

ATTACHMENTS UNDER SEPARATE
COVER


ORDINARY COUNCIL MEETING
25 JULY 2017



PORT STEPHENS
C O U N C I L

INDEX

Item No	Attach. No	Attachment Title	Page No
8	1	PLANNING PROPOSAL.	3
9	1	PLANNING PROPOSAL.	40
10	1	PLANNING PROPOSAL - 9B DIEMARS ROAD, SALAMANDER BAY.	106
11	1	PLANNING PROPOSAL - 251 ADELAIDE STREET RAYMOND TERRACE.	139
12	1	PLANNING PROPOSAL - 5A AND 5B FERODALE ROAD AND 9 WAROPARA ROAD MEDOWIE.	366
13	2	PLANNING PROPOSAL EXHIBITED VERSION.	393
14	2	DRAFT PORT STEPHENS DISABILITY INCLUSION ACTION PLAN.	414
24	1	END OF TERM REPORT 2012-2017.	454



Planning Proposal
Boundary Road Medowie
Part of Lot 1 DP 1224780 (63 Boundary Rd)
13 June 2017
Version 3.0 (Post Exhibition – Council Report)



ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

SUMMARY

Existing development consent:	DA 16-2015-336-1 (the DA) ('The Bower' residential estate 345 lot residential subdivision).
Subject land:	38 ha within 'The Bower' residential estate (part of Lot 1 DP 1224780, 63 Boundary Road) (formerly part of lots 93 to 96 DP 753194, 63 to 69 Boundary Road)
Existing zoning and minimum lot size:	38 ha zoned R5 Large Lot Residential with a minimum lot size of 1,000m ² ; and 0.9 ha zoned E2 Environmental Conservation within the developable area.
Proposed zoning and minimum lot size:	38 ha to R2 Low Density Residential and reduce corresponding minimum lot size to 500m ² ; and Amend the boundary of the 'pocket' of land zoned E2 Environmental Conservation within the developable area.
Height of Building?	38 ha (aligned with the proposed R2 zone) to be mapped with a 9 metre height of building restriction.
Indicative Lot Yield:	Additional The planning proposal facilitates an indicative additional yield of 135 lots to the existing DA approved 345 lots. If the planning proposal proceeds, the overall indicative total lot yield for 'The Bower' estate is 480 lots.
Proponent:	McCloy Medowie Pty Ltd.
Proponent's supporting studies	<i>Planning Proposal</i> (Monteath & Powys, 24 June 2016) (note: prepared for 450 lots). <i>Traffic Impact Assessment</i> (Better Transport Future, May 2016) (note: prepared for 450 lots). <i>Drainage Review Advice</i> (ACOR Consultants (NNSW) Pty Ltd, 31 May 2016). <i>Bushfire Threat Assessment</i> (Firebird ecoSultants Pty Ltd, February 2017). <i>Flora and Fauna Assessment</i> (RPS Australia East Pty Ltd, February 2017). <i>Assessment and Validation Sampling</i> (Practical Environmental Solutions, August 2016).

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

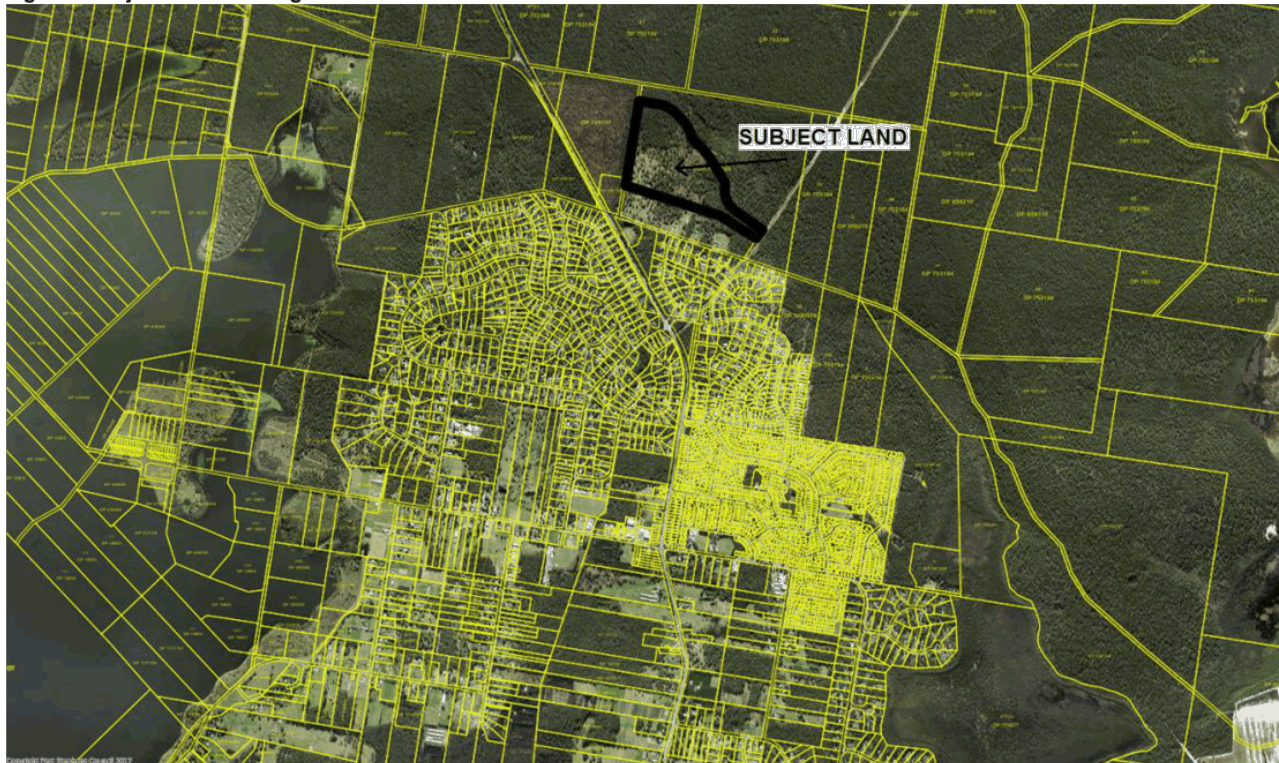
The subject land is located at Boundary Road, Medowie and is shown in the following figures. It has an area of 38 ha. The Medowie State Conservation Area is to the north, east and west. Existing rural residential development is to the south. Vehicle access is from the intersection of Medowie Road and Boundary Road.

The broader site is already subject to development consent for 345 residential lots under DA 16-2015-336-1 as part of 'The Bower' residential estate. There are existing arrangements for the transfer of approximately 70ha of land zoned E2 Environmental Conservation to the north east for addition to the Medowie State Conservation Area.

Figure 1 Subject Land

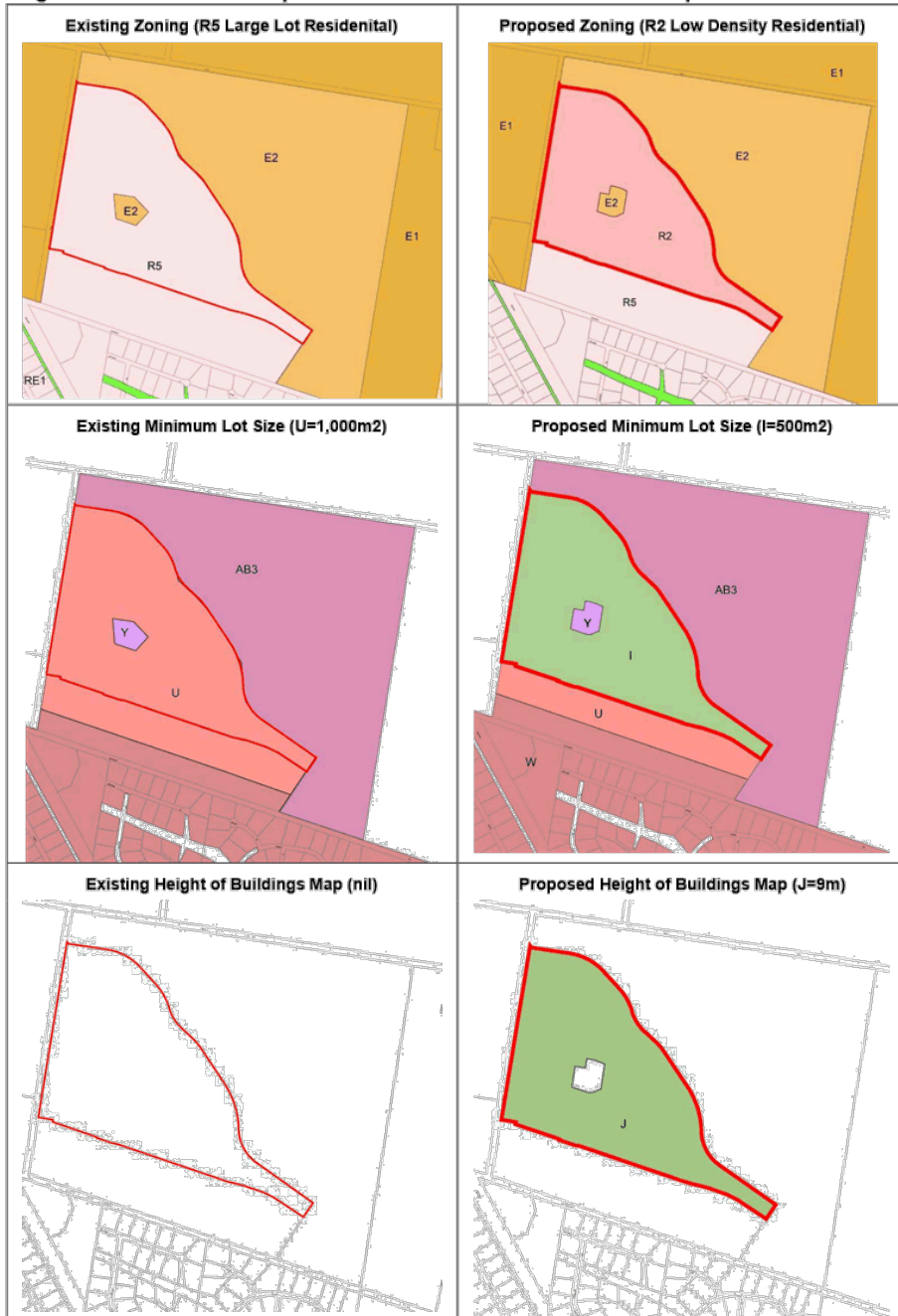


Figure 2 Subject Land - Strategic Location



ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

Figure 3 Indicative Port Stephens Local Environmental Plan 2013 Maps



PART 1 – Objective of the planning proposal

The objectives of the Planning Proposal are to amend the *Port Stephens Local Environmental Plan 2013* to:

1. Provide for the housing needs of the community in a low density residential environment.
2. Create a more accurate and regular-shaped zone boundary for the environmental zoned land within the developable area.

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

The objectives of the planning proposal will be achieved by amending the *Port Stephens Local Environmental Plan 2013* as follows:

- Amending the Land Zoning Map (LZN_004B) in accordance with the proposed Land Zoning Map at Attachment 3.
- Amending the Lot Size Map (LSZ_004B) in accordance with the proposed Lot Size Map at Attachment 5.
- Amending the Height of Buildings Map (HOB_004B) in accordance with the proposed Height of Buildings Map at Attachment 7.

PART 3 – Justification for the planning proposal

SECTION A – Need for the Planning Proposal

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

The subject land is identified for urban development in various planning strategies including the Hunter Regional Plan 2036; Port Stephens Planning Strategy 2011-2036; and the Medowie Planning Strategy 2016-2036.

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

The objectives of the planning proposal can only be achieved by amending the existing zoning and minimum lot size provisions that apply to the site under the *Port Stephens Local Environmental Plan 2013* that apply to the subject land.

SECTION B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Hunter Regional Growth Plan 2036

Medowie is located on the periphery of the indicative Greater Newcastle Metropolitan Area and is listed as a centre of local significance. It is in proximity to the Newcastle Airport Transport Gateway and is a 15 minute drive to the strategic centre of Raymond Terrace. It has good access to access existing and growing employment areas at Newcastle Airport, Tomago, Heatherbrae and Raymond Terrace.

The local narrative for Port Stephens identifies the delivery of existing urban release areas at Medowie as a future housing opportunity. The proposed additional allotments facilitated by the planning proposal will be accommodated within the existing urban release area.

The following table demonstrates the consistency of the planning proposal to the Regional Growth Plan's relevant Goals, Directions and including Actions.

Table 1 Relevant Goals and Directions of the Hunter Regional Plan 2036

Goal 1 – The leading regional economy in Australia
Direction 1 – Grow Greater Newcastle as Australia's next metropolitan city
Response: The additional lots created will assist Greater Newcastle to grow as a metropolitan city and contributes to creating compact communities that allow 95% of people to live within a strategic centre (Raymond Terrace).
Goal 2 – A biodiversity-rich natural environment
Direction 14 – Protect and connect natural areas
Response: Amending the boundary of the E2 Environmental Conservation land within the developable area retains protection and connection of natural areas. The E2 Environment Protection land to the north east is unaffected by the planning proposal and is retained for addition to the Medowie State Conservation Area.
Direction 15 – Sustain water quality and security
Response: Unlike many other parts of Medowie, the subject land it is not located within the Grahamstown Dam Drinking Water Catchment.

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

Goal 3 – Thriving communities
Direction 18 – Enhance access to recreational facilities and connect open spaces
Response: Arrangements are in place to connect the site to the town centre, which includes recreational facilities, by a shared-use path.
Goal 4 Greater housing choice and jobs
Direction 21 – Create a compact settlement
Response: The additional lots are within a current urban release area, assisting in accommodating growth within a compact settlement footprint in Medowie.
Direction 22 – Promote housing diversity
Response: Applying the R2 Low Density Residential Zone and reducing the minimum lot size will permit a greater diversity of housing types compared to the current R5 Large Lot Residential Zone.
Direction 26 – Deliver infrastructure to support growth and communities
Response: Arrangements are in place to deliver accompanying traffic and transport infrastructure and consultation is taking place for servicing the additional potential lots with NSW Roads and Maritime Service. Utility services are able to be provided to service the additional lots.

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

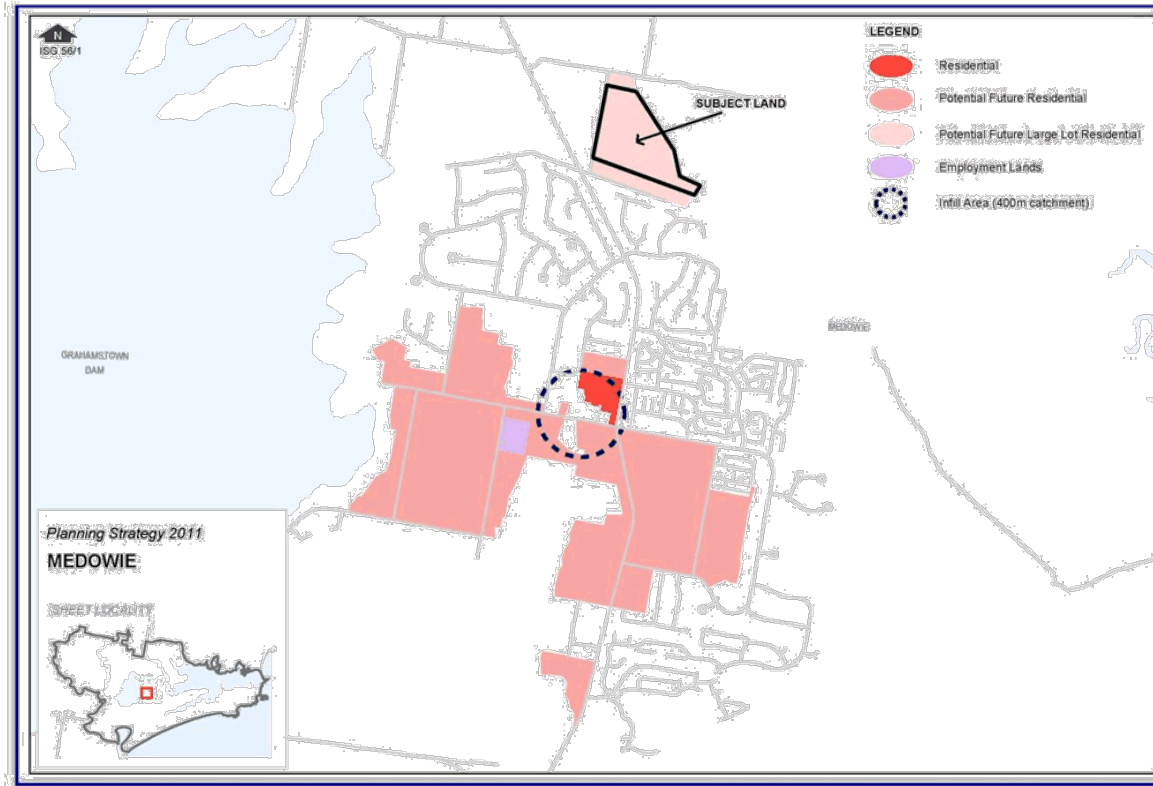
Port Stephens Community Strategic Plan

The planning proposal is consistent with this plan's strategic direction to 'balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations'. It is consistent with the delivery program to provide strategic land use planning services, by implementing a planning proposal that is consistent with strategic land use plans.

Port Stephens Planning Strategy 2011-2036

This strategy identifies Medowie for future growth and a priority 1 infill and new release area and the site for 'potential future large lot residential'. This identification is superseded by the identification of the site as a 'residential release area' in the Medowie Planning Strategy (discussed below). The planning proposal will have the strategic benefit of increasing dwelling yield in a priority new release area and is a key site to deliver land for more housing.

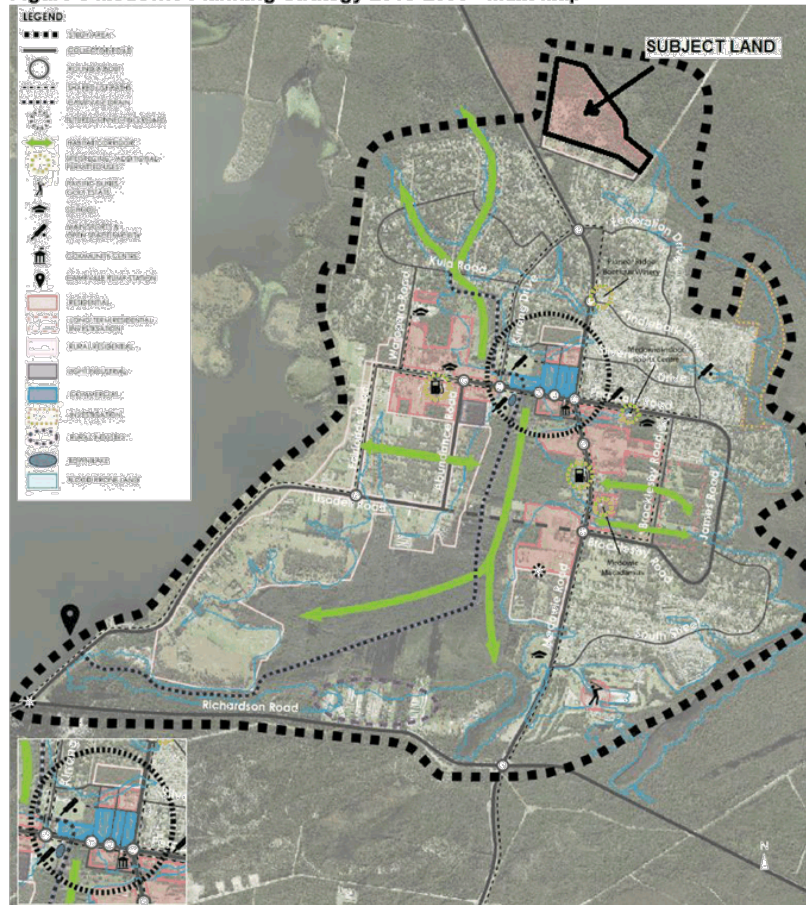
Figure 4. Port Stephens Planning Strategy 2011-2036 - Medowie Future Growth Area



Medowie Planning Strategy 2016-2036

The Medowie Planning Strategy is the key local plan to provide local direction for land use planning and sustainable growth in Medowie over the next 20 years. It provides for 2,400 new dwellings on sites within identified precincts. The subject land is identified for residential release within the Medowie Planning for an estimated 480 dwellings 'Precinct 'A'. It is the largest identified release area and its delivery is important to increasing the supply of land for housing. The subject land is also comparatively unconstrained to some other areas of land within Medowie: it is able to be serviced with reticulated sewer and water; is not located within the Grahamstown Dam Drinking Water Catchment; and biodiversity conservation issues have been resolved.

Figure 5 Medowie Planning Strategy 2016-2036 - Main Map



6. Consistency with applicable State environmental planning policies?

Table 2 Relevant State Environmental Planning Policies

SEPP 44 Koala Habitat Protection
<p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens LGA for the purposes of implementing <i>SEPP 44 Koala Habitat Protection</i>. The CKPOM performance criteria for rezoning are:</p> <ol style="list-style-type: none"> a. Not result in development within areas of Preferred Koala Habitat. b. Allow for only low impact development within areas of Supplementary Koala Habitat. c. Minimise the removal of any individuals of PKH food trees, wherever they occur on the site. d. Not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement. <p>Assessment</p> <p>The planning proposal amends the boundary of the pocket of E2 Environmental Conservation land within the developable area. Its size will slightly increase from 0.9 ha to 1.0 ha (approximate). All koala feed trees currently within this zone will remain within the amended zone boundary. There is limited or no comparative effect to the DA.</p> <p>The planning proposal is consistent with this SEPP.</p>
SEPP 55 Remediation of Land
<p>This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p> <p>Assessment</p> <p>Contamination issues were considered during the previous rezoning and included submission and consideration of an environmental site assessment. There is no change to the existing potential development footprint under the planning proposal. The assessment and validation sampling report provided by the proponent demonstrates the suitability of the site for residential development.</p> <p>The planning proposal is consistent with this SEPP.</p>

7. Consistency with applicable Ministerial Directions?

Table 3 Relevant Section 117 Ministerial Directions

Direction 2.1 Environment Protection Zones

Objective

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
 - gives consideration to the objectives of this direction,
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- is of minor significance.

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

Assessment

The relevant environmentally sensitive area is the pocket of E2 Environmental Conservation zoned land within the developable area. The purpose of amending the boundary of this area is to create a more accurate and regular shaped zone boundary. Its size will slightly increase under the planning proposal from 0.9 ha to 1.0 ha. All koala feed trees currently within this zone will remain within the amended E2 Environmental Conservation zone boundary.

The Planning Proposal is consistent with this Direction.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

A planning proposal must contain provisions that facilitate the conservation of:

- items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- the provisions of the planning proposal that are inconsistent are of minor significance.

Assessment

There is no change proposed to the extent of the development footprint. Heritage has already been assessed and addressed as part of the previous rezoning of the site and DA. It is not proposed to undertake additional heritage assessments and referrals for this planning proposal. Potential impacts will continue to be subject to the existing heritage provisions of the *Port Stephens Local Environmental Plan 2013* and the *National Parks and Wildlife Act 1974* (NSW) and future development application assessment and any associated conditions of development consent.

The planning proposal is consistent with this Direction.

Direction 3.1 Residential Zones

Objectives

The objectives of this direction are: to encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; To minimise the impact of residential development on the environment and resource lands.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- any other zone in which significant residential development is permitted or proposed to be permitted.

What a relevant planning authority must do if this direction applies

A planning proposal must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

A planning proposal must, in relation to land to which this direction applies:

- contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- not contain provisions which will reduce the permissible residential density of land.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
 - gives consideration to the objective of this direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

Assessment

The planning proposal achieves the relevant objective of the proposed R2 zone to provide for the housing needs of the community in a low density environment. It will:

- Increase the overall potential yield of The Bower residential estate.
- Broaden the types of housing that are permissible on the site compared to the existing R5 Large Lot Residential Zone.
- Make more efficient use of the land by increasing dwelling yield on land already approved for development.
- Reduce the consumption of land for housing on the urban fringe by increasing permissible development density.
- Provide opportunity for a master-planned development through the current single ownership.

The planning proposal is consistent with this direction

Direction 3.4 Integrating Land Use and Transport

Objectives

The objective of this direction is to ensure that development achieves the following objectives: improving access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and reduce dependence on cars; reducing travel demand including the number of trips generated by the development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services; and providing for the efficient movement of freight.

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a relevant planning authority must do if this direction applies

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
 - gives consideration to the objective of this direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

Assessment

This direction applies because the planning proposal relates to urban land. The planning proposal is consistent with this direction because:

- The planning proposal facilitates the use of alternative modes of transport and gives effect to the guideline and policy.
- The site is already approved for residential development.
- It is adjacent to Medowie Road leading directly to the town centre.
- Extension of a cycleway linking to the town centre is to be provided.
- Development of the site will contribute to better local traffic and transport infrastructure in accordance with the *Port Stephens Development Contributions Plan 2007* and the *Medowie Traffic and Transport Study*.

The planning proposal is consistent with this direction.

Direction 3.5 Development Near Licensed Aerodromes

Objectives

The objectives of this direction are: to ensure the effective and safe operation of aerodromes; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development for residential purposes of human occupation, if situated within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

What a relevant planning authority must do if this direction applies

In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:

- consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
- take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,

for land affected by the OLS:

- prepare appropriate development standards, such as height, and
- allow as permissible with consent development types that are compatible with the operation of an aerodrome
- obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.

A planning proposal must not relevantly rezone land for commercial or industrial purposes where the ANEF is above 30 and must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

- justified by a strategy which:
 - gives consideration to the objectives of this direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

Assessment

The site is not located within ANEF contours. Medowie is located in the general vicinity of RAAF Base Williamtown. The Salt Ash Weapons Range (SAAWR) is located to the east. However there are no requirements to meet aircraft noise attenuation requirements for AS2021-2015. The site is located within 2km from the boundary of the Port Stephens Council's Aircraft Noise Planning Area including the 2012 Australian Noise Exposure Forecast Contour. Development on the site is subject to controls in Chapter B7 Williamtown RAAF Base – Aircraft Noise and Safety of the Port Stephens Development Control Plan 2014 in relation to the Height Trigger Map (which requires referral of structures higher than 7.5m to the Department of Defence). This may affect future dwellings higher than 7.5m.

Department of Defence has raised concerns regarding the future rezoning for residential use of the site and therefore does not support the planning proposal (refer to Section D State and Commonwealth Interests of this planning proposal for detailed comments from Defence). In summary, Defence comments that, due to the subject sites proximity to RAAF Base Williamtown and Salt Ash Air Weapons Range it is likely that the subject site will be overflown by both civilian and military aircraft. This may expose future residents to high levels of aircraft noise from civilian and military aircraft. Defence suggests that noise attenuation measures are adopted in the design and construction of any future residential dwellings. Defence also comment that the subject site is constrained by building height controls that protect airspace near RAAF Base Williamtown to ensure the safety of aircraft on approach, departure and low-flying manoeuvres.

Any inconsistency of the planning proposal with this Direction is justified by the inclusion of the land as a "current urban release area" in the Hunter Regional Plan 2036 and existing zoning for residential development on lots with a minimum area of 1,000m². Additionally:

- General notation is placed on 149(5) certificates issued by Council that all areas of the LGA may be affected by aircraft noise from time to time, and advises applicants to make further enquiries.

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

- The subject land is located outside of the Port Stephens Aircraft Noise Planning Area (including the 2025 ANEF and former 2012 ANEF contours).
- Under the provisions of the Port Stephens Development Control Plan 2014 Chapter B7 Williamstown RAAF Base – Aircraft Noise and Safety, the additional dwellings on the site will not be required to include noise attenuation measures.
- The land is already zoned and approved for residential development. The additional development permitted on the site is of minor cumulative significance.
- The relevant DCP Height Trigger Map will continue to apply to manage future additional development in relation to building height.

Any inconsistency of the planning proposal with this Direction is of minor significance and in accordance with the Hunter Regional Plan 2036.

Direction 4.1 Acid Sulfate Soils

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

What a relevant planning authority must do if this direction applies

The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- of minor significance.

Assessment

The site is classed as 'Class 5 - Works Within 500m of Adjacent Class'. This is the lowest risk classification and the application of this direction is of limited relevance. The site is also already zoned and approved for urban development.

The planning proposal is consistent with this direction.

Direction 4.4 Planning for Bushfire Protection

Objectives

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

What a relevant planning authority must do if this direction applies

In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

A planning proposal must:

- have regard to *Planning for Bushfire Protection 2006*,
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the APZ.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- provide an Asset Protection Zone (APZ) incorporating at a minimum:
- an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
- an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

- for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997* (NSW) the APZ provisions must be complied with,
- contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- contain provisions for adequate water supply for firefighting purposes,
- minimise the perimeter of the area of land interfacing the hazard which may be developed,
- introduce controls on the placement of combustible materials in the Inner Protection Area.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

Assessment

The RFS has been consulted and advises it does not object to the planning proposal subject to a requirement that the future subdivision of the land complies with *Planning for Bushfire Protection 2006* (refer to Section D *State and Commonwealth Interests* of this planning proposal for detailed comments from the RFS).

The planning proposal is consistent with this Direction.

Direction 5.1 Implementation of Regional Strategies

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: is of minor significance, and the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Assessment

The site was rezoned to facilitate development following consideration under the superseded *Lower Hunter Regional Strategy*. The Lower Hunter Regional Strategy has been replaced by the *Hunter Regional Plan*. The Hunter Regional Plan identifies the subject land as a current urban release area. Consistency of the planning proposal with the relevant Goals and Directions is set out in Section B *Relationship to Strategic Framework* of this planning proposal. The planning proposal is consistent with the local government narrative to deliver existing urban release areas at Medowie.

The planning proposal is consistent with this direction.

SECTION C – Environmental, Social and Economic Impact

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

Additional impacts as a result of this planning proposal are considered in context of the existing zoning and approved DA. It is unlikely that critical or threatened species, populations or ecological communities, or their habitats, will be additionally adversely affected and that this issue has already been suitably assessed and resolved.

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

The additional impact of reducing the permissible minimum lot size on flora and fauna is limited. Review of existing residential allotments in Medowie and other areas demonstrates there is a practical difficulty in retaining trees on residential lots with an area of 1,000m² for example following bushfire protection requirements (and potential permissions) and building envelopes for dwellings and ancillary structures.

The overall development footprint that will result from the planning proposal is the same as the footprint of the existing subdivision approval for DA-2016-2015-336-1. There are also existing arrangements for the transfer of approximately 70ha of land zoned E2 Environmental Conservation to the north east for addition to the Medowie State Conservation Area to offset biodiversity impacts addressed with the previous rezoning of the land.

10. Has the planning proposal adequately addressed any social and economic effects?

The availability of approximately 135 additional lots for housing under the planning proposal will have positive social and economic effects. It will add to housing stock in proximity to major employment areas e.g. RAAF Base Williamstown – Newcastle Airport and Tomago. The additional population will support the growth of businesses in the Medowie town centre and surrounding areas. The planning proposal presents an opportunity to strategically add to housing stock in Medowie on comparatively unconstrained land. Local social infrastructure will be guided by the standards in the *Port Stephens Development Contributions Plan 2007* for example for community spaces, library and recreation facilities.

SECTION D – State and Commonwealth interests**11. Is there adequate public infrastructure for the planning proposal?****Traffic and Transport**

The submitted Traffic Impact Statement (Better Transport Futures, May 2016) provided in support of 450 lots found no significant impact on existing approved traffic infrastructure requirements. Preliminary Council modelling indicates a further slight increase in yield increase does not have any significant impact on the operation of the local road network and that a high level of service is maintained at key intersections.

Local traffic and transport infrastructure to accommodate broader future urban growth in Medowie is already identified in a local traffic and transport study and accompanying local infrastructure contributions plan.

Sewer and Water

The proponent provided preliminary advice that the additional lot yield is able to be serviced with reticulated sewer and water infrastructure subject to upgrades. Refer also to the comment from Hunter Water Corporation (below).

Drainage

Council engineers have undertaken a preliminary review of the planning proposal and advise no objection. Drainage information provided by the proponent considers the impacts of revising lot areas to the proposed detention basin sizes. It advises the fraction of assumed impervious surface for residential development is 60% for lot sizes ranging from 450m² to 2,000m² and because the lot areas are proposed to be reduced from 1,000m² to 500m² the fraction impervious design requirements will remain the same. The existing approved detention basin sizes would be unaffected assuming catchment areas are unchanged. The final lot layout and basin catchment areas will be confirmed as part of future approvals.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?**Hunter Water Corporation (HWC)**

HWC comments that it has no objection to the planning proposal. HWC has previously required the developer to prepare revised water and sewer servicing strategies for the potential increased yield of the site. HWC has also requested that the developer prepare a revised scope of works to increase the capacity of the wastewater pumping station to cope with the increased yield. A design addendum is currently under review, although HWC does not anticipate any significant changes.

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

NSW Roads and Maritime Services (RMS)

RMS comment that their primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets, and the integration of land use and transport.

In accordance with the *Roads Act 1993* (NSW) RMS has powers in relation to road works, traffic control facilities, and connection to roads and other works on the classified road network. While Council is the roads authority for Medowie Road (MR 518), a classified (Regional) road, s138 consent may not be given with respect to a classified road except with RMS concurrence.

RMS has reviewed the information provided, including the submitted Traffic Impact Assessment (Better Transport Futures, May 2016), and requests the following matters be addressed in the planning proposal:

- The Traffic Impact Assessment addresses a maximum yield of 450 lots rather than 480 lots identified within the planning proposal. Traffic analysis for the maximum lot yield should be carried out to assess the impact on the intersection upgrade approved by DA 16-2015-336-1. Should an alteration to the approved intersection upgrade of Medowie Road be required, the intersection shall also be designed and constructed in accordance with the Austroads *Guide to Road Design 2009* and RMS supplements (the Austroads Guide) to the satisfaction of RMS and Council.
- As RMS previously advised Council in correspondences dated 19 January 2017, the upgrade of the Medowie Road/Boundary Road intersection as required by development approval DA 16-2015-336-1, shall be designed and constructed in accordance with the Austroads Guide etc. Should the revised Traffic Impact Assessment confirm the upgrade road works associated with development approval DA 16-2015-336-1 (ie a CHR(S) treatment) is adequate, Council is to confirm to the satisfaction of RMS the intersection upgrade works have been designed and will be constructed in accordance with the Austroads Guide prior to the final planning proposal proceeding.
- The developer should take into account Section 117(2) Direction 3.4 *Integrating Land Use Development and Transport* under the *Environmental Planning and Assessment Act 1979* (NSW) in relation to the provision of adequate access to public transport, especially for the elderly, and opportunities for pedestrians and cyclist connections to the surrounding area should be considered.
- While RMS acknowledges that Council is planning for the provision of a shared path in the future, this does not negate the need to ensure provision is made for on-road cyclists through an intersection, particularly where an intersection upgrade is warranted. Any upgrade of the classified road should be designed and constructed in accordance with Austroads Guide.
- All works associated with the proposed rezoning shall be carried out at full cost to the developer, to Council requirements. Concept design plans

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

should be forwarded to RMS for review and acceptance prior to proceeding to detail design and construction within a referral made to RMS seeking concurrence under s. 138 of the *Roads Act 1993* (NSW). As works affect a classified (Regional) road and a Works Authorisation Deed is not required, it is Council's responsibility to manage the design and construction of the intersection works.

- Electronic modelling data (ie SIDRA 7) should be provided to RMS to review.

RMS further requests the following matters should be addressed by Council in determining this rezoning proposal:

- RMS has no proposal that requires any part of the property.
- All matters relating to the local road network and traffic/pedestrian management in the immediate vicinity of the subject land are for Council's determination. Despite the planned construction of a shared path between the subject urban release area and the town centre, provision should be made for safe connectivity for cyclists where road upgrades are required.
- Discharges stormwater from the rezoned land shall not exceed the capacity of the Medowie Road stormwater drainage system. Council shall ensure that drainage from the site is catered for approximately and should advise RMS of any adjustments to the existing system that are required prior to final approval of the development.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by Medowie Road. In this regard, the developer, not RMS, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011* (prepared by the Department previously known as the Department of Environment, Climate Change and Water).

NSW Office of Environment and Heritage (OEH)

OEH comments it does not object to the planning proposal, as it is acknowledged that the intensified residential rezoning is located within the footprint previously zoned for residential development. OEH recommends that Council seeks confirmation from the NSW Rural Fire Service that the proposed smaller lot sizes adjacent to perimeter roads does not compromise the ability to position houses within the block to meet planning for bushfire requirements. This recommendation will be addressed during the preparation and assessment of a following development application for subdivision.

Defence

Defence has concerns regarding the future rezoning for residential use of the site and therefore does not support the planning proposal. Defence suggests that, under the Port Stephens Aircraft Noise Policy, that Council places a notation that the site is likely to be affected by some level of aircraft noise on planning certificates issued under Section 149(5) of the *Environmental Planning and Assessment Act 1979* (NSW).

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

Defence comments that the subject site is located outside the Australian Noise Exposure Forecast contours for RAAF Base Williamtown. Due to the subject sites proximity to RAAF Base Williamtown and Salt Ash Air Weapons Range which is to the immediate east of the site, it is likely that the subject site will be overflowed by both civilian and military aircraft. This may expose future residents to high levels of aircraft noise from civilian and military aircraft. As Defence cannot readily change its flying operations at RAAF Base Williamtown, Defence suggests that noise attenuation measures are adopted in the design and construction of any future residential dwellings.

Under the RAAF Base Williamtown Limitations or Operations Surface Map the subject site is constrained by building height controls that protect airspace near RAAF Base Williamtown to ensure the safety of aircraft on approach, departure and low-flying manoeuvres. The height constraint map provides for any structure that may pose a hazard to military aviation within a radius of approximately 15kms of RAAF Base Williamtown to be referred to Defence for comment. This includes vegetation and man-made structures including temporary structures such as cranes. The height constraint restriction for the subject site requests that "structures higher than 7.5m require referral to Defence". This DCP constraints map would need to be considered in relation to any future proposed development on the site.

As a result of the Department of Defence's unresolved objection to the proposal Council is unable to exercise its delegated plan making powers.

NSW Rural Fire Service

The RFS does not object to the planning proposal, subject to a requirement that the future subdivision of the land complies with *Planning for Bushfire Protection 2006*. This includes, but is not limited to, the issues identified in the RFS letter for integrated Development for 93//753194 63 Boundary Road Medowie, dated 4 April, ref D15/1594. These are in relation to:

- In addition to APZ's against external hazards, the provision of APZs around the proposed Koala Habitat Reserve.
- Any proposed tree corridor linking the Koala Habitat Reserve and the proposed addition to the Medowie State Conservation Area shall be managed as APZs.
- Planting in detention basins to be consistent with APZs.
- Any proposed management of Koala Habitat Reserve, Tree Corridor or Detention Basins may require a Plan of management to demonstrate appropriate practices to ensure APZs are managed in perpetuity and as outlined within section 4.1.3 and Appendix 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Services document 'Standards for asset protection zones'.
- Access entitlement registered pursuant to section 88B of the *Conveyancing Act 1919* (NSW) for a secondary access/egress point from Boundary Road to County Close is to be provided.

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

- Public road access shall comply with section 4.1.3(1) of Planning for Bushfire Protection 2006. This shall include the full construction of the Western Road adjacent to the development area.
- The proposed secondary access road/egress point from Boundary Road to County Close shall be constructed to be consistent with the fire trail requirements found in section 4.1.3(3) of *Planning for Bushfire Protection 2006*.
- The proposed northern portion of the Western Road which is not adjacent to the development area shall be constructed to be consistent with the fire trail requirements found in section 4.1.3(3) of *Planning for Bush Fire Protection 2006*.

Part 4 - Mapping

The following mapping amendments are proposed and are included with this planning proposal:

- Amend Land Zoning Map (LZN_004B) by rezoning part of the subject land to R2 Low Density Residential and amending the boundary of the pocket of land zoned E2 Environmental Conservation (refer to the proposed Land Zoning Map at Attachment 3).
- Amend the Lot Size Map (LSZ_004B) by reducing the minimum lot size to 500m² on part of the subject land in (refer to the proposed Lot Size Map at Attachment 5).
- Amend the Height of Building Map (HOB_004B) to show the maximum height of building as 9m within the R2 Low Density Residential Zone (refer to the proposed Height of Buildings Map at Attachment 7).

ITEM 8 - ATTACHMENT 1 PLANNING PROPOSAL.

Part 5 - Details of Community Consultation

As per the gateway determination the planning proposal was initially placed on public exhibition for a minimum period of 14 days from 11 May 2017 to 25 May 2017. On 18 May 2017 Council staff met with a number of Medowie residents who had raised concerns to Councillors regarding the proposal. An outcome of the meeting was to extend the public exhibition period to 8 June 2017 to allow further time for residents to review the proposal.

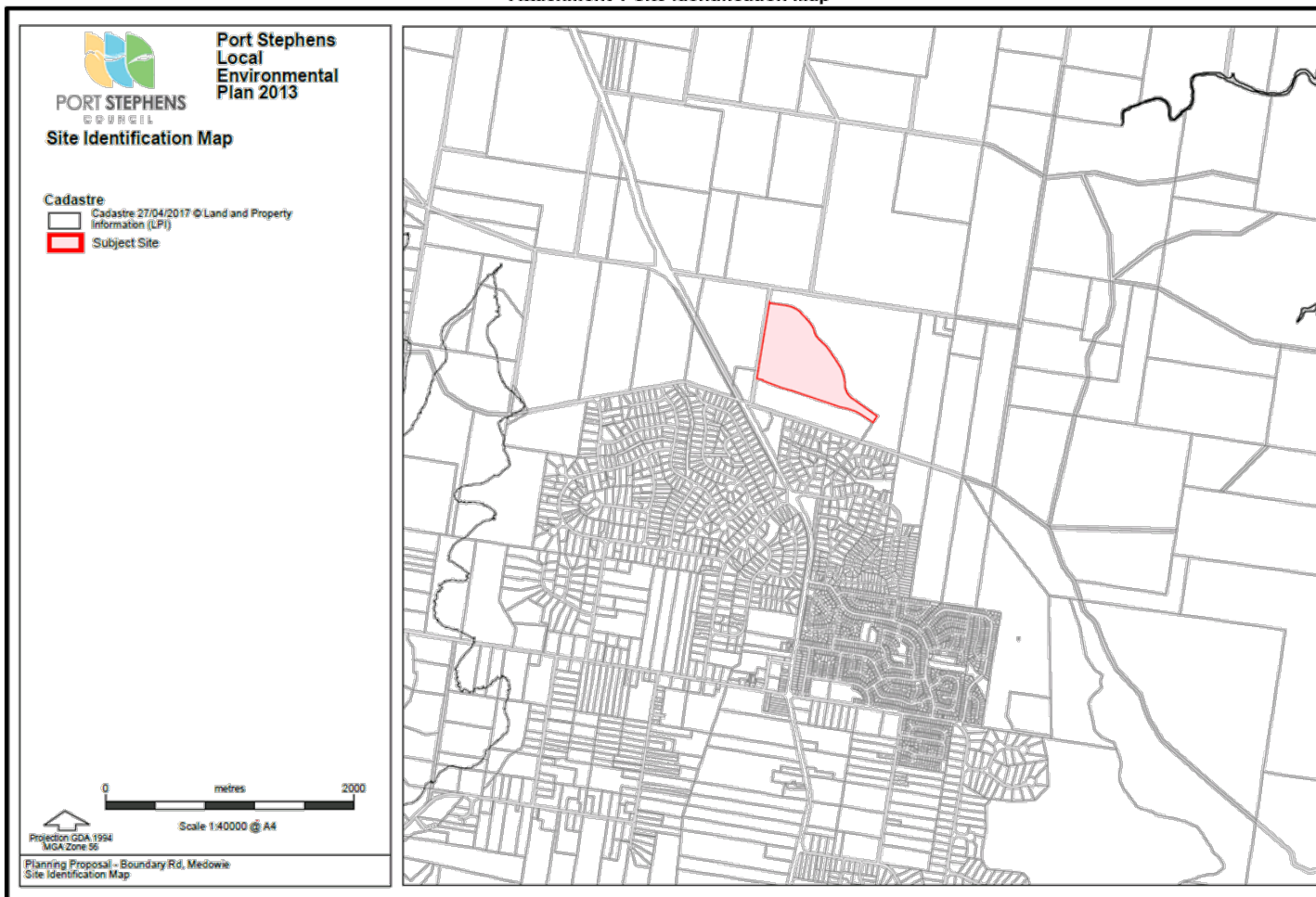
Exhibition material was available for inspection during the public exhibition period from Council's website (www.portstephens.nsw.gov.au) and at Council's Administration Building, 116 Adelaide Street, Raymond Terrace, NSW 2324 (during normal business hours). A copy was also placed at the Medowie Community Centre.

At the conclusion of the exhibition period Council received 12 submissions; 11 objections and 1 in support of the proposal from the proponent. The issues/concerns raised in objections did not warrant any changes to the planning proposal and had been adequately addressed.

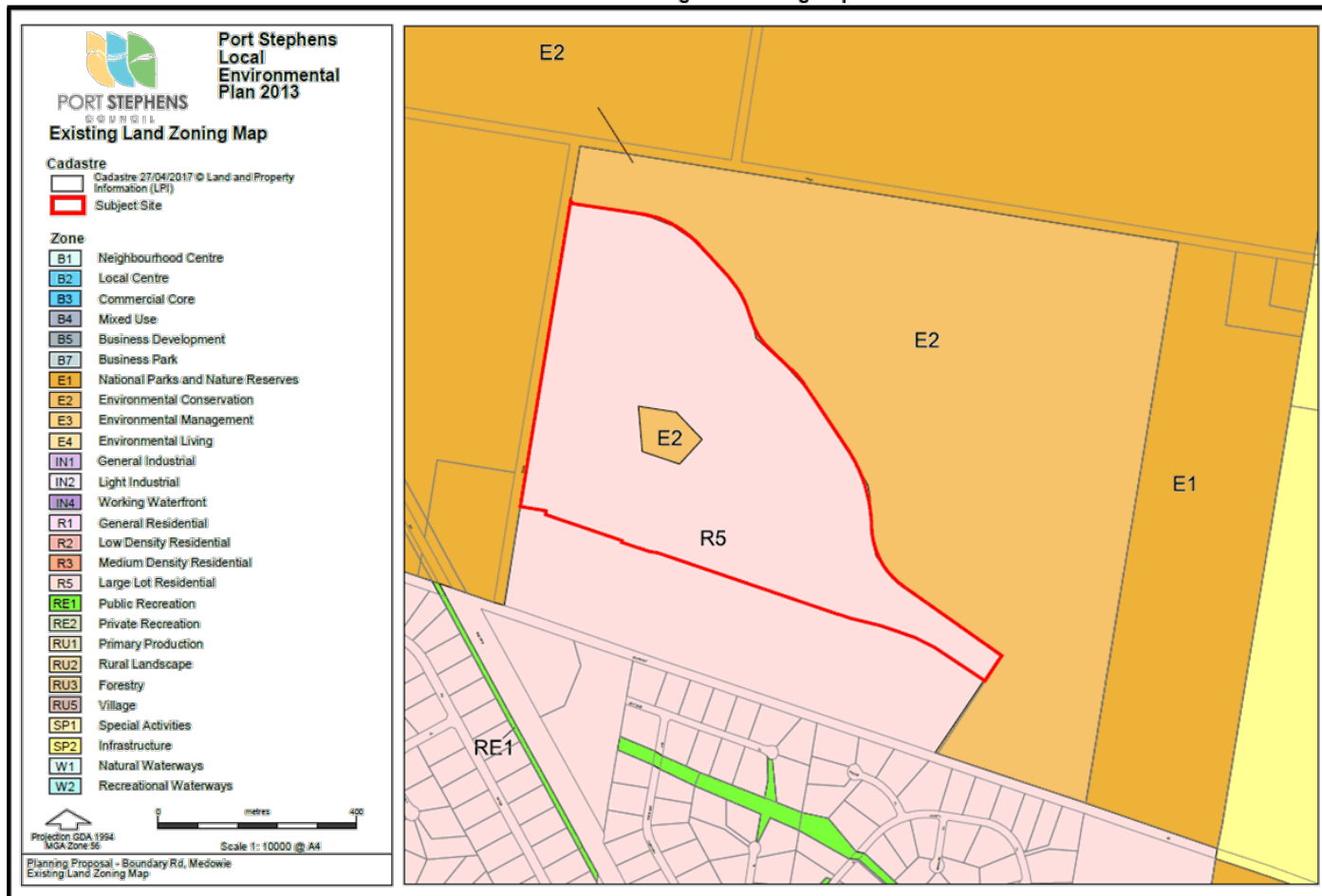
Part 6 – Project timeline

	May 17	June 17	July 17	Aug 17	Sept 17	Oct 17	Nov 17	Dec 17
<i>Consultation & Exhibition</i>								
<i>Address Submissions</i>								
<i>Council Report</i>								
<i>Department of Planning and Environment</i>								

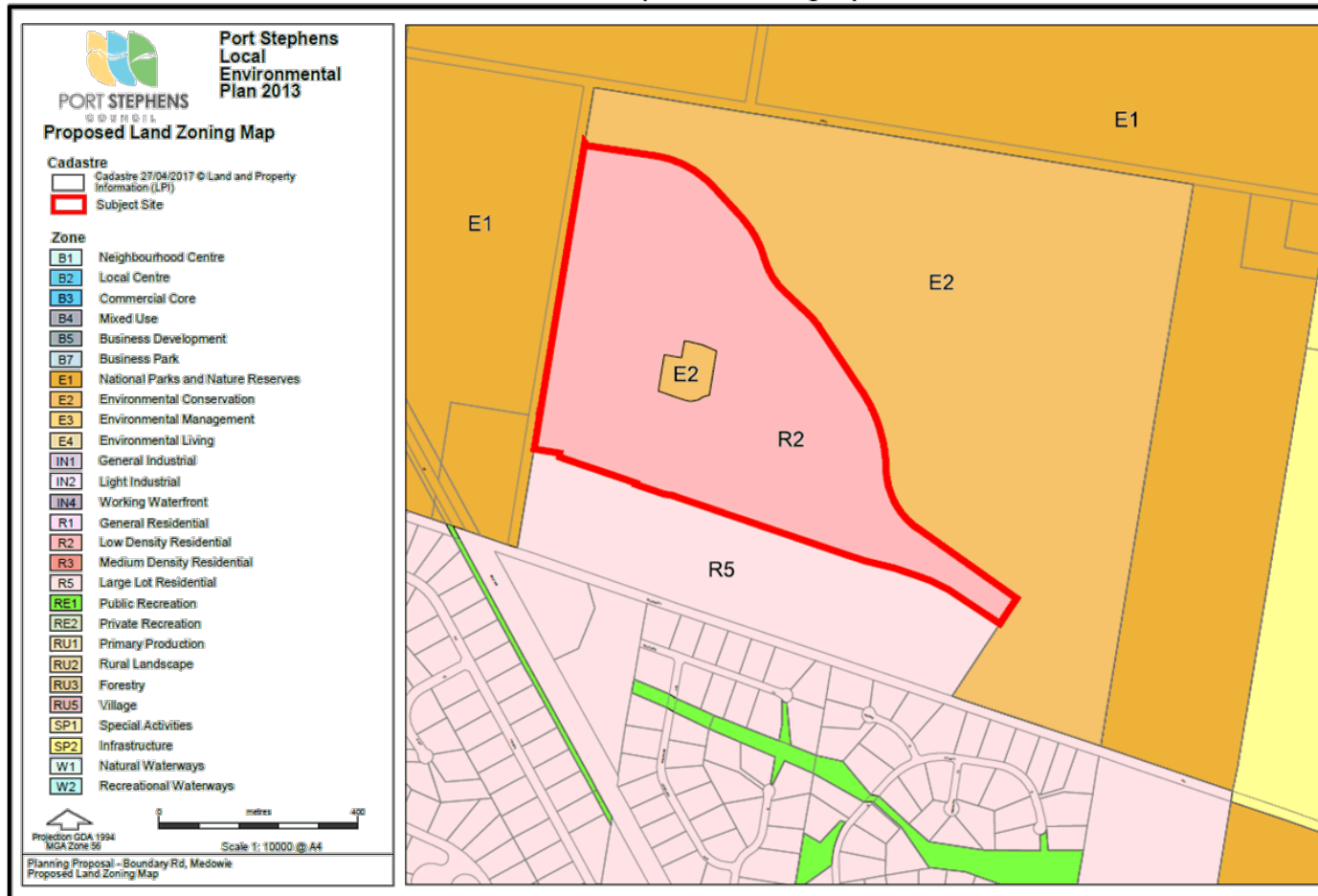
Attachment 1 Site Identification Map



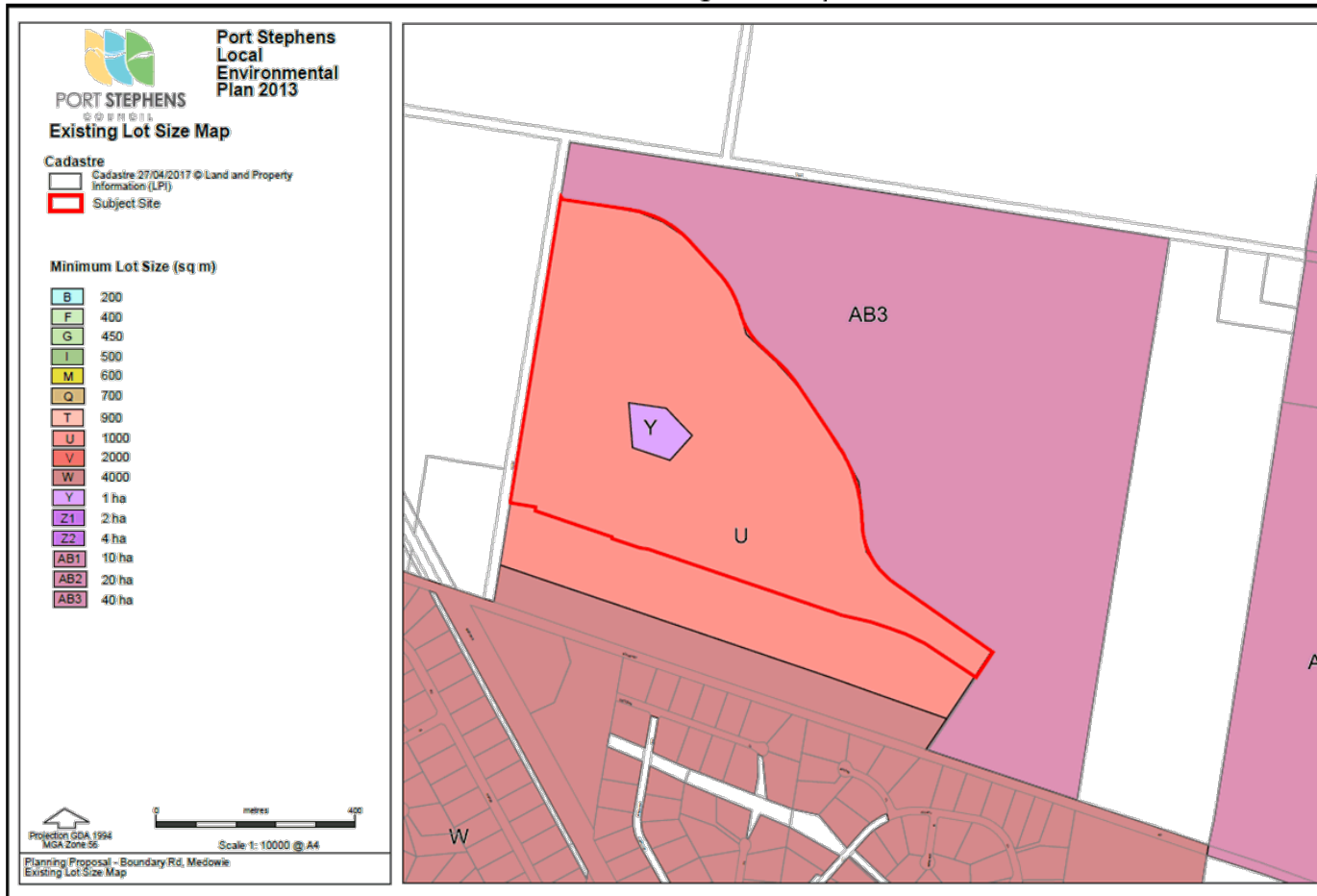
Attachment 2 Existing Land Zoning Map



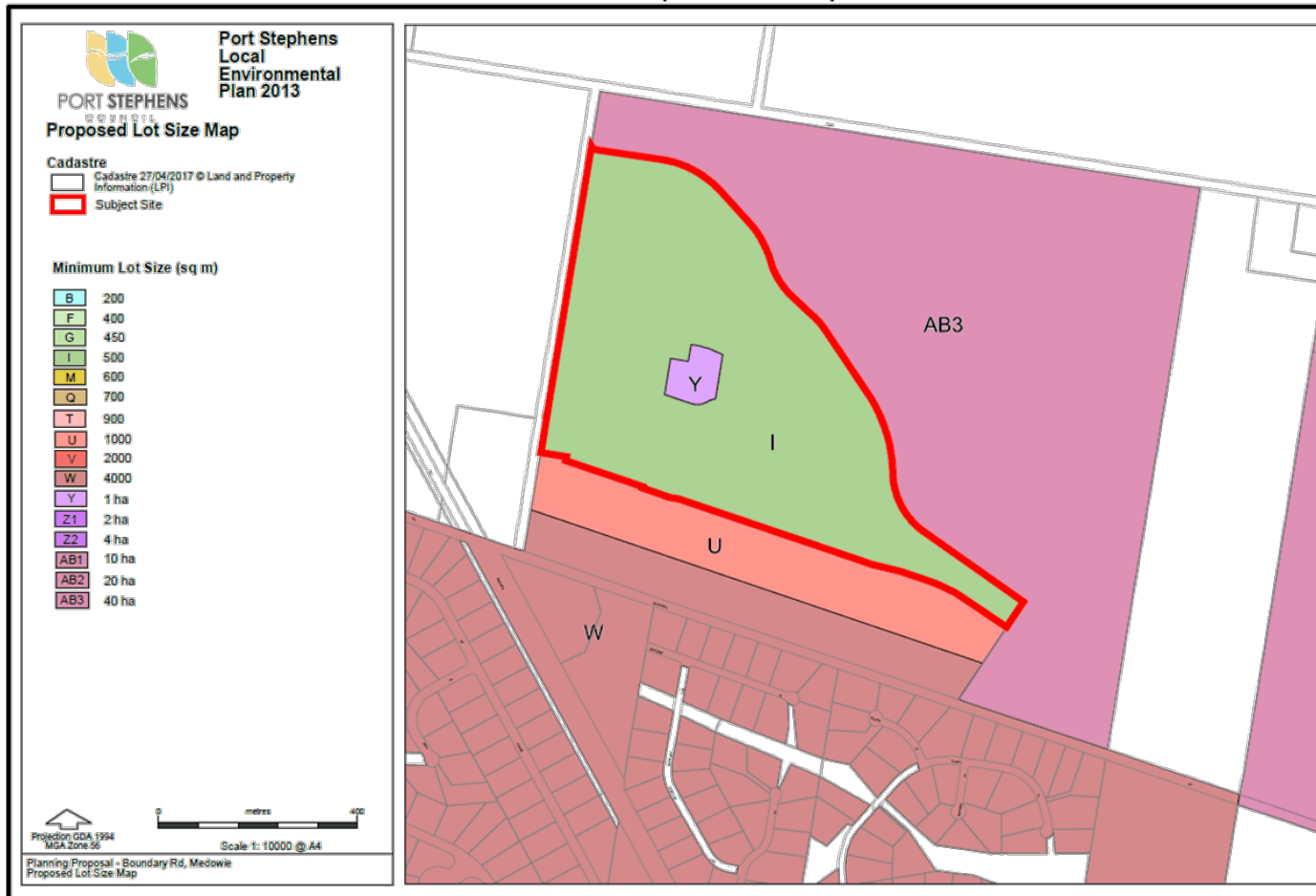
Attachment 3 Proposed Land Zoning Map



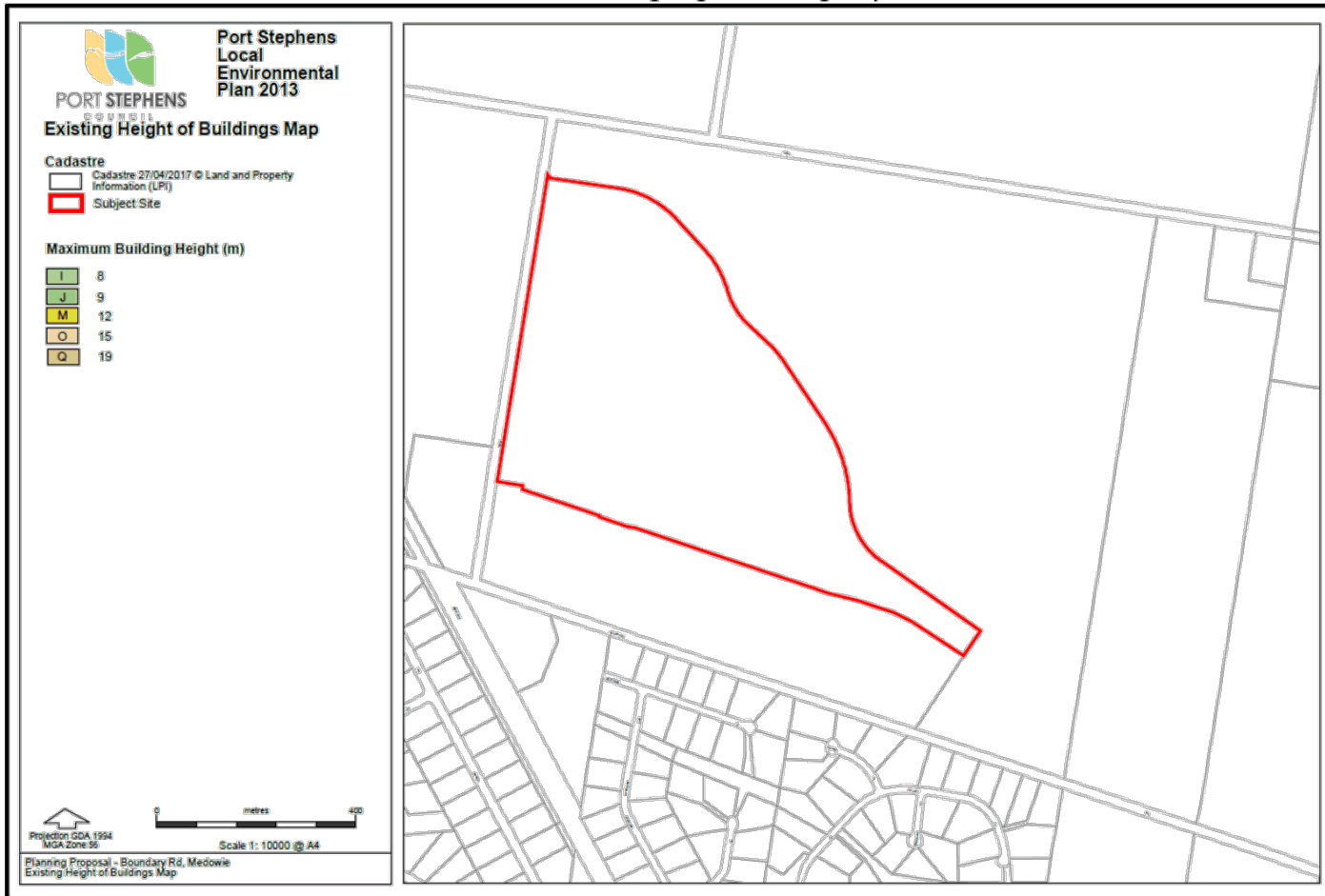
Attachment 4 Existing Lot Size Map



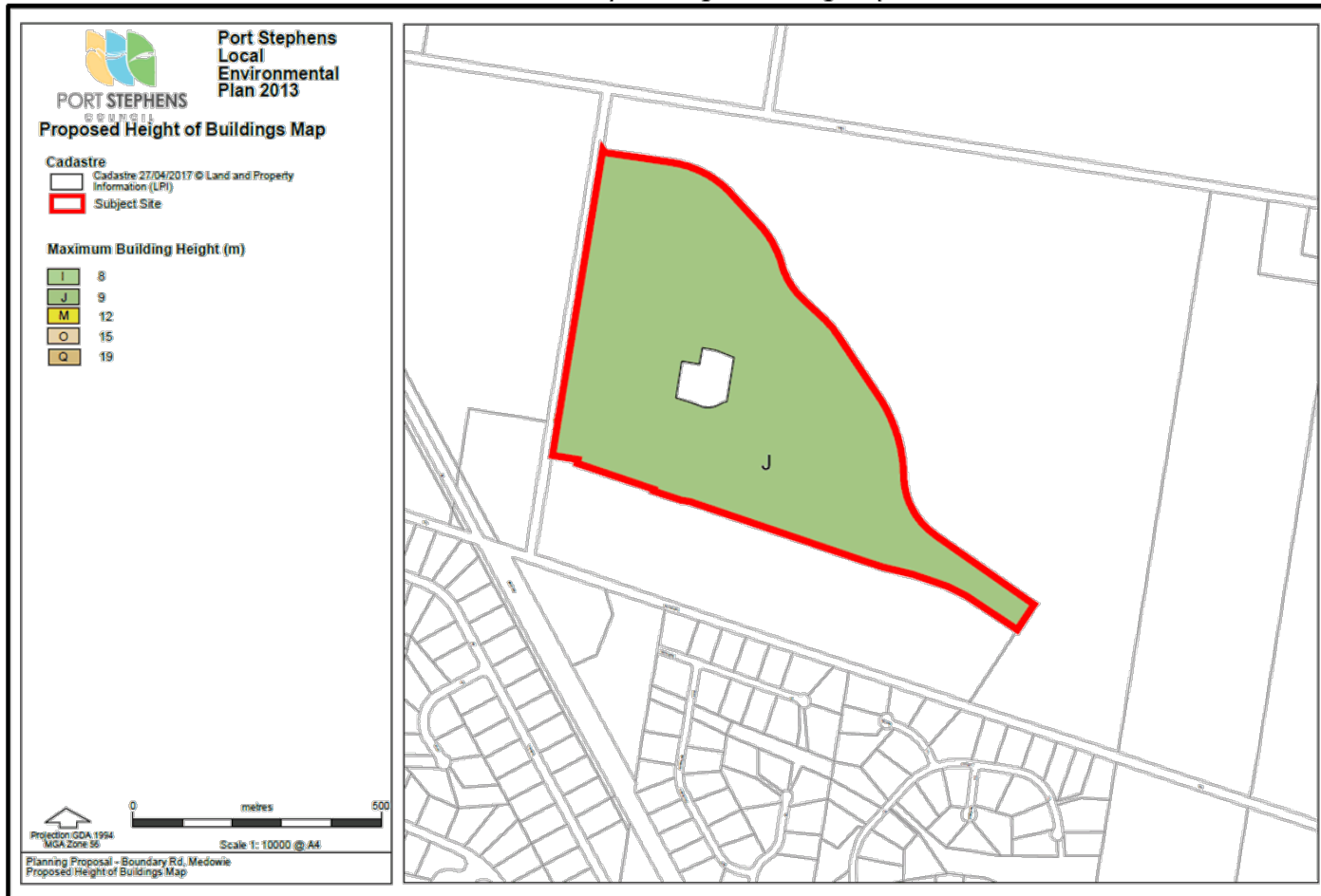
Attachment 5 Proposed Lot Size Map



Attachment 6 Existing Height of Buildings Map



Attachment 7 Proposed Height of Buildings Map





Further Information:

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



ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.**PART 1 – Objective of the proposed Local Environmental Plan**

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

1. Updating the zoning of the following land from RU2 Rural Landscape to SP2 Defence to reflect its ownership by the Commonwealth Department of Defence:
 - a. 2117 Nelson Bay Road, Williamtown;
 - b. 2119 Nelson Bay Road, Williamtown;
 - c. 11A Lavis Lane, Williamtown;
 - d. 14 Lavis Lane, Williamtown; and
 - e. 40 Lavis Lane, Williamtown.
2. Updating the zoning of 601 Cabbage Tree Road Williamtown from RU2 Rural Landscape to E1 National Park and Nature Reserve to reflect its ownership by the Minister Administering the *National Parks and Wildlife Act 1974 (NSW)* for addition to the Hunter Wetlands National Park.
3. Updating zone map alignments along various stretches of Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of upgrades or associated or intended purchase of land by the RMS for road planning purposes.
4. Updating the zoning label of 57 Slades Road, Williamtown from SP2 Defence to SP2 Defence (Air Transport Facility) to reflect its commercial airport lease conditions.
5. Updating the zoning of certain land at 1 Tuncurry Close, Nelson Bay, from R2 Low Density Residential to RE1 Public Recreation to reflect its existing ownership, dedication and use as public open space.
6. Correcting an error in the DP description listed in Schedule 1 *Additional permitted uses clause 5 Use of certain land at Valerie Rd, Salt Ash* for certain land at Salt Ash from 79221 to 792211.
7. Within the IN1 General Industrial Zone - adding 'storage premises' as permissible with consent.
8. Within the IN2 Light Industrial Zone - adding 'dwelling houses' (consistent with a Council resolution 27 October 2015) 'mortuaries' and 'recreation facilities (indoor)' as permissible with consent.
9. Within the RU2 Rural Landscape Zone - adding 'recreation facilities (outdoor)' as permissible with consent.
10. Addressing various minor split zone map alignments resulting from recent subdivisions and cadastral map shifts.

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

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

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

- a. 2117 Nelson Bay Road, Williamtown**
- b. 2119 Nelson Bay Road, Williamtown**
- c. 11A Lavis Lane, Williamtown**
- d. 14 Lavis Lane, Williamtown**
- e. 40 Lavis Lane, Williamtown**

Implementing this item will be achieved by amending the applicable Land Zoning Map for the subject land from RU2 Rural Landscape to SP2 Defence.

Council previously consulted with the Department of Defence in relation to properties acquired since the gazettal of LEP 2013 and any comments in relation to the proposed zoning of SP2 Defence. Defence subsequently confirmed that it has acquired the subject properties.

Zoning the relevant subject land from RU2 Rural Landscape to SP2 Defence is consistent with the ownership of the land by the Commonwealth Department of Defence and is consistent with the zoning of other properties in the area under the same ownership.

The location of the subject land is shown below.



ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

Implementing this item will be achieved by amending the applicable Land Zoning Map for the subject land from RU2 Rural Landscape to NP1 National Parks and Nature Reserves.

Further consultation will occur with the National Parks and Wildlife Service NSW to determine if it has acquired any further properties since the commencement of LEP 2013 and that are also suitable to be placed in the E1 national Parks and Nature Reserves Zone.

The location of the subject land is shown below.



ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

This item will be achieved by amending the applicable Land Zoning Map for the subject land from RU2 Rural Landscape to SP2 Classified Road.

Since the commencement of LEP 2013 there is, or may have been, progress and further planning undertaken by the RMS on the regional road network along various stretches of the classified road network including Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass).

A detailed map will be prepared that indicates the areas that require review as part of this planning proposal (of which Council is aware). This map will accompany the planning proposal that seeks a gateway determination.

Further consultation will occur with the RMS to determine if the current alignment of the SP2 Classified Road zone is current across the LGA and accurately reflects RMS planning for the road network.

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

Implementing this Item will be achieved by amending the applicable Land Zoning Map for the subject land from SP2 Defence to SP2 Defence (Air Transport Facility).

57 Slades Road (Lot 21 DP1053667) forms part of an area which is subject to a commercial lease between the Commonwealth Department of Defence and Newcastle Airport Limited.

It is proposed to rezoning the subject land from SP2 Defence to SP2 Defence (Air Transport Facility) to be consistent with the other nearby land that is also subject to the commercial airport lease conditions.

This item will be subject to consultation with the Commonwealth Department of Defence.

The location of the subject land is shown below.



ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

Implementing this item will be achieved by amending the applicable Land Zoning Map for the subject land from R2 Low Density Residential to RE1 Public Recreation.

The planning proposal seeks to rezone 1 Tuncurry Close, Nelson Bay (Lot 6 Section 4 DP 242131) from R2 Low Density Residential to RE1 Public Recreation. The current ownership of this land is listed as the State of NSW (with Port Stephens Council as Trustee).

The proposed rezoning of 1 Tuncurry Close from R2 Low Density Residential to RE1 Public Recreation will properly reflect the ownership and use of the land as a public reserve. It will also create a zoning arrangement consistent with the adjoining land 2 Karuah Close that is already zoned RE1 Public Recreation and is also listed as owned by the State of NSW (with Port Stephens Council as Trustee).

This item was raised by a member of the community. The location of the subject land is shown below.



ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

Implementing this Item will be achieved by amending Schedule 1 – *Additional permitted uses* Cl. 5 *Use of certain land at Valerie Road, Salt Ash* as set out below and highlighted in yellow.

The purpose of this amendment is to address an error in LEP 2013 which references the incorrect deposited plan.

Schedule 1 Additional permitted uses

5 *Use of certain land at Valerie Road, Salt Ash*

(1) This clause applies to land at Valerie Road, Salt Ash, being Lots 2–4, DP ~~79221~~, 792211

(2) Development for the purpose of a dwelling house on each lot is permitted with development consent.



ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

Implementing this Item will be achieved by amending the Land Use Table for the IN1 General Industrial zone as set out below and highlighted in yellow.

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Nil

3 Permitted with consent

Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Correctional centres; Crematoria; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industrial training facilities; Jetties; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Places of public worship; Plant nurseries; Port facilities; Research stations; Restricted premises; Roads; Rural supplies; Sawmill or log processing works; Service stations; Sex services premises; Signage; Stock and sale yards; **Storage premises;** Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems; Wharf or boating facilities; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

'storage premises' means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

'self-storage units' means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

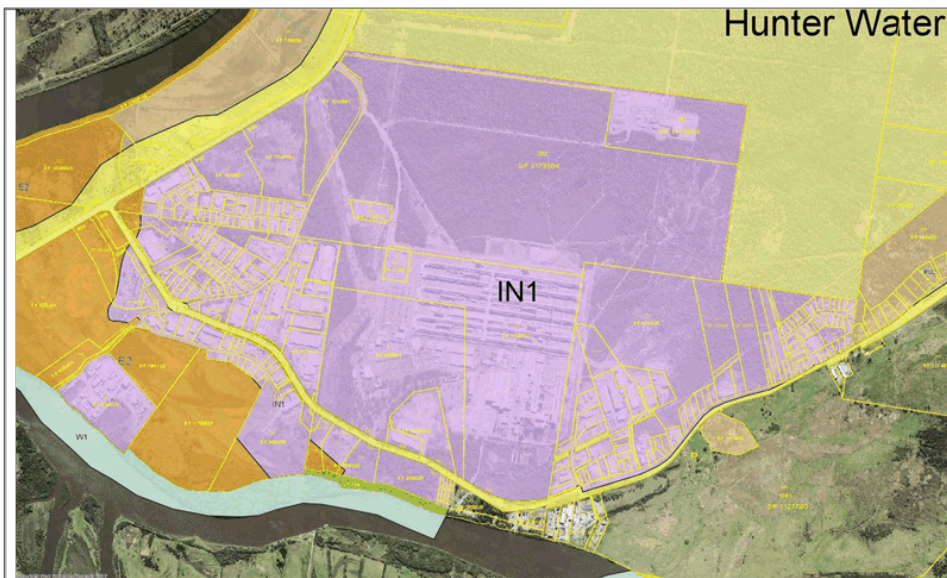
ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

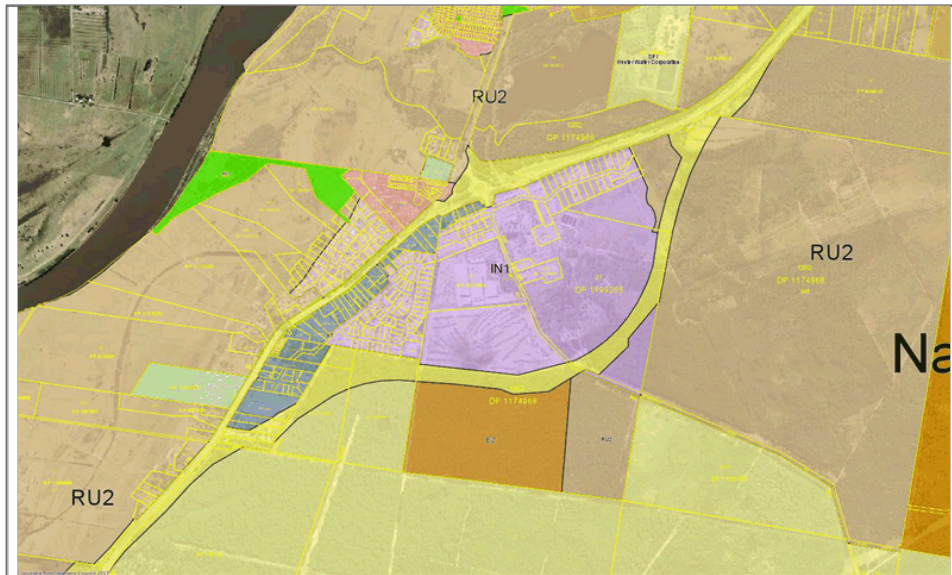
Under LEP 2013 'storage premises' (including 'self-storage premises') are only permitted with consent in the IN2 Light Industrial and B5 Business Development zones. This is unnecessarily restrictive. Permitting 'storage premises' (including 'self-storage premises') is consistent with the objectives of the zone, particularly "To encourage employment opportunities". It will provide flexibility to meet market demand for storage premises and will provide associated economic and employment benefits. Alternatively, it could be put that introducing this use could contribute to some reduction in employment land for other uses (general industry).

Comparison of permissibility of 'storage premises' in the IN1 General Industrial Zone with other Hunter LGAs that apply the zone shows that this use is permissible with consent in some of the other Hunter area local environmental plans.

Development Type	Port Stephens LEP 2013	Cessnock LEP 2011	Great Lakes LEP 2014	Lake Macquarie LEP 2014	Newcastle LEP 2012
Storage premises	Prohibited	Prohibited	Permitted with consent	Storage premises permitted Self-storage units prohibited	Permitted with consent

Under the previous LEP 2000 there was a single industrial zoning used in the LGA being the 4(a) Industrial General "A" Zone. Although not specifically defined, the use 'storage premises' was permitted with consent within this zone and there are numerous examples of 'storage premises' located on land previously zoned 4(a) Industrial General "A" Zone throughout the LGA. This includes land now zoned IN1 General Industrial at Tomago and Heatherbrae (see below maps).





ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

Implementing this Item will be achieved by amending the Land Use Table for the IN2 Light Industrial zone as set out below and highlighted in yellow.

<p>Zone IN2 Light Industrial</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To provide a wide range of light industrial, warehouse and related land uses. • To encourage employment opportunities and to support the viability of centres. • To minimise any adverse effect of industry on other land uses. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To support and protect industrial land for industrial uses. <p>2 Permitted without consent Nil</p> <p>3 Permitted with consent Airstrips; Boat building and repair facilities; Boat launching ramps; Boat sheds; Correctional centres; Crematoria; Depots; Dwelling houses; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industrial training facilities; Jetties; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Places of public worship; Plant nurseries; Port facilities; Recreation facilities (indoor); Research stations; Resource recovery facilities; Restricted premises; Roads; Rural supplies; Sawmill or log processing works; Service stations; Sex services premises; Signage; Stock and sale yards; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies</p> <p>4 Prohibited Any development not specified in item 2 or 3</p> <p>'dwelling house' means a building containing only one dwelling. 'mortuary' means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation. 'recreation facility (indoor)' means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</p>
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ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Dwelling houses

It is proposed to add 'dwelling houses' as permissible with consent in the IN2 Light Industrial zone to address a Council Notice of Motion 27 October 2015 to add "ancillary dwellings" (ie managers residences) as a use permissible with consent in industrial areas. The aim is to permit a single dwelling (only) to improve security and on-site management of businesses within the IN2 Light Industrial zone.

Comparison with other Hunter LGA local environmental plans that apply the IN2 Light Industrial zone shows that permitting 'dwelling houses' is not consistent with local environmental plans.

Development Type	Port Stephens LEP 2013	Cessnock LEP 2011	Great Lakes 2014	Lake Macquarie 2014	Newcastle 2012
Dwelling houses	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

Under the previous LEP 2000 there was a single industrial zoning used in the LGA being the 4(a) Industrial General "A" Zone. The zone facilitated consideration of ancillary dwellings. The relevant objective (e) was "...to allow commercial, retail, residential, or other development only where it is associated with, ancillary to, or supportive of, industrial development...". Proceeding with this part of the planning proposal is consistent with the previous permissibility of ancillary dwellings in industrial areas under LEP 2000.

Mortuaries

It is proposed to add 'mortuaries' as permissible with consent in the IN2 Light Industrial Zone. The purpose is to complement 'crematorium', a land use that is already permitted with consent in the IN2 Light Industrial Zone. The respective definitions are:

<i>'Mortuary' means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.</i>
<i>'Crematorium' means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.</i>

Comparison of permissibility of 'mortuaries' in the IN2 Light Industrial zone shows that permitting 'mortuaries' is consistent with other local environmental plans.

Development Type	Port Stephens LEP 2013	Cessnock LEP 2011	Great Lakes LEP 2014	Lake Macquarie LEP 2014	Newcastle LEP 2012
mortuaries	Prohibited	Permitted with consent	Permitted with consent	Permitted with consent	Permitted with consent

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Under the previous LEP 2000 the 4(a) Industrial General "A" Zone 'mortuaries' were permitted with consent and defined as 'a building used for the preparation or storage of bodies before their burial or cremation, and may include a viewing room'. Proceeding with this part of the planning proposal is consistent with the previous permissibility in industrial areas under LEP 2000.

Recreation facilities (indoor)

It is proposed to add 'recreation facilities (indoor)' as permissible with consent in the IN2 Light Industrial zone.

'Recreation facility (indoor)' means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Permitting 'recreation facilities (indoor)' - including the range of specific uses within its definition - has positive employment benefits. Indoor recreation facilities are often suitable to be located within IN2 Light Industrial areas subject to gaining development consent and require space and building form that is often accommodated within an industrial-type building.

'Recreation facilities (indoor)' are currently permitted with consent in the following zones in LEP 2013:

- RU5 Village
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- RE1 Public Recreation
- RE2 Private Recreation

While these zones are suitable for 'recreation facilities (indoor)' adding land zoned IN2 Light Industrial will provide greater options and flexibility for applicants.

Comparison with other Hunter LGAs that apply the IN2 Light Industrial Zone shows that permitting 'recreation facilities (indoor)' is consistent with a number of other local environmental plans.

Development Type	Port Stephens	Cessnock	Great Lakes	Lake Macquarie	Newcastle
Recreation facilities	Prohibited	Permitted with consent	Permitted with consent	Permitted with consent	Permitted with consent

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

(indoor)					
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Under the previous LEP 2000 a 'recreation facility' was not prohibited in the 4(a) Industrial General "A" Zone.

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

Implementing this Item will be achieved by amending the Land Use Table for the RU2 Rural Landscape Zone as set out below and highlighted in yellow.

The purpose is to facilitate positive social and economic effects through the creation of jobs in the outdoor recreation tourism industry, particularly in proximity to the major regional tourism destination at Nelson Bay.

Progressing with Item 11 aligns with the Hunter Regional Plan, which describes Port Stephens as a mix of rural land, towns, villages and coastal areas, largely focused on the Tomaree Peninsula, that are major recreational, tourist and retirement destinations. A regional priority for Port Stephens is to leverage proximity to major global gateways – and its attractive and valuable natural environment and coastal and rural communities – to generate economic growth and diversity. Nelson Bay is identified as a strategic centre with a priority to maintain it as one of the primary tourist centres for the region and a hub for the Tomaree Peninsula. Permitting 'recreation facilities (outdoor)' aligns with this description. It also aligns with the following Goals, Directions and Actions of the Regional Growth Plan:

Goal 1 The leading regional economy in Australia
<i>Direction 6 Grow the economy of Port Stephens</i>
Action 6.1 Enhance tourism infrastructure and connectivity, recognising the importance of local routes such as Nelson Bay Road.
Action 6.3 Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies.
<i>Direction 9 Grow tourism in the Region</i>
Action 9.2 Encourage tourism development in natural areas that support conservation outcomes.

Zone RU2 Rural Landscape
1 Objectives of zone
<ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To maintain the rural landscape character of the land. • To provide for a range of compatible land uses, including extensive agriculture.
2 Permitted without consent
<i>Extensive agriculture; Home occupations; Intensive plant agriculture</i>
3 Permitted with consent

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

*Agriculture; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Plant nurseries; Recreation areas; **Recreation facilities (outdoor)**; Roads; Roadside stalls; Rural industries; Tourist and visitor accommodation; Turf farming; Veterinary hospitals; Water recreation structures; Water supply systems.*

4 Prohibited

Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

'recreation facilities (outdoor)' means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Extensive stretches of land along Nelson Bay Road, leading to Nelson Bay, and in the area of the Tomaree Tourism and Lifestyle Growth Area identified by Council within the *Port Stephens Planning Strategy*, are located within the RU2 Rural Landscape Zone. A number of 'recreation facility (outdoor)' type tourism businesses are already situated to take advantage of main road exposure and proximity to Nelson Bay (for example the shark and ray centre, go kart track, golf driving range, horse riding and quad biking. These types of uses were permitted with development consent in the 1(a) Rural Agriculture "A" zone under the previous LEP 2000.

Council also receives enquiries from businesses wanting to establish or expand 'recreation facilities (outdoor)' mainly along Nelson Bay Road. An example of this is the proposed water-ski type facility seeking to locate at the intersection of Nelson Bay Road and Bob's Farm. These uses, which have the potential to generate significant economic and employment benefits, are currently prohibited under LEP 2013 and only facilitated by site-specific additional permitted use planning proposals. The recommended approach of permitting 'recreation facilities (outdoor)' within the RU2 Rural Landscape Zone, will allow this use to be permitted with consent without the need to consider separate site-by-site planning proposals.

The potential synergies for economic development and employment that could exist between tourism accommodation on the Tomaree and land-based outdoor recreation businesses that serve the tourism market, particularly for sites along Nelson Bay Road and in proximity to the tourism accommodation hub of Nelson Bay, can be better realised by permitting 'recreation facilities (outdoor)' in the RU2 Rural Landscape zone.

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

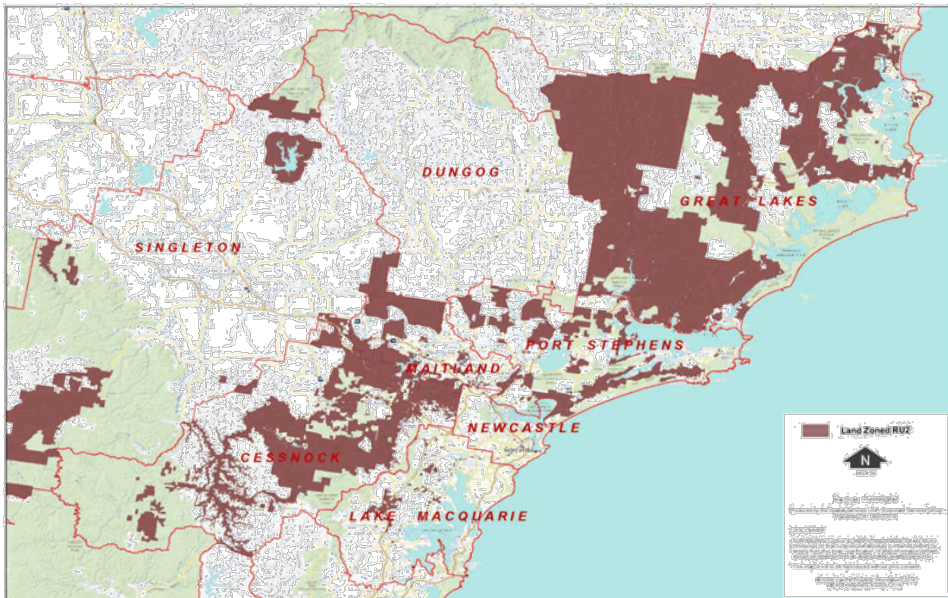
The zones in LEP 2013 that currently permit land-based 'recreation facilities (outdoor)' are limited terms in practical terms and more suitable for other primary uses. They are:

- B3 Commercial Core (suitable for offices and shops)
- B5 Business Development (suitable for general businesses)
- B7 Business Park (suitable for aerospace and Defence businesses)
- RE1 Public Recreation (public open space)
- RE2 Private Recreation (typically associated with golf courses)

Comparison of permissibility of 'recreation facilities (outdoor)' in the RU2 Rural Landscape with other Hunter area local environmental plans shows that permitting 'recreation facilities (outdoor)' is consistent with a number of other local environmental plans.

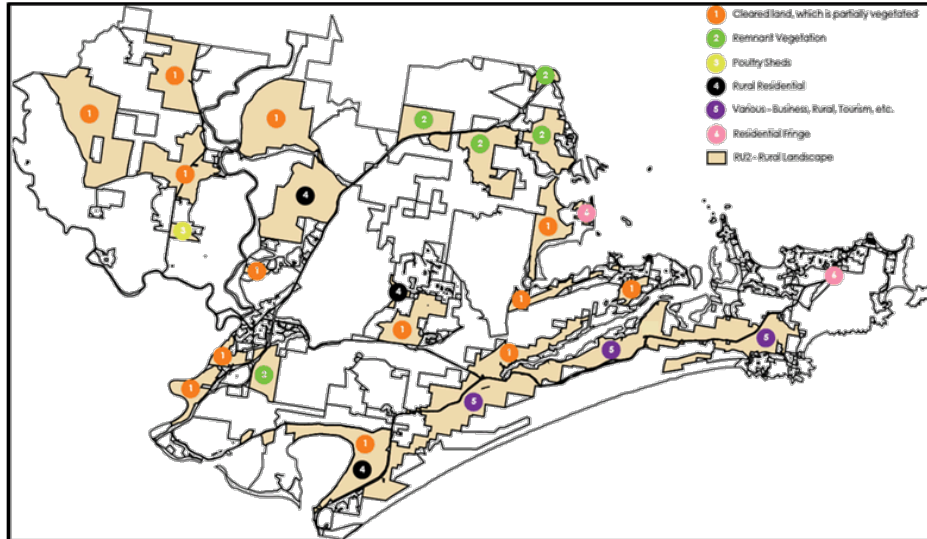
Development Type	Port Stephens	Cessnock	Great Lakes	Lake Macquarie	Maitland	Singleton
Recreation facilities (outdoor)	Prohibited	Permitted with consent	Permitted with consent	Permitted with consent	Permitted with consent	Permitted with consent

Under the previous LEP 2000 a 'recreation facility (outdoor)' was not prohibited in the 1(a) Rural Agriculture "A" Zone. The first illustration below illustrates some of the more sensitive locations zoned RU2 Rural Landscape throughout the Hunter and in which recreation facilities (outdoor) are currently permitted with consent.



ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

The image below identifies the dominant types of land-use that currently exist in the RU2 Rural Landscape Zone. From this, it can be seen to be rather diverse.



ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

Implementing this Item will be achieved by amending the applicable Land Zoning Map (and any associated corresponding Lot Size Map and Height of Building map) for each identified site to reflect the existing dominant zone.

A detailed map will be prepared that indicates the general areas where various minor split zone map alignments, resulting from recent subdivision and cadastral map shifts, will be further investigated.

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

Implementing this Item will be achieved by making corrections to Schedule 1 *Environmental heritage* shown highlighted in the relevant attachment.

The planning proposal seeks to correct errors in the numbering, address descriptions and mapping of for various heritage items as listed in Schedule 1 Environmental heritage of LEP 2013 including the relevant accompanying LEP 2013 heritage mapping.

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

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

The proposal is not the product of any strategic study or report. It is the result of matters that have been raised since the commencement of LEP 2013.

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

Undertaking a 'housekeeping' amendment to LEP 2013 is the best means to achieve the objective of addressing the range of administrative matters raised since the introduction of LEP 2013.

The part of the proposal to add additional permitted uses in certain zones may potentially be better addressed through separate and more detailed analysis and justification, such as including 'storage premises' in the IN1 General Industrial Zone and 'recreation facilities (outdoor)' in the RU2 Rural Landscape Zone. Alternatively, they can proceed to be considered with further justification (if required).

SECTION B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The objectives and actions of the Hunter Regional Plan have limited application to this planning proposal because it seeks to address administrative matters. The merits of including some additional uses as permissible with consent, against the objectives and actions of the Hunter Regional Plan, are addressed previously in this planning proposal.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The proposal is consistent with the strategic direction that is provided by the Port Stephens Council, 2013, 'Integrated Plans to provide strategic land use planning services.

5. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

State Environmental Planning Policies (SEPPs) have limited relevance to the items in the planning proposal. The potential exception is Item 11 - Within the RU2 Rural Landscape Zone – adding 'recreation facilities (outdoor)' as permissible with consent, because some certain types of outdoor recreation activities may have the potential to affect the environment and rural planning principles. The relevant of Item 11 to applicable SEPPs is set out below.

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

SEPP 14 Coastal Wetlands

This SEPP will apply in the event that a development application for a 'recreation facility (outdoor)' is proposed on land that contains a coastal wetland referred to by the SEPP. Any potential inconsistency with this direction is able to be considered at the development application stage (if it applies).

Any inconsistency of Item 9 with this direction is of minor significance.

SEPP 44 Koala Habitat Protection

This SEPP applies through the application of the Port Stephens Comprehensive Koala Plan of Management (CKPOM) in the Port Stephens LGA. The SEPP will apply in the event that a 'recreation facility (outdoor)' is proposed on land that may comprise koala habitat. The degree of potential impact would depend on the site of a proposed outdoor recreation development or use, and the characteristics of the land upon which they are proposed. In this circumstance, a development application will need to address the performance criteria for development applications set down in Appendix 4 of the CKPOM.

Any inconsistency of Item 9 with this direction is of minor significance.

SEPP 71 Coastal Protection

This SEPP will apply in the event that a 'recreation facility (outdoor)' is proposed on land within the Coastal Zone. The degree of potential impact would depend on the site of a proposed outdoor recreation development or use, and the characteristics of the land upon which they are proposed. Under this circumstance, any potential any potential inconsistency of Item 11 with this direction is to be considered at the development application stage (if it applies).

Any inconsistency of Item 9 with this direction is of minor significance.

State Environmental Planning Policy (Rural Lands 2008)

This SEPP is relevant because certain types of outdoor recreation developments and uses have the potential to conflict with rural planning principles (under section 117 of the Act, the Minister has directed that councils exercise their functions relating to local environmental plans in accordance with the Rural Planning Principles). The consistency of Item 11 with the rural planning principles is discussed in the following part of this planning proposal regarding consistency with 117 Directions.

The consistency of Item 9 with the Rural Planning Principles is addressed in the response to section 117 Direction 1.5 Rural Lands

6. Is the planning proposal consistent with the applicable Ministerial Directions?

Direction 1.1 Business and Industrial Zones
<p>Objectives</p> <p>The objectives of this direction are to a) encourage employment growth in suitable locations b) protect employment land in business and industrial zones and c) support the viability of identified centres.</p> <p>When the direction applies</p> <p>The direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>What a relevant planning authority must do if this direction applies</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> a) Give effect to the objectives of this direction b) Retain the areas and locations of existing business and industrial zones c) Not reduce the total potential floor space area for employment uses d) Not reduce the total potential floor space area for industrial uses in industrial zones, and e) Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment. <p>Consistency</p> <p>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> • justified by a strategy which: <ul style="list-style-type: none"> ○ gives consideration to the objectives of this direction, ○ identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and ○ is approved by the Director-General of the Department of Planning, or • justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or • in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or • is of minor significance. <p>Assessment</p> <p>This direction applies to Item 7 Within the IN1 General Industrial zone – adding 'storage premises' as permissible with consent.</p>

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Item 8 meets this direction because it will: encourage employment growth within existing zoned industrial land at Tomago and Heatherbrae (objective 'a' of the direction); protects and retains employment land in business and industrial zones (objective 'b' of the direction); and continues to support the viability of identified strategic centres including nearby Raymond Terrace. Proceeding with Item 9 also a) gives effect to the objectives of this direction; b) retains existing business and industrial zones; c) would have negligible effect on the total potential floor space area for employment uses; d) is unlikely to have any noticeable effect on the total potential floor space area for industrial uses in industrial zones; and e) is not proposing any new employment area.

This direction has limited real application to Item 8 Within the IN2 Light Industrial zone – adding 'mortuaries' and 'recreation facilities (indoor) as permissible with consent. Adding 'mortuaries' within the IN2 Light Industrial zone is intended to complement the already permitted and closely related land use of 'crematoriums'. The objectives and provisions of this direction are not affected and any effect negligible. Adding 'recreation facilities (indoor) - including the range of specific uses within its definition - has positive employment benefits. Indoor recreation facilities are often suitable to be located within IN2 Light Industrial areas subject to gaining development consent and require space and building form that is often very suitable to an industrial-type building/space. On a relatively regular basis, Council receives enquiries to establish indoor recreation facilities within the IN2 Light Industrial zone. The use was also permitted within the previous equivalent Zone No 4 (a)—Industrial General "A" Zone under LEP 2000. Earlier comparison in the planning proposal shows that this use is permitted in the IN2 Light Industrial zone by a number of other Hunter Council LEPs.

Any inconsistency of the planning proposal with this direction is of minor significance.

Direction 1.2 Rural Zones

Objective

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

What a relevant planning authority must do if this direction applies

A planning proposal must a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone and b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
 - gives consideration to the objectives of this direction,
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- is of minor significance.

Assessment

Item 9 Within the RU2 Rural Landscape zone – adding 'recreation facilities (outdoor)' is the relevant item to consider in relation to this direction. However, it does not seek to rezone any rural land; it only seeks to add an additional permitted use Requirement 'a' of this direction is not relevant.

Requirement 'b' of this direction is of limited relevance. The planning proposal only seeks to make 'recreation facilities (outdoor)' permissible with development consent.

Any inconsistency of the planning proposal with this direction is of minor significance.

Direction 1.5 Rural Lands

Objective

The objectives of this direction are to a) protect the agricultural production value of rural land b) facilitate the orderly and economic development of rural lands for rural and related purposes.

When this direction applies

This direction applies when:

a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environment protection zone boundary) (note: this clause does apply to the planning proposal) or

b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone (note: this clause does not apply to the planning proposal).

What a relevant planning authority must do if this direction applies

A planning proposal to which clauses 2(a) or 3(b) apply must be consistent with the rural planning principles listed in State Environmental Planning Policy (Rural Lands) 2008.

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
 - gives consideration to the objectives of this direction,
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- is of minor significance.

Assessment

This direction is relevant to Item 9 Within the RU2 Rural Landscape zone – adding 'recreation facilities (outdoor) of the planning proposal. The rural planning principles in State Environmental Planning Policy (Rural Lands) 2008 are:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

Permitting outdoor recreation facilities in the RU2 Rural Landscape Zone could be assessed as inconsistent with the principles because it may affect the promotion and protection of current and potential productive and sustainable economic activities; some types of outdoor recreation land uses may conflict with agricultural production including surrounding on lands. Alternatively, there will be sites where agricultural

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

production is limited, or a type of outdoor recreation use has no effect and is an appropriate use of the land.

Impacts can also vary between the types of use proposed within the broad definition of 'recreation facility (outdoor)' and any development is also required to consider the objectives of the RU2 Rural Landscape Zone being:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

The RU2 Rural Landscape zone serves a range of functions that are not limited to agricultural production, including rural living, a range of existing approved tourist/outdoor recreation-type land uses, and scenic and environmental functions. Some outdoor recreation facilities may have the potential to impact negatively on existing rural lifestyle (for example by additional noise and traffic impacts). However, the extent and types of impacts would vary depending on site location and the type of land use proposed and could be managed through the development application process, suitable development controls and site selection.

There are also potential economic benefits of permitting 'recreation facilities (outdoor)' in the RU2 Rural Landscape Zone. This aligns with the potential benefits to the tourism industry in Port Stephens and the related Goals, Directions and Actions of the Hunter Regional Plan.

Any potential inconsistency of Item 9 of the planning proposal with this direction is of minor significance or is adequately justified by its consistency with the related Goals, Directions and Actions of the Hunter Regional Plan.

Direction 2.1 Environment Protection Zones

Objective

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

Consistency

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
 - gives consideration to the objectives of this direction,
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- is of minor significance.

Assessment

Item 10 - Reviewing and addressing various minor split zone map alignments resulting from recent subdivisions and cadastral map shifts is relevant to this direction. In some locations, the planning proposal seeks to remove the very minor component zoned E2 Environmental Conservation or E4 Environmental Living resulting from recent subdivision and cadastral shifts in the transfer to LEP 2013. There are no practical environmental benefits to retaining the split-zones in each circumstance. The other matters addressed by the planning proposal are not relevant to this direction.

Item 9 Within the RU2 Rural Landscape zone – adding 'recreation facilities (outdoor) is not relevant to this direction because it does not affect land within an environment protection zone or seek to modify any environmental standards.

Any inconsistency of planning proposal Item 10 with this direction is of minor significance. Other matters addressed by the planning proposal are not relevant to this direction.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

A planning proposal must contain provisions that facilitate the conservation of:

- items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

of the item, area, object or place, identified in a study of the environmental heritage of the area,

- Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- the provisions of the planning proposal that are inconsistent are of minor significance.

Assessment

This direction is relevant to the planning proposal because seeks to correct errors in the numbering, address descriptions and mapping of various heritage items. Correcting these errors facilitates the conservation of heritage items through better administration of the LEP. The proposed amendments are outlined in the relevant table and the heritage mapping included with this planning proposal. It is also proposed to consult with the NSW Office of Environment and Heritage.

The planning proposal is consistent with this direction.

Direction 3.4 Integrating Land Use and Transport

Objectives

The objective of this direction is to ensure that development achieves the following objectives: improving access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and reduce dependence on cars; reducing travel demand including the number of trips generated by the development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services; and providing for the efficient movement of freight.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a relevant planning authority must do if this direction applies

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
 - gives consideration to the objective of this direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

Assessment

This direction applies to a limited extent because the planning proposal seeks to alter land use tables in the IN1 General Industrial Zone, IN2 Light Industrial Zone and the RU2 Rural Landscape Zone. There would be negligible if any impact on the objectives of this direction for the integration of land use and transport.

Any inconsistency of the planning proposal with this direction is of minor significance.

Direction 3.5 Development Near Licensed Aerodromes

Objectives

The objectives of this direction are: to ensure the effective and safe operation of aerodromes; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development for residential purposes of human occupation, if situated within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

What a relevant planning authority must do if this direction applies

In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:

- consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
- take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,

for land affected by the OLS:

- prepare appropriate development standards, such as height, and
- allow as permissible with consent development types that are compatible with the operation of an aerodrome
- obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.

A planning proposal must not relevantly rezone land for commercial or industrial purposes where the ANEF is above 30 and must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
 - gives consideration to the objectives of this direction, and
 - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

Assessment

This direction applies because of the following planning proposal items:

Item 1 Updating the zoning of certain land from RU2 Rural Landscape to SP2 Defence to reflect its purchase by the Commonwealth Department of Defence. The planning proposal will be referred to the Department of Defence to ensure that the

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

relevant land notified to Council by Defence is current.

Item 4 Updating the zoning label of 57 Slades Road Williamstown from SP2 Defence to SP2 Defence (Air Transport Facility) to reflect its commercial airport lease conditions. The planning proposal will be referred to the Department of Defence (as landowner) to seek endorsement to this proposed change in zoning label.

Consistency of the planning proposal with this direction is subject to consultation with the Department of Defence.

Direction 4.1 Acid Sulfate Soils

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

What a relevant planning authority must do if this direction applies

The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- of minor significance.

Assessment

This direction is relevant to Item 9 Within the RU2 Rural Landscape zone – adding recreation facilities (outdoor) as permissible with consent. The direction applies because the planning proposal will permit a land use on land that may, in some instances, be subject to land that has a probability of acid sulphate soils being present.

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Some types of 'recreation facility (outdoor)' may be proposed on land that has risk of acid sulphate soils. Potential for impacts or risk would vary from site to site and the type of activity proposed. Any risk to acid sulphate soils by future development proposals for 'recreation facilities (outdoor)' is able to be adequately managed and assessed at the development application by the existing planning controls that apply in clause 7.1 Acid sulphate soils of LEP 2013.

Any inconsistency of the planning proposal with this direction is of minor significance.

Direction 4.3 Flood Prone Land

This direction is relevant to Item 11 Within the RU2 Rural Landscape zone – adding recreation facilities (outdoor)' as permissible with consent. The direction applies because the planning proposal will permit a land use on land that may, in some instances, be prone to flooding. This matter is adequately addressed by other existing development assessment controls related to flood prone land including clause 7.3 flood planning of LEP 2013 and controls within the Port Stephens Development Control Plan 2014. Risk related to flooding is able to be assessed at the development application stage and will vary from site to site and depend on the type of outdoor recreation facility/activity proposed.

Any inconsistency of the planning proposal with this direction is of minor significance.

Direction 4.4 Planning for Bushfire Protection

Objectives

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

What a relevant planning authority must do if this direction applies

In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

A planning proposal must:

- have regard to *Planning for Bushfire Protection 2006*,
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the APZ.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

- provide an Asset Protection Zone (APZ) incorporating at a minimum:
- an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
- an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the *Rural Fires Act 1997* (NSW) the APZ provisions must be complied with,
- contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- contain provisions for adequate water supply for firefighting purposes,
- minimise the perimeter of the area of land interfacing the hazard which may be developed,
- introduce controls on the placement of combustible materials in the Inner Protection Area.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

Assessment

This direction is relevant to Item 9 Within the RU2 Rural Landscape zone – adding recreation facilities (outdoor) as permissible with consent. The direction applies because the planning proposal will permit a land use on land that may, in some instances, be prone to bushfire.

Future development proposals for 'recreation facilities (outdoor)' in the RU2 Rural Landscape zone and on bushfire prone land will be subject to existing development assessment controls such as *Planning for Bushfire Protection 2006*.

The planning proposal is consistent with this direction. The planning proposal will also be referred to the NSW Rural Fire Service for comment.

Direction 5.10 Implementation of Regional Plans

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

When this direction applies

This direction applies when a relevant planning authority prepares a planning

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

proposal.

What a relevant planning authority must do if this direction applies

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Regional Plan: (a) is of minor significance and (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.

Assessment

This direction has limited application to the planning proposal because the proposed amendments to LEP 2013 are administrative.

The proposed additional land uses 'storage premises' in IN1 General Industrial', 'recreation facilities (indoor)' in the IN2 Light Industrial zone. It could be stated that adding these land uses in the respective zones will assist in growing the local economy. This is consistent with Goal 1 *The leading regional economy in Australia* and the related Direction 6 *Grow the economy of Port Stephens* and Direction 8 *Promote innovative small business and growth in the service sector*.

Adding '(recreation facilities (outdoor))' in the RU2 Rural Landscape zone has the potential to make a significant contribution to tourism potential. This is consistent with Goal 1 *The leading regional economy in Australia* and the related Direction 6 – *Grow the economy of Port Stephens* and Direction 9 *Grow tourism in the region*.

These items in the planning proposal will assist to achieve the overall intent of the regional strategy and do not undermine the achievement of its vision, land use strategy, goals directions or actions.

Any potential inconsistency of Item 9 of the planning proposal with this direction is of minor significance or is adequately justified by its consistency with the related Goals, Directions and Actions of the Hunter Regional Plan.

Direction 6.2 Reserving Land for Public Purposes

The objectives of this direction are: a) to facilitate the provision of public services and facilities by reserving land for public purposes and b) to facilitate removal of reservations of land for public purposes where the land is no longer required for acquisition.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General).

When a Minister or public authority requests a relevant public authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:

1. reserve the land in accordance with the request and
2. include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of planning (or an officer of the Department nominated by the Director-General) and
3. identify the relevant acquiring authority for the land.

When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:

4. include the requested provisions, or
5. take such other action as advised by the Director-general of the Department of planning (or an officer nominated by the Director-General) with respect to the use of the land before it is acquired.

When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

with respect to a requested referred to in the last paragraph above, that further information is required before appropriate planning controls for the land can be determined, or

the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.

Assessment

This direction applies to the following items in the planning proposal:

1. Updating the zoning of the following land from RU2 Rural Landscape to SP2 Defence to reflect its purchase by the Commonwealth Department of Defence:
 - a. 2117 Nelson Bay Road, Williamtown
 - b. 2119 Nelson Bay Road, Williamtown
 - c. 11A Lavis Lane, Williamtown
 - d. 14 Lavis Lane, Williamtown
 - e. 40 Lavis Lane, Williamtown
2. Updating the zoning of 601 Cabbage Tree Road Williamtown from RU2 Rural Landscape to E1 National Park and Nature Reserve to reflect its purchase by the Minister Administering the National Parks and Wildlife Act 1974 (NSW) for addition to the Hunter Wetlands National Park.

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

3. Updating zone map alignments along various stretches of Nelson Bay Road, Tomago Road and the Pacific Highway (including the proposed Heatherbrae Bypass) to reflect the completion of upgrades or associated or intended purchase of land by the RMS.
6. Updating the zoning of certain land at 1 Tuncurry Close, Nelson Bay, from R2 Low Density Residential to RE1 Public Recreation to reflect its existing ownership, dedication and use as public open space.

Consistency of the planning proposal will be confirmed by referral to the relevant public authorities including the Commonwealth Department of Defence; NSW Office of Environment and Heritage; RMS and Department of Lands.

Consistency with this direction is subject to consultation with the relevant public authorities.

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

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

Future development under Item 9 - Within the RU2 Rural Landscape Zone – add 'recreation facilities (outdoor) will be required address the relevant legislation and regulation in relation to threatened species, populations or ecological communities or their habitats where applicable.

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

There are no readily identifiable environmental effects as a result of the range of proposed amendment items put forward in the planning proposal. The only potential exception is Item 9 - Within the RU2 Rural Landscape zone – add recreation facilities (outdoor)' as permissible with consent. Potential for impacts would vary from site to site and depend on the type of activity outdoor proposed. Any effects would be addressed at the development application stage.

9. Has the planning proposal adequately addressed any social and economic effects?

The social effects of the planning proposal are limited because the proposed amendments are administrative.

There are likely to be positive economic effects from the introduction of some uses as permissible with development consent:

- Within the IN1 General Industrial zone – storage premises.
- Within the IN2 Light Industrial zone – recreation facilities (indoor).
- Within the RU2 Rural Landscape zone – recreation facilities (outdoor).

SECTION D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The adequacy of public infrastructure to support any additional development that may result from the planning proposal can be addressed at the development application (e.g. for a 'recreation facility (outdoor)).

11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

It is suggested that the following public authorities be consulted prior public exhibition period:

- NSW Rural Fire Service
- Commonwealth Department of Defence

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

- NSW Office of Environment and Heritage – National Parks & Wildlife
- Hunter Water Corporation
- NSW Department of Lands – Crown Lands
- NSW Department of Primary Industries (Agriculture)
- NSW Roads & Maritime Services

PART 4 - MAPPING

Maps showing the general location of items are provided throughout the report. A more detailed map within practicality that identifies matters, such as mapping misalignments will accompany the planning proposal that is provided to the Department. Detailed mapping relating to specific sites will be prepared for exhibition purposes. Heritage mapping is at **(ATTACHMENT 1)**.

PART 5 – DETAILS OF COMMUNITY CONSULTATION

It is proposed to place the planning proposal on public exhibition for a minimum period of 28 days.

PART 6 – PROJECT TIMELINE

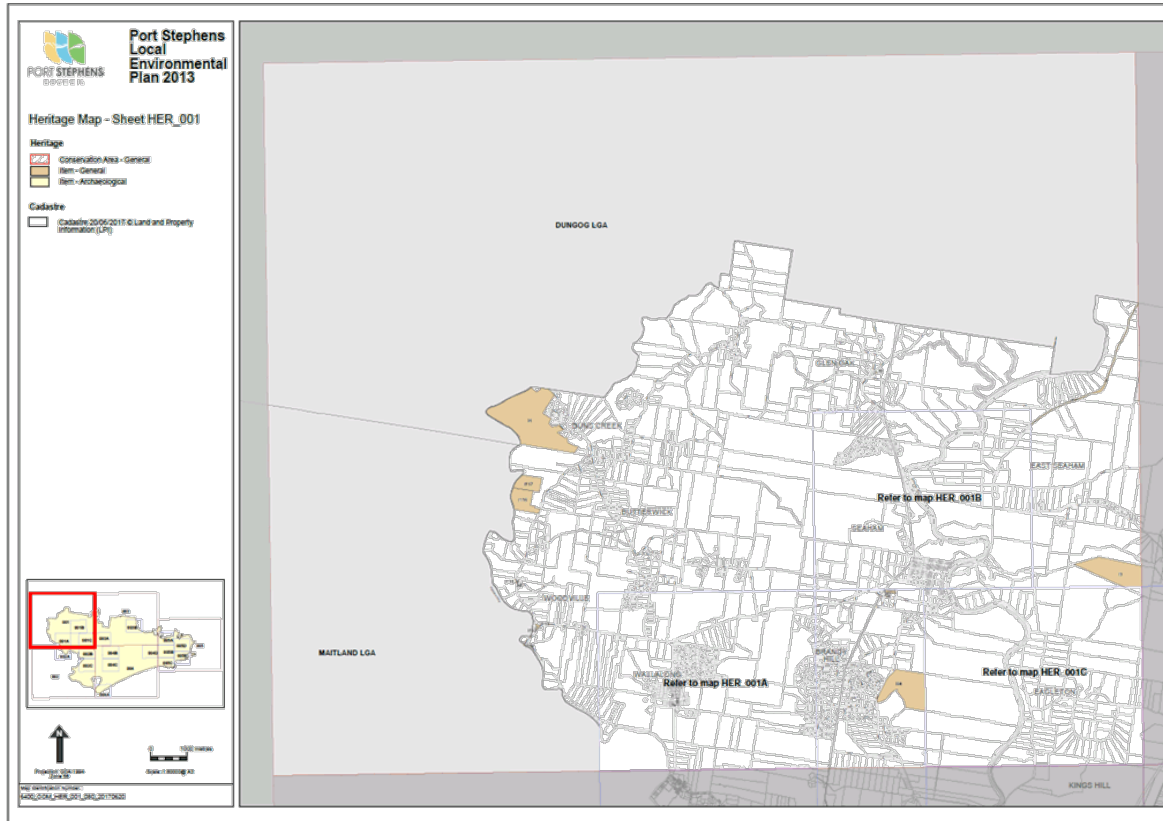
The proposed indicative timeline is outlined by **TABLE 3 – Indicative Timeframe for Planning Proposal**.

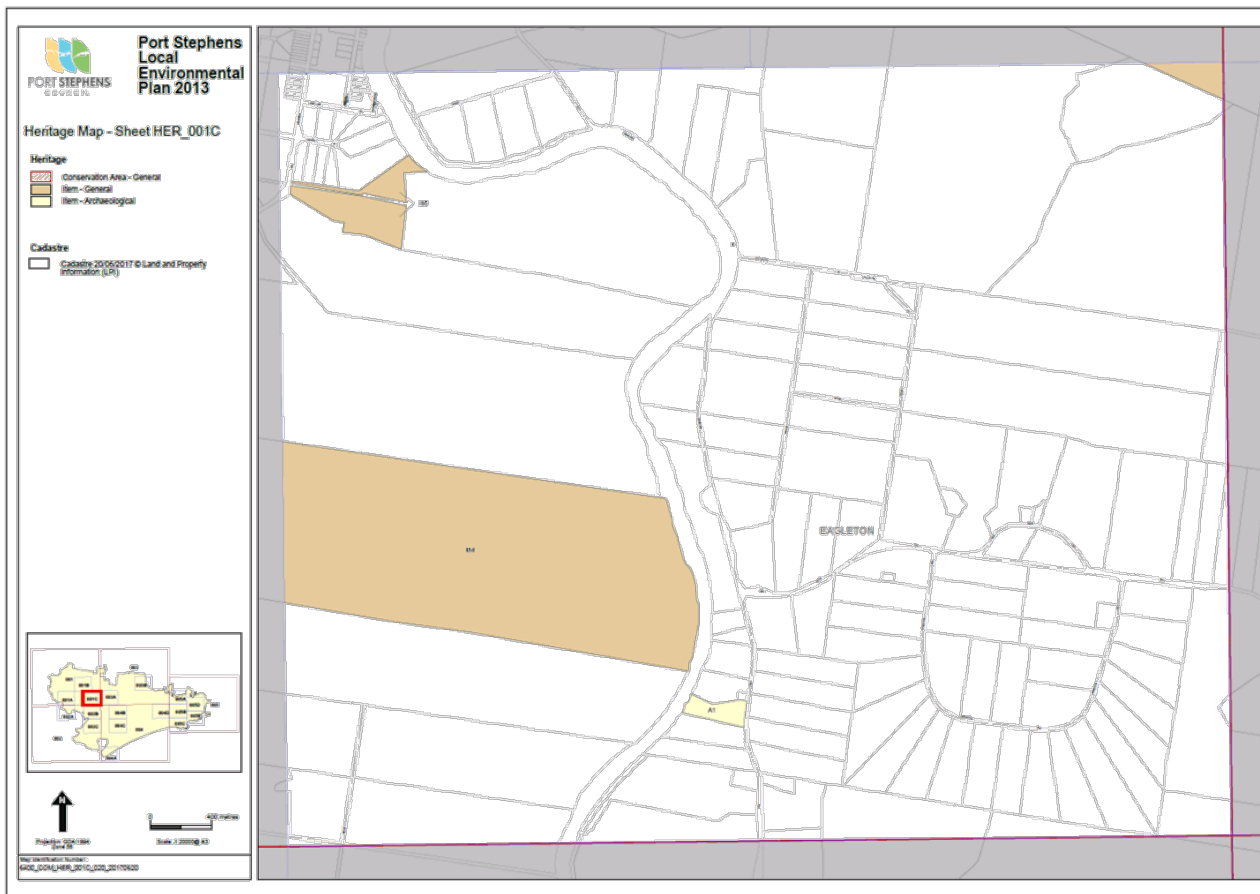
ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

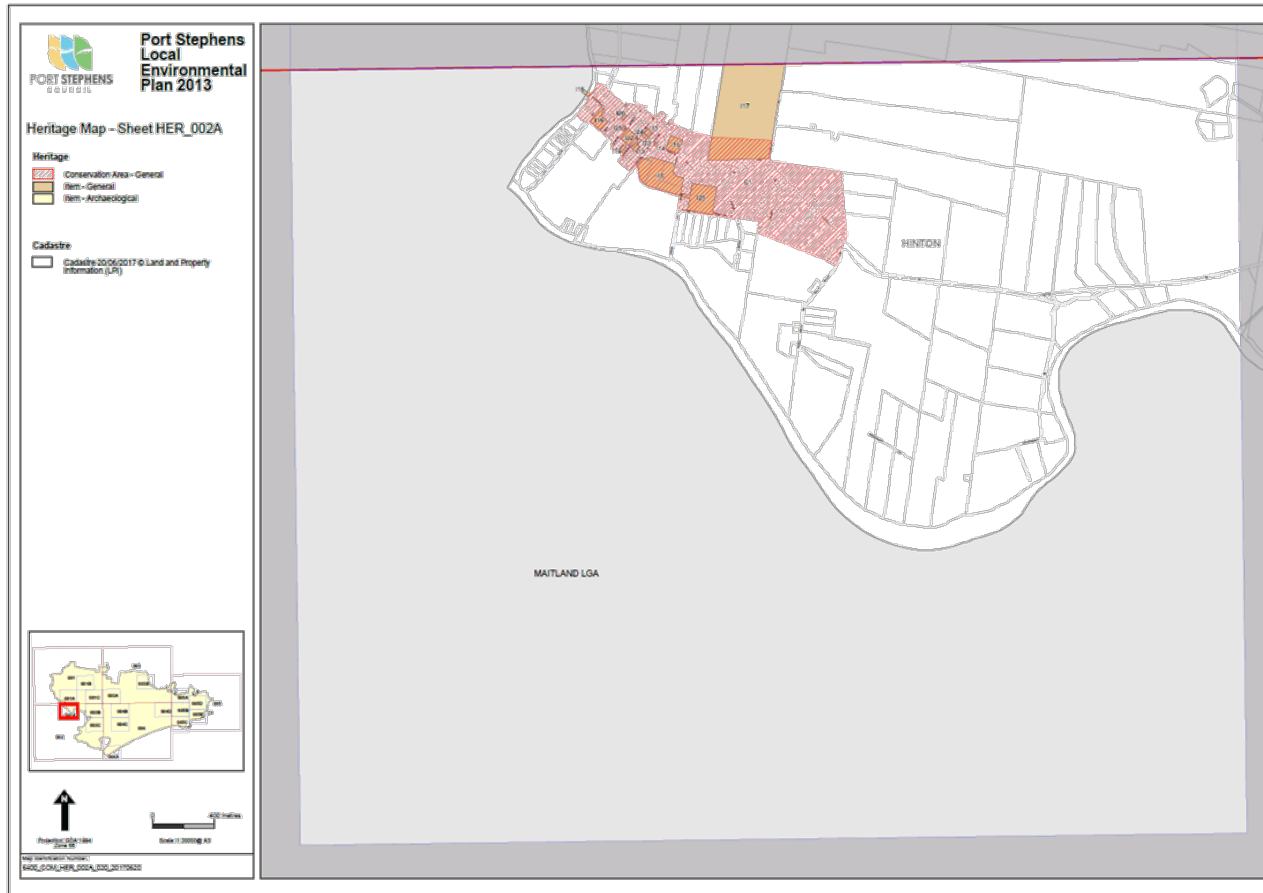
TABLE 3 - Indicative Timeframe for Planning Proposal

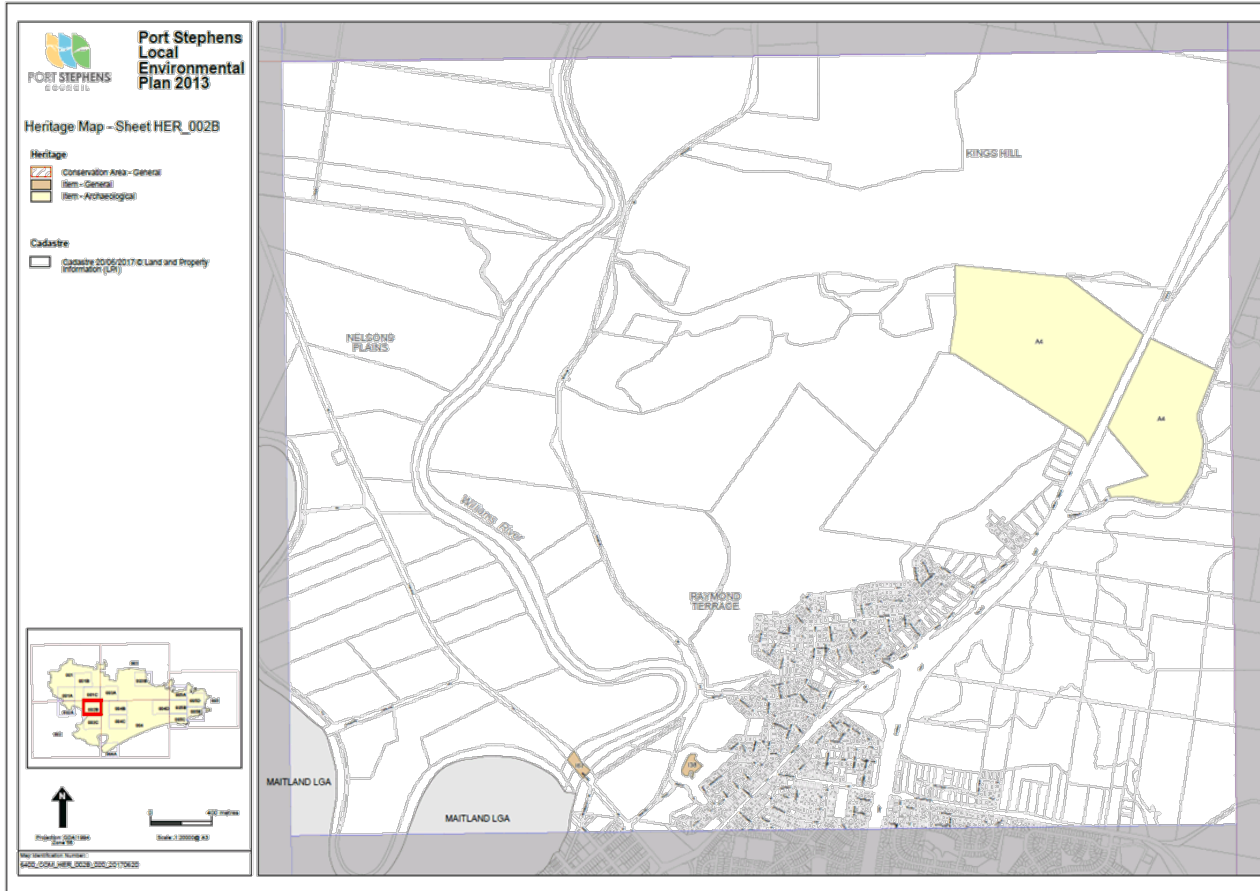
	Aug 2017	Sept 2017	Oct 2017	Nov 2017	Dec 2017	Jan 2018	Feb 2018	Marc 2018	April 2018	May 2018	June 2018	July 2018
<i>Anticipated commencement date (date of Gateway determination)</i>												
<i>Anticipated timeframe for completion of technical information</i>												
<i>Timeframe for government agency consultation</i>												
<i>Commencement and completion dates for public exhibition</i>												
<i>Timeframe for consideration of submissions</i>												
<i>Timeframe for the consideration of a proposal post-exhibition</i>												
<i>Date of submission to the Department to finalise the LEP</i>												
<i>Anticipated date RPA will make the plan (if delegated)</i>												
<i>Anticipated date RPA will forward to the Department for notification</i>												

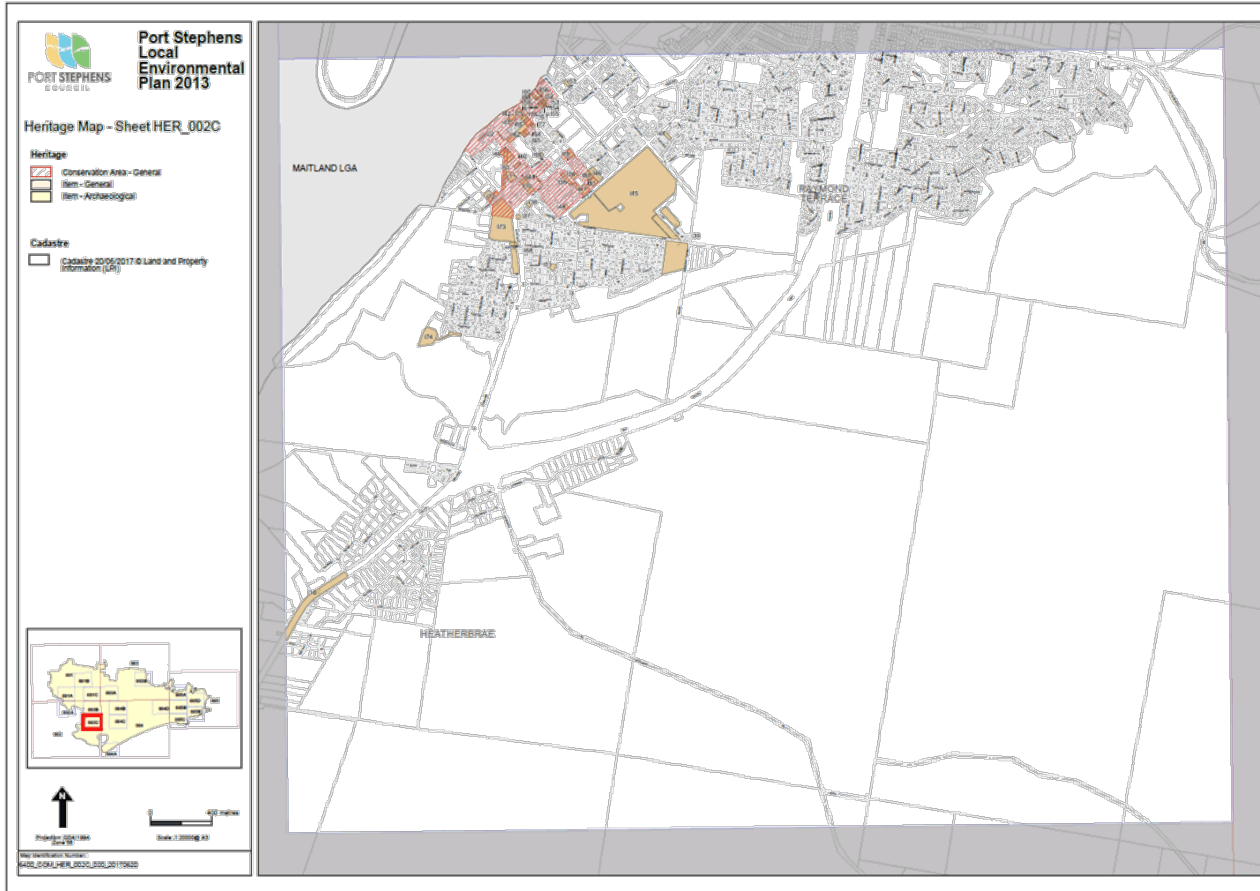
ATTACHMENT 1 – DRAFT REVISED HERITAGE MAPPING

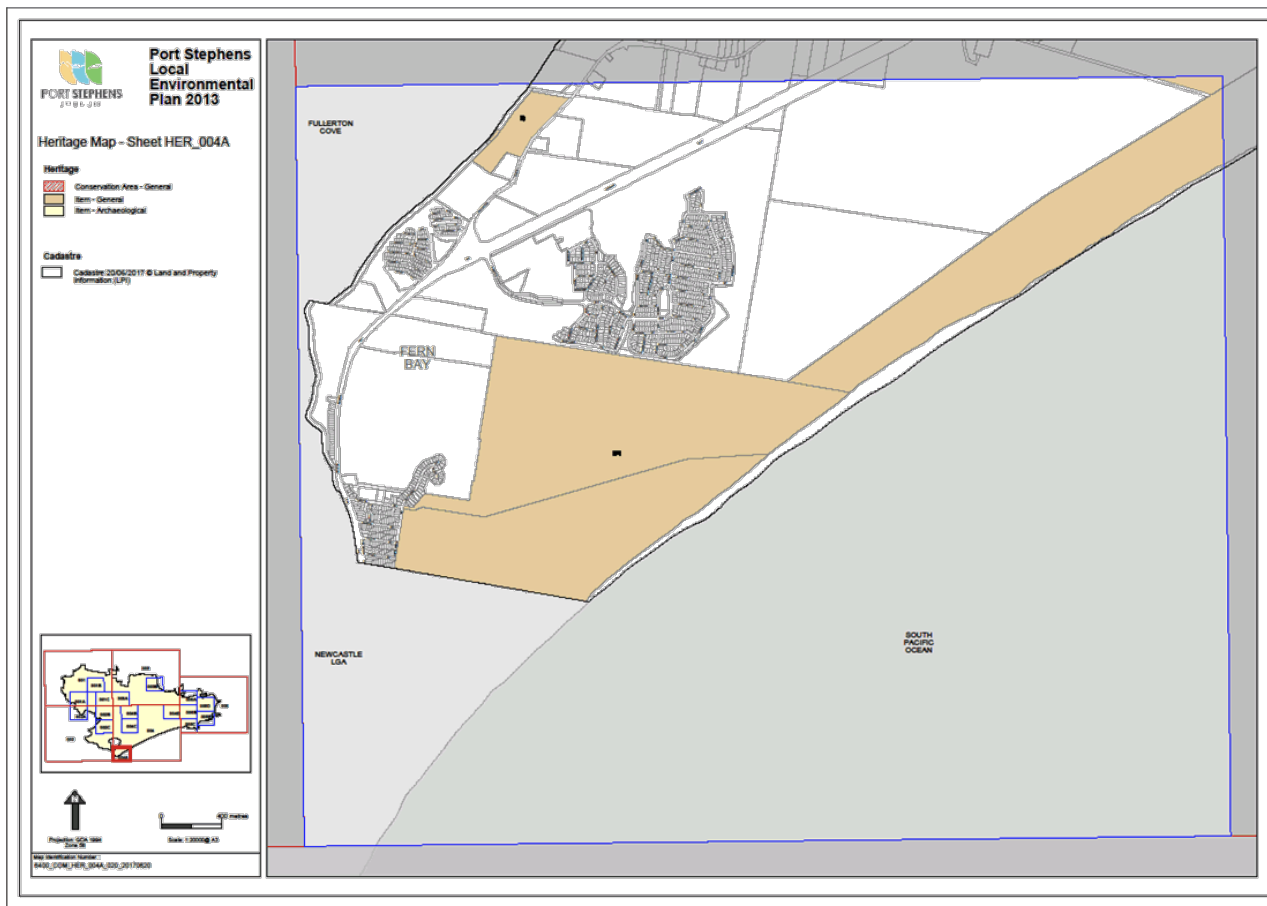


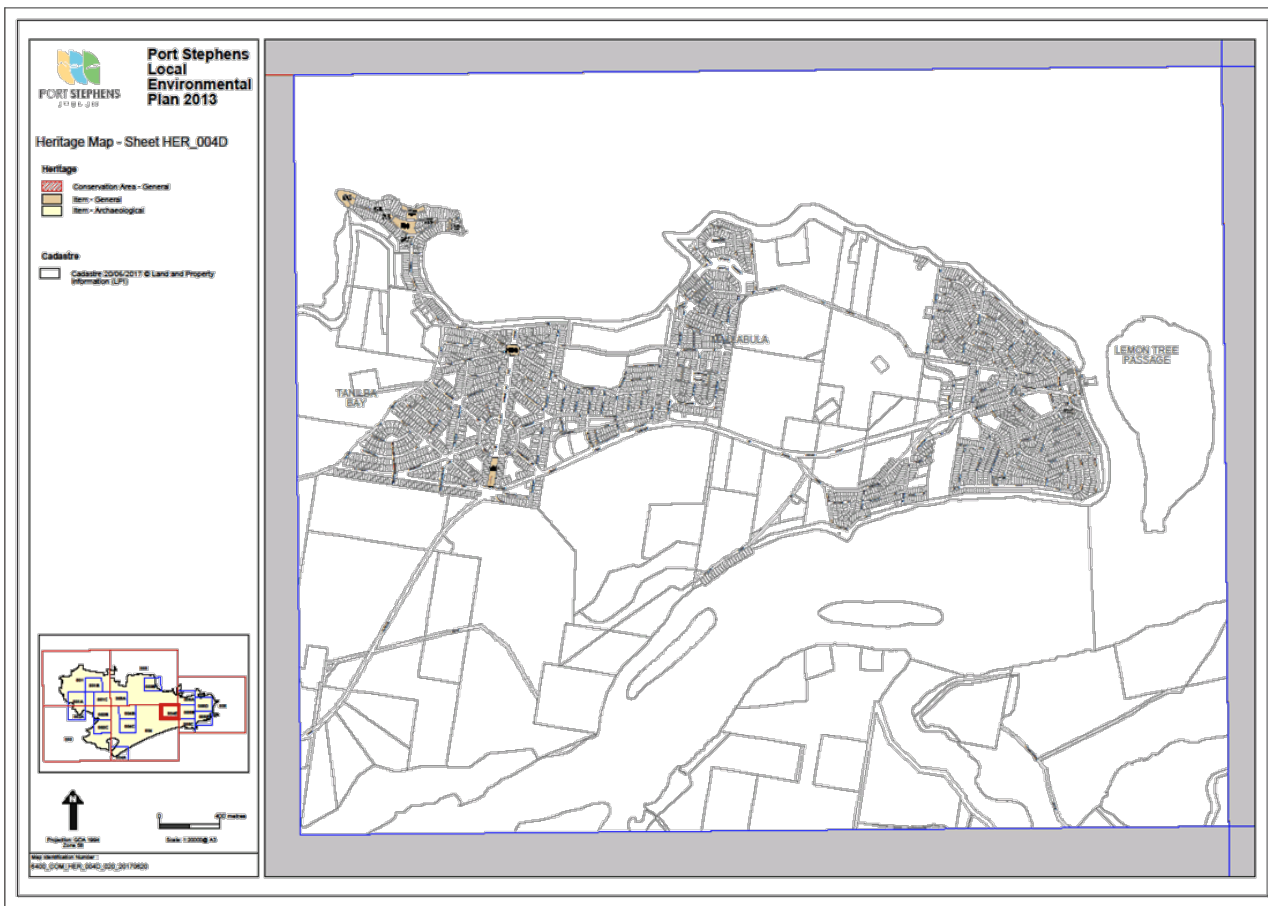


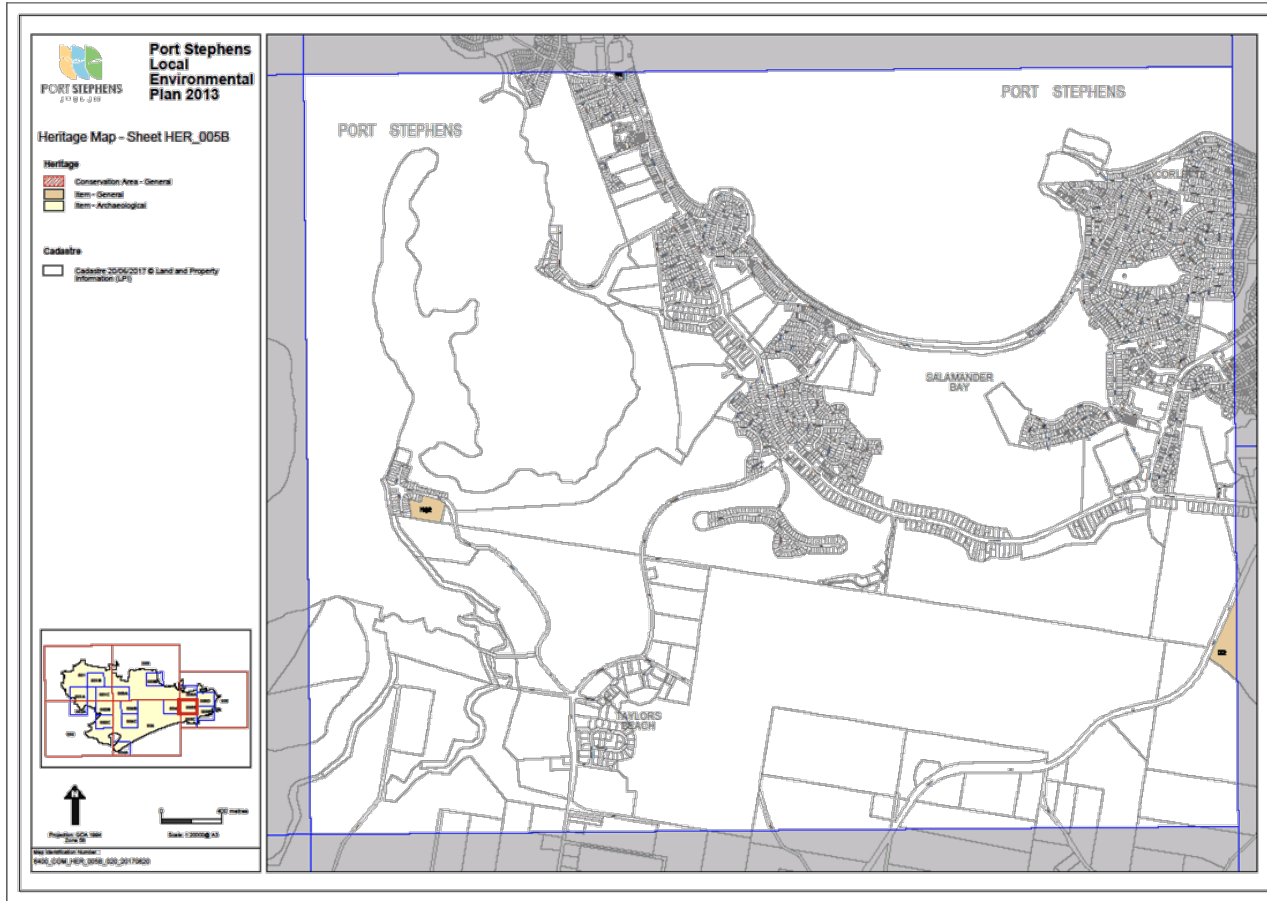


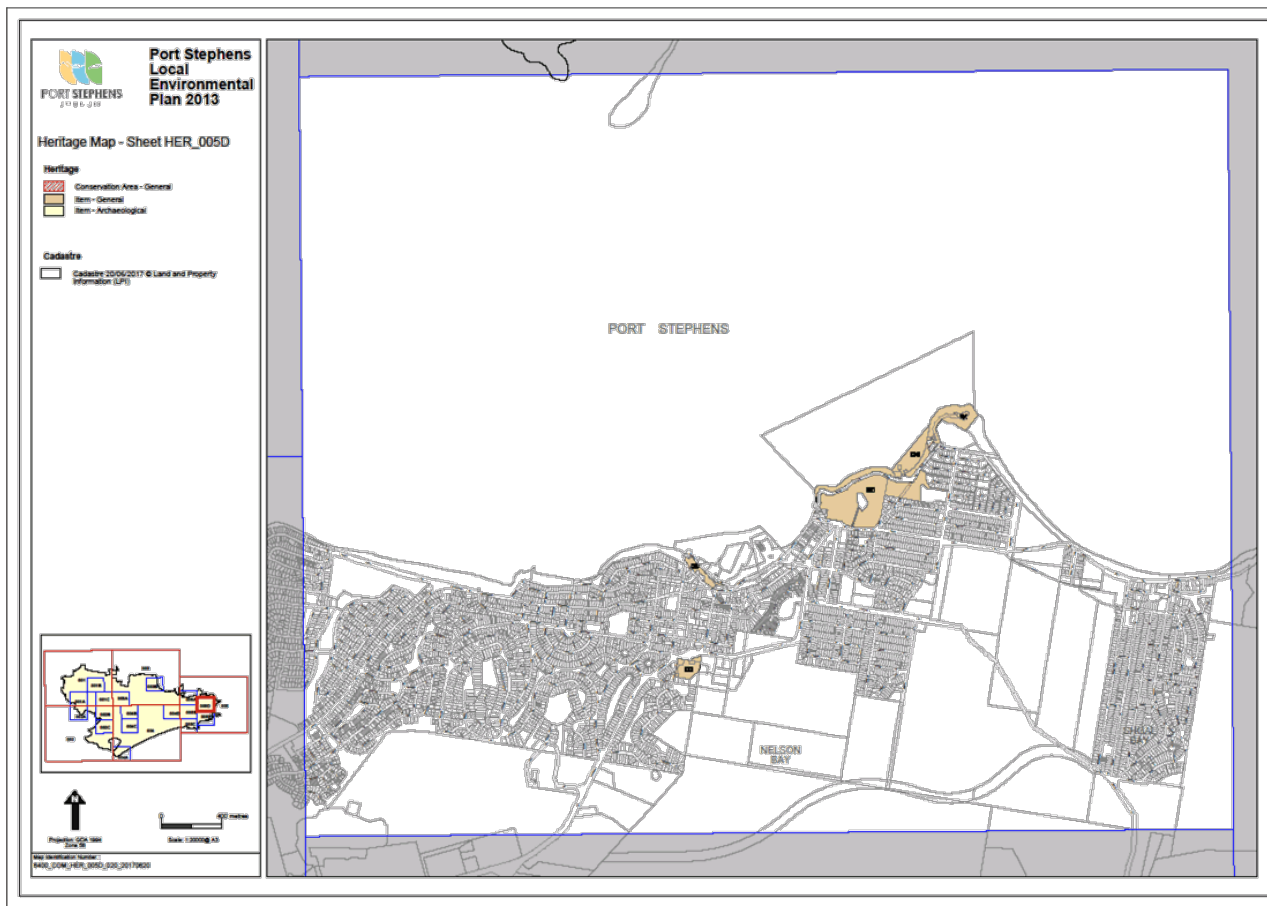












ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

ATTACHMENT 2 – DRAFT REVISED SCHEDULE 5 ENVIRONMENTAL HERITAGE

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Anna Bay	Underground water tank (Footrot Flat)	4408 4480 Nelson Bay Road	Lot 884, DP 737049	Local	11
Anna Bay	Birubi Point Cemetery	31B and 33A Ocean Avenue	DP 753204; Lot 7035, DP 1057295	Local	12
Balickera	"Balickera House"	303 Italia Road	Lot 530, DP 1128672	Local	13
Duns Creek	Duninald House Group—"Old Duninald" and "Duninald", including mature plantings, lagoon and landscape setting	1525 Paterson Road	Part Lot 501, DP 1063596	Local	14
East Seaham	Road alignment	East Seaham Road and road reserve		Local	15
East Seaham	Seaham Knitting Circle Memorial	1214 Newline Road	Lot 2, DP 214077	Local	16
Fingal Bay	Point Stephens Lighthouse Group—lighthouse station, tower and remains of lighthouse keeper's cottage	1E Marine Drive	Lot 177, DP 753204	Local State	17
Fullerton Cove	"Stanley Park House"	77 and 77A Fullerton Cove	Lot 2, DP 720679; Lot 108,	Local	18

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

		Road	DP 720695		
Glen Oak	Glen Oak School of Arts, including Memorial gates and war memorial plaque	1998 Clarence Town Road	Lot 227, DP 752497	Local	19
Heatherbrae	Moreton Bay Fig trees (Ficus macrophylla)	2279 Pacific Highway	Road reserve adjacent to Lot 102, DP 807522	Local	110
Hinton	Anglican cemetery	35 Elizabeth Street	Lot 801, DP 881208	Local	111
Hinton	Baptist church	42 and 44 Elizabeth Street	Lots 36 and 38, DP 975910	Local	112
Hinton	Former police station	43 and 45 Elizabeth Street	Lots 55 and 57, DP 975910	Local	113
Hinton	School of Arts, including 2 large white marble war memorial plaques	279 Hinton Road	Lot 31, DP 1104564 1140564	Local	114
Hinton	Hinton Pioneer Cemetery	289 Hinton Road	Lot 7002, DP 1052993	Local	115
Hinton	"Rosemount", including outbuildings, landscape setting and Bunya Pine trees	296 Hinton Road, 33 and 43 Hunter Street and 14 Swan Street	Lots 20-22 and 33, DP 1053120	Local	116
Hinton	"Prospect House", including outbuildings and landscape setting	98 and 108 McClymonts Swamp Road and 335 and 335A Hinton Road	Lots 1-4, DP 1130450	Local	117
Hinton	Hinton Bridge	Paterson Street (Paterson River)		State	118
Hinton	Victoria Hotel	2 Paterson Street	Lot 1, DP 75465 Lot 12, DP 1204972	Local	119

ORDINARY COUNCIL - 25 JULY 2017 - ATTACHMENTS

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Hinton	Timber cottage	13 Paterson Street	Lot 21, DP 770598	Local	120
Hinton	Timber cottage	18 Paterson Street	Lot 14, DP 1127761	Local	121
Hinton	Public school, including main building, shelter sheds and memorial gates	20 Paterson Street	Lot 100, DP 808856	Local	122
Hinton	Georgian cottage	26 Paterson Street	Lot 70, DP 1045778	Local	123
Hinton	Former St John the Evangelist Church	29 Paterson Street	Lot 802, DP 881208	Local	124
Hinton	Grandstand	17 Swan Road (Stuart Park)	Reserve No 10417	Local	125
Karuah	Karuah Town War Memorial	1 and 11 Memorial Drive (Memorial Park/Lion Park)	Lot 7309, DP 1156839; Lot 7009, DP 1050943	Local	126
Karuah	Karuah Cemetery	2A Wattle Street	Lot 1, DP 1131256	Local	127
Lemon Tree Passage	"Johnson's Cottage"	60 Johnson Parade	Lot 1, DP 818801	Local	128
Nelson Bay	Apex Park Group, including cenotaph, well and remains of memorial steps	8 Laman Street and 3 Teramby Street	Part Lot 154, DP 753204; Lot 7145, DP 1063859	Local	129
Nelson Bay	The Native Flora Reserve, including site of former migrant camp, foundations of HMAS Assault, Aboriginal scar tree, burial site, below water items including Higgins landing barges, army jeeps,	1, 3B and 5B Lighthouse Road and 98 Shoal Bay Road	Lot 2, DP 1086708; Lot 101, DP 1175980; Lot 430, DP 41445; Part Lot 4 and Lot 5, DP 727756; Lot 428, DP 39728	Local	130

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

	various munitions and anchor of USS Henry S Grant				
Nelson Bay	Nelson Head Lighthouse Group— Nelson Head Lighthouse, cottages and reserve, including Apex Park and Christmas Bush Avenue oil-burning street lamps	5A Lighthouse Road	Part Lot 427, DP 39728	State-Local Significance	I31
Nelson Bay	Gan Gan Army Camp	4874 Nelson Bay Road	Lot 11, DP 841401	Local	I32
Nelson Bay	Nelson Bay Cemetery	41A, 43, 43A and 43B Stockton Street	Lot 2, DP 1128723; Lot 1, DP 1155736; Lot 7322, DP 1151533; Lot 732, DP 1151233-Lot 7323 DP 1151233	Local	I33
Port Stephens	Stockton Beach Dune System, including Aboriginal site and shell middens, ship wrecks, WWII ramparts, tank traps, proofing range, rifle range and tin huts	35 and 37 Cox's Lane, 27, 30, 32, 40 and 42 Stockton Bight Track and 3006 and 4080A Nelson Bay Road 14 and 20A Popplewell Road, Fern Bay 33, 35, 37 Cox's Lane, Fullerton Cove 27,30,32,34,40,42 Stockton Bight Track, Fullerton	Lots 224–227 and 230, DP 1097995; Lots 216 and 218, DP 1044608; Lot 592, DP 1097992; Lot 7033, DP 1053720 Lots 5 and 4, DP 233358 Lot 226, DP 1097995, Lot 216, DP 1044608, Lot 224, DP	Local	I34 Update mapping to include 14 and 20A Popplewell Road

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

		Cove 3006 Nelson Bay Road, Salt Ash 4080A Nelson Bay Road, Bobs Farm	1097995 Lot 227, Lot 230, Lot 225, DP 1097995, Lot -, DP753193, Lot 218, DP 1044608, Lot 229, DP 1097995 Lot 592, DP 1097992 Lot 7033, DP 1053720		
Raymond Terrace	The Free Presbyterian Church of Eastern Australia	155 Adelaide Street	Lot 2, DP 758871 Lot 2 Section 16 DP 758871	Local	I35 Update reference on LEP map to I35
Raymond Terrace	"Woodlands" (timber cottage)	183 Adelaide Street	Lot 76, DP 621767	Local	I36 Update reference on map to I36
Raymond Terrace	Fig tree (Ficus obliqua)	193 Adelaide Street	Lot 28, DP 753161	Local	I37 Update reference on map to I37
Raymond Terrace	"Roslyn", including house, outbuildings, mature trees and landscape setting	12 Binns Street 10 Binns Street	Lot 4, DP 811055 Lot 1 DP 1217537	Local	I38
Raymond Terrace	Raymond Terrace Cemetery and Pioneer Hill Cemetery	1A and 2 Elizabeth Avenue and 4 Tod Street	Part Lot 20, DP 753161; Lots 7008 and 7009, DP 1051708	Local	I39

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Raymond Terrace	St John's Anglican Church Group—former school and rectory and former parish hall	6 Glenelg Street and 1 Jacaranda Avenue	Lot 5, DP 38912; SP 52685; SP 54546; SP 60246	Local	I40 Update reference on map to I42
Raymond Terrace	Former Ingleburn Private Hospital	12 Glenelg Street	Lot 1, DP 81854	Local	I41 Update reference on map to I43
Raymond Terrace	Sandstone block timber clad house	3 Hunter Street	Lot 1, DP 739811	Local	I42 Update reference on map to I42
Raymond Terrace	"Cadell Cottage" (former doctor's house)	7 Hunter Street	Lot 2, DP 522978	Local	I43 Update reference on map to I43
Raymond Terrace	Timber cottage (former mounted police barracks)	11 Irrawang Street	Lot 6, DP 38088	Local	I44 Update reference on map to I44
Raymond Terrace	"Boomerang Park", including former stone quarry and mature tree planting	17E Irrawang Street	Lot 1, DP 1018979	Local	I45
Raymond Terrace	St Brigid's Catholic Church Group—St Brigid's Convent	52 and 54 Irrawang Street	Lots 13 and 14, Section 15, DP 758871	Local	I46 Update reference on map to I46
Raymond Terrace	St Brigid's Catholic Church Group—St Brigid's Church Hall	58 Irrawang Street	Lot 16, DP 547042	Local	I47 Update reference on map to

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

					I47
Raymond Terrace	"Bailiwick" (cottage)	70 Irrawang Street	Lot 2, DP 346695	Local	I48 Update reference on map to I48
Raymond Terrace	Jacaranda trees (Jacaranda mimosifolia)	Jacaranda Avenue (between Glenelg and Swan Streets)	Road reserve	Local	I50 Update reference on map to I50
Raymond Terrace	Raymond Terrace War Memorial	2A Jacaranda Avenue	Lot 1, DP 1014247	Local	I49 Update reference on map to I49
Raymond Terrace	"Kia-ora", including mulberry tree beside driveway	13 Kia-ora Street	Lot 13, DP 24939	Local	I51 Update reference on map to I51
Raymond Terrace	King Street Group— residence and former hotel	7 King Street	Lot 1, DP 741492	Local	I52 Update reference on map to I52
Raymond Terrace	King Street Group— shop and former boot and shoe emporium	9 King Street	Lot 1, DP 737678	Local	I53 Update reference on map to I53
Raymond Terrace	King Street Group— residence and former hardware store	11 King Street	Lot 1, DP 783549	Local	I54 Update reference on map to I54
Raymond Terrace	King Street Group— shop and former	13 King Street	Lot 5, DP 707022	Local	I55 Update

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

	grocery store				reference on map to I54
Raymond Terrace	King Street Group— hall, former shop and residence	14 King Street	Lot 1, DP 301752	Local	I56 Update reference on map to I56
Raymond Terrace	King Street Group— former Princess Café, including leaded glass highlights over front door and windows	15 King Street	Lot 54, DP 1063888	Local	I57 Update reference on map to I57
Raymond Terrace	Moreton Bay Fig trees (Ficus macrophylla— “The Marriage Trees”)	16 and 18 King Street	Lot 1, DP 79440; Lot 5, DP 1063568 Lot 1, DP 79440; Lot 1, DP 122541	Local	I58 Update reference on LEP map I58
Raymond Terrace	King Street Group— former drapery shop	17 King Street	Lot 14, DP 748967	Local	I59 Update map reference to I59
Raymond Terrace	King Street Group— brick warehouse and former Richardson and Scully store	18 and 18A King Street	Lot 5, DP 1063568; Lot A, DP 960760 Lot 1 DP 1225414	Local	I60 Update map reference to I60
Raymond Terrace	King Street Group— former shop and residence	21 King Street	Lot 10, DP 712299	Local	I61 Update map reference to I61
Raymond Terrace	Canary Island Date Palm (Phoenix canariensis)	Port Stephens Street (Adam Place)	Road reserve	Local	I62 Update map reference

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

					to I62
Raymond Terrace	Timber cottage	34 Port Stephens Street	Lot 4, DP 56219	Local	I63 Update map reference to I63
Raymond Terrace	Former post office	61 Port Stephens Street	Lot 41, DP 776800	Local	I64 Update map reference to I64
Raymond Terrace	Former schoolhouse	63 Port Stephens Street	Lot 3, DP 252996	Local	I65 Update map reference to I65
Raymond Terrace	"Mayo's Building"	72 Port Stephens Street	Part Lot 10, DP 1128722	Local	I66 Update map reference to I65
Raymond Terrace	Fitzgerald Bridge over Hunter River	Seaham Road		Local	I67
Raymond Terrace	Sketchley Cottage and Port Jackson Fig tree (Ficus rubiginosa)	1 Sketchley Street	Part Lot 138, DP 24655; Part Road Reserve 1243 Lot 1 DP 1093118	Local	I68 Update reference on LEP map to I68
Raymond Terrace	"Euripides" (stone cottage)	28 Sturgeon Street	Lot 22, DP 613174	Local	I69 Update reference on LEP map to I69
Raymond Terrace	St John's Anglican Church Group—	45 and 45A Sturgeon Street	Lots 3 and 4, Section 9, DP	Local	I70 Update

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

	church		758871		reference on LEP map to I70
Raymond Terrace	St John's Anglican Church group—rectory and Norfolk Island Pine trees (Araucaria heterophylla)	48 Sturgeon Street	Lot 48, DP 1142622	Local	I71 Update reference on LEP map to I71
Raymond Terrace	"Roeth House"	12 Swan Street	Lot 23, DP 588932	Local	I72 Update reference on LEP map to I72
Raymond Terrace	Raymond Terrace Public School—former school hall, including WWI school honour board	14 and 16 Swan Street	Lot 2, DP 868750; Lot 11, DP 1034823	Local	I73 Update reference on LEP map to I73
Raymond Terrace	"Kinross", including stone shed and landscape setting	68 Wahroonga Street	Lot 721, DP 805426	Local	I74 Update reference on LEP map to I74
Raymond Terrace	Junction Inn	2 William Street	Lot 1, DP 1104303	Local	I75 Update reference on LEP map to I75
Raymond Terrace	Ralston's Building (commercial building)	4 William Street	Lot 1, DP 111303	Local	I76 Update reference on LEP map to I76
Raymond	National Australia	14 William Street	Lot 1, DP	Local	I77

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Terrace	Bank		912155		Update reference on LEP map to I77
Raymond Terrace	Uniting Church, including bell tower and WWI honour board	54 William Street	Lot 190, DP 1132724	Local	I78 Update reference on LEP map to I78
Raymond Terrace	Courthouse	59 William Street	Lot 10, Section 11, DP 758871	Local	I79 Update reference on LEP map to I79
Raymond Terrace	St Brigid's Catholic Church Group—St Brigid's Presbytery	67 William Street	Lot 11, Section 15, DP 758871	Local	I80 Update reference on LEP map to I80
Raymond Terrace	St Brigid's Catholic Church Group—St Brigid's Church	69 William Street	Lot 12, Section 15, DP 758871	Local	I81 Update reference on LEP map to I81
Seaham	Seaham Cemetery	10 Grape Street 8, 10, 10a, 12, 14, 16, 18, 20 Grape Street	Lot 1, Section 36, DP 758899 Lot 1, DP 668288 Lot 7, Section 36, DP 758899 Lot 1, DP 668435 Lot 6, Section 36, DP 758899 Lot 3, Section	Local	I82 Update mapping to include 10A Grape Street.

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

			36, DP 758899 Lot 4, Section 36, DP 758899 Lot 10, Section 36, DP 758899 Lot 9, Section 36, DP 758899		
Seaham	"Tom McLennan's Cottage"	4 Middle Crescent	Lot 1, Section 31, DP 758899	Local	183
Seaham	"Eskdale House"	792 Seaham Road	Lot 100, DP 1064980 Lot 102, DP 1064980	Local	184 Update mapping
Seaham	"Brandon", including house, stables and landscape setting	1106 Seaham Road	Lot 149, DP 1003827	Local	185
Seaham	School of Arts, including memorial pillars and photographic collection of WWI servicemen, timber war memorial honour board, Friendly Society dispensation and Seaham ferry bell	10 Warren Street	Lot 8, DP 758899 Lot 8, Section 10, DP 758899	Local	186
Seaham	Seaham Quarry, including interpretive sign originally installed by Professor Edgeworth David	26 and 26A Warren Street	Lot 10, DP 258195; Lot 95, DP 42639	State	187
Seaham	St Andrew's Church	47-53 Warren Street	Lots 4-7, Section 31, DP 758899	Local	188
Shoal Bay	Fort Tomaree—remains of WWII fortifications,	2 Shoal Bay Road	Lot 454, DP 705463	State	189

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

	including gun base, torpedo bases and torpedo tube jetty				
Shoal Bay	Tomaree Holiday Lodge Precinct	4 Shoal Bay Road	Lot 453, DP 705463	State	190
Soldiers Point	Grave of Cecilia Cromarty	Adjacent to Seaview Crescent, 147A Soldiers Point Road	Lot 321, DP 595752	Local	191
Tanilba Bay	Henry Halloran Group—Mosaic Temple of the Stork	31 Admiralty Avenue	Lot 45, DP 16873	State	192
Tanilba Bay	Henry Halloran Group—Portal to the Peerless	Avenue of the Allies (Foch Forum)	Road reserve	Local	199
Tanilba Bay	Henry Halloran Group—Centenary Gateway Water Arch, including avenue planting of Norfolk Island Pine (<i>Araucaria heterophylla</i>)	Avenue of the Allies (Haig Hexagon)	Road reserve	Local	1100
Tanilba Bay	Henry Halloran Group—Sunset Park, including 2 stone seats, large stone table, stone fireplace and kilns	2B and 2C Caswell Crescent	Lot 1, DP 182666; Lot 7017, DP 1052528	Local	193
Tanilba Bay	Henry Halloran Group—stone wall west of “Tanilba House”	30 Caswell Crescent	Lot 2, DP 548644	Local State	194
Tanilba Bay	Henry Halloran Group—Palm Circle, including Cabbage Tree Palm (<i>Livistona australis</i>)	30A Caswell Crescent	Lot 13, DP 16873	Local	195

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Tanilba Bay	"Tanilba House", including remnants of convict barracks, garden cottage, water tank, stone walls, circular drive, wishing chair, direction finder, olive tree, rustic pergola and wisteria vine and garden setting (including Bunya Pine and fig tree)	32 Caswell Crescent	Lot 1, DP 548644	State	I96
Tanilba Bay	Henry Halloran Group—Meridian Park, including Canary Island Date Palm trees (Phoenix canariensis), remains of circle planting of Cabbage Tree Palm (Livistona australis), stone seat, relocated barbecue and possible site of 3 burials	37A–37C Caswell Crescent	Lot 2, DP 182666; Lot 1, DP 848809; Lot 7018, DP 1052527	Local	I97
Tanilba Bay	Henry Halloran Group—former summer house, remains of former barbecue and commemorative stone work	44 Caswell Crescent	Lot 36, DP 16873	Local	I98 Update map reference to I98
Tanilba Bay	Henry Halloran Group—former bathers' changing room and circular rock wall	Pomona Place	Road reserve	Local	I101
Taylors Beach	Port Jackson Fig tree (Ficus rubiginosa)	14 Taylor Road	Lot 636, DP 27628 Lot 1 DP	Local	I102 Update mapping

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

			1205796		
Tomago	"Tomago House", including pinetum, pleasure garden and landscape setting	421 Tomago Road	Lot 1, DP 111486	State	1103
Tomago	"Tomago House Chapel", including landscape setting	423 Tomago Road	Lot 1, DP 770610	State	1104
Wallalong	Wallalong/Bowthorne War Memorial	49 High Street	Lot 12, DP 1079483 Lot 1 DP 1072936	Local	1105
Wallalong	Former Wallalong Broom Factory	44 McClymonts Swamp Road	Lot 140, DP 836929	Local	1106
Wallalong	"Wallalong House", including stables, outbuildings, gardens and landscape setting	76 Wallalong Road	Lot 577, DP 864399	Local	1107
Williamstown	St Saviour's Anglican Church, including WWI memorial plaque	12 Cabbage Tree Road	Lot 1, DP 607447	Local	1108
Williamstown	"Devon House", including former Moxey's slab cottage, dairy, hay shed and slab barn	150 Cabbage Tree Road	Lot 1, DP 832554	Local	1109
Williamstown	Sabre jet fighter aircraft	49 Medowie Road	Lot 100, DP 877528	Local	1110
Williamstown	Farm silo	20 Steel Street	Lot 2001, DP 1033856	Local	1111
Woodville	General store and post office	229 Clarence Town Road	Part Lot 24, DP 10074 Lot 24 DP 10074	Local	1112

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Woodville	Former All Saints Church	235 Clarence Town Road	Lot 1, DP 137188	Local	1113
Woodville	Dunmore Bridge	Clarencetown Road, Paterson River		State	1114
Woodville	School of Arts	868 and 870 Paterson Road 868 Paterson Road, 870 and 870A Paterson Road	Lot 12, DP 1058974; Part Lot 51, DP 752451 Lot 12 DP 1058974; Lot 121, DP 1165571; Lot 122, DP 1165571	Local	1115
Woodville	"Tressingfield" (formerly "Carlton Cottage"), including gardens and landscape setting	1081 Paterson Road	Lot 1, DP 948190	Local	1116
Woodville	"Stradbroke", including stone barn and landscape setting	1137 Paterson Road	Lot 17, DP 1104247	Local	1117

Part 2 Heritage conservation areas

Description	Identification on Heritage Map	Significance	Item no
Hinton Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local	C1
Raymond Terrace Heritage Conservation Area	Shown by red hatching and labelled "C2"	Local	C2

Part 3 Archaeological sites

Suburb	Item Name	Address	Property Description	Significance	Item no

ORDINARY COUNCIL - 25 JULY 2017 - ATTACHMENTS

ITEM 9 - ATTACHMENT 1 PLANNING PROPOSAL.

Eagleton	Eagleton Shipyard site	673 Newline Road	Lot 2, DP 826917	Local	A1
East Seaham	"Burrowel" (homestead)	110 East Seaham Road	Lot 2, DP 194920	Local	A2
Raymond Terrace	Irrawang Pottery site	70 Rees James Road	Lot 113, DP 733181	Local	A4
Seaham	Porphyry Point site	1 Warren Street	Lot 1, DP 538498	Local	A3
Swan Bay	Remains of the Port Stephens Fire Brick Company Works	670 Swan Bay Road	Lot 1, DP 774880	Local	A5
Woodville	"Pomfrett's Cottage" (slab cottage)	862A and 868 Paterson Road 862 Paterson Road	Lot 2, DP 782062 Lot 510 DP 1150491	Local	A6 Update mapping