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Port Stephens Council resolved to prepare the DLEP at its meeting held Tuesday 23 March 2010.

- Altering the Heritage Conservation Area boundary;
- The inclusion of the Farm Silo Steel Street Williamtown as an additional heritage item of local significance;
- Making 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;
- Providing a minor addition to Schedule 3 Exempt development – signage for sponsorship in open space areas;
- Rezoning Lot 1 DP 874513, 51 William Street Raymond Terrace from 3(a) General Business to 5(c) Proposed Road Zone;
- Rezoning and reclassification of part of Lot 61 DP 24364, Johnson Avenue Karuah from Residential 2(a) to Public Open Space 6(a).

The DLEP applies to all land in the Port Stephens local government area. The intention of the DLEP is to amend Port Stephens LEP 2000 by:

1. Land affected by the DLEP and the intentions of the DLEP

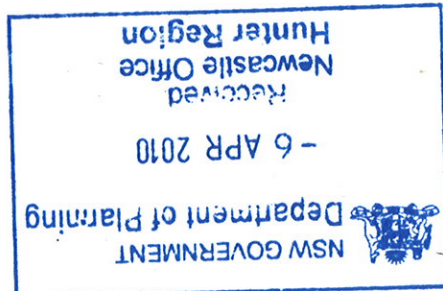
Pursuant to the *Environmental Planning and Assessment Act 1979* Council hereby advises of its resolution to prepare and exhibit the above mentioned Draft Local Environmental Plan (DLEP). This Council is required to produce a new Principal LEP by March 2011. This minor review has been initiated to ensure the current document remains robust and to begin to make changes to simplify the translation into the Standard LEP Template format. Please note in the resolution there is an additional dot point that is for the minor changes that will need to be made to the LEP schedule following the full enactment of the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Code) 2008. It is noted that the full introduction of the SEPP has been delayed until 2011 and the amendment of the schedule will now need to be delayed until that time. The following is a summary of the Planning Proposal.

REVIEW (2010) OF PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000

Dear Mr Forster

Mr Garry Forster
Department of Planning
PO Box 1226
NEWCASTLE NSW 2300

31 March 2010



10/07888

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Port Stephens C.O.U.N.

PNC000152



2. Current zonings

The current zonings in *Port Stephens LEP 2000* will continue to apply. As this is a "housekeeping" LEP in accordance with Planning Circular PS 06-015 additional rezonings which already have separate resolutions have also been included. Only two of the above dot points relate to site specific rezonings. This is for the rezoning of Lot 1 DP 874513, 51 William Street Raymond Terrace from 3(a) General Business to 5(c) Proposed Road Zone and the rezoning/reclassification of part of Lot 61 DP 24364, Johnson Avenue Karuah from Residential 2(a) to Public Open Space 6(a).

3. Changes to the Heritage Schedule

The administrative review of the heritage Schedule is simply to bring the current schedules into the new Standard Template format. It is not a review of the individual items. Further, I am aware that there will be new advice to Councils regarding the current anomalies in many LEPs regarding State listed items which are not recognised under the State Heritage Register. If possible, could you please confirm the change prior to exhibition to allow the Schedule to be amended to reflect the change to the level of significance to the majority of State items in this Schedule.

The Council's Heritage Committee composed of community representatives, heritage experts and supported by Council's Heritage Advisor have reviewed the three Conservation Areas which are not identified on the zoning maps but on separate maps. Having separate maps has created confusion for those trying to determine if they are affected by a Conservation Area. The Conservation Areas have now been reviewed and moved to the zoning maps.

4. Matters of State or regional significance

The proposed amendments to *Port Stephens LEP 2000* will improve service delivery and facilitate translation into the Standard LEP Template by addressing matters such as the Heritage Schedule and the Heritage Conservation Areas.

5. Environmental Study

It is believed that the nature of the amendments and the process followed means that a Local Environmental Study pursuant to the *Environmental Planning and Assessment Act 1979* would not be necessary.

6. Consultation

Council proposes to consult with the following agencies.

NSW Heritage Office
Department of Environment and Climate Change
Hunter Water Corporation

All public consultation will be undertaken in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* and is detailed in Part 4 of the Planning Proposal.

It should be noted that the site to be rezoned to open space in Karuah is currently operational land. As the site will form part of the existing public reserve the site will revert to community land. As a result a public hearing is not required.

Please find attached copy of the Council Reports, Council Resolutions, Planning Proposal, draft Instrument and relevant mapping.

Yours faithfully



Wonona Christian

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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 Williamstown 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:

Raymond Terrace

1)

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 Irrawang, 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.

Tipperary Hill

2)

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.

Hinton

3)

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 10333856 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, Williamtown 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 Williamtown and the reformating 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 Aliceton 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 with 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?

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

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

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 Williamtown, 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 Williamtown. 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.

A Public Hearing is not required for the Karuah rezoning as the site is currently "operational land" under the Local Government Act and following the rezoning to open space will revert to "community land".

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.