

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-269 & DA 16-2023-735-1
PROPOSAL	Alterations and additions to bowling club, 6 storey hotel (50 rooms), restaurant, pool, function space and associated site works across 3 stages
ADDRESS	2 Jacaranda Avenue RAYMOND TERRACE (LOT: 1 SEC: 23 DP: 758871) & 3 Swan Street RAYMOND TERRACE (LOT: 23 DP: 1088281)
APPLICANT	Monteath & Powys
OWNER	Raymond Terrace Bowling Club CO-OP LTD
DA LODGEMENT DATE	4 January 2024
APPLICATION TYPE	Regionally Significant Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as it is general development with a CIV over \$30 million
CIV	\$38,554,073.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Industry and Employment) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>Port Stephens Local Environmental Plan 2013</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	1
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> Attachment 1: Recommended Conditions of Consent Attachment 2: Architectural Plans Attachment 3: Civil Engineering Plans

	<ul style="list-style-type: none"> • Attachment 4: Flood Assessment • Attachment 5: BCA Performance Compliance Statement • Attachment 6: Crime Prevention Through Environmental Design Report • Attachment 7: Heritage Impact Statement • Attachment 8: Plan of Management – Bowling Club • Attachment 9: Plan of Management – Hotel • Attachment 10: Traffic and Parking Assessment • Attachment 11: Visual Impact Assessment • Attachment 12: Acoustic report • Attachment 13: Access report • Attachment 14: Cost estimate report • Attachment 15: Bushfire report • Attachment 16: Statement of environmental effects • Attachment 17: Waste Management Plan • Attachment 18: Public Art Artists Brief • Attachment 19: Social Impact Assessment • Attachment 20: Urban Height Analysis • Attachment 21: Gaming Floor Space Report • Attachment 22: Summary Schedule
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval with conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	4 March 2025
PLAN VERSION	20 December 2024 Revision 3
PREPARED BY	Isaac Lancaster – Senior Development Planner
DATE OF REPORT	20 February 2025

EXECUTIVE SUMMARY

This development application (16-2023-735-1) seeks consent for alterations and additions to a bowling club, construction of a 6 storey hotel (50 rooms), restaurant, pool, function space and associated site works across 3 stages.

The site is located at 2 Jacaranda Avenue & 3 Swan Street, Raymond Terrace, and formally identified as (Lot: 1 Sec: 23 in DP: 758871) & (Lot: 23 in DP: 1088281). The site is located within the Port Stephens Local Government Area (LGA), has an area of 12,000m² and maintains frontages to Port Stephens Street, Swan Street and Jacaranda Avenue. The site is located at the southern end of the Raymond Terrace commercial precinct, and is located approximately 25km north of Newcastle.

The proposal was notified and advertised from 15 January 2024 until 29 January 2024 during the assessment of the application in accordance with the Port Stephens Council's

Communication and Engagement Strategy. A total of one (1) submission was received during the notification period.

The key issues in respect of the assessment of this application related to flood risk, traffic and parking, heritage conservation, building heights, visual impacts, and social impacts. To address the built form impacts, specialist studies were submitted in support of the application, including a Urban Height Analysis, Visual Impact Assessment and Social Impact Assessment. The other key issues have been addressed through the assessment of the application and recommended conditions of consent.

The proposal is referred to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for determination pursuant to Section 2.19(1) and Clause 2 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* which declares the proposal regionally significant development as the development has a capital investment value of more than \$30 million.

The development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and is considered satisfactory. Accordingly, pursuant to Section 4.16(1)(a) of the *EP&A Act*, it is recommended that the application be approved subject to conditions of consent contained in **Attachment 1**.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site (hereinafter referred to as 'the site') is located at 2 Jacaranda Avenue & 3 Swan Street, Raymond Terrace, and formally identified as (Lot: 1 Sec: 23 in DP: 758871) & (Lot: 23 in DP: 1088281). The site is an irregular shaped allotment, located on the western end of Port Stephens Street at the intersection with Swan Street. The site maintains frontages of 118.6m to Port Stephens Street, 112.6m to Swan Street and 96.7m to Jacaranda Avenue, amounting to a total area of approximately 12,000m². The site topography slopes gently in a westerly direction, with a fall of 3.2m RL.

The site is located at the southern end of the Raymond Terrace commercial precinct and has been substantially developed with existing development including: a double storey building operating as a registered club, two enclosed bowling greens with associated shade sails, a croquet lawn, sealed parking areas and two-way vehicular crossovers onto each street frontage. The site is well serviced by the local road network, public transport and pedestrian pathways. There are large existing trees within the road reserves of Jacaranda Avenue, Swan Street and Anzac Park which provides a vegetated edge to the site, with Jacaranda Avenue and the neighbouring Anzac Park listed as local heritage items. The area immediately to the east, including Jacaranda Avenue is also within the Raymond Terrace Heritage Conservation Area.

The site is surrounded by land zoned R2 Low Density Residential and R3 Medium Density Residential to the immediate north west and south east with land zoned RU2 Rural Landscape to the south west. Further north is land zoned RE1 Public Recreation associated with Riverside Park and RU1 Primary Production over the Hunter River.



Figure 1: Site as viewed in immediate locality (source: applicant's documentation)

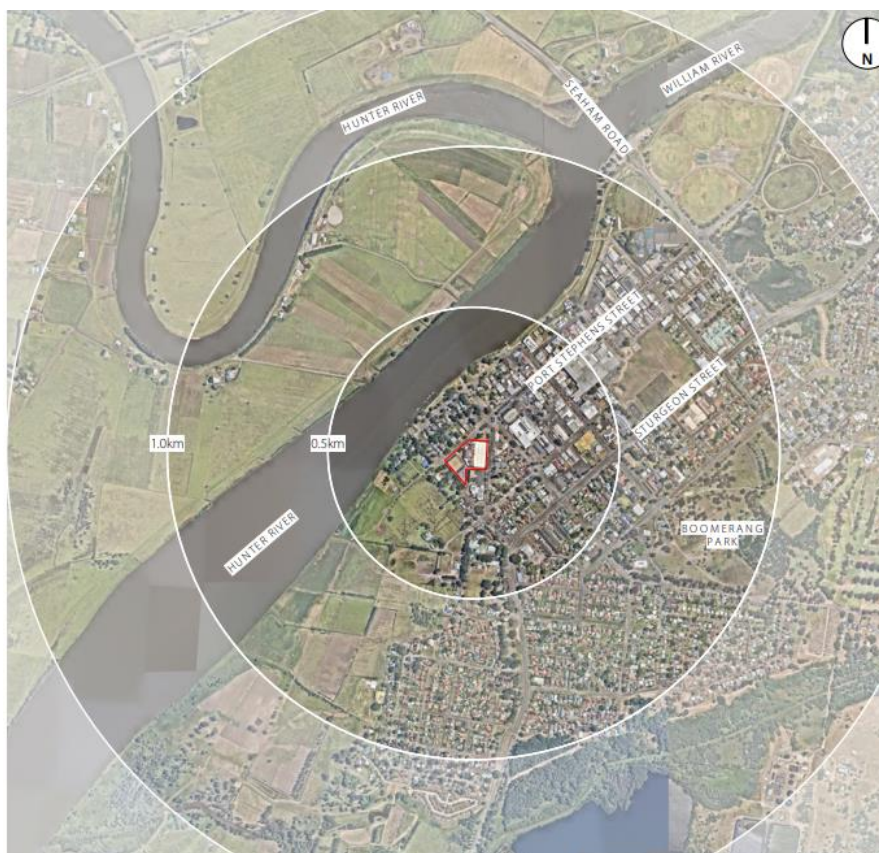


Figure 2: The site as viewed in broader locality (source: applicant's documentation)

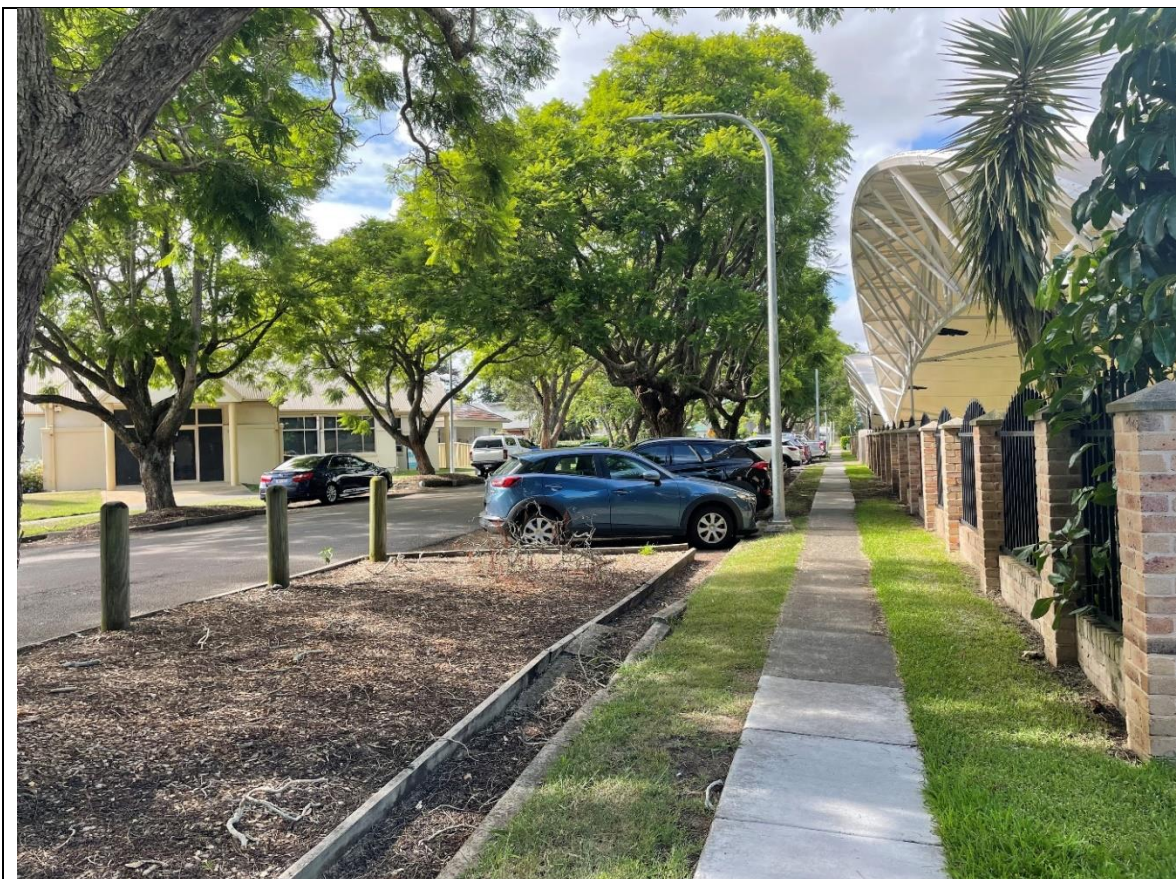
The site is subject to a number of environmental constraints (as mapped on Councils' GIS system) including:

- Bushfire Prone – Vegetation Buffer;
- Acid Sulfate Soils – Class 2 & 4;
- Preferred Koala Habitat Link over Cleared land & mainly Cleared land;
- Housing Investigation Area Exclusionary Criteria;
- Height trigger Map – 45m;
- Bird Strike Group A;
- Flood Planning Area – High Hazard Floodway area, High Hazard Flood Storage area, Low Hazard Flood Storage area and Low Hazard Flood Fringe area; and
- Stormwater drainage requirement areas

A site inspection was carried out on 23 January 2024. The subject site can be seen in the Images below:



Photograph 1: Covered bowling green to be retained. Shade structure to be demolished in stage 2.



Photograph 2: Interface of existing building with Jacaranda Avenue.



Photograph 3: Bowling Club and Anzac Park as viewed from the corner of Port Stephens Drive and Jacaranda Avenue.



Photograph 4: Existing Bowling Club as viewed from Port Stephens Drive.



Photograph 5: Building interface with Swan Street.



Photograph 6: Southern neighbouring health services building as viewed from corner of Swan Street and Jacaranda Avenue.

1.2 The Locality

The proposal is located in Raymond Terrace within the Port Stephens Local Government Area (LGA), located approximately 25km north of the Newcastle Central Business District (CBD). Raymond Terrace is located to the east of the Hunter and Williams rivers with the centre of the town lying adjacent to the Hunter River just south of the confluence of the two rivers. The character of the Raymond Terrace Town Centre is one of public space, commerce and industry, with higher residential density radiating from the Raymond Terrace Town Centre located on the southern bank of the Hunter River.

The site is zoned RE2 Private Recreation and lies at the south-western end of the Raymond Terrace commercial precinct zoned E2 (Commercial Centre). The site is surrounded by land zoned R2 Low Density Residential and R3 Medium Density Residential to the immediate north west and south east with land zoned RU2 Rural Landscape to the south west. Further north is land zoned RE1 Public Recreation associated with Riverside Park and RU1 (Primary Production) over the Hunter River. The site is located directly adjacent to R3 land along Jacaranda Avenue, which could see its height limit increase to 15m, and is located approximately 200m from the E2 Commercial Centre on Port Stephens Street, which could increase from 15m to 35m in accordance with the Local Strategic Planning Statement and Raymond Terrace & Heatherbrae Strategy 2015-2031.

The site is also located 16km from Williamtown Airport, which is currently undergoing renovations in anticipation of receiving international flights and increased domestic flights.

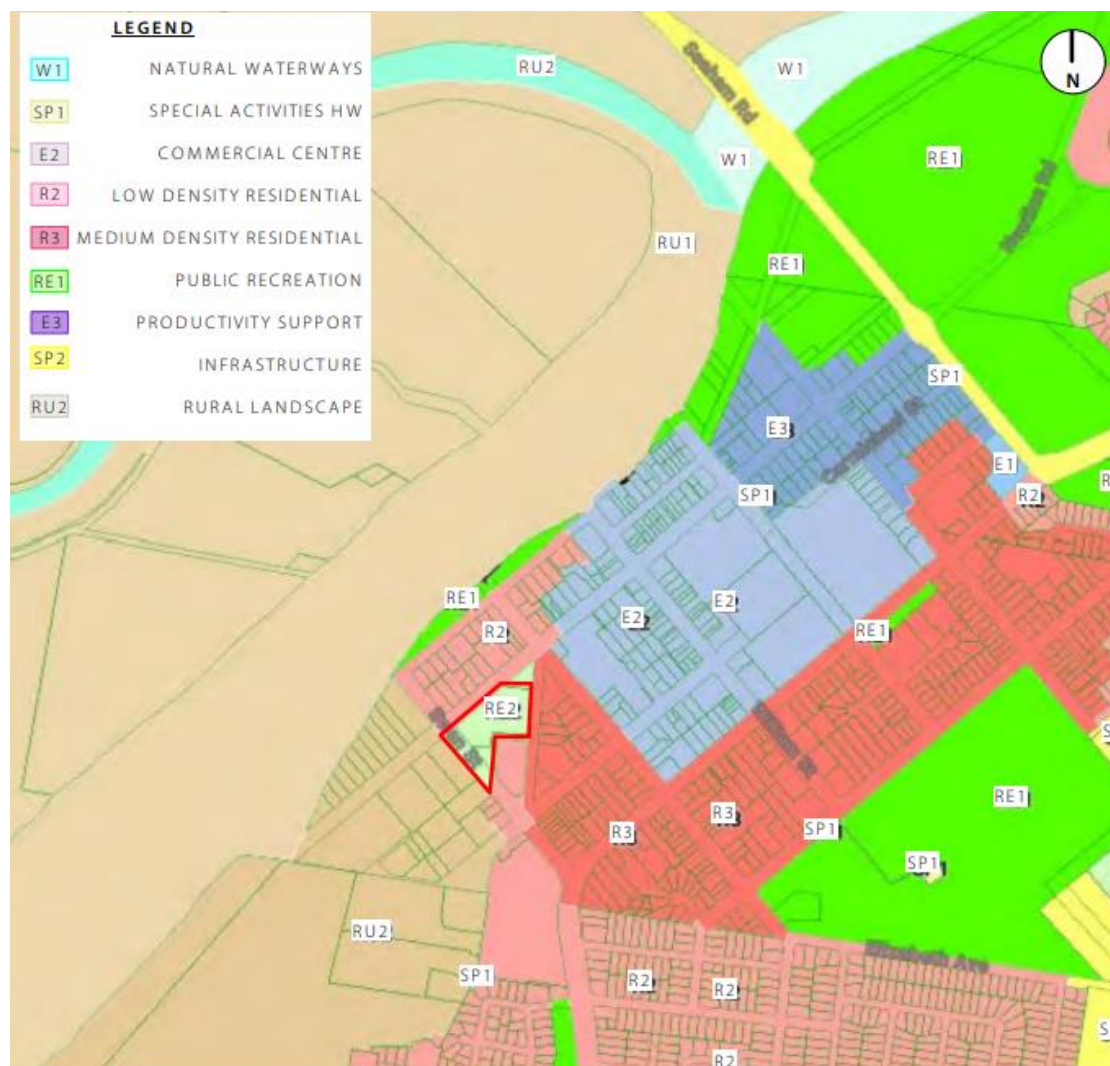


Figure 3: Land zoning with locality (source: applicant's documentation)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development application seeks consent for alterations and additions to Raymond Terrace Bowling Club and construction of a six-storey 50 room hotel including 5 serviced apartments, restaurant, bar, swimming pool, gym, function space and office spaces. The development is proposed to be developed in three stages as outlined below:

Stage 1 – Alterations and additions to Raymond Terrace Bowling Club. This includes internal and external changes to the existing building, car parking, and reshaping (reduction in size) of the croquet lawn.

Stage 2 – Demolition of the existing shade structures over the two bowling greens, and refurbishment of bowling greens and amenities.

Stage 3 – Demolition of croquet lawn and construction of the hotel and two storey parking complex. The hotel will include 50 rooms, 5 being serviced apartment, a restaurant, bar, swimming pool, gym, function space and offices.

Further details regarding each key component of the proposal are discussed in the following sections.

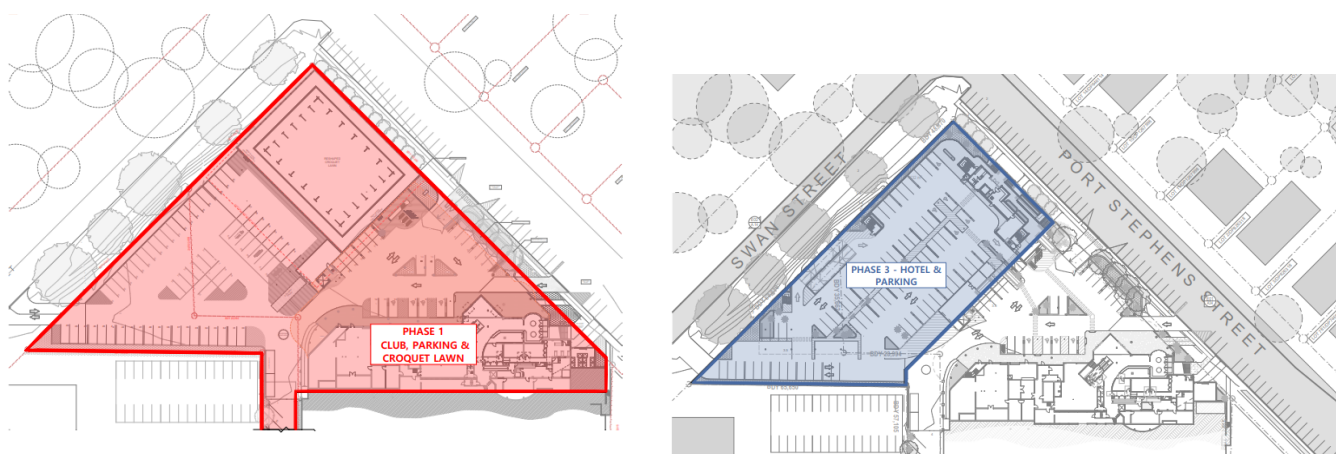


Figure 4: Ground floor staging plans

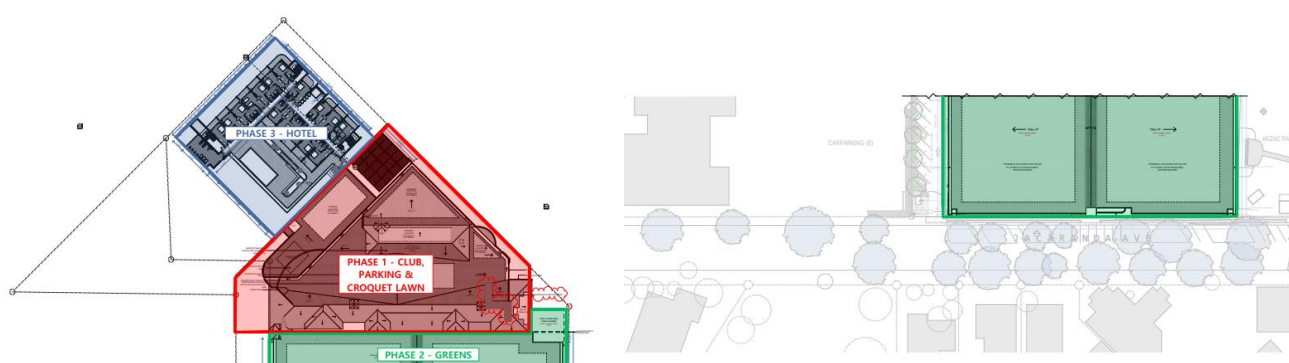


Figure 5: First floor staging plans

Stage 1 - Bowling Club alterations and additions

The proposal includes alterations and additions to the existing bowling club, to be completed over stage 1. The alterations and additions will result in a 696m² increase in gross floor area (GFA), with a summary schedule and artist impression of the building outlined in **Figures 6 - 7** below:

SUMMARY SCHEDULE (BOWLING CLUB)				
BOWLING CLUB				
Current Operating Hours <i>(note: current operation hours are subject to change and the conditions of the Bowling Club's Liquor License)</i>	Sunday to Thursday 9.00am to 11.59pm Friday & Saturday 9.00am to Midnight			
Liquor License	Existing License includes the entire site. No changes are proposed in parallel with this Development Application. Bowling Club to continue compliance with their existing License post determination in consultation with Liquor & Gaming NSW and requirements under the <i>Liquor Act 2007</i> .			
BOWLING CLUB – Area Comparison				
Sub-use	Existing Area	Proposed Area	Difference	
Existing Function Bar	16m ²	21m ²	+5m ²	
Existing Main Bar	69m ²	59m ²	-10m ²	
Existing Dining Bar	9m ²	29m ²	+20m ²	
Proposed Gaming Bar		15m ²	+15m ²	
Gaming Machine	260m ²	396m ²	+136m ²	
				Gaming Machine Entitlements
				Existing 88
				Proposed No changes proposed. Refer to Architectural Plans for locations and Supporting Letter addressing the context of the difference in area proposed. No further Gaming Machine Entitlements are sought in parallel with this Development Application through Liquor & Gaming NSW and requirements under the <i>Gaming Machines Act 2001</i> .
Lounge	381m ²	382m ²	+1m ²	
Dining	132m ²	327m ²	+195m ²	
Alfresco Dining	0	239m ²	+239m ²	
Private Dining	41m ²	39m ²	-2m ²	
Function Room A & B / Auditorium	363m ²	447m ²	+84m ²	
Pre-Function Room	0	110m ²	+110m ²	
TAB	84m ²	102m ²	+18m ²	
Terrace	45m ²	104m ²	+59m ²	
Smoking Area	21m ²	23m ²	+2m ²	
				<i>Calculation – Excludes children's play area and stair, which does not contribute to population</i>

Figure 6: Summary schedule (Bowling Club)



Figure 7: Artist impression of Bowling Club as viewed from Jacaranda Avenue

Stage 2 - Bowling green refurbishment

The proposal includes the demolition of two existing shade sails over the bowling greens and associated brick wall and fencing, to be completed over stage 2. The refurbished bowling greens are to accommodate a new enclosed roof, two new locker rooms, bathroom amenities, refurbished terrace and new convenient entry off Jacaranda Avenue to its users. See **Figure 8**.



Figure 8: Artist impression of enclosed bowling green as viewed from Jacaranda Avenue

Hotel construction

The proposal includes the construction and use of a 6 storey hotel. The gross floor area of the building is 2,850m² and comprises a number of uses as outlined in **Figure 9** below. The proposed hotel will accommodate 45 hotel rooms, 5 serviced apartments, restaurant, guest gym, function room, guest pool and terrace. The building form incorporates an element of verticality, employing batten screening, glass accents, material transitions, and recesses that frame views. See **Figure 10**.

SUMMARY SCHEDULE (HOTEL)		
HOTEL		
Hotel Height	20.04m	Refer to Urban Height Analysis
Operating Hours	The hotel will operate 24 hours a day, 7 days a week.	These hours will allow the Hotel to operate effectively and would be subject to a Plan of Management
HOTEL - Hotel Yield		
Ground	Reception, Bin Store, back of House (BOH), Office	
First Floor	6 rooms (incl. 1 Accessible)	
Second Floor	16 rooms (incl. 1 Accessible), Gym, pool terrace	
Third Floor	17 rooms (incl. 2 Accessible)	
Fourth Floor	11 rooms (incl. 2 Accessible)	
Fifth Floor	Restaurant, Offices, Bar, Function Space, kitchen, WC's	
Total	45 Hotel Rooms (including 4 Accessible) 5 Serviced Apartments (including 2 Accessible)	
OVERALL DEVELOPMENT		
Parking		
Parking provided in Stage 1 (Bowling Club)	94	
Total parking provided for Stage 1 & 3 (Bowling Club & Hotel)	159 spaces (including 11 Accessible)	
Gross Floor Area		
Existing GFA (per LEP Definition):	3,069m ²	
Proposed GFA (per LEP Definition):	3,765m ²	
Added GFA(per LEP Definition):	696m ²	

Figure 9: Summary schedule (Hotel)



Figure 10: Artist impression of hotel as viewed from Swan Street

Car Parking

On completion, the proposed development will include on-site car parking for 159 vehicles, including 11 accessible spaces. Under stage 1, the existing 81 space car park will be upgraded to accommodate an additional 25 spaces at ground level. Under stage 3, the carpark will be further upgraded to accommodate an additional 53 spaces accessed via a ramp on the western boundary of the site. All parking spaces within the on-site car park comply with the requirements of 'AS/NZS 2890.1:2004 Parking facilities – Off-street car parking'.

Vehicular Access and Servicing

The 3 existing access points will continue to provide for the subject site, with an additional entry driveway to be provided on Port Stephens Street to the north of the existing driveway. Vehicular access to the carparks will be provided from Port Stephens Street and Swan Street, with access to a loading dock area provided for service vehicles via Jacaranda Avenue. The site layout has been designed for vehicles up to a Medium Rigid Vehicle, to enter and exit the site in a forward direction. Waste collection for the Bowling Club shall continue to be from Port Stephens Street.

Landscaping

The application includes a landscape plan showing 3.4% deep soil landscape coverage, equating to 411m². Noting the substantially developed nature of the site, the retention of mature native vegetation within the Swan Street and Jacaranda Avenue road reserve has been prioritised, with additional mass plantings on structures incorporated into the design.

Stormwater

Stormwater runoff from the new roof over bowling greens will be directed to a 15kL rainwater tank located in space beneath level 1 near the existing tank and close to the bowling greens.

Stormwater runoff on ground surface will be generally directed to pits and grated trench drains, where pits expected to get surface stormwater runoff are fit with proprietary filter inserts (HydroChannel for grated trench drain and OceanGuard for pits, or approved equivalent). Stormwater modelling software (DRAINS & MUSIC) has been used to inform this design and ensure relevant detention and water quality targets are satisfied.

Employment

The application will generate additional staffing requirements as outlined below:

Bowling Club

- *Current* - Approximately 40 staff members, excluding contractors.
- *After completion of works* - Approximately 45 staff members, excluding contractors.

Hotel

- Approximately 6 staff members, excluding contractors.

Total Employees at Completion of Proposal

- Approximately 51 staff members, excluding contractors.

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 13 October 2022 where various issues were discussed. A summary of the key issues identified during the meeting are outlined below:

- Permissibility;
- Consent Authority;
- Operational Details;
- Height of Building;
- Design;
- Overshadowing;
- Aboriginal Heritage;
- European Heritage;
- Acoustics;
- Public Art;
- Bushfire;
- BCA Compliance;
- Flooding;
- Stormwater;
- Traffic;
- Car Parking;
- Waste Management; and
- Community Concerns

The development application was lodged on **4 January 2024**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc.) with the application:

Table 1: Chronology of the DA

Date	Event
4 January 2024	DA lodged.
4 January 2024	DA referred to internal officers and external agencies.
15 January 2024	Exhibition of the application.
23 January 2024	Site inspection undertaken by Council.
7 February 2024	HCCRPP kick-off briefing.
14 March 2024	Urban Design Panel (UDP) meeting.
15 March 2024	Request for Information from Council to applicant.
9 August 2024	Additional information submitted relating to flooding, landscaping, CPTED, acoustics & vibration, social impact, stormwater, plan of management and summary schedule.
8 October 2024	Second Request for Information from Council to applicant.
16 October 2024	HCCRPP assessment update briefing.
30 October 2024	Meeting with applicant to discuss unresolved issues raised by Council and HCCRPP.
23 December 2024	Additional information submitted responding to Council and HCCRPP matters raised. Additional information submitted including, updated visual impact assessment, urban height analysis, CPTED report, plan of management, gaming floor space report, amended social impact assessment, and updated summary schedule.
20 February 2025	Council Assessment Report finalised.

2.3 Site History

Raymond Terrace Bowling Club has a long history within the suburb of Raymond Terrace with the first club established on the site during the 1940's. The Bowling Club has undergone numerous renovations and extensions over its existence as recorded in **Table 2**.

Table 2: Development Application's lodged over the site

Application No.	Proposal Description	Determination
7-1987-60452-1	No description provided	Approved 2/06/1987
7-1989-4573-1	Toilet Block to Greens (Stage 1)	Approved 20/10/1989
7-1989-4574-1	Extensions – Cool Room, Additional Accommodation	Approved 24/01/1990
7-1989-61812-1	Amenities Block	Approved 22/12/1989
7-1992-5699-1	Extensions to Club	Approved 20/05/1992
7-1992-61227-1	Alteration and Addition to Bowling Club	Approved 22/09/1992
7-1993-61451-1	Additions to Club	Approved 5/11/1993
7-1994-2045-1	Extension to Club	Approved 13/03/1995
7-1995-61145-1	Addition to Bowling Club	Approved 4/09/1995
16-1999-496-1	Additions to Club	Approved 30/04/1994
16-2003-808-1	Covered Walkways	Approved 8/07/2003
16-2004-561-1	Covered Walkway	Approved 28/05/2004
16-2005-50-1	Addition to Club (Timber Deck)	Approved 19/04/2005
16-2005-1068-1	Shade Structure	Approved 15/03/2006
16-2006-183-1	Deck Addition to Recreational Facility	Approved 12/05/2006
16-2006-1314-1	Addition to Club – Decks and Ramp	Approved 14/02/2007
16-2006-1314-2	S96 Amendment – Smoking Area Access Ramps	Approved 20/06/2007
16-2008-979-1	Construct All Weather Terrace	18/02/2009
16-2009-881-1	Fence to Existing Bowling Club	30/03/2010
16-2010-219-1	Bowls Office	21/05/2010
16-2013-52-1	Addition of Car Shade – Existing Bowling Club Car Park	8/04/2013

Application No.	Proposal Description	Determination
16-2013-443-1	Alterations and Additions to Bowling Club	28/08/2013
16-2013-443-2	S96 Amendment - Alterations and Additions to Bowling Club	29/04/2014
16-2015-299-1	Alterations and Additions to Existing Recreation Club	29/06/2015

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is integrated development, pursuant to Section 4.46 of the EP&A Act, as the proposal requires the following separate approvals:

- Rural Fire Services under section 100B of the *Rural Fires Act 1997* being development on bush fire prone land for a special fire protection purpose.

The proposal is not a development type listed under Schedule 3 of the EP&A Regulation as Designated Development, nor is it a type identified as designated development under any environmental planning instrument. Furthermore, the proposal does not require concurrence in accordance with Section 4.13 of the EP&A Act.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- *State Environmental Planning Policy (Industry and Employment) 2021*;
- *State Environmental Planning Policy (Planning Systems) 2021*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*; and
- *Port Stephens Local Environmental Plan 2013*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p><u>Chapter 2: Vegetation in non-rural areas 2021</u> Chapter 2 applies as the site is zoned RE2 Private Recreation. The development application seeks consent for the removal of 3 trees. The removal is supported subject to implementation of tree protection measures and replacement plantings consistent with Council's landscape technical specifications.</p> <p><u>Chapter 4: Koala Habitat Protection 2021</u> Section 4.8 requires that the application must be consistent with the approved koala plan of management that applies to the site. The relevant plan of management in Port Stephens is the Comprehensive Koala Plan of Management (CKPoM).</p> <p>The proposal does not involve the removal of any koala food trees. The site is mapped as Mainly Cleared Land and Preferred Koala Habitat Link Over Cleared Land under Council's Koala Habitat Planning Map (2000). On this basis, the proposal is consistent with the CKPoM, which constitutes compliance with Chapter 4 of this SEPP.</p>	Y
State Environmental Planning Policy (Industry and Employment) 2021	<p><u>Chapter 3: Advertising and Signage</u> Section 3.6 – The proposed building identification signage is consistent with the requirements of this clause. All future signage would be subject to a separate development application.</p>	Y

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	<p><u>Chapter 2: State and Regional Development</u></p> <p>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: general development with a CIV over \$30 million.</p>	Y
SEPP (Resilience & Hazards)	<p><u>Chapter 2 : Coastal Management</u></p> <p>The subject land is located within the Coastal Environment and Coastal Use Areas; as such the following general matters are required to be considered when determining an application.</p> <p>In accordance with Section 2.10 of Chapter 2 of the Resilience and Hazards SEPP, development consent must not be granted for development within the coastal environment area unless the consent authority has considered whether the development will cause impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.</p> <p>The proposed development is sufficiently setback from the coastal environment area, being the Hunter River, by approximately 160 metres. Water runoff from the building will be managed through site stormwater management measures and directed to the existing public stormwater network along Swan Street and Port Stephens Street, as will sediment runoff during the construction process.</p> <p>The proposed development will not impact the existing and safe access along the Riverside Park foreshore area. Furthermore, the proposed development has been designed to mitigate its impacts upon the views of adjoining properties towards the foreshore. The proposal has a contemporary design that is compatible with the coastal environment and with a contemporary built form including a flat roof with landscaping treatment to soften the built form when viewed from the waterway. The proposed materials and finishes selected will complement the scenic qualities of the foreshore. The visual impacts of the proposal are considered acceptable with respect to viewpoints from Riverside Park foreshore area.</p> <p>The proposed development is positioned within an established residential streetscape with no direct physical works to the coastal shoreline. Therefore, the proposed development is suitably designed and located to not increase risk to coastal hazards.</p>	Y

EPI	Matters for Consideration	Comply (Y/N)
	<p>The proposal satisfies the objectives of Chapter 2 of this SEPP and other matters for consideration stipulated under Sections 2.10, 2.11 and 2.12.</p> <p><u>Chapter 4: Remediation of Land</u></p> <p>Section 4.6 requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.</p> <p>The NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system and the site has historically be utilised for residential purposes which is not a contaminating land use. The land is not within an investigation area, there are no records of potentially contaminating activities occurring on the site, and the proposed residential use is not listed as a possible contaminating use, per Table 1 of the Contaminated Land Guidelines. Noting this, the proposed development satisfies the requirements of Chapter 4 of this SEPP.</p>	
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p><u>Chapter 2: Infrastructure</u></p> <p>Section 2.48(2) (Determination of development application—other development) – electricity transmission applies to the proposal. The application was referred to Ausgrid, with correspondence confirming the proposal can be safely undertaken with respect to nearby electricity assets subject to conditions.</p>	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	<p>Chapter 3: Standards for non-residential development</p> <p>Given the proposal involves the erection of a new building with an estimated development cost of \$5 million or more this chapter applies.</p>	Y
State Environmental Planning Policy (Housing) 2021	<p>This policy does not apply to the development, however, the low and mid-rise reforms do impact the development potential of surrounding properties which is worth noting.</p>	NA
Port Stephens Local Environmental Plan 2013	<p>The following LEP clauses are relevant to the proposal:</p> <ul style="list-style-type: none"> • Clause 2.3 - Permissibility and zone objectives • Clause 4.3 – Height of buildings • Clause 5.10 - Heritage conservation • Clause 5.21 - Flood planning • Clause 5.22 – Special flood considerations • Clause 7.1 - Acid sulfate soils • Clause 7.2 – Earthworks • Clause 7.4 – Airspace Operations • Clause 7.6 - Essential Services 	Y

EPI	Matters for Consideration	Comply (Y/N)
	The proposal is generally consistent with the LEP.	
Port Stephens Development Control Plan 2014	<p>The following DCP provisions are relevant to the proposal:</p> <ul style="list-style-type: none"> • B1 – Tree Management • B2 – Natural Resources • B3 – Environmental Management • B4 – Drainage and Water Quality • B5 – Flooding • B6 – Williamstown RAAF Base – Aircraft Noise and Safety • B7 – Heritage • B8 – Road Network and Parking <p>The proposal is generally consistent with the DCP.</p>	Y

Consideration of the relevant SEPPs is outlined below

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

Chapter 2 Vegetation in Non-Rural Areas of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State. The chapter works in conjunction with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW. Chapter 2 applies as the site is zoned RE2 Private Recreation.

Part 2.3 of the chapter contains provisions similar to those contained in the former (now repealed) clause 5.9 of Port Stephens Local Environmental Plan 2013 and provides that Council's Development Control Plan can make declarations with regards to certain matters. The chapter further provides that Council may issue a permit for tree removal.

The development application seeks consent for the removal of 3 trees. The removal is supported subject to implementation of tree protection measures and replacement plantings consistent with Council's landscape technical specifications.

Chapter 4: Koala Habitat Protection 2021

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The SEPP replaces the previous State Environmental Planning Policy No 44 - Koala Habitat Protection. Chapter 4 applies to all zones other than RU1 (Primary Production), RU2 (Rural Landscape) and RU3 (Forestry) in the Port Stephens Local Government Area.

Section 4.8 requires that the application must be consistent with the approved koala plan of management that applies to the site. In Port Stephens, the relevant plan is the Comprehensive Koala Plan of Management (CKPoM).

The proposal does not involve the removal of any koala food trees. The site is mapped as Mainly Cleared Land and Preferred Koala Habitat Link Over Cleared Land under Council's Koala Habitat Planning Map (2000). On this basis, the proposal is consistent with the CKPoM, which constitutes compliance with Chapter 4 of this SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3: Advertising and Signage

This chapter sets out planning controls for advertising and signage in NSW. The policy requires signage to be compatible with the future character of an area, provide effective communication in suitable locations and be of high quality design and finish.

The proposal includes one business identification sign on the entry façade of the Bowling Club, fronting Port Stephens Street.

Section 3.11 of this policy provide matters for consideration. The proposal is consistent with the matters for consideration as follows:

- The proposal is consistent with the objectives of this chapter as set out in section 3.1(1)(a) in that the proposal signage is compatible with the desired amenity and visual character of the area, will provide effective communication in that it will identify the businesses operating on site and subject to conditions, will be constructed of a high quality design and finish.
- The development has been assessed in accordance with the Assessment Criteria set out in Schedule 5 of the policy, refer to **Table 4** below.
- The proposal satisfies relevant requirements of this chapter.

Schedule 5 of the policy provides an assessment framework to determine if the proposed signage scheme is acceptable in terms of its impacts. An assessment of the proposed signage scheme against the assessment criteria is provided in **Table 4** below.

Table 1: I&E SEPP Schedule 5 Assessment

Assessment Criteria	Assessment	Comply (Y/N)
<p><i>1 Character of the area</i></p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The site is surrounded by a mixture of land uses which include residential, commercial, rural and recreational land. Given the sites zoning, the signage has been assessed with the desired future character in mind. Noting this, it is considered that the proposed signage is consistent with the desired future character of the area.</p> <p>There is no theme for outdoor advertising in the area.</p>	Y

Assessment Criteria	Assessment	Comply (Y/N)
<p><i>2 Special areas</i></p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposed signage is not considered to detract from the amenity or visual quality of any special areas.</p>	Y
<p><i>3 Views and vistas</i></p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed sign does not compromise any important view.</p> <p>The proposed sign does not obscure any advertising.</p> <p>The proposed signage will not dominate the skyline or reduce the quality of vistas.</p>	Y
<p><i>4 Streetscape, setting or landscape</i></p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The scale of the sign is proportionate to the building. It is appropriate for the character of the locality.</p> <p>The proposed sign will contribute to the visual interest of the site in context of its setting.</p> <p>The proposed sign is considered rationalised by the built form of the site.</p> <p>The proposed sign is not required to screen unsightliness.</p> <p>The proposed sign does not protrude above any buildings, structure, nor tree canopies.</p> <p>The proposed sign does not require ongoing vegetation management.</p>	Y
<p><i>5 Site and building</i></p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building,</p>	<p>The sign has been designed to be compatible with the built form and site characteristics.</p>	Y

Assessment Criteria	Assessment	Comply (Y/N)
<p>or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed sign does not detract in any way from important features of the building or site.</p> <p>The sign is of modern, high-quality design and reflects the built form of the site.</p>	
<p><i>6 Associated devices and logos with advertisements and advertising structures</i></p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>No associated devices or logos are proposed.</p>	N/A
<p><i>7 Illumination</i></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>No illumination proposed.</p>	Y
<p><i>8 Safety</i></p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The sign will not affect road safety on any public road.</p> <p>The sign will not affect the safety of pedestrians and cyclists.</p> <p>The proposed sign is affixed to the building façade.</p>	Y

As outlined in the above table, the proposal is consistent with the aims and objectives of section 3.1 and the assessment criteria, in Schedule 5.

The proposed signage is for business identification purposes, therefore the provisions relating to advertisements within Part 3.3 of the SEPP do not apply. On this basis, the proposal is consistent with the requirements of SEPP (Industry and Employment) 2021.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is regionally significant pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal has a capital investment value of more than \$30 million. Accordingly, the Hunter Central Coast Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2: Coastal Management

The subject land is located within the Coastal Environment and Coastal Use Areas; as such the following general matters are required to be considered when determining an application. In accordance with Section 2.10 of Chapter 2 of the Resilience and Hazards SEPP, development consent must not be granted for development within the coastal environment area unless the consent authority has considered whether the development will cause impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.

The proposed development is sufficiently setback from the coastal environment area, being the Hunter River, by approximately 160 metres. Water runoff from the building will be managed through site stormwater management measures and directed to the existing public stormwater network along Swan Street and Port Stephens Street, as will sediment runoff during the construction process.

In accordance with Section 2.11 of Chapter 2 of the Resilience and Hazards SEPP, development consent must not be granted for development unless the consent authority has considered existing and safe access to and along the foreshore, overshadowing and loss of views, visual amenity and scenic qualities and heritage values. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.

The proposed development will not impact the existing and safe access along the Riverside Park foreshore area. Furthermore, the proposed development has been designed to mitigate its impacts upon the views of adjoining properties towards the foreshore. The proposal has a contemporary design that is compatible with the coastal environment and with a contemporary built form including a flat roof with landscaping treatment to soften the built form when viewed from the waterway. The proposed materials and finishes selected will complement the scenic qualities of the foreshore. The visual impacts of the proposal are considered acceptable with respect to viewpoints from Riverside Park foreshore area.

Section 2.12 of Chapter 2 of the SEPP requires consideration to whether the development would increase the risk of coastal hazards. The proposed development is positioned within an

established residential streetscape with no direct physical works to the coastal shoreline. Therefore, the proposed development is suitably designed and located to not increase risk to coastal hazards.

The proposal satisfies the objectives of Chapter 2 of this SEPP and other matters for consideration stipulated under Sections 2.10, 2.11 and 2.12.

Chapter 4: Remediation of Land

Section 4.6 of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development.

The NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system and the site has historically be utilised for residential purposes which is not a contaminating land use. The land is not within an investigation area, there are no records of potentially contaminating activities occurring on the site, and the proposed residential use is not listed as a possible contaminating use, per Table 1 of the Contaminated Land Guidelines. Noting this, the proposed development satisfies the requirements of Chapter 4 of this SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48(2) of this policy requires consultation with the relevant electricity authority, where development is proposed in proximity to electrical infrastructure. This policy applies as the proposal will involve works in the vicinity of underground electricity assets. The application was referred to Ausgrid, with correspondence confirming the proposal can be safely undertaken with respect to nearby electricity assets subject to conditions.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3: Standards for non-residential development

This policy encourages the design and construction of more sustainable buildings to meet NSW climate change targets and adapt to more extreme weather, including hotter and drier summers.

Chapter 3 applies to non-residential development that has an estimated development cost of \$5 million or more. As such, this chapter applies to the proposed development.

Section 3.2(1) of the policy states that the consent authority must consider *whether the development is designed to enable the following—*

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) the generation and storage of renewable energy,*
- (e) the metering and monitoring of energy consumption,*
- (f) the minimisation of the consumption of potable water.*

An assessment against each consideration is provided in Table 5 below.

Table 5: Assessment against matters of consideration

Matters for Consideration	Assessment
The minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials	A demolition, construction and operational waste management plan has been prepared by Monteath and Powys which will limit waste during these stages of the proposed development.
A reduction in peak demand for electricity, including through the use of energy efficient technology	<p>The applicant has noted that the following options will be explored as part of the detailed construction plans to reduce peak demand for electricity which demonstrates energy-efficient technology for the proposed development (noting that the development will be subject to a Section J report):</p> <ul style="list-style-type: none"> - LED lighting is proposed to be used within landscaping areas as opposed to incandescent or fluorescent lighting. - High-efficiency HVAC systems are proposed to be used for heating, ventilation and air conditioning systems with advanced controls for the development. - Consider the opportunity for the development to install solar panels on the roof of bowling green and hotel to generate renewable energy on-site.
A reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design	<p>To reduce reliance of artificial lighting, the development has incorporated the following design elements:</p> <ul style="list-style-type: none"> • The choice of an open-deck carpark reduces mechanical requirements for ventilation, provides opportunity for direct solar EV charging on the first floor. • Inclusion of bicycle parking and EV charging to reduce on-site fossil fuel consumption. • Light coloured finishes and façade treatments across the Bowling Club and Hotel to reduce solar gain. • Passive design strategies within the enclosed bowling greens through ample cross-ventilation and protection from the western sun. • External solar shading achieved via landscaping design to the western face of the hotel, as well retained landscaping across Swan Street and Jacaranda Avenue. Additional landscape cover over west-facing built assets via wire trellis systems to minimise solar gain, with the vegetation cover reducing maintenance and improving amenity.
The generation and storage of renewable energy	The applicant has acknowledged that there is opportunity to install solar pv panels on the roof of the

Matters for Consideration	Assessment
	bowling green, bowling club and hotel. It was noted that this would be investigated further as part of the detailed design. A condition has been recommended requiring that solar pv panels be provided on the roof of the buildings.
The metering and monitoring of energy consumption	Metering and monitoring of energy consumption is required by Section J.
The minimisation of the consumption of potable water	The Proposal includes the installation and use of a 15,000L rainwater tank with reuse to be reticulated towards watering the bowling greens and flushing select Bowling Club toilets, minimising potable water where possible.

Section 3.2(2) provides that development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. A NABERS Embodied Emissions Materials Form was provided with the development quantifying the embodied emissions.

Section 3.3 applies to large commercial development. Large commercial development is defined in this policy as:

large commercial development means non-residential development that involves—
 (a) the erection of new prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, or
 (b) alterations, enlargement or extension of prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, if the development has an estimated development cost of \$10 million or more.

The proposed development is not considered a 'large commercial development' and therefore this section does not apply.

Section 3.4 applies only to development that is state significant.

State Environmental Planning Policy (Housing) 2021

Chapter 6 Low and mid-rise housing

Land surrounding the development has been included in the low and mid-rise (LMR) housing reforms. See Figure 11 for the applicable area.

Land zoned R3 up to 400m of the centre (the development site is about 80m from the centre outline) has been given a height limit of 22m and 2.2:1 floor space ratio (FSR).

Land zoned in R3 400m-800m from the centre has been given a height limit of 17.5m and 1.5:1 FSR.

There are other areas surrounding the development site mapped in R2 which are included in the LMR reforms, however, they have been excluded due to constraints such as flooding and not considered further in the report.



Figure 11: Raymond Terrace Low and mid-rise application area with development site circled in red (blue shading indicates the LMR centre and orange shading is the LMR housing area).



Figure 12: Low and mid-rise map directly adjacent site (site outlined in red).

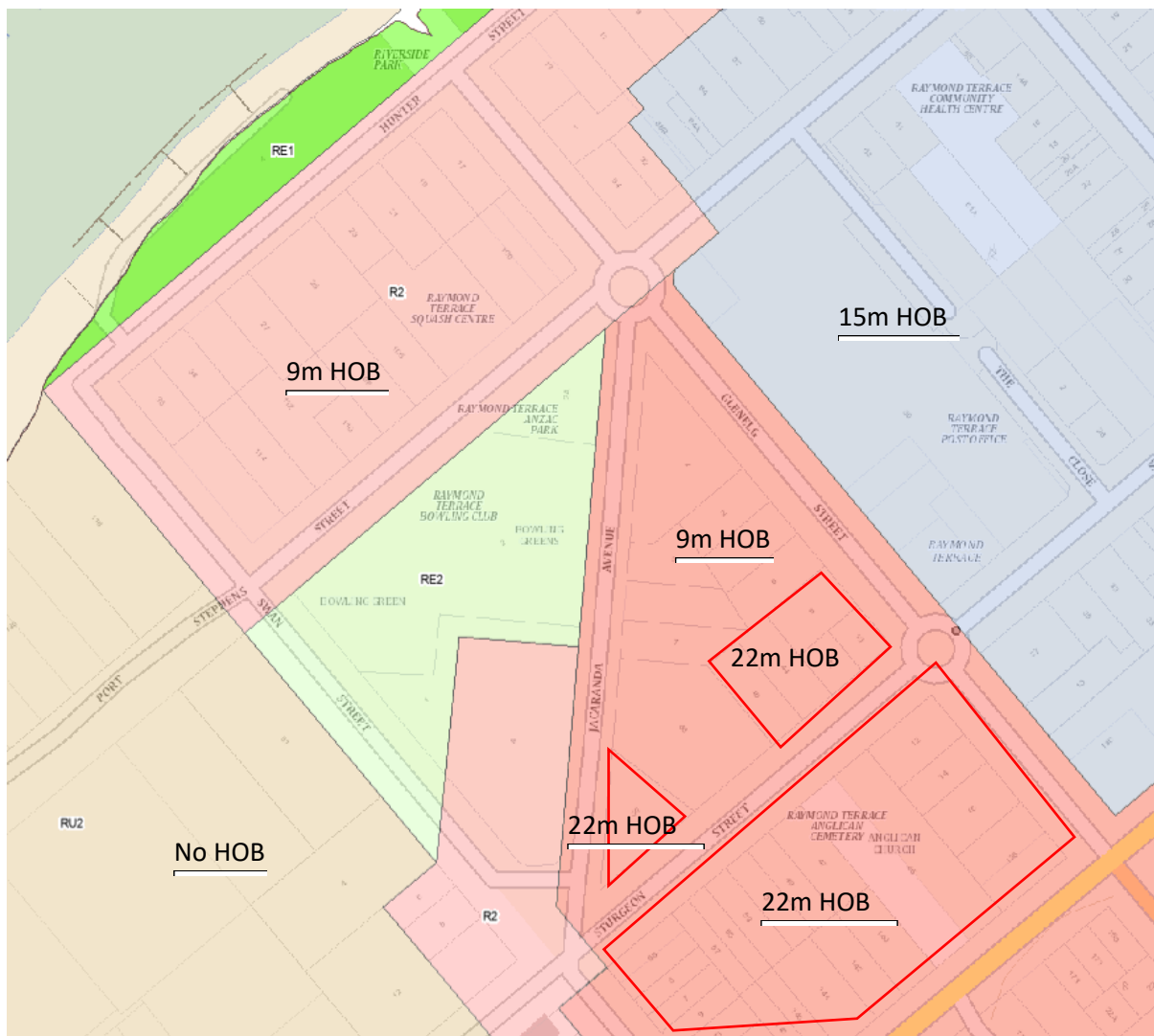


Figure 13: The areas outlined in red appear not to be excluded by the policy.

The policy does have exclusions such as flood prone land and heritage which impacts adjacent properties. Figure 13 indicates the sites mapped which should be able to use the LMR provisions. In the R3 (dark pink) to the east, the height limit will go from 9m to 22m. The R2 land to the north-west will not be able to use the reforms due to flooding.

There have been no reforms which have raised the heights of the north-eastern E2 zoned land, however, there have been council resolutions recently for strategic planning to investigate raising heights in the Raymond Terrace CBD.

Port Stephens Local Environmental Plan 2013

Preliminary (Part 1)

The relevant local environmental plan applying to the site is the *Port Stephens Local Environmental Plan 2013* (the LEP). The aims of the LEP include the following:

- (a) to cultivate a sense of place that promotes community well-being and quality of life,
- (b) to provide for a diverse and compatible mix of land uses,
- (c) to protect and conserve environmental values,

- (d) to facilitate economic growth that contributes to long-term employment,
- (e) to provide opportunities for housing choice and support services tailored to the needs of the community,
- (f) to conserve and respect the heritage and cultural values of the natural and built environments,
- (g) to promote an integrated approach to the provision of infrastructure and transport services,
- (h) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.

The proposal is consistent with these aims as it will provide diverse services and amenities within proximity to established infrastructure and transport services. The proposal addresses the demand for short-term rental accommodation and supports local employment. The proposal contributes to a compatible mix of land uses including recreational activities, tourism and hospitality, whilst preserving natural landscapes and areas of heritage conservation. The scale and built form proposed is appropriate for the site and its environs, which is envisaged to be a strategic center providing diverse services and amenities.

Zoning and Permissibility (Part 2)

The site is located within the RE2 Private Recreation Zone pursuant to Clause 2.2 of the LEP, as shown in **Figure 14** below.

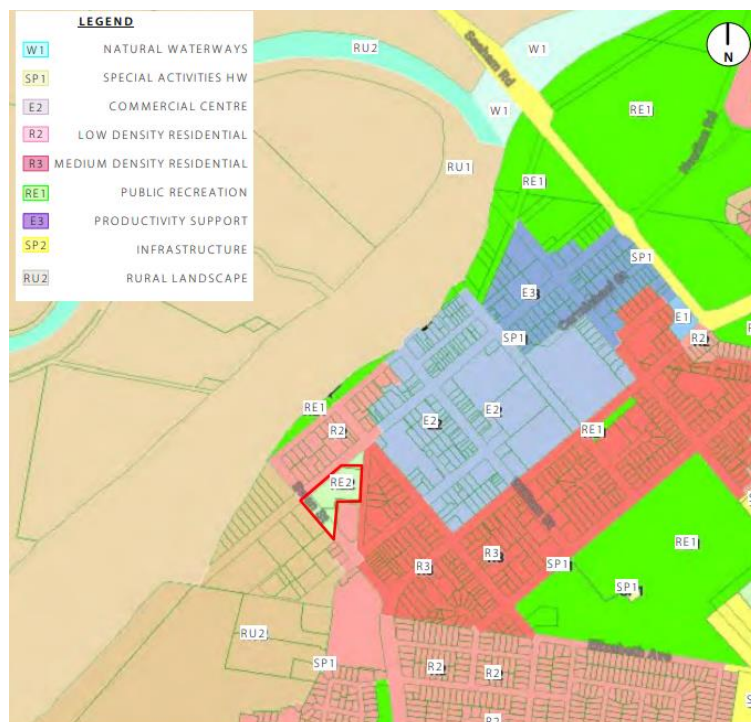


Figure 14: Land zoning with locality (source: applicant's documentation)

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definitions of function centre, hotel or motel accommodation, registered club and serviced apartments which are all permissible with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.

- To protect and enhance the natural environment for recreational purposes.

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal seeks to provide improved facilities for community use, both for patrons of the club, bowling greens and visitors to the hotel.
- The proposal contributes to a compatible mix of land uses including recreational activities, tourism and hospitality, whilst preserving natural landscapes and areas of heritage conservation.
- The proposal would supply a compatible mix of land uses, conveniently located in Raymond Terrace Town Centre, which is envisaged to be a strategic center providing diverse services and amenities.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 6** below.

Table 6: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	20ha.	The proposal does not include a subdivision component. Notwithstanding, a condition of consent has been recommended for consolidation of Lot 1 Sec 23 DP 758871 and Lot 23 DP 1088281. Lot consolidation will be undertaken separate to this proposal per the Codes SEPP.	N/A
Height of buildings (CI 4.3(2))	No maximum building height specified.	The site does not have a maximum building height specified. Therefore, the proposed height of the hotel building (20.04m) has been assessed taking into consideration visual and amenity impacts, compatibility with the character of the area and potential impacts to natural and built environments. The Local Strategic Planning Statement and Raymond Terrace & Heatherbrae Strategy 2015-2031 also provides guidance regarding envisaged building heights for the locality. The applicant submitted an Urban Height Analysis (UHA) and Visual Impact Assessment (VIA) with the application. As informed through the analysis provided within the	Yes

Control	Requirement	Proposal	Comply
		<p>UHA, it is considered that the height of the proposal is consistent with the relevant statutory planning framework as follows:</p> <ul style="list-style-type: none"> - The building height has been well considered and meets the objectives of height and floor space ratio under the Port Stephens LEP 2013; - The building height is consistent with the Local Strategic Planning Statement and is aligned to the plan for investment in the strategic centre of Raymond Terrace, and is further aligned to the development of a major hotel in the local government area; - The building height is consistent with the Raymond Terrace & Heatherbrae Strategy 2015-2031. In particular, acknowledgment of the Actioned item of monitoring of the supply of E2 Commercial Centre land and the Action item to seek options to increase the maximum height of buildings from 9m to 15m at locations zoned R3 Medium Density. Additionally, the proposal is consistent with the Action item identified to increase the maximum height of E2 Commercial Centre land to 35m (10 Storeys); and - The building height is compliant with the relevant matters for consideration as outlined under section 4.15(1) of the EP&A Act 1979, in particular environmental impacts on both the natural and built environments and the suitability of the site for the height of the proposal. 	
FSR (CI 4.4(2))	No FSR specified.	<p>The site does not have a FSR restriction, therefore, the provisions of this clause do not apply.</p> <p>Notwithstanding, the density of the building is considered consistent</p>	N/A

Control	Requirement	Proposal	Comply
		with the desired bulk and scale for Raymond Terrace – which is primed for a shift to a denser height centre.	
Heritage (CI 5.10)	Clause 5.10 specifies the requirements for consent and associated assessment requirements for impacts relating to European and Aboriginal heritage.	<p>The site is located adjacent to local heritage items I49 known as 'Raymond Terrace War Memorial', I50 known as 'Jacaranda Avenue (between Glenelg and Swan Streets)' and the Raymond Terrace Heritage Conservation Area. A Statement of Heritage impact was provided with the application, with findings that the proposed development will not have a significant impact to heritage items, curtilages or sight corridors. Whilst the hotel tower will be visible from certain points inside the heritage conservation area and surrounds the proposed development does not pose a significant impediment to the continued aims and objectives of the conservation area and does not impact on locally listed heritage items in a negative manner. The proposal is suitable from a European heritage perspective.</p> <p>An AHIMS search was provided with the application confirming no previously recorded Aboriginal sites or places are recorded on or within 200m of the site. Notwithstanding, the site is located in relative proximity of Aboriginal sensitive landscape features including 160m from Coquon (The Hunter River) and some 1200 metres from its junction with Dorribang (the Williams River). Consultation with the Worimi Local Aboriginal Land Council was initiated during the planning and design phase of the development. Following this, the development was designed at a height that ensures it is largely screened from south facing views from the Hunter River, by the established riverside vegetation in Riverside Park and Swan Street. Noting the site has been subject to</p>	Yes

Control	Requirement	Proposal	Comply
		<p>significant prior ground disturbing activities as part of its historical use as a Bowling Club, Aboriginal artefacts are not expected to be present. Notwithstanding, a condition of consent is recommended relating to unexpected finds procedures in the event Aboriginal artefacts are uncovered during works.</p> <p>Subject to this condition, the proposal is consistent with the requirements of this clause.</p>	
Flood Planning (CI 5.21)	<p>Clause 5.21(2) provides that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development complies with the following matters:</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures</p>	<p>The site is located on flood prone land. The site contains a number of flood categories with the highest hazard category being high hazard floodway area. The proposal also the potential to impact flood behaviour and therefore increase risk to life. This section therefore applies.</p> <p>A Flood Assessment was prepared for the proposal by Northrop Consulting Engineers. The proposal is considered to be consistent with this clause in that:</p> <ul style="list-style-type: none"> - The proposed development has been designed to ensure it is compatible with the flood function and behaviour on the land. The development seeks to remove or relocate all existing habitable spaces located on the ground floor level of the bowling club to areas above the flood planning level (5.8m AHD). The development incorporates new internal stairs and escalators in the ground floor foyer area of the bowling club, providing rapid access to an area above the FPL. - Access and car parking arrangements maintains the current immunity of the connecting road network. - Modelling was undertaken as a part of the Flood Assessment. 	Yes

Control	Requirement	Proposal	Comply
	<p>to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses</p> <p>In accordance with clause 5.21(3), in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p>The modelling assessed impacts resulting from the development for events up to and including the 1% (2100) flood event, indicating there is a slightly higher flood level impact on the public road reserve upstream of the site with an increase of 26mm as opposed to 22mm in the current day 1% AEP. This impact was considered by Council's Flooding and Drainage engineer as insignificant in comparison to the depth of the 1% AEP flood that already impacts the road area. In terms of velocity impacts, two comparison maps were provided for the 1% AEP current and future 2100 flood events. For both these events, there are no adverse flood velocity impacts that would impact on the road reserve of nearby private property.</p> <ul style="list-style-type: none"> - A Flood Emergency Response Strategy has been provided within the Flood Assessment. This notes the ample warning time for flooding in the Williams and Hunter Rivers, close proximity of the site to flood free land, and managed nature of the site allowing for dissemination of warnings and instructions. Furthermore, egress is available for the flood impacted portions of the site to higher non impacted areas if for some reason evacuation has not occurred in time. - The proposal will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. <p>Council's Development Engineer supported the proposed development from a flood</p>	

Control	Requirement	Proposal	Comply
		perspective. Noting the above, it is considered that the proposal is consistent with this clause.	
Special flood considerations (CI5.22)	<p>Tourist and visitor accommodation (Hotel or motel accommodation) is classed as a sensitive and hazardous development.</p> <p>Under Clause 5.22, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development –</p> <ul style="list-style-type: none"> a) Will affect the safe occupation and efficient evacuation of people in the event of a flood, and b) Incorporates appropriate measures to manage risk to life in the event of a flood, and c) Will adversely affect the environment in the event of a flood. 	<p>As noted above, a Flood Assessment and Flood Emergency Response Strategy was prepared for the proposal, which assisted Council in considering the proposal against the requirements of this clause. The proposal is considered to be consistent with this clause in that:</p> <ul style="list-style-type: none"> - A Flood Emergency Response Strategy was provided within the Flood Assessment. This notes the ample warning time for flooding in the Williams and Hunter Rivers, close proximity of the site to flood free land, and managed nature of the site allowing for dissemination of warnings and instructions. - Specific flood design measures have been incorporated within the development design. Specifically, egress is available for the flood-impacted portions of the site to higher non-impacted areas if for some reason evacuation has not occurred in time. Various conditions have been recommended requiring implementation of the recommendations outlined within the Flood Emergency Response Strategy, design of electrical features located above the FPL and broader flood compatible design measures for the detailed design. - Flood modelling included within the Flood Assessment demonstrates negligible flood level and velocity impacts post-development. Furthermore, the proposal will not adversely affect the environment or cause avoidable erosion, siltation, 	

Control	Requirement	Proposal	Comply
		destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	
Acid sulphate soils (CI 7.1)	<p>The subject land is mapped as containing potential Class 2 and 4 acid sulfate soils.</p> <p>Under Clause 7.1, on land mapped class 4 acid sulfate soils, consent is required for works more than 2 metres below the natural ground surface or works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p>	<p>As per cl.7.1(2), development consent is required where works more than 2 metres below the natural ground surface are proposed in areas containing Class 4 ASS. Concept civil works plans prepared by Northrop consulting engineers indicate minor earthworks are required for site preparation works and the installation of infrastructure. As the proposed development does not involve excavations below 2 metres it is not expected that acid sulfate soils would be encountered. A condition of consent has been recommended requiring preparation of an ASSMP should soils be discovered during site works.</p> <p>The proposed development has been designed to ensure it is compatible with the acid sulfate soil categorisation of the land. A small portion of the north-west corner of the site (interface of Swan Street and Port Stephens Street) is mapped as containing Class 2 ASS. No earthworks or building works are proposed within this area.</p>	Yes
Earthworks (CI 7.2)	<p>Under Clause 7.2(3) before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the</p>	<p>Limited earthworks are proposed as the development does not involve basement works. Additionally, the structural foundations for stages 1 and 2 of the proposal would consist of predominately existing foundations constructed as part of previous development consents and will be adopted to the new layout.</p> <p>Any new foundations, would be constructed using displacement piles, reducing spoil material.</p>	Yes

Control	Requirement	Proposal	Comply
	<p>locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>Given the above limited earthworks, the proposal is unlikely to have an impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, subject to conditions. The proposed earthworks, subject to the recommended conditions, will include appropriate sediment and erosion controls to prevent adverse impacts to the environment, including drainage patterns and soil stability.</p> <p>Subject to the recommended conditions, the proposal satisfies the requirements of this clause.</p>	
Airspace Operations (Cl. 7.4)	<p>Clause 7.4(2) provides that if a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant</p>	<p>The subject site is located within the Limitation or Operations Surface map where structures greater than 45m require referral to Defence. Accordingly, the application has been referred to Defence for comment. As no structures over 45m are proposed the proposal meets the requirements of this clause. Advice was also provided regarding birdstrike and waste storage. An advice note has been included on the consent regarding birdstrike.</p>	Yes

Control	Requirement	Proposal	Comply
	<p>Commonwealth body about the application.</p> <p>Clause 7.4(3) provides that the consent authority may grant development consent for the development if the relevant Commonwealth body advises that—</p> <p>(a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or</p> <p>(b) the development will not penetrate the Limitation or Operations Surface.</p>		
Essential Services (Cl. 7.6)	<p>Cause 7.6 provides that development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required.</p>	<p>The subject site is serviced by reticulated water, electricity and sewer. In addition the application has demonstrated that stormwater drainage resulting from additional roof and hard stand areas can be catered for in accordance with Council's requirements. The subject land also maintains direct access to the local road network, meeting the requirements of this clause.</p>	Yes

As outlined in the table above, the proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*

This proposed instrument is considered below:

Draft Remediation of Land SEPP

The proposed Remediation of Land SEPP is intended to repeal and replace Chapter 4 of SEPP Resilience and Hazards 2021. The draft SEPP, which was exhibited from 25 January to 13 April 2018, is currently under consideration.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under SEPP Resilience and Hazards 2021 – Chapter 4 elsewhere within this report. The subject site has been identified as suitable for the proposed development.

There are no other draft environmental planning instruments that apply to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Port Stephens Development Control Plan 2014*

The Port Stephens Development Control Plan 2014 (the DCP) is applicable to the proposed development and has been assessed below.

Chapter B1 – Tree Management

The objective of this chapter is to give effect to State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021 by listing those trees or other vegetation that require approval for removal or pruning. The proposed development seeks consent for the removal of three (3) trees. No tree removal permit is required as the works form part of a development application. The removal is supported subject to implementation of tree protection measures and replacement plantings consistent with Council's landscape technical specifications.

Chapter B2 – Natural Resources

This chapter applies to development located within 500m of environmentally sensitive areas, development that contains koala habitat, noxious weeds or development that is seeking to use biodiversity credits.

The site is heavily disturbed, with all proposed works to be undertaken on already transformed surfaces. As such, it is not considered likely the development will result in significant ecological impacts, with specialist reports on biodiversity or hydrology impacts not warranted.

Despite the development occurring within 500m of preferred koala habitat, no koala feed trees or corridors will be impacted as part of the proposal. Accordingly, the proposed development complies with the performance criteria listed in Appendix 4 of the Port Stephens CKPOM.

On this basis, the proposal is consistent with the requirements of this chapter.

Chapter B3 – Environmental Management

Chapter B3 contains provisions relating to earthworks and noise impacts which have been assessed below.

Air Quality

The development includes potential air quality impacts associated with an alfresco area that will permit smoking; and construction activity. An air quality assessment was not requested for this proposal due to the large volume identified between the source to receiver, which is expected to dissipate odour and any particulates emitted from the smoke before reaching the nearest receptor. The alfresco gaming area has been designed to dissipate smoke through external louvered walls, and an indoor open-air garden with louvres above opening to the sky. The fresh air calculations have been calculated in accordance with the *NSW Smoke-free Environment Act 2004*; where no more than 75% of the notional ceiling and wall area is enclosed.

Additionally, a condition has been recommended requiring that a Construction Site Management Plan be prepared that includes measures to manage dust during construction of the proposed development.

The proposal is therefore considered to be consistent with this chapter.

Noise

Control B3.B identifies that an acoustic report is required for development that has the potential to produce offensive noise. A Noise Impact Assessment (NIA) was submitted to assess the potential operational noise impacts associated with the proposal. This included an assessment of predicted noise impacts from: operational noise, guest noise, background music and occupants and mechanical plant equipment.

The nearest residential and commercial noise sensitive receptors surrounding the project site were identified along Swan and Port Stephens Street, with acoustic modelling undertaken to predict the effects of noise impacts on these receptors.

The results of the assessment indicate compliance at all residential and commercial receptors during operation. Additionally, as this was a maximum noise level assessment, sleep disturbance noise goals are expected to be met in all situations. It was noted that the modelling was undertaken based on worse case scenarios and therefore noise levels are expected to be significantly less. Whilst compliance with operational project noise trigger levels is expected at all receptors, it is recommended the site as part of its plan of management have measures in place to particularly to deal with any unexpected excessive noise from patrons. Furthermore, a condition has been recommended requiring the preparation of a Construction Management Plan that includes noise measures.

Overall, the assessment found that the development was acceptable from a noise impact perspective. These findings were supported by Council's Environmental Health Officer.

The proposal is therefore considered to be consistent with this chapter.

Earthworks

As discussed at clause 7.2 above, the proposed development involves minor excavations associated with footings. The proposed development does not include cut exceeding 2m in

depth or fill of a total area of 100m² or more, therefore B3.3 does not apply. Conditions of consent have been included restricting the type of fill materials used to virgin excavated natural material only or material subject to a waste resource recovery exemption, satisfying B3.4.

The proposal is therefore consistent with requirements of this section.

Chapter B4 – Drainage and Water Quality

This section applies to development that:

- Increases impervious surfaces; or
- Drains to the public drainage system; or
- Involves a controlled activity within 40m of waterfront land.

Stormwater runoff for all three stages of the development, is managed through site stormwater management measures and directed to the existing public stormwater network along Swan Street and Port Stephens Street. Stormwater models prepared by Northrop, were used to inform the stormwater drainage design and ensure relevant detention and water quality targets were satisfied.

The stormwater management plan includes collection through gutters and downpipes directed to a 15kL rainwater tank located in space beneath level 1 near the existing tank and close to the bowling greens, prior to discharge to the existing kerb and gutter stormwater network on Swan Street and Port Stephens Street via a pit and pipe network. Stormwater runoff on external pavements and landscaped areas will be generally directed to pits and grated trench drains, where pits will be fitted with proprietary filter inserts (HydroChannel for grated trench drain and OceanGuard for pits, or approved equivalent).

The stormwater drainage plan has been assessed as being consistent with Council's Infrastructure Specification and the water quality requirements of this section, by Council's engineers. A condition of consent has been recommended requiring the provision of detailed engineering plans including upgrades to the grassed swale infrastructure within the Swan Street road reserve, prior to the issue of a Construction Certificate.

Subject to the recommended conditions, the proposal is consistent with the requirements of this chapter.

Chapter B5 – Flooding

This section applies to all development on flood prone land. The subject land is mapped as being within the Flood Planning Area. The site contains high hazard floodway area, high hazard flood storage area and low hazard flood fringe area. The development is located across all flood hazard categories on the site.

Figure BI of the DCP identifies suitable land uses by flood hazard category. Tourist and Visitor accommodation and Registered Club are not land uses specifically identified within Figure BI. As such the proposal falls under the 'all other development' category which requires a performance based approach to demonstrate suitability. It is noted Chapter B5 of the DCP was amended on 9 April 2024 to remove land uses within high risk flood areas, however the proposal retains suitable through its savings provision (application lodged on 4 January 2024).

Figure BJ of the DCP identifies the required Finished Floor Level (FFL) for certain development types. For commercial premises, habitable rooms are required to be at the flood planning level (FPL) and non-habitable rooms at the onsite waste water level. Car parking and access

driveways are required to be at the current day 1% AEP flood level. The subject site has an FPL of 5.8m AHD, an on-site waste water level of 3.5m AHD and a current 1% AEP level of 4.8m AHD.

Noting the proposal seeks to undertake alterations and additions to the existing bowling club and car parking areas (constructed to a finished floor level of 3.28m AHD), a performance based assessment of these levels was undertaken by Council's Flood Engineer. All hotel rooms are proposed on or above the first floor (6.39m AHD) of the hotel and are compliant with the Flood Planning.

The proposed development has been designed to ensure it is compatible with the flood function and behaviour on the land. The development seeks to remove or relocate all existing habitable spaces located on the ground floor level of the bowling club to areas above the flood planning level (5.8m AHD). The development incorporates new internal stairs and escalators in the ground floor foyer area of the bowling club, providing rapid access to an area above the FPL. Furthermore, existing access and car parking arrangements maintains the current immunity of the connecting road network.

As per control B5.8, a Flood Impact and Risk Assessment is required for any fill on land identified as floodway; and where the proposed development could change flood behaviour, affect existing flood risk, or expose people to flood risks that require management. The proposal includes minor earthworks in a high hazard floodway area, and may expose people to risks that require management, therefore a Flood Impact Assessment (FIA) was prepared for the proposal by Northrop Consulting Engineers.

As noted under the assessment again Clause 5.21 of the LEP, the FIA found that the proposal would result in minor increases in flood impacts up to and including the 1% (2100) flood event. The findings note that the impacts are minor in nature mostly localised to road reserves and existing culverts and therefore do not result in additional impacts to existing residential properties or sensitive land uses. The FIA therefore concluded that the proposal would not increase flood risk to life.

A Flood Emergency Response Strategy has been provided within the Flood Assessment. This notes the ample warning time for flooding in the Williams and Hunter Rivers, close proximity of the site to flood free land, and managed nature of the site allowing for dissemination of warnings and instructions. Furthermore, egress is available for the flood impacted portions of the site to higher non impacted areas if for some reason evacuation has not occurred in time. Various conditions have been recommended requiring implementation of the recommendations outlined within the Flood Emergency Response Strategy, design of electrical features located above the FPL and broader flood compatible design measures for the detailed design.

Based on the sites evacuation access, flood compatible design, and the lack of adverse offsite flooding impacts, overall the proposal is compatible with the flood function and behaviour of the land and on this basis satisfies the requirements of this chapter.

Chapter B6 – Williamstown RAAF Base - Aircraft Noise and Safety

This section applies to development that is situated within the 2025 Australian Noise Exposure Forecast (ANEF), bird strike zone, extraneous lighting area or the Royal Australian Air Force (RAAF) Base Williamstown Obstacle Limitation map. The site is located approximately 8km from the centre line of the RAAF Base Williamstown/Newcastle Airport runway and is affected by bird strike zone – Group B and obstacle limitation area associated with RAAF Base Williamstown. Consideration of these site constraints is required in accordance with Clause 7.4 of the LEP and Chapter B6 of the DCP.

The site is located in a bird strike 'Group B area' where certain development types are restricted or alternatively require specific management measures relating to the storage of organic waste materials. The proposed commercial land use, is not a restricted land use in the Group C area and therefore the proposal could comply with the requirements of section B6.6, subject to conditions relating to the storage of organic waste materials. The application was referred to Defence for comment, with advice provided regarding birdstrike and waste storage.

The subject site is located within the Limitation or Operations Surface map where structures greater than 45m require referral to Defence. As no structures over 45m are proposed the proposal meets the requirements of this clause.

Based on the building design, Defence referral advice and recommended conditions, the proposed development satisfies the requirements of this chapter.

Chapter B7 – Heritage

This section applies to development that is situated on land that contains a heritage item or within a heritage conservation area.

As discussed against Clause 5.10 of the LEP above, the site is located adjacent to local heritage items 149 known as 'Raymond Terrace War Memorial', 150 known as 'Jacaranda Avenue (between Glenelg and Swan Streets)' and the Raymond Terrace Heritage Conservation Area. A Statement of Heritage impact was provided with the application, with findings that the proposed development will not have a significant impact to heritage items, curtilages or sight corridors. Whilst the hotel tower will be visible from certain points inside the heritage conservation area and surrounds, the proposed development does not pose a significant impediment to the continued aims and objectives of the conservation area and does not impact on locally listed heritage items in a negative manner. The proposal is suitable from a European heritage perspective.

An AHIMS search was provided with the application confirming no previously recorded Aboriginal sites or places are recorded on or within 200m of the site. Notwithstanding, the site is located in relative proximity of Aboriginal sensitive landscape features including 160m from Coquon (The Hunter River) and some 1200 metres from its junction with Dorribang (the Williams River). Consultation with the Worimi Local Aboriginal Land Council was initiated during the planning and design phase of the development. Following this, the development was designed at a height that ensures it is largely screened from south facing views from the Hunter River, by the established riverside vegetation in Riverside Park and Swan Street. Noting the site has been subject to significant prior ground disturbing activities as part of its historical use as a Bowling Club, Aboriginal artefacts are not expected to be present. Notwithstanding, a condition of consent is recommended relating to unexpected finds procedures in the event Aboriginal artefacts are uncovered during works.

The proposal is therefore considered to be consistent with this chapter.

Chapter B8 – Road Network and Parking

This section applies to development with the potential to impact on the existing road network or create demand for on-site parking.

A Traffic and Parking Assessment (TPA) prepared by SECA solution, reference no. P2651 and dated 6 December 2023 was submitted with the DA. The TPA assesses vehicle access, traffic impacts and provision of car parking as outlined in the following sections.

Traffic Impacts

The TPA found that the surrounding road network can appropriately service the proposed development, based on peak traffic movements that may be generated by the development in the afternoon road peak (4.10pm – 5.10pm) including:

- 11 vehicle movements (Stages 1 and 2); and
- 20 vehicle movements (Stage 3).

This could see an additional 31 trips inbound in the afternoon road peak (4.10-5.10pm). As a worst-case scenario all additional traffic has been deemed inbound in the afternoon peak. It was found that the proposed increase in traffic is within the capacity of the existing road network without necessitating significant upgrades and would not adversely impact the functioning of the existing roundabouts to the south east and south west of the site.

Council's Development Engineer supported the proposal from a traffic impact perspective.

On-site Parking Provisions

Figure BU of the DCP outlines parking requirements for new developments containing bowling greens and hotel accommodation as follows:

- Bowling green – 30 car spaces for first bowling green, then 15 for each additional bowling green; 1 bicycle space per 15 employee
- Hotel / Serviced Apartments – 1 car space for each accommodation unit; 1 car space per 2 employees; 1 bike space per 20 accommodation units; and 1 accessible space per 20 parking spaces

Noting the number of additional areas proposed as part of the modifications to the Bowling Club and (bottle shop, offices, function spaces, alfresco dining etc), specific parking rates were used within the TPA, which acknowledged the ancillary nature of these areas to the Club.

Stages 1 and 2: As calculated in the TPA an additional demand of 34 spaces (bottle shop, function centres and alfresco dining) over the DCP requirement of 60 spaces (Stage 1 and 2 Bowling Club redevelopment) would see a parking demand on site for 94 spaces. The parking layout proposed amounts to a 12 space excess on calculated parking spaces.

Stage 3: As calculated in the TPA, 55 parking spaces are required for the Hotel / Serviced Apartment component.

Total: Accounting for 15 spaces associated with the removal of the croquet lawn / Bowling Green 3, the total parking requirement of the development amounts to 134 space, including 6 accessible spaces and 3 bicycle spaces.

On completion, the proposed development will include on-site car parking for 159 vehicles, including 11 accessible spaces and 3 bicycle spaces. Under stage 1, the existing 81 space car park will be upgraded to accommodate an additional 25 spaces at ground level. Under stage 3, the carpark will be further upgraded to accommodate an additional 53 spaces accessed via a ramp on the western boundary of the site. All parking spaces within the on-site car park comply with the requirements of 'AS/NZS 2890.1:2004 Parking facilities – Off-street car parking'.

The proposal is therefore compliant with Figure BU.

On-site Parking Access

The existing access points will continue to provide for the site with vehicle access to the car parks provided from Port Stephens Street and Swan Street.

An additional entry driveway shall be provided on Port Stephens Street to the north of the existing driveway to provide an efficient entry to the main club access. This will allow for entry only with all exits via the existing driveway. Port Stephens Street in this location provides a straight and level alignment allowing suitable forward visibility for approaching vehicles.

Jacaranda Avenue shall provide an access for service vehicles including the courtesy buses as well as limited car parking (9 spaces) in a manner similar to the current arrangement. The width of this driveway is suitable for one way movement of the parked cars and for a single aisle for heavy vehicles being at least 4 metres wide. An onsite management plan for the service vehicles and loading dock shall allow for the one way entry or exit of service vehicles.

All vehicles will be able to enter and exit the site in a forward direction.

Visitor Parking and Loading Facilities

Given the nature of the development, visitor parking is not required to be marked/signposted.

A loading dock within the site shall be accessed off Jacaranda Avenue. This loading area has been designed to allow for the swept path of an 8.8m Medium Rigid Vehicle (MRV), which will be used to service the building. The loading dock and the movement of service vehicles will be the subject of an onsite management plan to provide for one vehicle only on site at a time and to allow for the one way movement of service vehicles along the service access to ensure trucks can enter and exit the site in a forward direction. This management plan may include restricting the parking along the service driveway during loading dock hours to be for staff only to avoid the potential for vehicle conflicts.

Electric Vehicle Infrastructure

In accordance with control B8.21, car parking or non-residential development where 10 or more parking spaces are provided is to include provision for the installation of at least 1 shared electric vehicle charging point per 10 car parking spaces. Based on this requirement, the development is required to provide 15 car parks with electric vehicle charging points. A total of 4 car parks have been identified on the site for EV charging. Noting the excess parking spaces will enable conversion of spaces to EV spaces within the future, the proposed variation is deemed acceptable.

On this basis, the proposal complies with the relevant access, traffic and car parking related requirements of Chapter B8.

Chapter C2 – Commercial

This section applies to development defined as commercial premises.

Height

Control C2.1 requires that height is consistent with the maximum building height stipulated in the PSLEP. No building height applies to the site. Refer to discussion against Clause 4.3 of the LEP above which finds the proposed height of the building to be appropriate.

Controls C2.2-2.5 relate to floor to ceiling heights. Noting the site is not located within a commercial zone and will primarily accommodate accommodation rooms and associated services, levels ground floor to level 4 have been designed with a floor to ceiling height of 3.1m leaving more than sufficient space for services. Level 5 has been designed with a floor to ceiling height of 3.2m and has been appropriately designed for commercial purposes.

Site frontage and setbacks

As per control C2.6, where a building is higher than 10.5m, the minimum site frontage is required to be 20m. The proposed height of the hotel building is 20.04m measured from ground level to roof level. The site maintains frontages of 118.6m to Port Stephens Street, 112.6m to Swan Street and 96.7m to Jacaranda Avenue, satisfying this 20m requirement.

Controls C2.7-2.9 relate to front setbacks and façade articulation. C2.7 requires that development is built to the front boundary line for the ground and first floor. The hotel building is not located on an activated high street where 0m front setback is desired. Therefore, C2.7 is not considered applicable and would not lead to a desirable streetscape presentation given the site is located within a RE2 zone and adjoins RU2 land on Swan Street. The upper storeys of the building comply with the minimum 3m setback control of C2.8 for the second floor and above. The building is not a mixed use development and therefore C2.9 is not applicable.

Control C2.11 requires that development be built to the side boundary to maximise continuous active street frontage, except where side access is provided. The building is not located on an activated high street where 0m side setbacks are desired. Additionally, the provision of side setbacks allows for the retainment of existing vegetation and provision of landscaping both of which assist ensuring the development built form is consistent with the streetscape character. Therefore, this control is not considered appropriate and would not lead to a desirable streetscape presentation.

Control C2.12 requires that a commercial development that is adjacent to a lot that is zoned or used for residential purposes or a public reserve is to provide a minimum rear setback of 5m. The sites rear boundary is with Jacaranda Avenue zoned R3 and therefore this control applies. The proposed development is setback approximately 5m from this boundary and offers sufficient space for pedestrian access to the rear of the building and for deep soil landscape plantings. The rear setback is built for purpose and has been informed by a site analysis plan.

Building form and massing

Control C2.15 states that the building mass does not result in unreasonable loss of amenity to adjacent properties or the public domain. The proposed building features varied setbacks and a sufficient variety of material finishes to articulate the building and reduce its perceived bulk and scale, particularly for the Swan Street and Port Stephens Street façades. Materials primarily consists of precast concrete panels, aluminium and Equitone (fibre cement) cladding panels, timber look aluminium battens, aluminium frames glass louvre windows, frameless glass balustrades and tensile wire trellis.

Given the proposed setbacks and material finishes, the building mass does not result in unreasonable loss of amenity.

Control C2.16 states that building proportion is complimentary to the form, proportions and massing of existing building patterns. The building patterns of the Raymond Terrace area is one of recreation, public space and infrastructure. The proposal does not adversely affect the character of Raymond Terrace, and it treats the neighbouring heritage conservation area sensitively. The majority of the proposed height is located on the site but away from neighbouring heritage items, such as the Rectory, the Jacaranda Trees and ANZAC memorial park. The proposal sits below the height of the established trees on Swan Street, an important benchmark in the design.

Facades

Control C2.17 states that building facades are to use materials, colours and architectural elements to reduce bulk and scale. The development has used a mixture of materials and finishes which includes different coloured painted external cladding and built forms, refer to **Figure 15**. It is considered that the proposed finishes reduce the bulk and scale of the building.

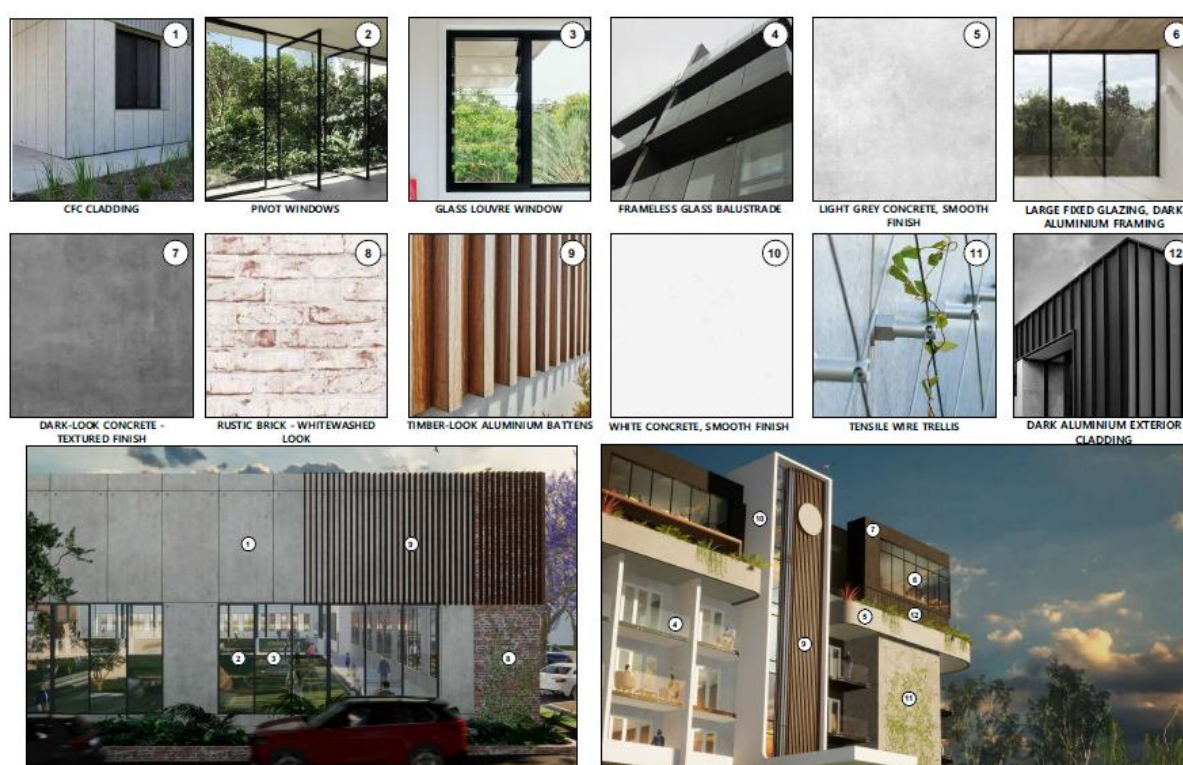


Figure 15. Proposed materials and finishes

Controls C2.18 – C2.19 relate to active street frontages. As noted previously the site is not within a location where business premises or retail premises predominately face the street and have direct pedestrian access from the street. Therefore, these controls are not considered to be applicable.

Control C2.20 requires that development incorporates crime prevention through environmental design (CPTED) principles by providing passive surveillance to public spaces through building design and orientation. A CPTED report was prepared for the proposal by Monteath and Powys. The findings of the report have been considered below.

- *Access Control*

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. The proposal has been designed with access control measures as follows:

- Vehicle access has been designed in a straightforward manner providing good access to both the Hotel and the Bowling Club.
- The development's design creates well considered pedestrian channelling, through the implementation of pedestrian crossings and walkways from the carpark into the Hotel and the Bowling Club's entrance along Port Stephens Street.
- The development provides an improvement to the existing open bitumen carpark, where access is ambiguous.
- Pedestrian access into the Bowling Club is through the main Foyer on the ground floor which is aligned to a reception desk. Landscaping has also been incorporated into the entrance way.
- Pedestrian access into the Bottle Shop is restricted through an additional entry point past the main reception desk with a separate service counter. Pedestrian access into the Hotel is through the main reception. Landscaping has also been incorporated into the entrance way.
- A secure pedestrian access is provided on the first floor of the Hotel and first floor carpark.
- Deliveries to the Hotel and the Bowling Club are through a designated delivery location.
- Access to the pool area is through the Hotel which will have restricted access to guests.

The CPTED report recommends the following to improve access control:

- Standard sign-in procedures are to be implemented into the Bowling Club. Staff are to monitor entry from the Bowling Green entry and ensure correct sign-in is completed where required.
- Clear directional and way finding signage for vehicle and pedestrian access is to be incorporated into the final plans for the development.
- The secure entry between the Bowling Club and the Hotel is to incorporate sign-in/out procedures for guests. When the delivery store and adjacent storage areas are not in use they are to remain locked to stop any unauthorised entry into the Hotel and Bowling Club.
- Access to the Hotel and associated facilities is to be restricted to relevant floors only.
- Consideration should be given to the Hotel access doors to be automatically locked from 10:00PM to 6:00AM with access only through the use of guest's room keys or card readers.
- Staff are to be trained in the Plan of Management including deliveries, access and security processes and access management strategies such as controlled entrances and exits to mitigate any risk.

A condition has been recommended requiring compliance with the recommendations of the CPTED report. It is noted that the wayfinding should form part of the construction plans. This has been clarified in the recommended condition.

- *Territorial Re-enforcement*

Territorial re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate. The proposal has been designed with territorial re-enforcement measures as follows:

- Appropriate signage is to be used to supplement and reinforce behavioural expectations and advice around the outside of the Hotel and the Bowling Club.
- The entry into the Bowling Greens is to be clearly marked as being part of the Bowling Club.
- A wayfinding signage strategy and plan is to be developed and implemented before operations of the development commence.
- Trees and landscaping are to be maintained to remove low hanging branches to allow clear lines of sight and shrubs should be maintained to not provide easy concealment.
- Areas along the road frontages of the site are to be well maintained, and any litter and graffiti is removed as soon as practical. Entrances to the development to be surfaced with a different surface material to clearly identify the private from the public areas.
- Provision of public art with the intended final design to be prepared by a local artist which will further encourage connection to the space.

- *Surveillance*

People feel safe in public areas when they can see and interact with others, particularly people connected with that space, such as shopkeepers or adjoining residents. There are two types of surveillance to consider; natural surveillance and technical/mechanical surveillance.

Natural surveillance is achieved when normal space users can see and be seen by others. The proposal includes natural surveillance measures as follows:

- The pedestrian access to the Hotel and the Bowling Club are well considered to avoid over vegetated areas where visual surveillance is restricted.
- Surveillance is maximised through the use of active areas adjoining the bowling greens and dining area playground.
- Seating is provided within elevated alfresco areas which will encourage use by customers and provide passive surveillance.
- Landscaping has been integrated with the design to help define space and encourage casual and safe interaction.
- The Hotel pool is positioned around a mix of landscaping and balconies which maximises natural surveillance to the pool area and podium uses. This natural surveillance aids in the guests using the pool area being monitored and acting to reduce anti-social behaviour.

Technical/mechanical surveillance is achieved through mechanical/electronic measures such as CCTV cameras. The plans do not include detail for any technical surveillance, however the CPTED report recommends CCTV and suitable lighting be provided throughout the site. It was also recommended in the report that trees and shrubs be maintained to ensure sightlines are maintained. As noted previously, a condition has been recommended requiring that the recommendations of the CPTED report be incorporated into the development.

- *Space Management*

Space/Activity Management strategies are an important way to develop and maintain natural community control.

Space management will largely be undertaken in accordance with the Plan of Management developed for both the Bowling Club and the Hotel. The Plans of Management includes a comprehensive 'Prevention of Intoxication on Licensed Premises Management Plan' which addresses requirements of the Liquor Act 2007. Further, the Plans of Management addresses the hours of operation, responsible service of alcohol, CCTV, Noise, Security and catering/functions.

As noted previously, a condition has been recommended requiring that the recommendations of the CPTED report be incorporated into the development. Furthermore, conditions have been recommended to further ensure space management including the requirement for ongoing maintenance of landscaping, driveways and signage and removal of graffiti within 24 hours.

Awnings

Control C2.2 requires that awning are proposed over pedestrian pathways. The existing bowling club building is setback within the site and therefore cannot offer awnings for the footpaths within the road reserve. Despite this, an awning is provided to the key entry point to the new hotel building which is considered suitable.

Building Entries

Control C2.23 requires that access points are recognisable from the primary street. From Port Stephens Street, two vehicular access points and two pedestrian access point are proposed. These accesses have been designed to be clearly legible and identifiable. A second major entry point is provided on the secondary frontage of the site, rather than a splayed entry on the corner. The variation is supported as it provides an appropriate response to the geometry of the corner to ensure a desirable presentation to the street.

C2.24 prescribes entry structures be located within the site. No entry structures are located outside the site boundaries that would obstruct pedestrian footpaths.

Building facilities and services

Control C2.25 requires that building facilities and services are located at the rear of the building. The proposal complies with this requirement.

Control 2.26 of the DCP requires that commercial development with a CIV over \$2 million shall provide toilets that are accessible to the public. Amenities are provided onsite that are accessible to the public.

Public Art

Control C2.27 requires that commercial development with a capital investment value over \$2 million and that provides frontage to the public domain shall incorporate public art. A Public Art Artists Brief has been provided with application, which identified the planter located on Port Stephens Street between the bowling club and hotel, as requiring artistic input (see **Figures 16 and 17**). A condition has been recommended requiring that prior to the issue of a Construction Certificate, the applicant must obtain approval from Council's Vibrant Places team for the final design.

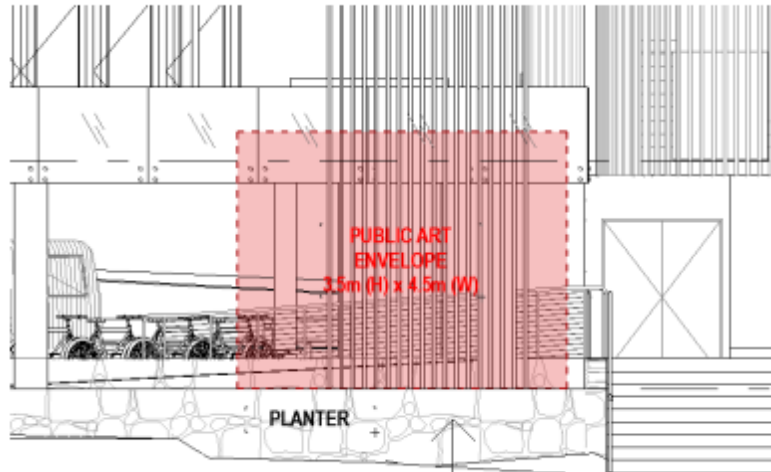


Figure 16: Public art envelope

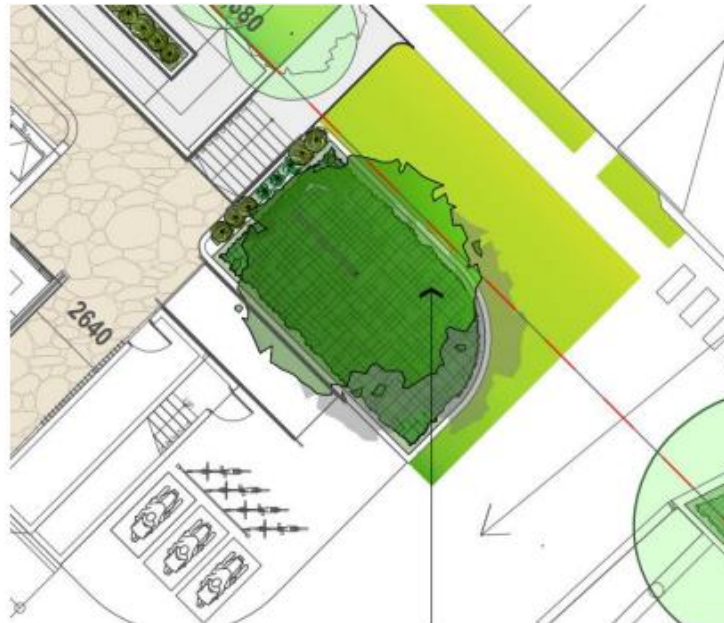


Figure 17: Artwork location - Port Stephens Street planter

Shipping Container Stacks

No shipping containers are proposed and therefore this section does not apply.

Landscaping

Control C2.31 requires that landscaping is provided as follows:

- 10% of the site area consisting of deep soil planting
- 30% shading over car park areas

Control C2.32 notes that to be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long. A total of 411m² of deep soil planting has been accommodated throughout the site amounting to a total of 3.4% site area. Noting the heavily disturbed nature of the site which incorporates minimal landscaping, the proposed

landscaping design is considered suitable. Furthermore, 30% shading of the car park will be provided which complies with the DCP.

Specialised retail premises

N/A the proposed development is not defined as a specialised retail premises.

Signage

The signage proposed is not a type of signs listed as not supported.

As outlined above, the proposal is generally consistent with the provisions of Chapter C2 of the DCP.

D11 Raymond Terrace Town Centre

The site specific provisions for development within the Raymond Terrace Town Centre where relevant, are assessed below.

The site is located within Raymond Terrace Town Centre which is a specific area identified in Chapter D11. The sections of this chapter relevant to the development are discussed below.

D11.B Facades

The entry and exits from the proposed building are clearly visible along Port Stephens Street and Swan Street. From Port Stephens Street, two vehicular access points and two pedestrian access point are proposed. These entries are directly accessed from the footpath, contributing to the active street frontage and in accordance with CPTED principles.

D11.G Street Trees

Control D11.15 requires that development along Jacaranda Avenue protects and enhances Jacaranda Palms. The Proposal has no effect to the public access to Jacaranda Avenue. The Jacaranda trees are located within the road verge and street corridor. The canopy of the Jacarandas typically stays outside the Bowling Club boundary and there is no anticipated pruning required to enable the works to occur. No significant fabric or significant spaces (the road corridor) will be impacted by the proposed works with specific conservation measures outlined in the Statement of Heritage Impact. Control D11.18 requires that development along Port Stephens Street provides Phoenix Palms and protects trees within the median strip. The Proposal does not impact any Phoenix Palms located within the median strip.

As outlined above, the proposal is consistent with the provisions of Chapter D11 of the DCP.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

Development Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Port Stephens Local Infrastructure Contributions Plan 2020 (PS LIC Plan)*

Under the PS LIC Plan S7.11 contributions do not apply to the proposed development.

There are no exemptions for the proposed use and therefore S7.12 contributions apply.

A condition has recommended requiring that a monetary contribution is to be paid to Council, pursuant to section 7.12 of the EP&A Act and the Port Stephens Council Fixed Development Contributions Plan, prior to release of the Construction Certificate.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal outlined below.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal. Pursuant to Section 64 of the EP&A Regulation, Port Stephens Council as the consent authority for this development application has determined that the existing building subject of the proposed works shall be upgraded so as to bring the building into partial conformity with the Building Code of Australia.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

Built Environment

The proposal is considered to be generally consistent with the desired future character for Raymond Terrace, which seeks to provide a substantial growth precinct. Council considers the bulk, scale and height of the proposal is acceptable as:

- the proposal is consistent with the desired future character for Raymond Terrace, which seeks to provide a substantial growth precinct;
- the overall approach to massing, height and landscaping has been refined to address UDP comments;
- the proposed building is highly articulated and visually interesting;
- the site is separated from nearby Heritage Items and would not adversely impact on heritage values;
- the proposed building height sits below the height of the established trees on Swan Street, an important benchmark in the design; and

- the proposal would not result in any significant amenity impacts on surrounding properties as there would be acceptable impacts arising from visual privacy, overshadowing or view loss.

As such, Council is satisfied the height, bulk and scale of the proposal is not excessive and it appropriately relates to the existing site context and surrounding features and would not result in any unreasonable visual or amenity impacts.

Natural Environment

The site is heavily disturbed, with all proposed works to be undertaken on already transformed surfaces. Council considers the impacts of the proposal on the natural environment are acceptable as:

- the proposal would not have adverse impacts on the environment during construction or post-construction, subject to recommended conditions of consent;
- the proposal incorporates suitable stormwater management and water quality measures that satisfy Council's infrastructure specification;
- Council is satisfied the proposal would not have any significant flora, fauna or biodiversity impacts, given the lack of vegetation on the site and the nature of existing and surrounding development; and
- the proposal includes a number of measures to limit the ongoing cost, resource and energy requirements of the development. These include passive solar design, use of renewable energy to reduce energy consumption, robust materials reducing on-going maintenance costs and native planting to reduce water consumption in landscaped areas.

As such, Council is satisfied the proposal will not adversely impact the natural environment.

Social and Economic Impact

The proposal is considered generate overall positive social and economic impacts within the Raymond Terrace and broader Port Stephens locality. Council considers the economic impacts of the proposal is acceptable as:

- The proposal would promote increased employment and economic opportunity within Raymond Terrace, through facilitating 50 new hotel rooms and contemporary commercial floor space. With a desired strategic increase in the population of Raymond Terrace, a significant increase in the number of accommodation options is required to service construction, defence and tourism industries. The proposal responds to the current deficiency in temporary accommodation options available for transient workers, trades and family visitors to Raymond Terrace during the envisaged expansion of housing with this area.

The proposal is consistent with the Port Stephens Local Strategic Planning Statement, specifically planning objectives for investment in the Raymond Terrace locality and development of a major hotel within the local government area. The proposal represents a contribution to one of Australia's premier tourist and visitor destinations, with the local government area generating in excess of \$335 million for the local economy per annum.

Council considers the social impacts of the proposal is acceptable as:

- The proposal has been supported by a comprehensive Social Impact Assessment (SIA), developed in accordance with Council's SIA guideline (Port Stephens Council,

2017) and also aligns with the Social Impact Assessment Guideline (SIA Guideline) (NSW DPHI, 2023) which outlines SIA best-practice in NSW. The SIA analyses the community profile for the Raymond Terrace population surrounding the project site, and documents consultation with communities of interest including the Worimi Aboriginal Land Council (LALC). The SIA includes a comprehensive assessment of positive and negative impacts of the proposal, and recommends measures to enhance or mitigate these impacts.

- The proposal has been supported by separate Plans of Management (PoM) for the Club and Hotel, a Crime Prevention through Environmental Design report (CPTED), a Crime Risk Assessment and Gaming Floor Space Report. These documents specifically address the proposed preventative measures to reduce the likelihood of anti-social behaviour, with recommendations included in the development design or as recommended conditions.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The site is considered to be suitable for the proposed development for the following reasons:

- The proposal is consistent with the Port Stephens Local Strategic Planning Statement, specifically planning objectives for investment in the Raymond Terrace locality and development of a major hotel within the local government area.
- The proposal is consistent with the four goals of the Raymond Terrace & Heatherbrae Strategy 2015-2031.
- The site is conveniently located in close proximity to existing residential and commercial development which is accessible by a suitable road network that does not require significant upgrades and existing pedestrian footpaths.
- The development has been designed with consideration for impacts from local constraints (flooding, bushfire and heritage).
- The development is generally compatible with the existing and future character, bulk, scale and massing of development in the immediate area.

Based on the above, the site is suitable to accommodate the proposal.

3.4 Section 4.15(1)(d) - Public Submissions

The proposal was notified and advertised for a period of 14 days from 15 January 2024 – 29 January 2024 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. The notification included the following:

- An advertisement in the local newspaper – The Port Stephens Examiner;
- Notification on Council's website; and
- Notification letters sent to adjoining and adjacent properties.

The Council received one (1) submission, objecting to the proposal. The issues raised in this submission are considered in **Table 7**.

Table 7: Community Submissions

Issue	Council Comments
Limited parking in the vicinity of the site.	As covered within chapter B8 of this report, 159 parking spaces are provided for the proposal. This figure satisfies the total parking requirement of 134 spaces required for the development in accordance with Figure BU of Council's DCP.
Noise restrictions given proximity to residential areas.	<p>A Noise Impact Assessment (NIA) was submitted to assess the potential operational noise impacts associated with the proposal. This included an assessment of predicted noise impacts from: operational noise, guest noise, background music and occupants and mechanical plant equipment.</p> <p>The nearest residential and commercial noise sensitive receptors surrounding the project site were identified along Swan and Port Stephens Street, with acoustic modelling undertaken to predict the effects of noise impacts on these receptors.</p> <p>The results of the assessment indicate compliance at all residential and commercial receptors during operation. Additionally, as this was a maximum noise level assessment, sleep disturbance noise goals are expected to be met in all situations. It was noted that the modelling was undertaken based on worse case scenarios and therefore noise levels are expected to be significantly less. Whilst compliance with operational project noise trigger levels is expected at all receptors, it is recommended the site as part of its plan of management have measures in place to particularly to deal with any unexpected excessive noise from patrons. Furthermore, a condition has been recommended requiring the preparation of a Construction Management Plan that includes noise measures.</p>
Inconsistency of 6 storey building near a heritage conservation area.	As considered in section 3.2 of this report 'likely impacts of development', the proposal is considered to be generally consistent with the desired future character for Raymond Terrace, which seeks to provide a substantial growth precinct. Council considers the bulk, scale and height of the proposal is acceptable for reasons outlined within section 3.2.

3.5 Section 4.15(1)(e) - Public interest

The proposal would promote increased employment and economic opportunity within Raymond Terrace, through facilitating 50 new hotel rooms and contemporary commercial floor space. With a desired strategic increase in the population of Raymond Terrace, the proposal responds to the current deficiency in temporary accommodation options available for transient workers, trades and family visitors to Raymond Terrace during the envisaged expansion of housing with this area. The development represents the first significant development within the Raymond Terrace town centre for the purposes of a commercial hotel premise, which is

consistent with the Port Stephens Local Strategic Planning Statement, specifically planning objectives for investment in the Raymond Terrace locality and development of a major hotel within the local government area.

The proposed development occupies an area already largely cleared of vegetation, which minimises environmental impacts. The proposal includes adequate stormwater quantity and quality controls, and has been designed to respond to site constraints, including bushfire flooding and heritage conservation. The site is suitable to accommodate a building of the height and scale proposed, as demonstrated in the visual impact assessment and urban height analysis submitted with the application. The proposal has been designed for compatibility with the current and future character, bulk, scale and massing of development in the immediate area.

Overall, the development is consistent with the relevant environmental planning instruments and adopted strategic planning policies as outlined in this report. There are no unacceptable environmental impacts anticipated to occur as a result of the proposal and there are no site constraints that would prohibit the development.

On balance, the proposal is consistent to the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 8.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 8: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Referral/Consultation Agencies			
Department of Defence	<p>Clause 7.4 – Air Space Operations – Port Stephens Local Environmental Plan 2013</p> <p>Development that exceeds the obstacle penetration limit.</p> <p>The referral has also been sent in accordance with Council's memorandum of understanding with Defence, which requires referral for matters relating to aircraft</p>	<p>Advice was also provided regarding birdstrike and waste storage. An advice note has been included on the consent regarding birdstrike.</p>	Y

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
	noise, bird strike risk and extraneous lighting control.		
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Advice confirmed the proposal can be safely undertaken with respect to nearby electricity assets subject to conditions.	Y
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel.	The advice of a Design Review Panel is not a statutory requirement, as the proposal is not one to which SEPP 65 applies. Notwithstanding, the application was referred to Council's Urban Design Panel (UDP) on 14 March 2023 following lodgement of the DA due to the size of the development. The UDP was generally supportive of the proposal, subject to amendments to built form, scale and landscaping. Plan amendments and supporting documentation were provided to Council, which addressed the UDP's comments.	Y
NSW Police	N/A	The application was referred to the NSW Police for comment. No comments was received.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Rural Fire Service	Section 100B of the <i>Rural Fires Act 1997</i>	A Bushfire Safety Authority was issued on 21/02/2024 for the development.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 9**.

Table 9: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	The application was referred to Council's Development Engineering team to review the proposal from a traffic, access, stormwater and flooding perspective. A number of requests for information were issued throughout the assessment of the application where responses were provided from the applicant. The application was ultimately supported by Council's Development Engineer subject to conditions which have been included in the recommended conditions of consent.	Y
Building Surveyor	Council's Building Surveyor reviewed the proposed plans and BCA report and has determined that the existing building subject of the proposed works shall be upgraded pursuant to Section 64 of the EP&A Regulation, so as to bring the building into partial conformity with the Building Code of Australia.	Y
Environmental Health	The application was referred to Council's Environmental Health Officer who reviewed noise impacts, air quality, food safety compliance and contamination on the site. A request for information was issued relating to the noise impact assessment and air quality targets. Upon receipt of this requested information, the DA was supported by Council's Environmental Health Officer subject to conditions.	Y
Heritage	The application was referred to Council's Heritage Officer who reviewed the proposals impact on local heritage items 149 known as 'Raymond Terrace War Memorial', 150 known as 'Jacaranda Avenue (between Glenelg and Swan Streets)' and the Raymond Terrace Heritage Conservation Area. Council's Heritage Officer concurred with the findings and recommendations of the Statement of Heritage impact, that the proposed development will not have a significant impact to heritage items, curtilages or sight corridors.	Y
Natural Resources	The application was referred to Council's Natural Resources Officer to review impacts to the heritage listed Jacaranda Trees and Eucalypt trees on Swan Street. Landscaping plans confirm the retention of these subject trees and conditions of consent were recommended to ensure these trees are retained and protected.	Y
Local Infrastructure Contributions	Council's Local Infrastructure Contributions Officer confirmed S. 7.12 contributions apply to the proposal and recommended a condition of consent requiring the payment of contributions in accordance with the Port Stephens Local Infrastructure Contributions Plan.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified and advertised for a period of 14 days from 15 January 2024 – 29 January 2024 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. The notification included the following:

- An advertisement in the local newspaper – The Port Stephens Examiner;
- Notification on Council’s website; and
- Notification letters sent to adjoining and adjacent properties.

The Council received one (1) submission, objecting to the proposal. The issues raised in this submission are considered in **Table 7** above.

It is further acknowledged extensive community consultation was undertaken during preparation of the SIA, including combination of community and stakeholder engagement activities (community meetings, site visits, semi-structured interviews and written consultation).

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Proposed Building Height

The site does not have a maximum building height specified. Therefore, the proposed height has been assessed taking into consideration visual and amenity impacts, compatibility with the character of the area and potential impacts to natural and built environments. The Local Strategic Planning Statement and Raymond Terrace & Heatherbrae Strategy 2015-2031 also provides guidance regarding envisaged building heights for the locality.

The applicant submitted an Urban Height Analysis (UHA) and Visual Impact Assessment (VIA) with the application. As informed through the analysis provided within these documents, it is considered that the height of the proposal is consistent with the relevant statutory planning framework as follows:

LEP - Clause 4.3 Height of Buildings zone objectives

The objectives of this clause are as follows-

- (a) to ensure the height of buildings is appropriate for the context and character of the area, and*
- (b) to ensure building heights reflect the hierarchy of centres and land use structure.*

The proposal was considered against the objectives of this clause as follows:

- (a) The character of the Raymond Terrace area is one of recreation, public space and infrastructure. The proposal does not adversely affect the character of Raymond Terrace, and it treats the neighbouring heritage conservation area sensitively. The majority of the proposed height is located on the site but away from neighbouring heritage items, such as the Rectory, the Jacaranda Trees and ANZAC memorial park. The proposal sits below the height of the established trees on Swan Street, an important benchmark in the design.
- (b) The site is not located far away from the nominated town centre and will not detract from the core commercial zones around Port Stephens and William Street. It is

considered that the height of the Proposal has been well considered and meets the objectives of height under the Port Stephens Local Environmental Plan 2013.

Raymond Terrace & Heatherbrae Strategy 2015-2031

The Raymond Terrace & Heatherbrae Strategy 2015-2031 identifies that a potential avenue to support opportunities that increase density, is to increase the height limits in certain zonings. The opportunities identified in the strategy were:

- R3 Medium Density Residential from 9m to 15m; and
- B3 Commercial Core (now referred to as E2 Commercial Centre) land from 15m to 35m.

The site is located directly adjacent to R3 land along Jacaranda Avenue, which could see its height limit increase to 15m, and is located approximately 200m from the E2 Commercial Centre on Port Stephens Street, which could increase from 15m to 35m (see **Figures 18 and 19**).



Figure 18: Potential height limit increases as identified with the Raymond Terrace & Heatherbrae Strategy 2015-2031

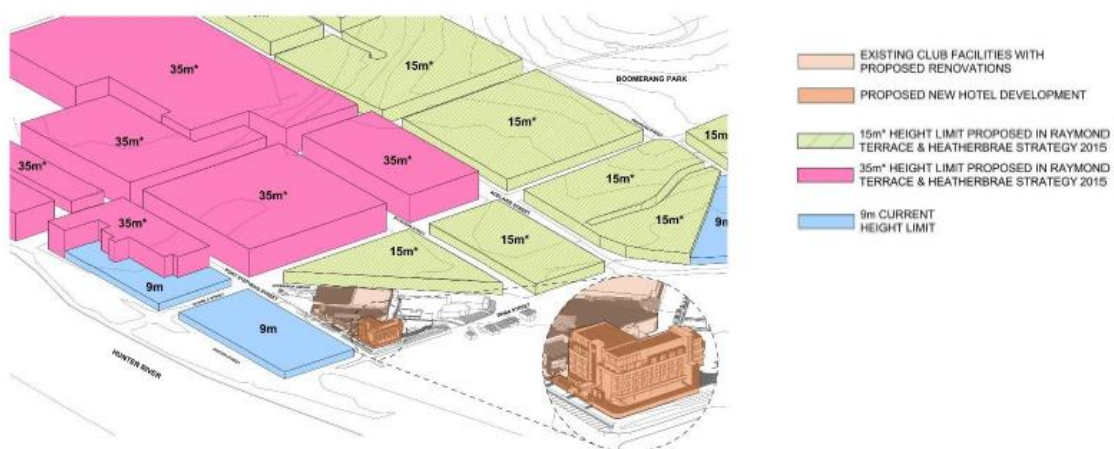


Figure 19: Mass modelling identifying potential height limit increases as identified with the Raymond Terrace & Heatherbrae Strategy 2015-2031

Matters for consideration – 4.15(1)(b) of EP&A Act 1979

The likely impacts of the proposed building height on the natural and built environments, was assessed per 4.15(1) of the EP&A Act 1979. An overview of the overshadowing and visual impacts associated with the building height is outlined below:

Shadow diagrams – produced based on CAD modelling of the development and general contours of the site. As seen in **Figures 20 to 22**, overshadowing from the hotel component of the development will only occur at Lot 1 DP 150219 at 9am on winter solstice. Other times of the day show that the proposal does not impact any neighbouring properties with overshadowing.

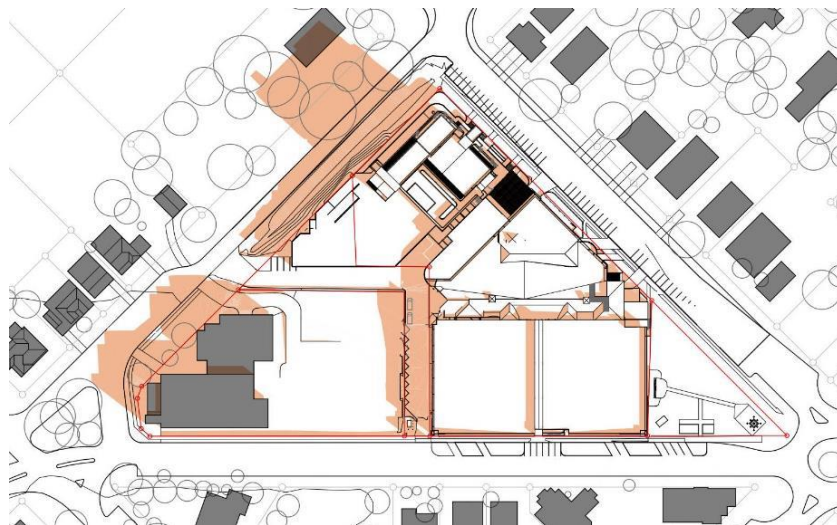


Figure 20: Shadow diagram June 21st 9am

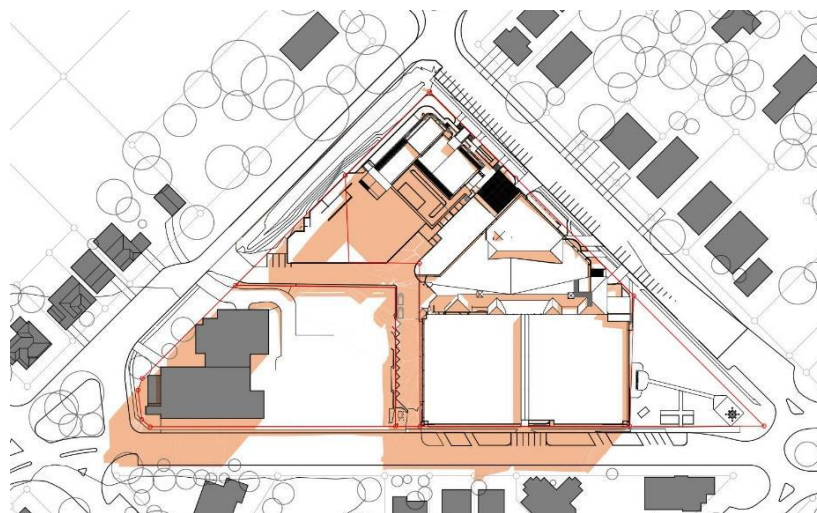


Figure 21: Shadow diagram June 21st 12pm

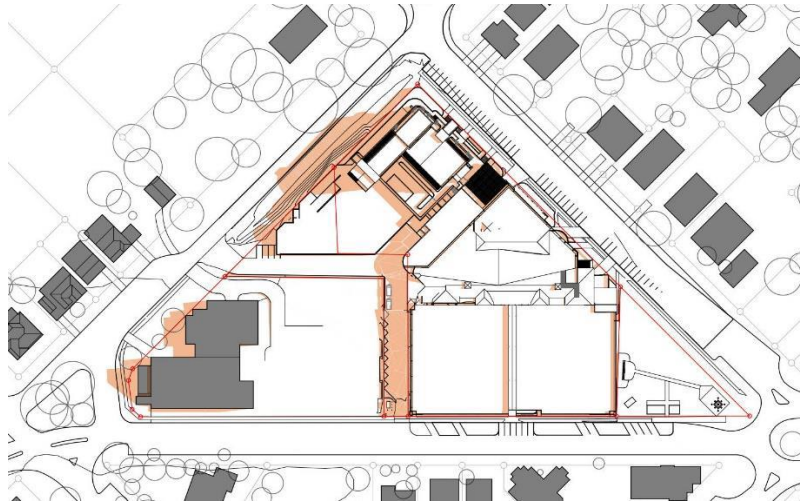


Figure 22: Shadow diagram June 21st 3pm

Visual impacts – To inform the appropriateness of the proposed building height, the applicant submitted a Visual Impact Assessment (VIA) with the application. The VIA analyses the visual impact of the proposal from 12 key view points, including rural land to the north of the site, public open space from Riverside Park, residential development to the north and east of the site, the commercial core to the east and main arterial routes within the vicinity of the site. The VIA shows that the building would be visually prominent from viewpoints north of the site including the Raymond Terrace Boat Ramp (Viewpoint 3), Rural Paddocks over the Hunter River (Viewpoint 9) and residential dwellings (Viewpoint 12), as shown in **Figures 23, 24 and 25** below.

Viewpoints 3 and 9 are typical of people accessing the Raymond Terrace Boat Ramp and the Hunter River. There will be a high visual impact from both viewpoints due to the nature of the viewpoints being recreational based. From viewpoint 3 the visual impact is high due to the nature and use of the boat ramp. It is noted that the proposal will appear as an extension of the residential buildings to the foreground and from this viewpoint the existing mature trees will appear significantly taller than the proposal. Proposed canopy planting and the proposed green wall to the northern aspect of the hotel will help to integrate the proposal to an extent.

From Viewpoint 9, the proposed development is viewed in a narrow view corridor due to a break in vegetation and existing infrastructure. When viewed from this location, the proposal is viewed as a solid building mass in contrast to its surrounding environment. However, it is noted that the established riverside vegetation screens views of the proposal from the remaining Hunter River and the impact of this view is for a small proportion of the views from the Hunter River. It is also noted that views of the existing cell tower, which visually breaks the skyline, are viewed along the whole extent of the Hunter River. The tabled assessment has resulted in a high visual impact, however, visual impact has been reassessed as moderate, as the weighting of the sensitivity has disproportionately influenced the visual impact, as demonstrated in the photomontage for Viewpoint 9.

Viewpoint 12 is typical of residents directly opposite the site. The current outlook is to the Callistemon buffer to the northern edge of the bowling green. These will be retained with the exception of the pedestrian entry for the hotel. These will help to provide screening from the street level. The impact will be high however the viewer numbers are low from this location and the proposed landscaping to the Port Stephens interface will provide a degree of integration. However, it should be noted that immediate proximity viewpoints will produce high visual impacts due to the viewer's proximity to the site and limitations on distance to gain full context.



Figure 23: Viewpoint 3, indicative massing montage of proposal showing approximate extents of building within this view.



Figure 24: Viewpoint 9, indicative massing montage of proposal showing approximate extents of building within this view.



Figure 25: Viewpoint 12, indicative massing montage of proposal showing approximate extents of building within this view.

Resolution

Council considers the bulk, scale and height of the proposal is acceptable as:

- the proposal is consistent with the desired future character for Raymond Terrace, which seeks to provide a substantial growth precinct
- the overall approach to massing and height has been refined
- the proposed building is highly articulated and visually interesting
- the site is separated from nearby Heritage Items and would not adversely impact on heritage values
- the proposal would not result in any significant amenity impacts on surrounding properties as there would be acceptable impacts arising from visual privacy, overshadowing or view loss.

Council is satisfied the height, bulk and scale of the proposal is not excessive and it appropriately relates to the existing site context and surrounding features and would not result in any unreasonable visual or amenity impacts.

5.2 Social Impact

In accordance with Port Stephens Council's Social Impact Assessment (SIA) guideline, the proposal triggers 'comprehensive social impact assessment' requirements, comprising hotel accommodation with the capacity for 20 persons and a dimension greater than 14 metres. A comprehensive SIA prepared by the Social Aspect and dated 17/12/24 was provided to develop a community profile, stakeholder analysis, and social baseline to be used for:

- Identifying and assessing potential positive and negative social impacts of the Project;
- Developing measures to enhance potential positive impacts and mitigate potential negative impacts; and
- Providing recommendations to accompany the DA.

A multi-method approach was adopted for the SIA which included a combination of community and stakeholder engagement activities (community meetings, site visits, semi-structured interviews, written consultation) and desktop and empirical research methods (review of specialist reports and social media analysis).

This was carried out separate to the required council notification period under the EPA Act. The main issues raised by stakeholders were:

- Business continuity
- Acoustic impacts
- Traffic congestion
- Safety
- Demand for goods and services
- Housing supply
- Tourism
- Business and employment opportunities
- Environmental impacts
- Anti-social behaviour
- Continued service provision
- Visual impacts

Crime rates were not raised by submissions, however, the measures recommended should reduce the likelihood of increasing or encouraging behaviour which would increase crime rates nonetheless.

A comprehensive assessment of predicted social impacts, including a consideration of the likely duration, extent, sensitivity and severity of those impacts produced was undertaken. An evaluation of the developments predicted impacts determined the following social impact categories were relevant to the SIA:

- Surroundings (positive and negative social impacts)
- Community (positive)
- Access (negative)
- Livelihood (positive).

Please refer to the SIA in Attachment 19 for the detailed assessment. On review of the SIA, it is considered that the identified social impacts can be managed appropriately and that the development can be supported.

Throughout the assessment of the application, additional information was requested regarding the proposed increase in the gaming area and the rationale behind this and why it won't increase negative social outcomes. The gaming area (internal and external) is increasing to 429m² but will retain the same 88 machines which the applicant has said will not be increased. The floor area increase equates to approximately 4.88m² of space per machine. The rationale for the gaming area increase was based on changes to the way patrons use and want to use these spaces, which has been detailed within the Gaming Floor Space Report by EJE (Attachment 21) and is considered acceptable.

Resolution

Council considers the social impacts of the proposal are acceptable as:

- Should the suggested enhancement and mitigation measures for social impacts be implemented as recommended in the SIA, the Project is predicted to yield positive social impacts of high or very high significance to its surroundings, community, and livelihoods in the community of interest; and negative social impacts of low significance to its surroundings and accessibility in the community of interest;
- the proposal provides car parking in excess of the Port Stephens Development Control Plan requirement;
- the proposal does not alter the current trading hours of the bowling club, nor alters the Gaming Machine Entitlements of the bowling club; and
- the proposal identifies preventative measures to reduce the likelihood of anti-social behaviour, with recommendations included in the development design or as recommended conditions.

On this basis, if the proposal is approved it is predicted that it would create positive social impacts overall for the people in the community of interest.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The proposed development has been found to be of an appropriate height and scale for the location which would not cause any adverse visual impacts to the residential or recreational

land surrounding the site. The proposal has been appropriately designed to respond to the key features of the site, including natural hazards such as flooding, bushfire and will not cause any adverse impacts to local heritage items or conservation areas.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA 16-2023-735-1 for 'Alterations and additions to bowling club, 6 storey hotel (50 rooms), restaurant, pool, function space and associated site works across 3 stages' at 2 Jacaranda Avenue and 3 Swan Street, Raymond Terrace, be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment 1: Recommended Conditions of Consent
- Attachment 2: Architectural Plans
- Attachment 3: Civil Engineering Plans
- Attachment 4: Flood Assessment
- Attachment 5: BCA Performance Compliance Statement
- Attachment 6: Crime Prevention Through Environmental Design Report
- Attachment 7: Heritage Impact Statement
- Attachment 8: Plan of Management – Bowling Club
- Attachment 9: Plan of Management – Hotel
- Attachment 10: Traffic and Parking Assessment
- Attachment 11: Visual Impact Assessment
- Attachment 12: Acoustic report
- Attachment 13: Access report
- Attachment 14: Cost estimate report
- Attachment 15: Bushfire report
- Attachment 16: Statement of environmental effects
- Attachment 17: Waste Management Plan
- Attachment 18: Public Art Artists Brief
- Attachment 19: Social Impact Assessment
- Attachment 20: Urban Height Analysis
- Attachment 21: Gaming Floor Space Report
- Attachment 22: Summary Schedule