



Planning Proposal Addendum

Proposed Houskeeping Amendments to the Port Stephens Local
Environmental Plan 2013

January 2018

Further Information:

Strategic Planning, Port Stephens Council
(02) 4980 0255
council@portstephens.nsw.gov.au



PART 1 – Objective of the proposed Local Environmental Plan

The objective of this proposal is to make a housekeeping amendment to the Port Stephens Local Environmental Plan 2013 (LEP 2013) to address administrative and minor matters that have become apparent since the commencement of LEP. The proposed amendments include:

1. Updating the zoning of the following land from RU2 Rural Landscape to SP2 Defence to reflect its ownership by the Commonwealth Department of Defence:
 - a. 2117 Nelson Bay Road, Williamtown (Lot 1 DP 665835);
 - b. 2119 Nelson Bay Road, Williamtown (Lot 1 DP 665836);
 - c. 11A Lavis Lane, Williamtown (Lot 67 DP 753192);
 - d. 14 Lavis Lane, Williamtown (Lot 3 DP 853312); and
 - e. 40 Lavis Lane, Williamtown (Lot 3 DP 741996).
2. Updating the zoning of 601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630) from RU2 Rural Landscape to E1 National Park and Nature Reserve to reflect its ownership by the Minister Administering the *National Parks and Wildlife Act 1974 (NSW)* for addition to the Hunter Wetlands National Park.
3. Updating zone map alignments along various stretches of Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of upgrades or associated or intended purchase of land by the RMS for road planning purposes.
4. Updating the zoning label of 57 Slades Road, Williamtown (Lot 21 DP 1053667) from SP2 Defence to SP2 Defence (Air Transport Facility) to reflect its commercial airport lease conditions.
5. Updating the zoning of certain land at 1 Tuncurry Close, Nelson Bay (Lot 12 SEC 4 DP 242130) from R2 Low Density Residential to RE1 Public Recreation to reflect its existing ownership, dedication and use as public open space.
6. Correcting an error in the DP description listed in Schedule 1 *Additional permitted uses* clause 5 *Use of certain land at Valerie Rd, Salt Ash* for certain land at Salt Ash from 79221 to 792211.
7. Within the IN1 General Industrial Zone - adding 'storage premises' as permissible with consent.


8. Within the IN2 Light Industrial Zone - adding 'dwelling houses' (consistent with a Council resolution 27 October 2015) 'mortuaries' and 'recreation facilities (indoor)' as permissible with consent.
9. Within the RU2 Rural Landscape Zone - adding 'recreation facilities (outdoor)' as permissible with consent.
10. Addressing various minor split zone map alignments resulting from recent subdivisions and cadastral map shifts.
11. Correcting errors in the numbering, address descriptions and mapping of various heritage items.


PART 2 – Explanation of the provisions to be included in proposed LEP


Item 1 - Update the zoning of the following land from RU2 Rural Landscape to SP2 Defence to reflect its purchase by the Commonwealth Department of Defence:

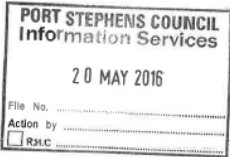
- a. 2117 Nelson Bay Road, Williamtown (Lot 1 DP 665835)
- b. 2119 Nelson Bay Road, Williamtown (Lot 1 DP 665836)
- c. 11A Lavis Lane, Williamtown (Lot 67 DP 753192)
- d. 14 Lavis Lane, Williamtown (Lot 3 DP 853312)
- e. 40 Lavis Lane, Williamtown (Lot 3 DP 741996)

16-01454 / 16-01178

 **Australian Government**
Department of Defence
Estate and Infrastructure Group








Port Stephens Local Environmental Plan 2013 – Housekeeping Amendment

Thank you for your letter dated 1 March 2016, concerning the Port Stephens Local Environmental Plan 2013. Your letter sought comments from the Department of Defence in relation to properties acquired since gazettal of the plan in 2013 and any comments in relation to the proposed zoning of SP2 - Defence.


Defence can confirm that it has acquired the following properties since the start of 2013:

- 2117 & 2119 Nelson Bay Road, Williamtown NSW (Lot 1 DP 665836 and Lot 1 DP 66835);
- 40 Lavis Lane, Williamtown NSW (Lot 3 DP 741996);
- 2028 Nelson Bay Road, Williamtown NSW (Lot 2 DP 370531);
- 11A Lavis Lane, Williamtown NSW (Lot 67 DP 753192); and
- 14 Lavis Lane, Williamtown NSW (Lot 3 DP 853312).

Should you require any further information, my point of contact for this matter is



Yours sincerely



A/Assistant Secretary
Property Management

13 May 2016

Item 2 - Update the zoning of 601 Cabbage Tree Road, Williamtown (Lot 1 DP 195630) from RU2 Rural Landscape to E1 National Parks and Nature Reserves to reflect its purchase by the Minister Administering the National Parks and Wildlife Act 1974 (NSW) for addition to the Hunter Wetlands National Park.

15-01286 T. Gill

 **Crown Solicitor's Office**

6 July 2015

The Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Sir/Madam

Transfer from Newcastle Port Corporation – Lot 1 DP195630 for Hunter Wetlands National Park

I act for the Minister administering the National Parks and Wildlife Act 1974 who purchased the property at 601 Cabbage Tree Road, Williamtown. Please note the property becomes non rateable from the date of settlement (31 July 2014) of this matter and therefore assessment 161521 is not payable by my client.

Please do not hesitate to contact [redacted] in relation to the conduct of this matter. If [redacted] is not available, or you wish to discuss the general conduct of this matter, please contact [redacted]

Yours faithfully

[redacted]

Solicitor
for Crown Solicitor

End.

PORT STEPHENS COUNCIL
Information Services

15 JUL 2015

File No.
Action by
☐ R.H.C.

CROWN SOLICITOR'S OFFICE ABN 50 132 005 544 60-70 Elizabeth Street Sydney NSW 2000 GPO Box 25 Sydney 2001 DX 19 Sydney
Telephone 02 9224 5000 Fax 02 9224 5011 Email crownsol@csso.nsw.gov.au www.csso.nsw.gov.au

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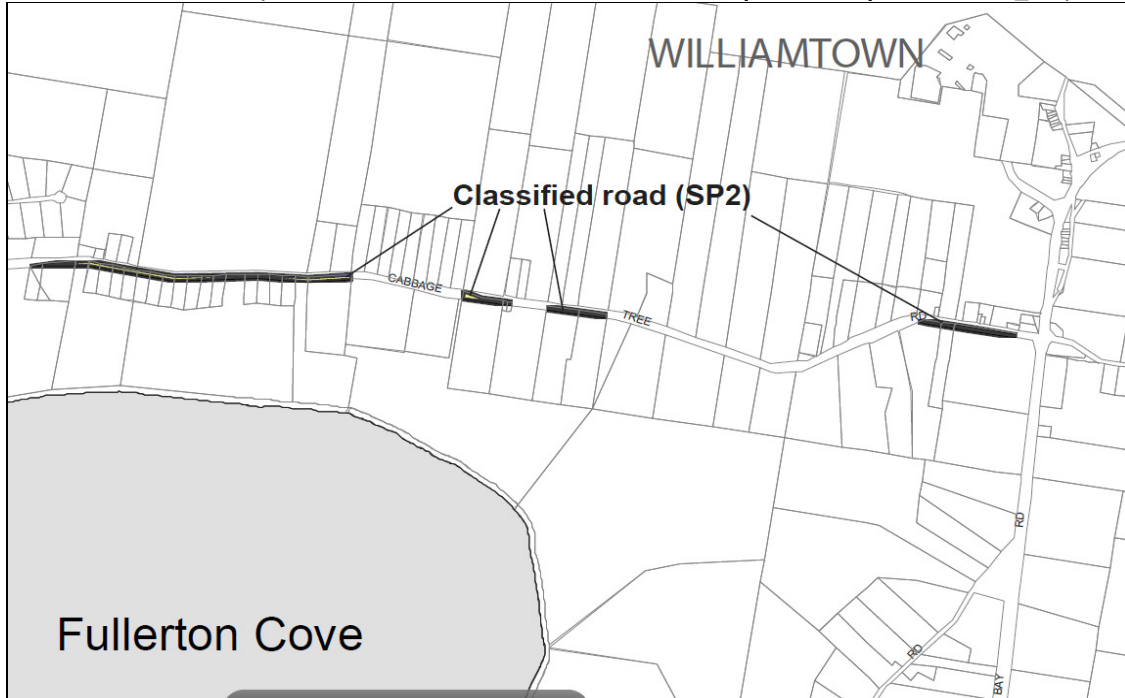
Item 3 - Review and update zone map alignments along various stretches of Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of road upgrades or associated or intended purchase of land by the RMS for road planning purposes.

The following extracts from the Port Stephens Local Environmental Plan 2013 (LEP 2013) identify land for acquisition by the NSW Roads and Maritime Services. Concurrent review of the LEP 2013 Land Zoning Map zone alignments with cadastral lot boundaries will also be requested. The planning proposal will be forwarded to the RMS for further consultation to confirm whether the land identified has been acquired since the publication of the LEP 2013 and remains accurate and up-to-date. Concurrent review of the LEP 2013 Land Zoning Map zone alignments with cadastral lot boundaries will also be requested.

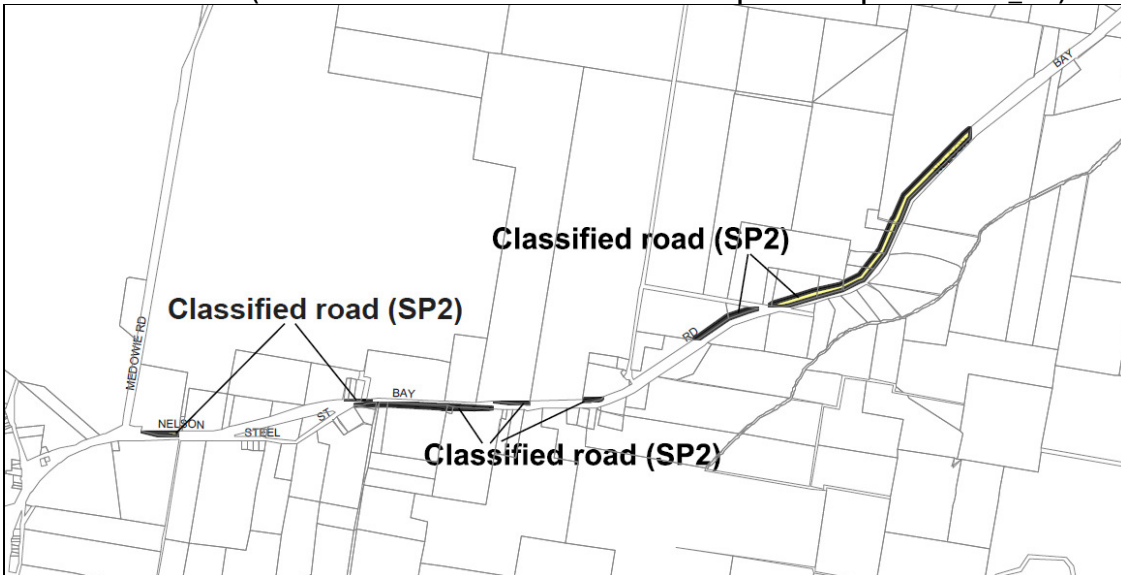
Heatherbrae Area (Extract from LEP 2013 Land Reservation Acquisition Map - Sheet LRA_002)



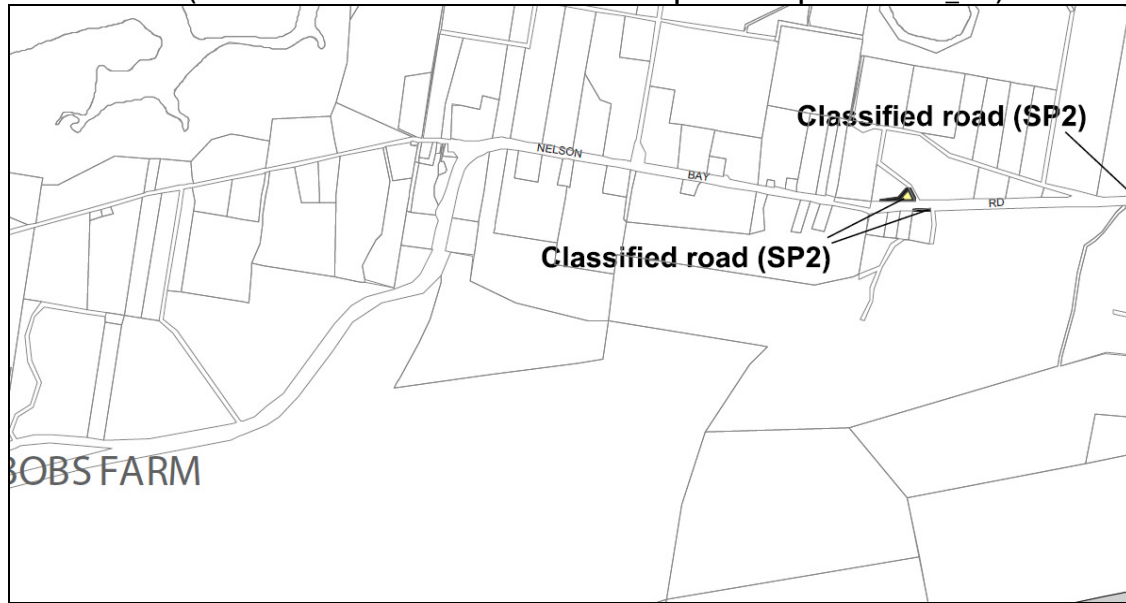
Williamtown West Area (Extract from LEP 2013 Land Reservation Acquisition Map - Sheet LRA_004)



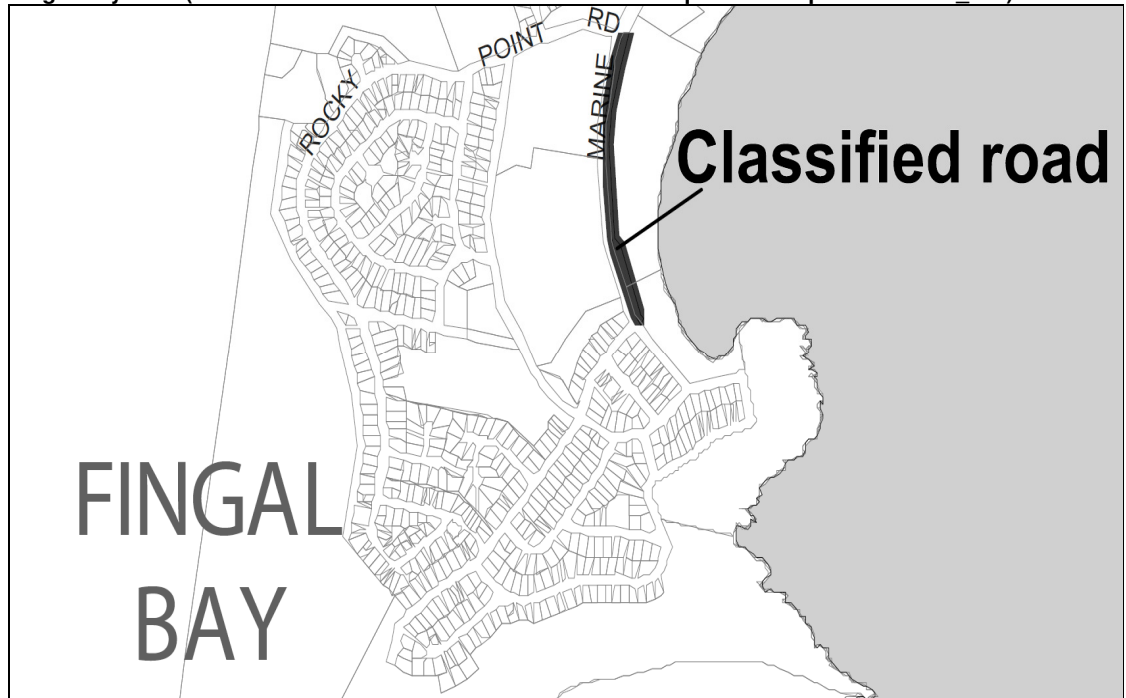
Williamtown East Area (Extract from LEP 2013 Land Reservation Acquisition Map - Sheet LRA_004)



Bobs Farm Area (Extract from LEP 2013 Land Reservation Acquisition Map - Sheet LRA_004)



Fingal Bay Area (Extract from LEP 2013 - Land Reservation Acquisition Map - Sheet LRA_005)



Item 4 - Updating the zoning label of 57 Slades Road, Williamtown (Lot 21 DP 1053667) from SP2 Defence to SP2 Defence (Air Transport Facility) to reflect its commercial airport lease conditions.

No additional information required at this stage. Consultation with the Department of Defence, as the relevant landowner, will take place following a gateway determination.

Item 5 – Rezone 1 Tuncurry Close, Nelson Bay (Lot 12 SEC 4 DP 242130) from R2 Low Density Residential to RE1 Public Recreation to reflect its existing dedication (Crown Trusteeship) and use as public open space.

Port Stephens Council Property Services Section has already been consulted and advises no objection to this Item.

Item 6 - Correcting an error in the DP description listed in Schedule 1 *Additional permitted uses* for certain land at Salt Ash from DP 79221 to DP 792211.

This Item has been removed from the planning proposal. It is being addressed separately under section 73A *Expedited amendments of environmental planning instruments* of the *Environmental Planning and Assessment Act 1979* (NSW).

Item 7 - Within the IN1 General Industrial zone - adding 'storage premises' (which includes 'self-storage units') as permissible with consent.

This Item is included in the planning proposal following a request from Council's Development Assessment and Compliance Team. There is indicative market demand for 'storage premises' at Heatherbrae and Tomago. The Development Assessment and Compliance Team receive enquiries from potential applicants for this type of land use within industrial areas, however have to advise the use is not permitted – notwithstanding their previous permissibility under LEP 2000 and existing businesses.

Re-introducing 'storage premises' into the IN1 General Industrial zone will provide the flexibility to accommodate demand for this land use, without needing to rezone land to IN2 Light Industrial or B5 Business Development.

Permitting 'storage premises' within the IN1 General Industrial zone is also consistent with the range of objectives of the zone:

- *To provide a range of industrial and warehouse land uses.*
A storage premise is very similar to a 'industrial' or 'warehouse' land use.
- *To encourage employment opportunities.*
Permitting storage premises will provide flexibility to meet market demand and will provide associated employment benefits in the storage industry.
- *To minimise any adverse effect of industry on other land uses.*
There is no evidence, or indication, that permitting storage premises within the IN1 General Industrial zone will have any adverse effect in industry or other land uses. Storage premises are not a sensitive land use, and are unlikely to generate complaints against other uses.
- *To support and protect industrial land for industrial uses.*
'Storage premises' are a general industrial land use and do not jeopardise industrial land from the range of other types of industrial uses that can occur.

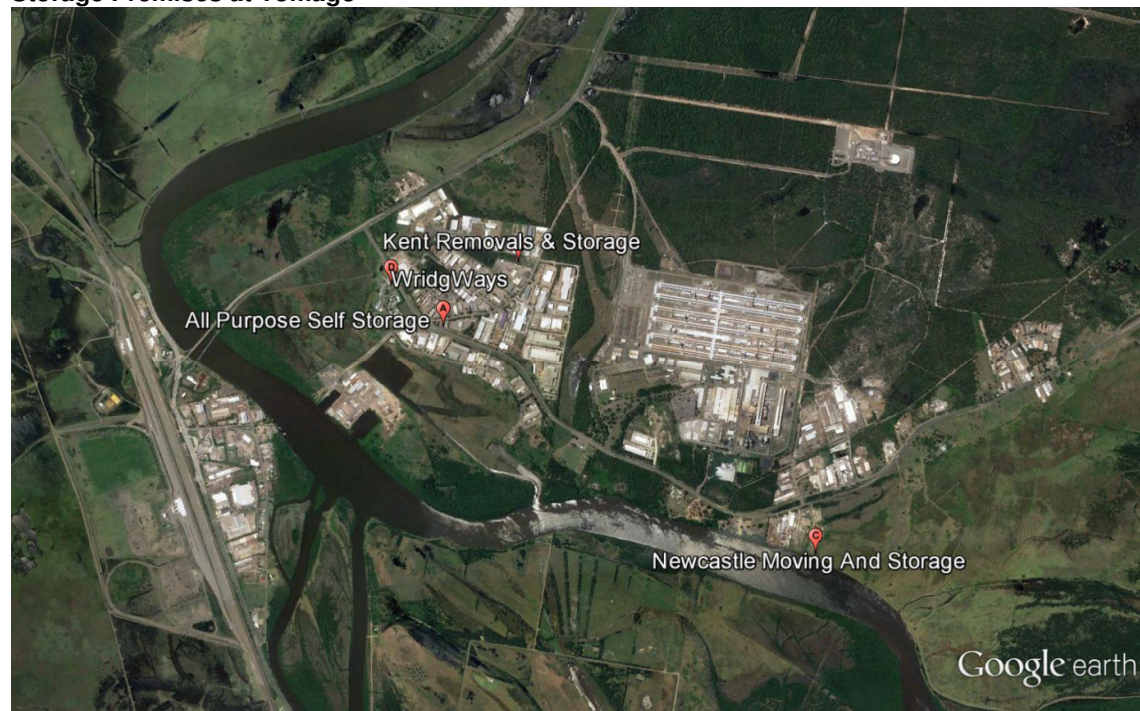
'Storage premises' are not a mandated prohibition in the IN1 General Industrial zone of the NSW Standard Instrument Local Environmental Plan. There is the opportunity to introduce this land use as permissible with consent.

The aerial photographs over page (15 January 2017, Google Earth) show pre-existing removals and storage businesses at Heatherbrae and Tomago within the current IN1 General Industrial zone. The land was formerly zoned 4(a) Industrial General "A" Zone under LEP 2000 and 'storage premises' were permitted with consent. The purpose of identifying these premises is to show the existing market desire and suitability to locate 'storage premises' at Heatherbrae and Tomago. Including this Item will reflect the existing land uses and industrial character of the area.

Storage Premises at Heatherbrae



Storage Premises at Tomago



Item 8 - Within the IN2 Light Industrial Zone - adding 'dwelling houses' (consistent with a Council Notice of Motion 27 October 15) 'mortuaries' and 'recreation facilities (indoor)' as permissible with consent.

Including 'dwelling houses' (consistent with a Council Notice of Motion 27 October 2015) is removed from Item 8 of the planning proposal.

The aims of this Notice of Motion have been met by the inclusion of 'caretaker flats' as 'complying development' in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Part 5A Commercial and Industrial (New Buildings and Additions) Code*. Subject to meeting the relevant set requirements, 'caretaker flats' are permitted within the IN1 General Industrial and IN2 Light Industrial zones.

There is no additional information provided with this Addendum to further justify the suitability of 'mortuaries' and 'recreation facilities (indoor)' within the IN2 Light Industrial Zone.

Item 9 - Within the RU2 Rural Landscape Zone - adding 'recreation facilities (outdoor)' as permissible with consent.

Re-introducing 'recreation facilities (outdoor)' as permissible with consent in the RU2 Rural Landscape Zone (they were previously permissible in the 1(a) Rural Agriculture 'A' Zone) is needed to facilitate positive social and economic effects through the creation of jobs in the outdoor recreation tourism industry, in proximity to the major regional tourism destination of the Tomaree Peninsula.

Tourism is a key industry for the Port Stephens LGA, and its growth is supported by the Goals and Directions of the Hunter Regional Plan 2036 and the Tomaree Tourism and Lifestyle Growth Area' of the Port Stephens Planning Strategy.

The *Port Stephens Economic Profile* 2017 provides the following summary information of tourism to the economy of the Port Stephens LGA and demonstrates the importance of the local planning system being flexible to provide for a range of tourism activities and businesses:

"The popularity of the destination to both domestic and international visitors is directly tied to the unique natural environment with local attractions including the Worimi Conservation Lands – Stockton Bight Sand Dunes, Tomaree National Park and the Port Stephens Great Lakes Marine Park. These natural assets offer visitors an extensive range of high quality tourism products and experiences such as whale watching, surfing, sailing and fishing. Attractions on land include quad bike riding, four wheel driving, mountain biking and bushwalking.

In 2015-2016 Port Stephens welcomed 1,396,345 visitors to the area with 44.3% of these domestic overnight visitors; 53.8% domestic day trippers; and 1.9% international visitors...

Tourism itself plays a significant role in terms of local employment with flow-on effects for local business, residents and the wider community. Tourism contributes \$156.59 million value added to the local economy and tourism related employment accounts for 1,669 jobs or 7.4% of the total 22,689 jobs in Port Stephens with 69.9% of this employment (1,162) in Accommodation and Food Services, and 12.4% (207 jobs) in Retail.

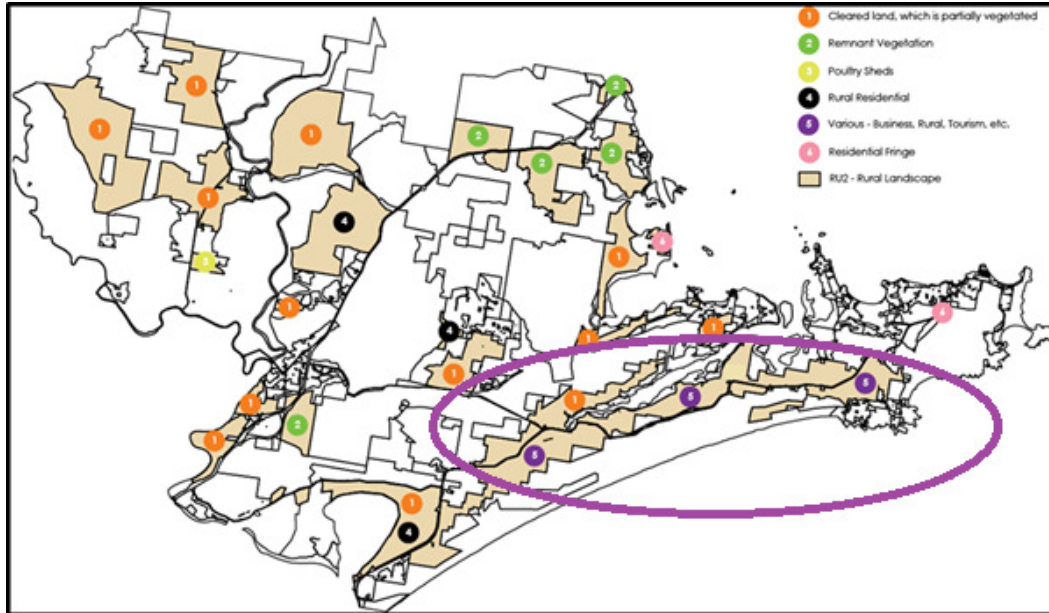
The Tomaree Peninsula, one of Port Stephens pristine visitor destination, attracts national and international tourists to the area with its underwater marine oasis, kilometres of coastal bushlands and the largest sand dunes in the southern hemisphere. This well-established visitor destination is easily accessible from Newcastle Airport, and home to key commercial centres at Nelson Bay and Salamander Bay.

Enhancing links between tourist hotspots and Newcastle Airport, the future cruise terminal and the M1 Motorway will drive greater tourism growth. The \$14.5 million expansion of the terminal at Newcastle Airport provides potential for future international routes and an opportunity to increase the numbers of international visitors staying in Port Stephens."

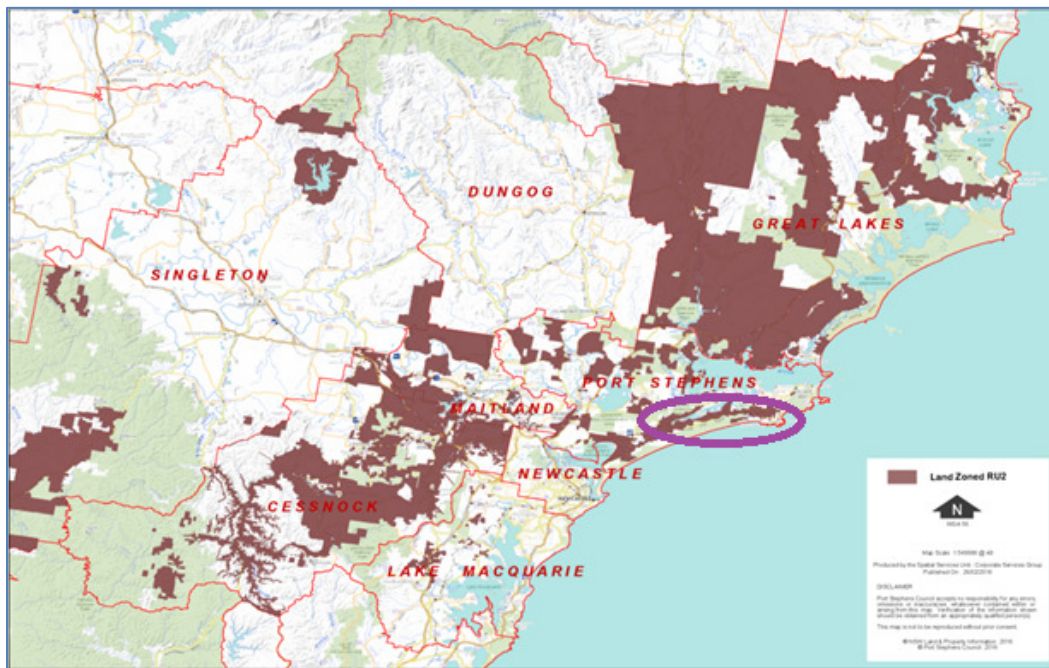
The zones in LEP 2013 that permit land-based 'recreation facilities (outdoor)' are limited to business ('B') and recreation ('RE') zones. The purpose of re-introducing this land-use as permissible with consent in a rural zone, is to provide greater opportunity for outdoor recreation tourism land uses and businesses. This will further support the accommodation, food service and retail employment sectors. It will...

...provide opportunity to provide further activities for tourists, especially along Nelson Bay Road leading from Newcastle to Nelson Bay - a major area for outdoor tourism activities. The following figures show the area of focus within the RU2 Rural Landscape Zone.

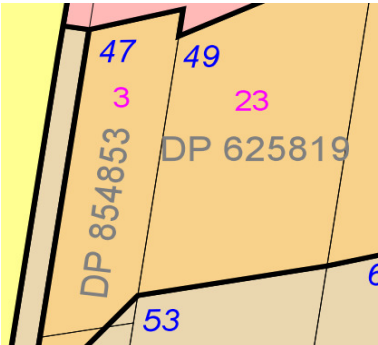
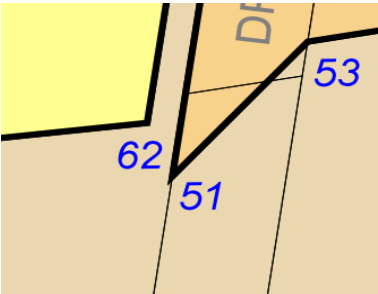
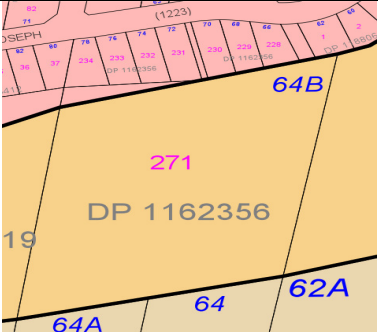
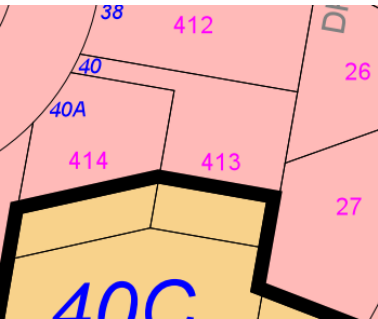
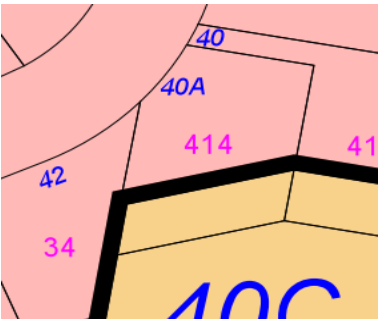
Port Stephens LGA - Business, Rural and Tourism Uses in the RU2 Zone

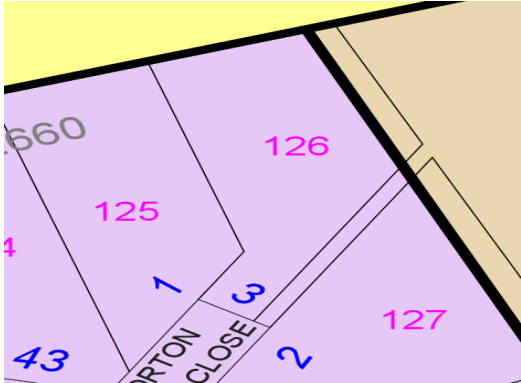
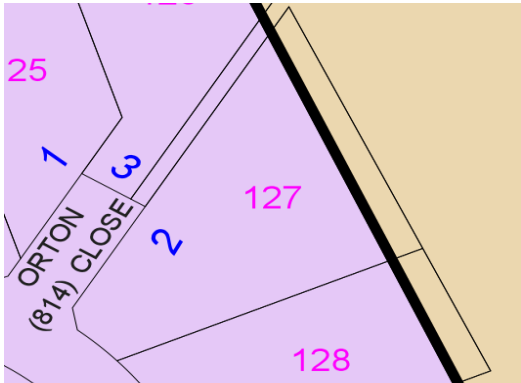
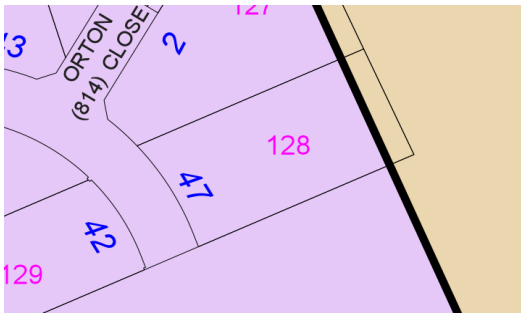
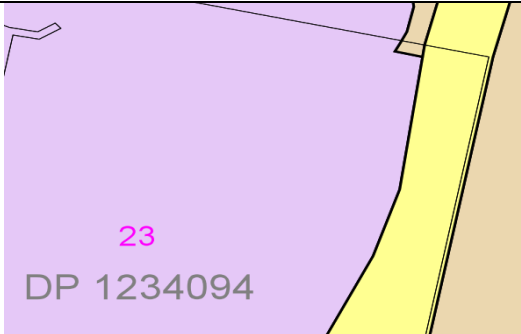


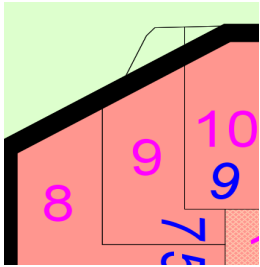
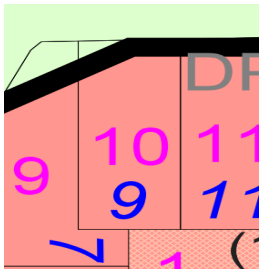
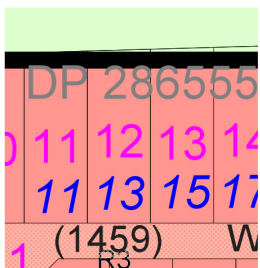
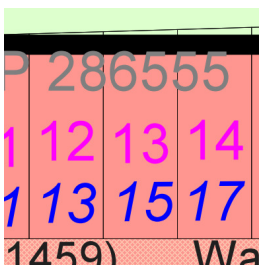
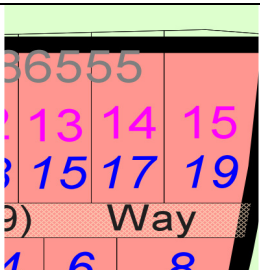
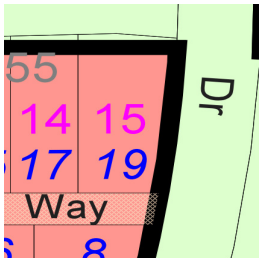
Hunter Region - RU2 Zone Areas

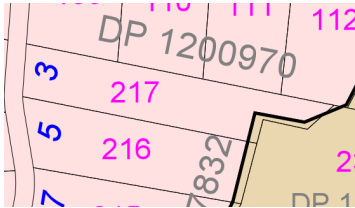
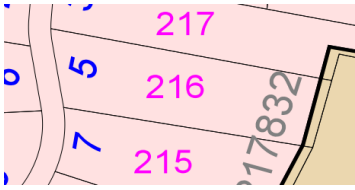
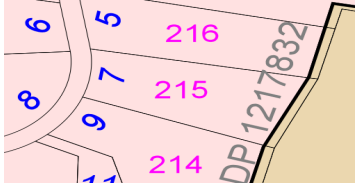
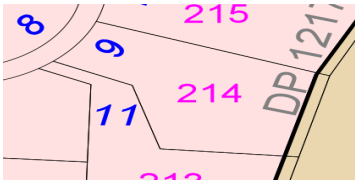
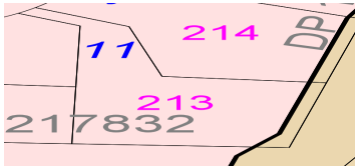

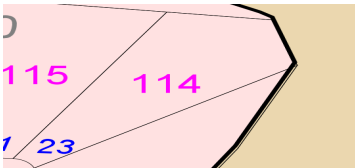
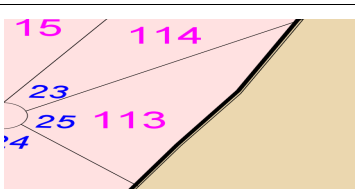
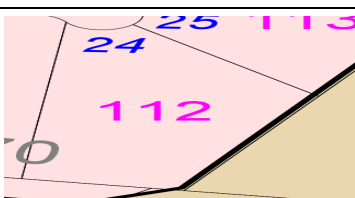


Item 10 - Reviewing and addressing various minor split zone map alignments resulting from recent subdivisions and cadastral map shifts.

Street Address	LEP 2013 Mapping Extract	Current Zoning	Proposed Zoning
47 Martens Av (Lot 3 DP 854853) Raymond Terrace		RU2 Rural Landscape & E3 Environmental Management	E3 Environmental Management
51 Martens Av (Lot 4 DP 854853) Raymond Terrace		RU2 Rural Landscape & E3 Environmental Management	E3 Environmental Management
64B Joseph Sheen Dr (Lot 271 DP 1162356) Raymond Terrace		R2 Low Density Residential & E3 Environmental Management	E3 Environmental Management
40 Joseph Sheen Dr (Lot 413 DP 1221430) Raymond Terrace		R2 Low Density Residential & E3 Environmental Management	R2 Low Density Residential
40A Joseph Sheen Dr (Lot 414 DP 1221430) Raymond Terrace		R2 Low Density Residential & E3 Environmental Management	R2 Low Density Residential

Street Address	LEP 2013 Mapping Extract	Current Zoning	Proposed Zoning
3 Orton Cl (Lot 126 DP 1092660) Heatherbrae		IN1 Industrial General & RU2 Rural Landscape	IN1 Industrial General
2 Orton Cl (Lot 127 DP 1092660) Heatherbrae		IN1 Industrial General & RU2 Rural Landscape	IN1 Industrial General
47 Camfield Dr (Lot 128 DP 1092660) Heatherbrae		IN1 Industrial General & RU2 Rural Landscape	IN1 Industrial General
343 Masonite Rd (Lot 1202 DP 1174968) Heatherbrae		IN1 Industrial General & RU2 Rural Landscape	IN1 Industrial General

Street Address	LEP 2013 Mapping Extract	Current Zoning	Proposed Zoning
7 Muirfield Way (Lot 9 DP 286555) Madowie		R3 Medium Density Residential & RE2 Private Recreation	R3 Medium Density Residential
9 Muirfield Way (Lot 10 DP 286555) Madowie		R3 Medium Density Residential & RE2 Private Recreation	R3 Medium Density Residential
13 Muirfield Way (Lot 12 DP 286555)		R3 Medium Density Residential & RE2 Private Recreation	R3 Medium Density Residential
15 Muirfield Way (Lot 13 DP 286555) Madowie		R3 Medium Density Residential & RE2 Private Recreation	R3 Medium Density Residential
17 Muirfield Way (Lot 14 DP 286555) Madowie		R3 Medium Density Residential & RE2 Private Recreation	R3 Medium Density Residential
19 Muirfield Way (Lot 15 DP 286555) Madowie		R3 Medium Density Residential & RE2 Private Recreation	R3 Medium Density Residential

Street Address	LEP 2013 Mapping Extract	Current Zoning	Proposed Zoning
3 Harvest Road (Lot 217 DP 1217832) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential
5 Harvest Road (Lot 216 DP 1217832) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential
7 Harvest Road (Lot 215 DP 1217832) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential
9 Harvest Road (Lot 214 DP 1217832) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential
11 Harvest Road (Lot 213 DP 1217832) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential
19A Harvest Road (Lot 236 DP 1224890) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential
23 Pastures Drive (Lot 114 DP 1200970) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential
25 Pastures Drive (Lot 113 DP 1200970) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential
24 Pastures Drive (Lot 112 DP 1200970) Medowie		R5 Large Lot Residential & RU2 Rural Landscape	R5 Large Lot Residential

Item 11 - Correcting errors in the numbering, address descriptions and mapping of various heritage items.

There is no additional information provided with this Addendum for Item 11.

TABLE 3 – Updated Indicative Timeframe for Planning Proposal

	Feb 2018	Mar 2018	Apr 2018	May 2018	June 2018	Jul 2018	Aug 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018
<i>Anticipated commencement date (date of Gateway determination)</i>											
<i>Anticipated timeframe for completion of technical information</i>											
<i>Timeframe for government agency consultation</i>											
<i>Commencement and completion dates for public exhibition</i>											
<i>Timeframe for consideration of submissions</i>											
<i>Timeframe for the consideration of a proposal post-exhibition</i>											
<i>Date of submission to the Department to finalise the LEP</i>											
<i>Anticipated date RPA will make the plan (if delegated)</i>											
<i>Anticipated date RPA will forward to the Department for notification</i>											