Hill be removed due to the limited number of contributory items and recent developments which have compromised the integrity of the HCA. The Raymond Terrace HCA had been reviewed and recommended to be reduced in size. There has been limited development in the area, however, a large proportion of this area could not be considered as contributory items for a HCA. As a result the proposal is considered appropriate in this instance.

Implementation of Regional Strategies (5.1) – The proposal is consistent with the Lower Hunter Regional Strategy.

Reserving Land for Public Purposes (6.2) – the proposed rezoning of the site in William Street Raymond Terrace is for the purpose of public road. This site has been the subject of a previous Council Report relating to the implementation of a Road Widening Scheme. The property is owned by the Department of Lands who is aware of the proposal. As a result the proposal is considered to be consistent with this Direction. The proposed rezoning to Public Open Space of land in Johnson Street Karuah is consistent with this direction.

Section C – Environmental, social and economic impact

8) Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal relates mainly to heritage matters with one rezoning being located in an established commercial area. As a result the proposal will not have an impact on critical habitat or threatened species, populations or ecological communities or their habitats.

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

No other environmental effects are envisaged as a result of this Planning Proposal.

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

The Planning Proposal is of minor planning significance and will not result in any adverse social and economic effects. In regard to the proposed listing of the silo at

Williamstown, the property owner is the Department of Defence who are aware of Council's desire to retain the silo. The silo is located on land purchased by the Department as part of their buffer area around the RAAF Base at Williamstown. The Department will be notified as an affected property owner during the exhibition process. A copy of the Mayor Minute is attached for your information.

Section D – State and Commonwealth interests

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

The Planning Proposal is of minor planning significance and will not adversely affect public infrastructure demand.

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

Excluding the Department of Defence and Department of Lands as property owners no additional consultation has occurred with public authorities at this point in the process. The NSW Heritage Office will be consulted as part of the exhibition process.

Part 4 – Community Consultation

A 14 day public consultation is suggested having regard to the relatively minor nature of the development and the explanation provided in the Department of Planning's *A guide to preparing local environmental plans*. The property owners affected by the changes to the heritage conservation areas will be notified in writing. The property owners affected as a proposed heritage item and road reserve will also be notified in writing. In addition to these, the Raymond Terrace Business Chamber will be invited to comment on the changes to the heritage conservation areas. Advertisements will be placed in the paper and details will be available on Council's website and local library.

Conclusion

The Planning Proposal provides an overview of the intent of the amendments, however, for a full disclosure of the proposed changes please refer to the attached draft Instrument.