

22 Warrigal Close, Brandy Hill Planning Proposal

**Proposed amendment to Port Stephens Local
Environmental Plan 2013**

Rezoning of Lot 2 DP 120880
22 Warrigal Close, Brandy Hill



PORT STEPHENS
COUNCIL

FILE NUMBERS

Council: 58-2018-20-1

Department: To be provided at Gateway Determination.

SUMMARY

Subject land: Lot 2 DP 1202880
22 Warrigal Close, Brandy Hill

Proponent: Le Mottee Group

Proposed changes: Amend the mapping in the Port Stephens Local Environment Plan 2013 to:

- Rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential
- Reduce the minimum lot size provisions on land within the proposed R5 zone from 40ha to 2ha.

Area of land: Approximately 49ha

Proposed rezoning area: Approximately 7ha

Lot yield: 4

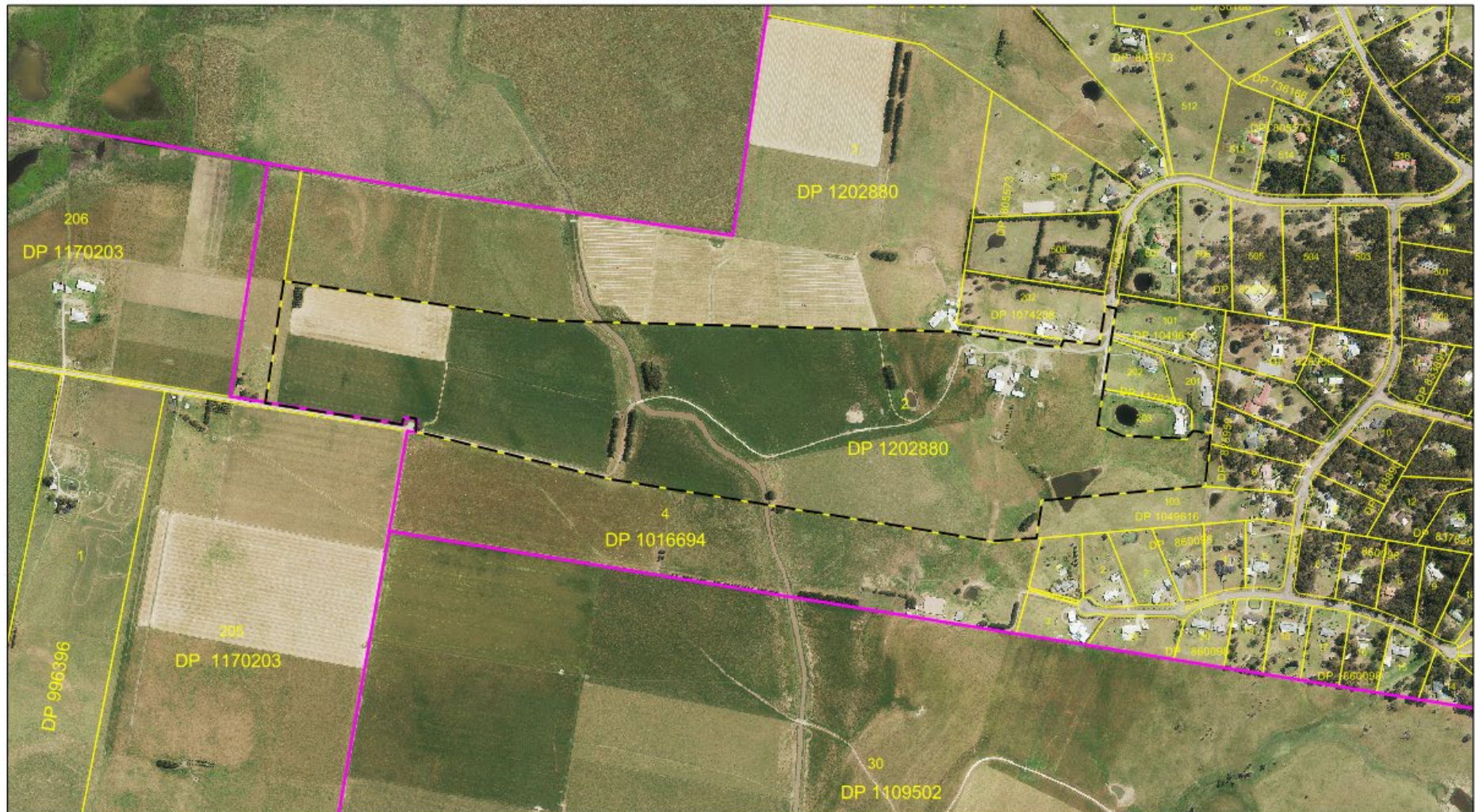
SUBJECT LAND

The subject land (see Figure 1) has a total area of approximately 49ha and accessed from Warrigal Close, a local road in the Brandy Hill locality. An alternate access is also available from McClymonts Swamp Road, Wallalong. The subject land is approximately 9 minutes' drive north-west of Raymond Terrace and 22 minutes' drive north-east of Maitland.

Surrounding uses include a mix of rural residential allotments and larger agricultural allotments used for grazing and poultry farms at least 1km west, south and east of the subject land. The subject land was historically used for agricultural activities. It has a gentle fall from east to west and is largely clear of native vegetation.

FIGURE 1 22 Warrigal Close, Brandy Hill (land subject of the planning proposal shown in black dashed line)

Site Plan



PART 1 – Intended outcome

The intended outcome of the planning proposal is enable rural residential subdivision and housing at 22 Warrigal Close, Brandy Hill (Lot 2, DP 1202880). 3 additional dwellings are expected as a result of the planning proposal.

PART 2 – Explanation of provisions

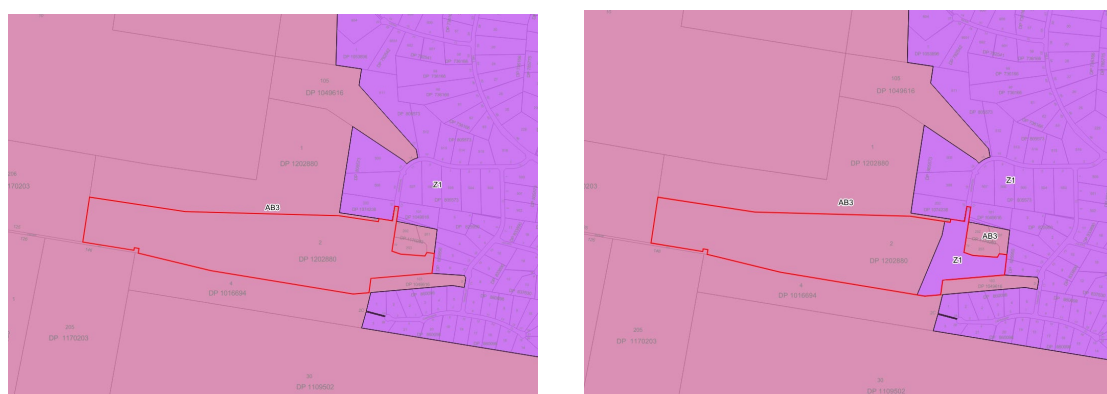
The intended outcome can be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013 (LEP):

- Amend Land Zoning Map Sheet LZN_001A for Lot 2, DP 1202880 from Zone RU1 Primary Production to R5 Large Lot Residential (see Figure 2); and
- Amend Lot Size Map Sheet LSZ_001A for Lot 2, DP 1202880 from 40 hectares (AB3) to 2ha (Z1) (see Figure 3).

Figure 2 Existing and proposed land zoning map



Figure 3 Existing and proposed lot size map



PART 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is the result several strategic planning documents. The Port Stephens Local Strategic Planning Statement (LSPS) includes 'Planning Priority 9 – Protect and preserve productive agricultural land'. Action 9.1 implements the Planning Priority:

Prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land

The Port Stephens Local Housing Strategy (Live Port Stephens) includes Rural Residential Criteria. The planning proposal is consistent with the criteria as provided in response to Question 4.

Q2. Is the planning proposal the best means of achieving the intended outcome or is there a better way?

Yes. Amending the land zoning and minimum lot size maps within the LEP is the best means of enabling rural residential subdivision and housing at 22 Warrigal Close, Brandy Hill (Lot 2, DP 1202880). The following alternative approaches were considered:

- **Alternative option 1:** Not rezoning the subject land

The intended outcome cannot be achieved by maintaining the existing RU1 Primary Production zone and 40ha minimum lot size.

- **Alternative option 2:** Schedule 1 – Additional permitted uses

An additional permitted use to facilitate rezoning and subdivision is not preferred as per the NSW Government's guidance that Schedule 1 should be used in exceptional circumstances.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan?

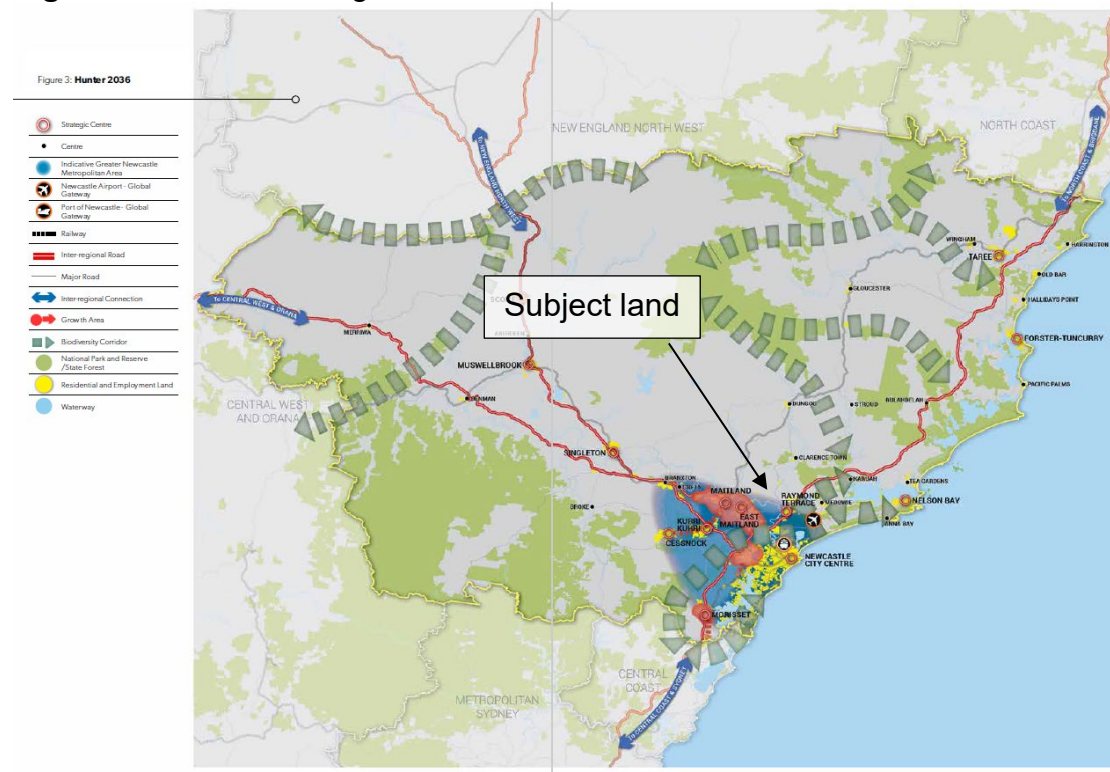
Hunter Regional Plan 2036

Yes. The planning will give effect to the objectives of the Hunter Regional Plan 2036 (HRP) vision to provide greater housing choice (see Figure 4). It aligns with Goal 4 of the HRP and Direction 22 to promote housing diversity. The planning proposal supports these outcomes by encouraging rural

residential housing in proximity to an established rural residential area and within 10 minutes of a strategic centre at Raymond Terrace.

The HRP does not directly address Brandy Hill but does identify the adjacent suburb of Seaham as a centre of local significance. The HRP identifies a regional priority for Port Stephens 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”.

Figure 4 Hunter Regional Plan



Action 22.5 of the HRP requires Councils to include guidance in local land use strategies for expanding rural villages and rural residential development. Council has adopted Rural Residential Criteria as part of Live Port Stephens and the planning proposal is consistent with the criteria as provided in response to Question 4.

The HRP provides the following objectives for rural residential development and a response relevant to the planning proposal is provided:

Objective	Response
1. Not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values.	Consistent. Existing rural residential development is located to the north, south and east of the subject land. The subject land is not strategic energy, mineral or extractive resource viability or biodiversity values. Part of the subject land is mapped as BSAL (see Figure 7). However,

Objective	Response
	<p>the mapped BSAL subject to rezoning is on land with a slope greater than 10% (see Figure 8) and the contiguous area of the BSAL within the allotment is less than 20ha. Therefore, in accordance with the 'Interim protocol for site verification and mapping of biophysical strategic agricultural land' (OEH, 2013) the site is not BSAL.</p>
<p>2. Not impact on drinking water catchments.</p>	<p>Consistent.</p> <p>The subject land is not located in a drinking water catchment.</p>
<p>3. Not result in greater natural hazard risk.</p>	<p>Consistent.</p> <p>The subject land is mapped as flood prone land however the proposed rezoning area largely avoids flood prone land. As provided in the concept subdivision layout, only two future allotments (Lot 202 and 204) will contain flood prone land. There is sufficient flood free land available on Lot 202 to accommodate future development and a dwelling exists on Lot 204. Further consideration of flooding risk is provided in response to Ministerial Direction 4.3 of this planning proposal.</p> <p>Part of the subject land is bushfire and a Bushfire Threat Assessment has been prepared in support of the planning proposal. The assessment concluded that future dwellings can implement Asset Protection Zones of 10m. Further consideration of bushfire risk is provided in response to Ministerial Direction 4.4 of this planning proposal.</p> <p>The proposal will not result in a greater natural hazard risk.</p>
<p>4. Occur on land that is unlikely to be needed for urban development.</p>	<p>Consistent.</p> <p>The subject land is not identified for more intensive urban development in the LSPS or Live Port Stephens. The land is within 800m of an existing R5 zone and therefore considered suitable for rural residential development. Given the land is not currently nor planned to</p>

Objective	Response
	be serviced by reticulated sewer, the land is unlikely to be needed for urban development.
5. Contribute to the conservation of important biodiversity values or the establishment of important corridor linkages.	Consistent. The land subject to rezoning is largely cleared of native vegetation however the proposed lot size will allow for the retention of any existing trees. The subject land is not part of any regionally significant biodiversity corridors. Further detail on environmental values are provided in response to Question 7 of this planning proposal.
6. Facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.	Consistent. The proposal does not seek to facilitate the expansion of existing or new tourism development. Rather, it seeks to contribute to housing diversity.

The planning proposal is consistent with the HRP of providing housing opportunities near essential services and in an area with sufficient infrastructure already in place.

Greater Newcastle Metropolitan Plan 2036

Yes. The planning proposal will give effect to the vision of the Greater Newcastle Metropolitan Plan 2036 (GNMP) for Australia's newest and emerging economic and lifestyle city offering great lifestyles minutes from bushland and the airport (see Figure 5).

The planning proposal will give effect to:

- Strategy 18 – Deliver well-planned rural residential housing area

Figure 5 Greater Newcastle Metropolitan Plan



In relation to rural residential housing, the Plan states that 'Greater Newcastle councils will enable rural residential housing when the need is demonstrated through a local planning strategy endorsed by the Department of Planning and Environmental, and it is in locations where criteria are met.

Action 18.1 of the GNMP requires Councils enable rural residential housing when the need is demonstrated through local housing strategies. Council has demonstrated the need for rural residential housing in Live Port Stephens adopted Rural Residential Criteria to guide proposals. The planning proposal is consistent with the criteria as provided in response to Question 4.

The GNMP provides the following objectives for rural residential development and a response relevant to the planning proposal is provided:

Objective	Response
1. The land is unlikely to be required for more intensive	Consistent. The land is not identified for more intensive urban development in the LSPS or Live Port Stephens.

urban purposes in the future due to physical constraints such as slope, environmental characteristics, or natural hazards.	Given the land is not currently nor planned to be serviced by reticulated sewer, the land is unlikely to be needed for urban development. The characteristics of the land and surrounding locality are consistent with rural residential development. The proposal will enable the extension of rural residential development to the subject land.
2. Less intensive development will result in better management of the land.	Consistent. Rural residential housing on 2ha allotments is an appropriate scale of development that will complement existing land uses and respond to the relevant characteristics of the subject land and its surrounds.
3. The delivery of infrastructure required to service the development is physically and economically feasible.	Consistent. The subject land is serviced by electricity and telecommunications infrastructure that shall be extended upon subdivision of the subject land. Consultation will be undertaken with Hunter Water Corporation (HWC) should the planning proposal receive a Gateway determination to proceed to confirm the capacity of existing water infrastructure. Connection to a reticulated sewer system is not available and unlikely to be economically feasible however this will be confirmed during consultation with HWC post-Gateway.

The planning proposal is consistent with the GNMP by delivering well-planned rural residential housing areas close to jobs and services.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?

Port Stephens Local Strategic Planning Statement

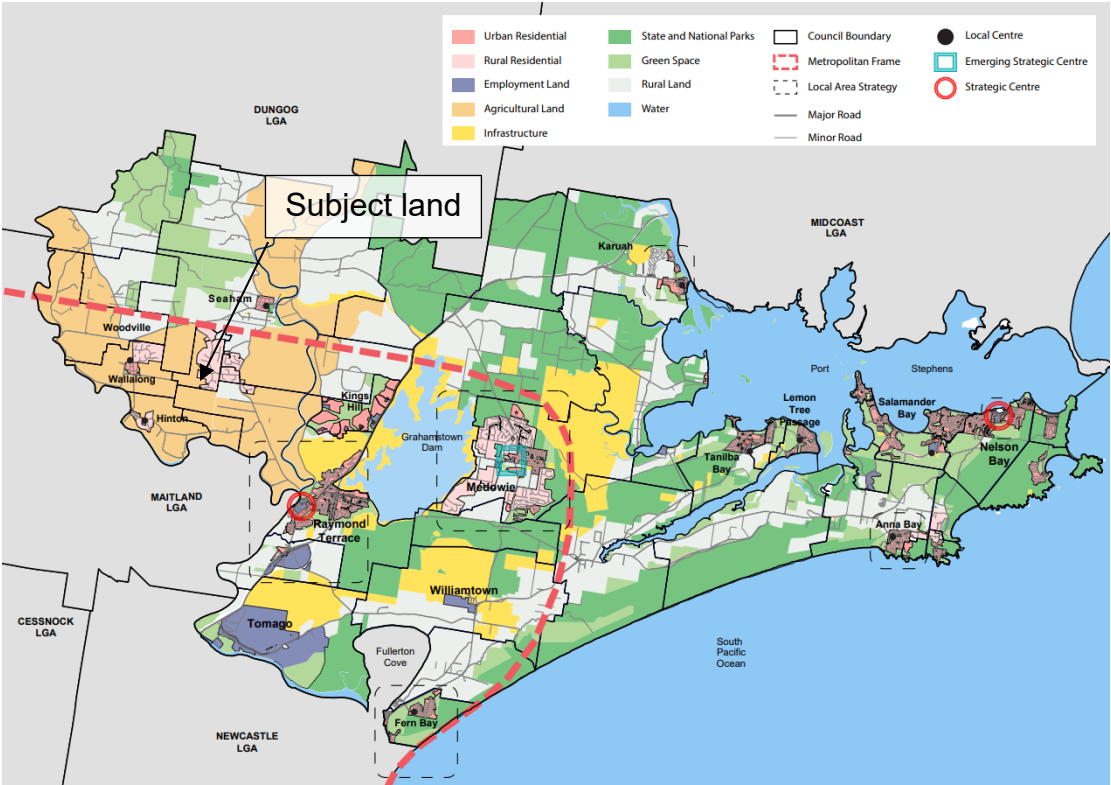
Yes. The planning proposal will give effect to 'Planning Priority 9 – Protect and preserve productive agricultural land' and Action 9.1 to:

Prepare a local housing strategy that includes assessment criteria for new rural residential development to protect existing and potential productive agricultural land

The Port Stephens Local Housing Strategy (Live Port Stephens) includes Rural Residential Criteria. The planning proposal is consistent with the criteria and further detail is provided in response to Live Port Stephens below.

The planning proposal is also consistent with ‘Planning Priority 4 – Ensure suitable land supply’ and ‘Priority 5 – Increase diversity of housing choice’. The proposal will increase the supply of land for residential housing and provide housing that is different to that of locations such as Kings Hill and Raymond Terrace because it will be located on larger lots that have a minimum lot size of 2ha.

Figure 6 Port Stephens Local Strategic Planning Statement



Port Stephens Local Housing Strategy (Live Port Stephens)

Yes. The planning proposal will give effect to Live Port Stephens. Live Port Stephens provides criteria that outlines the key requirements and constraints that require consideration in preparing rezoning requests for rural residential.

The following table lists those criteria and provides an appropriate response for the proposal:

Criteria Summary	Response
Locational Criteria	
1. Zoned RU1, RU2, E3 or E4.	Consistent.

Criteria Summary	Response
	The subject land is zoned RU1 Primary Production.
2. Located at least 800m from RU5, R1 and R2 zones.	Consistent. The subject land is not within 800m of existing RU5 Rural Village, R1 General Residential or R2 Low Density Residential zoned Land.
3. Within 800m of R5 zone.	Consistent. The land holding is 800m from existing land zoned R5 Large Lot Residential.
Exclusionary Criteria	
4. Areas identified for potential urban housing.	Consistent. The subject land is not identified for urban housing.
5. Land within a 2km from existing or planned major employment areas.	Consistent. The subject land is not within 2km of an existing or planned major employment area.
6. Slopes greater than 18 degrees.	Consistent. The subject land slope is not greater than 18.
7. Class 1 and 2 acid sulfate soils.	Consistent. The subject land is mapped as containing class 2, 3 and 5 acid sulfate soils however the proposed R5 zone is unaffected by class 1 or 2. Further consideration of acid sulfate soils is provided in response to Ministerial Direction 4.1 of this planning proposal.
8. Land within the Flood Planning Area.	Consistent. The subject land is mapped as within the Flood Planning Area (FPA) however the FPA has been avoided and future dwellings can be sited above the Flood Planning Level. Further consideration of flood prone land is provided in response to Ministerial Direction 4.3 of this planning proposal.
9. High biodiversity value land.	Consistent.

Criteria Summary	Response
	Part of the subject land is mapped as containing high biodiversity value however it is not within the proposed R5 zone and will be unaffected by the planning proposal.
10. Noise exposure areas within an ANEF 25 or greater.	Consistent. The subject land is not located in the noise exposure area with an ANEF 25 or greater.
11. Land identified as Important Agricultural Land.	Consistent. Part of the subject land is mapped as BSAL (see Figure 7). However, the mapped BSAL subject to rezoning is on land with a slope greater than 10% (see Figure 8) and the contiguous area of the BSAL is less than 20ha at approximately 4.5ha. Therefore, in accordance with the 'Interim protocol for site verification and mapping of biophysical strategic agricultural land' (OEH, 2013) the site is not BSAL.
12. Land within 500m of extractive industries, quarrying or mining.	Consistent. The subject land is not located within 500m of known extractive industries, quarrying or mining.
13. Land identified as having known mineral resource potential.	Consistent. The subject land is not identified by the State Government as having known mineral resource potential.
Management Criteria	
14. Flooding – Land that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.	Consistent. A Flood Free Access Report will be prepared should the planning proposal receive a Gateway determination to proceed. The proposal is likely to demonstrate access to evacuation facilities via a public road.
15. Bushfire – Land identified as bush fire prone land must demonstrate consistency with	Consistent. Part of the subject land is bushfire prone and a Bushfire Threat Assessment has been prepared in support of the planning proposal. The

Criteria Summary	Response
Planning for Bush Fire Protection 2019.	assessment concluded that future dwellings can implement Asset Protection Zones of 10m. Further consideration of bushfire risk is provided in response to Ministerial Direction 4.4 of this planning proposal.
16. Environmentally Sensitive Land – Land in coastal management areas must be justified by a study or strategy to demonstrate consistency with the SEPP.	Consistent. The subject land is within the coastal zone however only part of the proposed rezoning area will be subject to the coastal zone. Development can be sited on all future allotments outside of the coastal zone.
17. Environmentally Sensitive Land – Land that includes koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats must submit a Preliminary Ecological Assessment.	Consistent. The subject land does not include koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats.
18. Environmentally Sensitive Land – Demonstrate how the proposal will contribute to the conservation of important biodiversity values or the establishment of important biodiversity linkages.	Consistent. The subject land does not include important biodiversity values.
19. Aboriginal Cultural Heritage – An initial assessment of the likelihood of Aboriginal cultural heritage values.	Consistent. An initial assessment via Aboriginal Heritage Information Management System (AHIMS) has shown that there are no Aboriginal sites or places in or near the planning proposal.

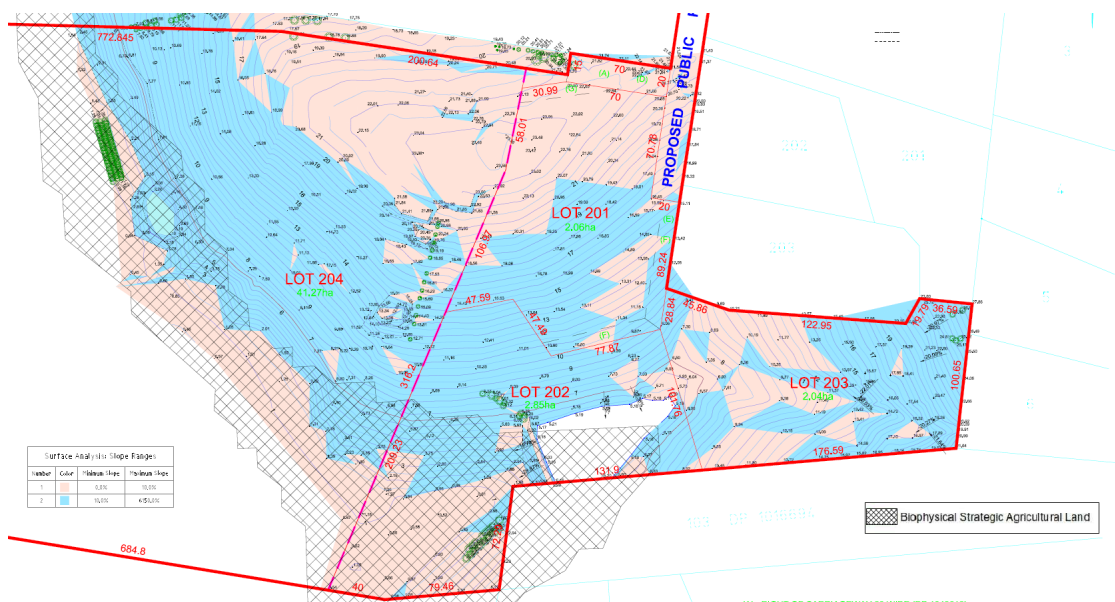
Criteria Summary	Response
20. Drinking Water Catchment – Must be able to be connected to reticulated sewer or able to demonstrate a neutral or beneficial effect (NorBE) on water quality.	<p>Consistent.</p> <p>The subject land is not located in a Drinking Water Catchment.</p>
21. Rural Land Resources – Land within 1km from existing agricultural industries (e.g. poultry farms, aquaculture) measured from property boundary to property boundary are requirement to provide expert reports (e.g. noise, odour, visual amenity and biosecurity risks etc.) to establish appropriate setbacks.	<p>Consistent.</p> <p>The land is not within 1km of existing poultry farms and is therefore not required to provide expert reports.</p>
22. Scenic Amenity – Land within high or very high landscape area must submit a visual impact assessment.	<p>Consistent.</p> <p>The land is identified by the Rural Lands Study as being within the River Estuary area (see Figure 10) characterised by the floodplains of the Paterson and Williams River offering distant views of pasture and wetlands. Given the proximity of existing rural residential areas and the consistency of the proposal with adjoining land, it is not considered that the proposal will detract from the scenic values identified.</p>
23. Scenic Amenity – Identify an appropriate buffer zone between housing and existing road corridors.	<p>Consistent.</p> <p>An appropriate buffer will be provided between housing and the Warrigal Close road corridor.</p>

Criteria Summary	Response
24. Infrastructure and Services – Demonstrate the land will be accessed via a sealed road.	Consistent. Warrigal Close is a sealed road.
25. Infrastructure and Services – Demonstrate the land will not result in the creation of direct access to a State Road.	Consistent. Warrigal Close is not a State Road.
26. Infrastructure and Services – Demonstrate the land will not create additional demand for unplanned State infrastructure upgrades.	Consistent. The proposal is not understood to result in the need for State infrastructure upgrades.
27. Infrastructure and Services – Demonstrate the land will be connected to reticulated power supply.	Consistent. The subject land is connected to a reticulated power supply.
28. Infrastructure and Services – Demonstrate that the land is able to dispose of onsite sewage.	Consistent. In accordance with PSC's Development Assessment Framework (DAF) the subject land is classified 'medium hazard'. As the number of created allotments is reasonably small it would be appropriate for an OSMS report meeting the requirements of the DAF to be provided at development application stage.

Figure 7 Strategic Agricultural Land Map



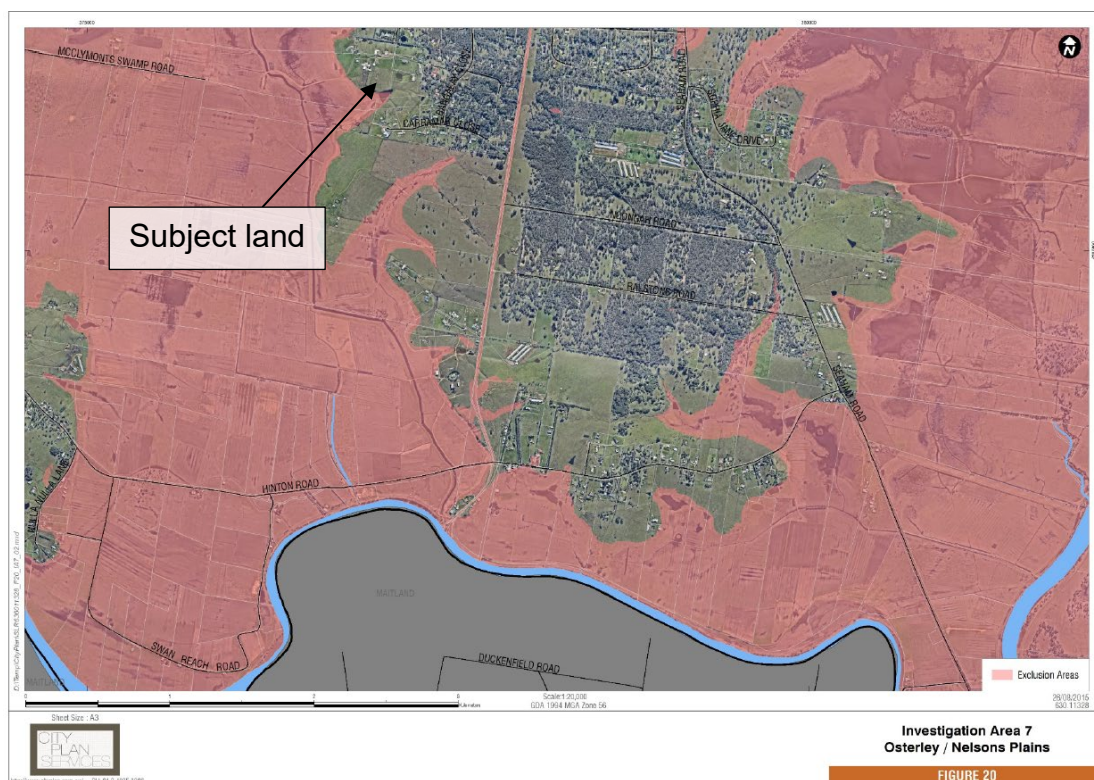
Figure 8 Slope Analysis (slope greater than 10% shown in blue)



Port Stephens Rural Residential Strategy

The rural residential criteria requires proposals to address the Port Stephens Rural Residential Strategy (2015) including any matters for investigation that have been identified relevant to the proposed land. The subject land is within Investigation Area 7 – Osterley/Nelsons Plains of the Port Stephens Rural Residential Strategy (RRS) (see Figure 9).

Figure 9 Port Stephens Rural Residential Strategy

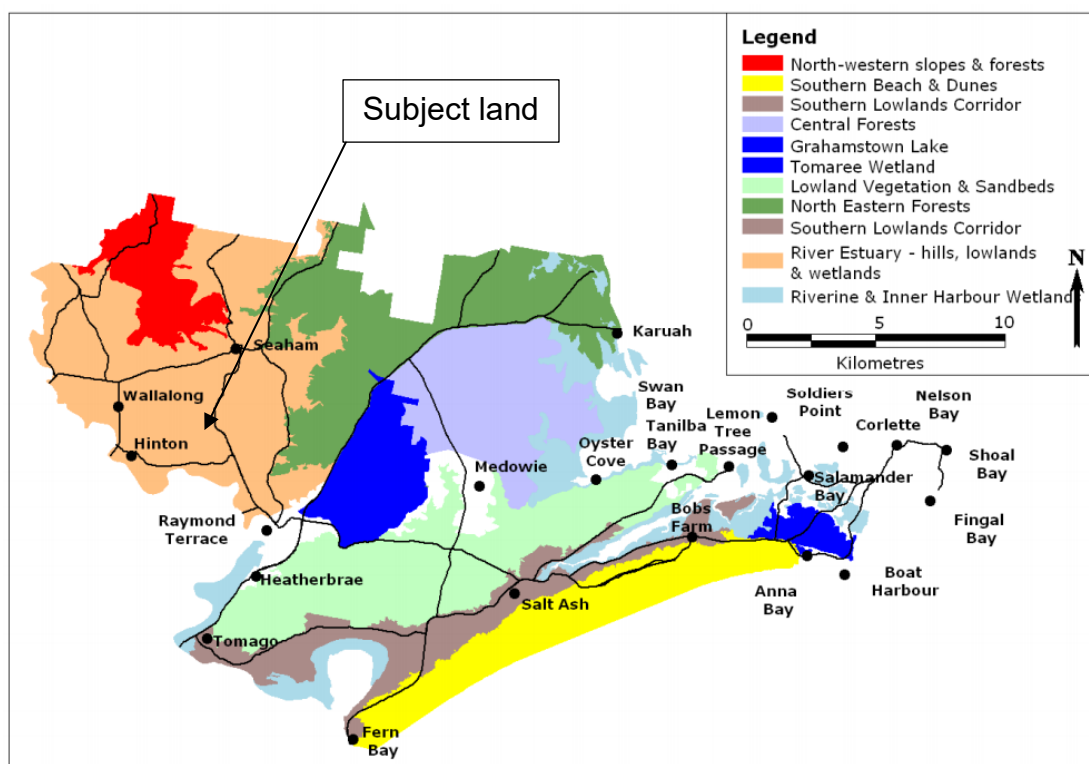


The following relevant matters are identified within the RRS as requiring investigation:

Matter for Investigation	Response
1. Estimated potential yield: 25 Rural living lots, with a 1ha minimum lot size. A mix of lot sizes, including some lots smaller than 2ha, may be appropriate in keeping with the character of the Brandy Hill area.	An estimated yield of 25 rural living lots at 1ha in size has been based on a desktop analysis. 3 additional lots will be created as a result of the planning proposal. A minimum lot size of 2ha will be in keeping with adjoining rural residential development.
2. Timing: Short - medium term	The RRS was prepared in 2015 and identified short-term investigation areas as likely to be investigated for development within 5 years. The proposal is considered to align with this timing.
3. Southern and western edge adjoins areas of significant agricultural potential therefore maintain the size of agricultural holdings and ensure that there are suitable buffers between intensive agriculture (including	The RRS identifies the need to exclude lots greater than 80ha for agricultural or biodiversity purposes. The subject land is less than 50ha. The planning proposals unlikely to be affected by intensive agricultural uses.

Matter for Investigation	Response
existing cluster of poultry sheds to the north) and dwellings.	
4. Isolated by flooding, so there needs to be provision for flood evacuation to nearest centre (Maitland/ Raymond Terrace) and stock refuge areas.	A Flood Free Access Report will be prepared should the planning proposal receive a Gateway determination to proceed. The proposal is likely to demonstrate access to evacuation facilities via a public road.
5. Mostly cleared land, but there are some areas of environmental sensitivity including some native vegetation and wetlands, and potential acid sulfate soils to be avoided.	The subject land is mostly cleared however there is potential acid sulfate soils to be avoided. These matters can be sufficiently managed. Further consideration of acid sulfate soils is provided in response to Ministerial Direction 4.1 of this planning proposal.
6. Visually sensitive landscape and high landscape values based on river estuary and agricultural settings.	The land is identified by the Rural Lands Study as being within the River Estuary area (see Figure 10) characterised by the floodplains of the Paterson and Williams River offering distant views of pasture and wetlands. Given the proximity of existing rural residential areas and the consistency of the proposal with adjoining land, it is not considered that the proposal will detract from the scenic values identified.

Figure 10 Rural Lands Study Rural Landscape Character Types




No other local area plans or strategies exist for the Nelson Plains/Seaham locality.

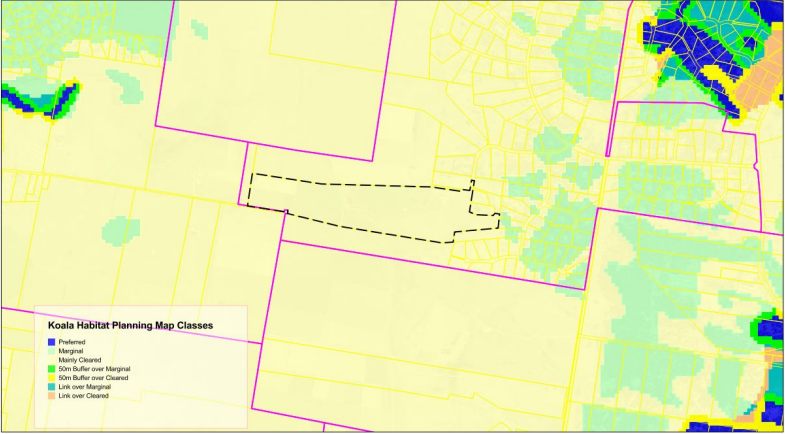
Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

An assessment of relevant State Environmental Planning Policies against the planning proposal is provided in the table below.

Table 1 Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP 55 – Remediation of Land This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	SEPP 55 requires that consideration be given to whether the land is contaminated as part of a planning proposal. The planning proposal applies to land on which development for agricultural activities is known to have been carried out and is therefore potentially contaminated. A preliminary investigation in accordance with the contaminated land planning guidelines will be undertaken should the planning proposal receive a Gateway determination to proceed because the land is proposing to change from a rural zone to a residential zone. The findings of the investigation will satisfy Council that the land is suitable in its contaminated state or will be suitable after remediation. Any remediation required will be undertaken prior to development occurring.

SEPP	Consistency and Implications
<p>State Environmental Planning Policy (Coastal Management) 2018</p> <p>This SEPP applies to land within the coastal zone.</p>	<p>The Coastal SEPP provides that the coastal zone land within one or more of the following coastal management areas:</p> <p><i>(a) the coastal wetlands and littoral rainforests area,</i> <i>(b) the coastal vulnerability area,</i> <i>(c) the coastal environment area,</i> <i>(d) the coastal use area.</i></p> <p>The subject land is within the coastal environment area (blue) and coastal use area (red) as shown below:</p>  <p>The coastal management areas are largely avoided by the proposed rezoning area and unlikely to impact on the coastal zone. Further assessment of the planning proposals consistency with the SEPP is provided in response to Ministerial Direction 2.2.</p>
<p>State Environmental Planning Policy (Koala Habitat Protection) 2019</p> <p>The Koala SEPP applies to land across NSW that is greater than 1 hectare and is not a National</p>	<p>The Port Stephens Comprehensive Koala Plan of Management (CKPoM) has been prepared in accordance with the Koala SEPP.</p> <p>The subject land is mapped in the CKPoM as 'mainly cleared'.</p>

SEPP	Consistency and Implications
<p>Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</p>	<p style="text-align: center;">Koala Habitat Mapping</p>  <p>The CKPoM provides performance criteria for rezonings to address:</p> <ul style="list-style-type: none"> (a) <i>not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers</i> <p>The subject land is not mapped as containing Preferred Koala Habitat</p> <ul style="list-style-type: none"> (b) <i>allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas</i> <p>The subject land is not mapped as containing Supplementary Koala Habitat or Habitat Linking Areas.</p> <ul style="list-style-type: none"> (c) <i>minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site</i> <p>The subject land is mainly cleared and existing trees are unlikely to be removed given a minimum lot size of 2ha will be achieved.</p> <ul style="list-style-type: none"> (d) <i>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.</i> <p>The proposal is unlikely to sever koala movement across the site given the absence of koala feed trees.</p>

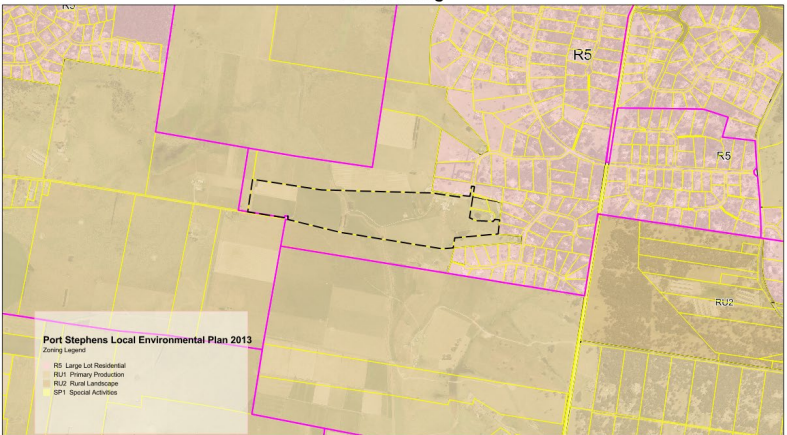
SEPP	Consistency and Implications
<p>State Environmental Planning Policy (Primary Production and Rural Development) 2019</p> <p>The Rural Development SEPP aims to facilitate the orderly economic use of rural lands, protect important agricultural lands and reduce land use conflict.</p>	<p>The Primary Production and Rural Development SEPP supersedes the former Rural Lands SEPP, which contained Rural Planning Principles for consideration in strategic planning and to be addressed by any proposal to amend a planning instrument in relation to rural zoned land.</p> <p>The Primary Production and Rural Development SEPP relates specifically to State significant agricultural land, artificial water bodies, livestock industries and aquaculture and no longer contains the Rural Planning Principles that provide broad strategic direction for all rural land.</p> <p>The Rural Planning Principles were transferred to Ministerial Direction 1.5 Rural Lands and are addressed in response to Question 6 of this planning proposal.</p> <p>Notwithstanding, the objectives of the Primary Production and Rural Development SEPP include the facilitation of orderly economic use and development of lands for primary production, and to reduce land use conflict by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.</p>

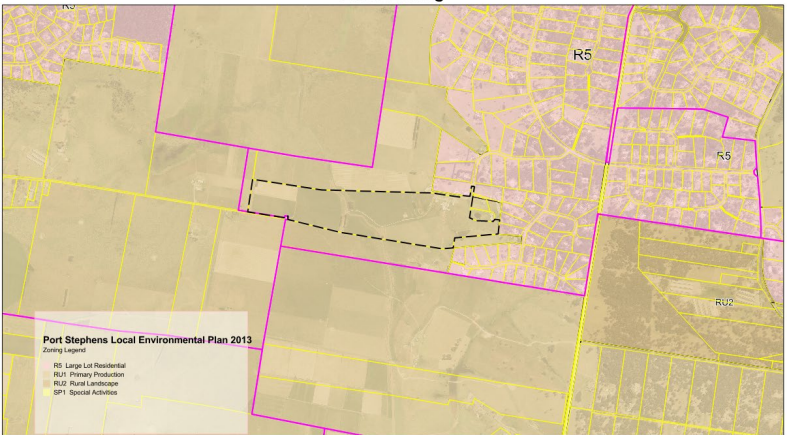
Q6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 2 – Relevant Ministerial Directions


Ministerial Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES	
<p>1.2 Rural Zones</p> <p>The objectives of this direction are to protect the agricultural production value of rural lands.</p>	<p>The planning proposal will affect land within an existing rural zone.</p>

Ministerial Direction	Consistency and Implications
	<p style="text-align: center;">Land Zoning</p>  <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) <i>not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i> (b) <i>not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i> <p>The planning proposal is inconsistent with this direction as it proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential and will reduce the lot size provisions enabling an increase in the permissible density of the land.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is in accordance with both the HRP and GNMP as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 1.2 Rural Zones.</p>
<p>1.5 Rural Lands The objective of this direction is to protect the agricultural production</p>	<p>The planning proposal will affect land within an existing rural zone and proposes to change the existing minimum lot size.</p>

Ministerial Direction	Consistency and Implications
<p>value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	<p style="text-align: center;">Land Zoning</p>  <p>A planning proposal within an existing rural zone must:</p> <p>(a) <i>be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i></p> <p>Refer to response to Question 3 in this planning proposal.</p> <p>(b) <i>consider the significance of agriculture and primary production to the State and rural communities</i></p> <p>The proposal considers the importance of primary production to the State and rural communities, with any inconsistencies with this direction considered to be minor.</p> <p>(c) <i>identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></p> <p>Refer to response to Question 7 in this planning proposal.</p> <p>(d) <i>consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i></p>

Ministerial Direction	Consistency and Implications
	<p>The natural and physical constraints of the land have been considered throughout the planning proposal, particularly in response to Questions 6 and 7.</p> <p><i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></p> <p>The proposal does not specifically promote opportunities for investment in productive rural economic activities.</p> <p><i>(f) support farmers in exercising their right to farm</i></p> <p>The proposal has considered the policy directions of the NSW Right to Farm Policy. The proposal is unlikely to impact existing farmers right to farm given the consistency of the proposed zone with adjoining land uses to the north, south and east. However, consultation with surrounding landowners, including any adjoining farmers, and the Department of Primary Industries – Agriculture will be undertaken should the planning proposal receive a Gateway determination to proceed.</p> <p><i>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</i></p> <p>The planning proposal will result in further fragmentation of rural land however the risk of land use conflict is considered low given the low yield of the proposal and the high presence of existing rural residential development to the north, south and east.</p> <p><i>(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land</i></p> <p>The proposal does not relate to State significant agricultural land.</p>

Ministerial Direction	Consistency and Implications
	<p data-bbox="595 309 1342 376"><i>(i) consider the social, economic and environmental interests of the community.</i></p> <p data-bbox="643 416 1238 488">Refer to response to Questions 7-9 in this planning proposal.</p> <p data-bbox="547 528 1254 631">A planning proposal that proposes to change the existing minimum lot size within a rural zone must demonstrate that it:</p> <p data-bbox="595 672 1318 815"><i>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</i></p> <p data-bbox="643 855 1289 927">The proposal has considered the potential for land use conflict.</p> <p data-bbox="595 967 1342 1146"><i>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</i></p> <p data-bbox="643 1187 1305 1366">It is considered that the proposal will not adversely affect the operation of existing and future rural land uses and supporting infrastructure and facilities that are essential to rural industries or supply chains.</p> <p data-bbox="595 1406 1331 1697"><i>(c) where it is for rural residential purposes:</i> <i>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</i> <i>ii. is necessary taking account of existing and future demand and supply of rural residential land.</i></p> <p data-bbox="659 1738 1270 1957">The planning proposal will facilitate rural residential development that can be appropriately serviced, that is within a 10 minute drive of a Strategic Centre. Council understands that there is a demand for this type of housing type.</p>

Ministerial Direction	Consistency and Implications
	<p>A planning proposal may be inconsistent with this direction if the provisions of the planning proposal that are inconsistent are of minor significance. The planning proposal has adequately considered the potential for land use conflict with existing agricultural operations in particular poultry sheds within proximity of the site. Given the low dwelling yield resulting from the planning proposal and consistency of rural residential development with surrounding land uses, the inconsistencies with this direction are of minor significance.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 1.5 Rural Lands.</p>
2. ENVIRONMENT AND HERITAGE	
<p>2.1 Environment Protection Zones</p> <p>The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.</p>	<p>The direction applies to all planning proposals however the land is not within an environment protection zone or otherwise identified for environmental protection purposes in the LEP.</p> <p><i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>The land is not within an environmentally sensitive area.</p> <div data-bbox="547 1294 1337 1751"> <p style="text-align: center;">Environmentally Sensitive Areas</p>  </div> <p>The planning proposal is consistent with Ministerial Direction 2.1 Environment Protection Zones.</p>
<p>2.2 Coastal Management</p>	<p>The planning proposal applies to land within the coastal zone.</p>

Ministerial Direction	Consistency and Implications
<p>The objective of this direction is to protect and manage coastal areas of NSW</p>	<div data-bbox="547 302 1337 757" data-label="Image"> <p>An aerial photograph of a coastal region. A large, irregularly shaped area in the center is shaded in a semi-transparent green color and labeled 'Coastal Zone' at the top. This zone is bordered by a dashed yellow line. Surrounding the green zone are numerous land parcels outlined in solid yellow lines. The landscape includes fields, some buildings, and a body of water on the right side.</p> </div> <p>A planning proposal must:</p> <p><i>(4) include provisions that give effect to and are consistent with:</i></p> <p><i>(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i></p> <p>The objects of the Coastal Management Act 2016 include protecting and supporting natural coastal processes and environmental/social/economic values, facilitating ecologically sustainable development and mitigating coastal hazard risks. The planning proposal largely avoids land within the coastal zone and future development can be sited outside of the coastal zone.</p> <p><i>(b) the NSW Coastal Management Manual and associated Toolkit;</i></p> <p>The manual and toolkit provide direction for councils preparing Coastal Management Programs (CMP). Port Stephens Council is currently preparing a CMP and the planning proposal is unlikely to be inconsistent.</p> <p><i>(c) NSW Coastal Design Guidelines 2003; and</i></p> <p>The planning proposal is likely to result in development consistent with 'Isolated</p>

Ministerial Direction	Consistency and Implications
	<p>Coastal Dwellings'. The scale and location of future development is consistent with the NSW Coastal Design Guidelines. Consideration of relationship to the environment, visual sensitivity, access to water and natural areas is provided throughout this planning proposal including in response to Questions 7-9.</p> <p><i>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p> <p>No CMP has been adopted by Port Stephens Council.</p> <p><i>(5) not rezone land which would enable increased development or more intensive land-use on land:</i></p> <p><i>(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or</i></p> <p><i>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i></p> <p><i>(i) by or on behalf of the relevant planning authority and the planning proposal authority, or</i></p> <p><i>(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></p> <p>The land is not within a coastal vulnerability area or affected by a coastal hazard.</p> <p><i>(6) not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests</i></p>

Ministerial Direction	Consistency and Implications
	<p><i>area identified by the State Environmental Planning Policy (Coastal Management) 2018.</i></p> <p>The land is not within a coastal wetland or littoral rainforest area.</p> <p>The planning proposal is consistent with Ministerial Direction 2.2 Coastal Management.</p>
<p>2.3 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) <i>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,</i> (b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> (c) <i>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.</i> <p>No items, areas, objects, or places of environmental heritage significance are located on or near the subject land. Heritage Item 17 'Prospect House' is located approximately 400m west (between property boundaries) of the subject land however is not related to the proposal.</p>

Ministerial Direction	Consistency and Implications
	<p style="text-align: center;">Heritage</p>  <p>An initial assessment via Aboriginal Heritage Information Management System (AHIMS) has shown that there are no Aboriginal sites or places in or near the planning proposal. It is recommended that a site assessment be undertaken should the planning proposal receive a Gateway determination to proceed. The assessment will be carried out in consultation and collaboration with the Worimi Local Aboriginal Land Council to consider preservation and protection of Aboriginal heritage, values in the event that Aboriginal objects of significance or potential are identified.</p> <p>The planning proposal may be updated post-Gateway to include provisions that facilitate the conservation of any Aboriginal areas, objects, places or landscape identified.</p> <p>The planning proposal is likely to be consistent with Ministerial Direction 2.3 Heritage Conservation subject to further investigation following a Gateway determination to proceed.</p>
<p>2.6 Remediation of Contaminated Land</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by</p>	<p>The planning proposal applies to land on which development for agricultural activities is known to have been carried out and is therefore potentially contaminated.</p> <p>A planning proposal must not permit a change of zoning on potentially contaminated land unless:</p> <ul style="list-style-type: none"> (a) <i>the planning proposal authority has considered whether the land is contaminated, and</i> (b) <i>if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be</i>

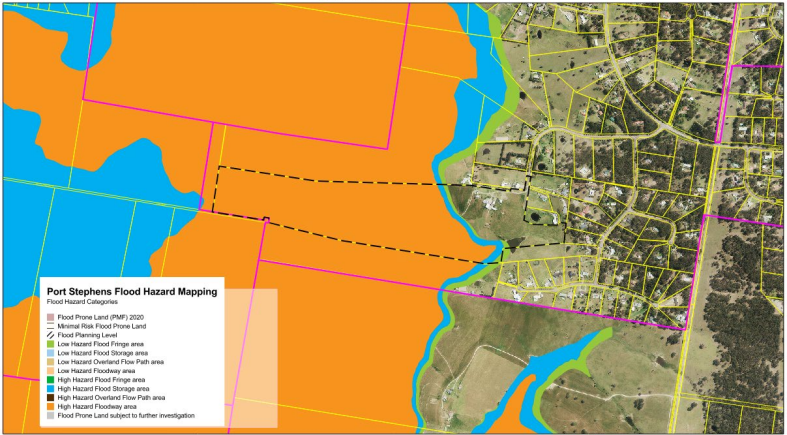
Ministerial Direction	Consistency and Implications
planning proposal authorities.	<p><i>suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p> <p>A preliminary investigation in accordance with the contaminated land planning guidelines will be undertaken should the planning proposal receive a Gateway determination to proceed because the land is proposing to change from a rural zone to a residential zone. The findings of the investigation will satisfy Council that the land is suitable in its contaminated state or will be suitable after remediation. Any remediation required will be undertaken prior to development occurring.</p> <p>The planning proposal is likely to be consistent with Ministerial Direction 2.6 Remediation of Contaminated Land subject to further investigation following a Gateway determination to proceed.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
<p>3.1 Residential Zones</p> <p>Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of</p>	<p>The planning proposal will affect land within a proposed residential zone.</p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <i>(a) broaden the choice of building types and locations available in the housing market, and</i> <i>(b) make more efficient use of existing infrastructure and services, and</i> <i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> <i>(d) be of good design.</i> <p>A planning proposal must:</p> <ul style="list-style-type: none"> <i>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements</i>

Ministerial Direction	Consistency and Implications
<p>residential development on the environment and resource lands.</p>	<p><i>satisfactory to the council, or other appropriate authority, have been made to service it), and</i> <i>(b) not contain provisions which will reduce the permissible residential density of land</i></p> <p>The planning proposal is partly consistent with the terms of the direction as it will broaden the choice of building types and locations in the housing market and be of good design. However, the planning proposal is inconsistent with the remaining terms of the direction as it does not make more efficient use of existing infrastructure and will increase the consumption of land on the urban fringe.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is in accordance with both the HRP and GNMP as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 3.1 Residential Zones.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>The planning proposal will create a zone for residential purposes.</p> <p>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:</p> <p><i>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p><i>Principles:</i></p> <ol style="list-style-type: none"> <i>1. Concentrate in centres</i> <i>2. Mix uses in centres</i> <i>3. Align centres within corridors</i> <i>4. Link public transport with land use strategies</i> <i>5. Connect streets</i> <i>6. Improve pedestrian access</i> <i>7. Improve cycle access</i> <i>8. Manage parking supply</i>

Ministerial Direction	Consistency and Implications
	<p data-bbox="692 271 1166 338">9. <i>Improve road management</i> 10. <i>Implement good urban design</i></p> <p data-bbox="596 376 1283 450">(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p> <p data-bbox="692 488 1331 674"><i>Aim:</i> “To encourage a network of vibrant, accessible mixed use centres which are closely aligned with and accessible by public transport, walking and cycling.”</p> <p data-bbox="692 712 842 741"><i>Objectives</i></p> <ul data-bbox="692 748 1342 1823" style="list-style-type: none"> • <i>locate trip-generating development which provides important services in places that:</i> <ul data-bbox="746 824 1315 1077" style="list-style-type: none"> ○ <i>help reduce reliance on cars and moderate the demand for car travel</i> ○ <i>encourage multi-purpose trips</i> ○ <i>encourage people to travel on public transport, walk or cycle</i> ○ <i>provide people with equitable and efficient access</i> • <i>minimise dispersed trip-generating development that can only be accessed by cars</i> • <i>ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery</i> • <i>protect and maximise community investment in centres, and in transport infrastructure and facilities</i> • <i>encourage continuing private and public investment in centres, and ensure that they are well designed, managed and maintained</i> • <i>foster growth, competition, innovation and investment confidence in centres, especially in the retail and entertainment sectors, through consistent and responsive decision making.</i> <p data-bbox="544 1861 1326 2040">Although, the subject land is not located in a centre or in walking distance from a major public transport mode like a railway station or high frequency bus route, it is within 10 minutes’ drive of a strategic centre at Raymond Terrace. The planning proposal is</p>

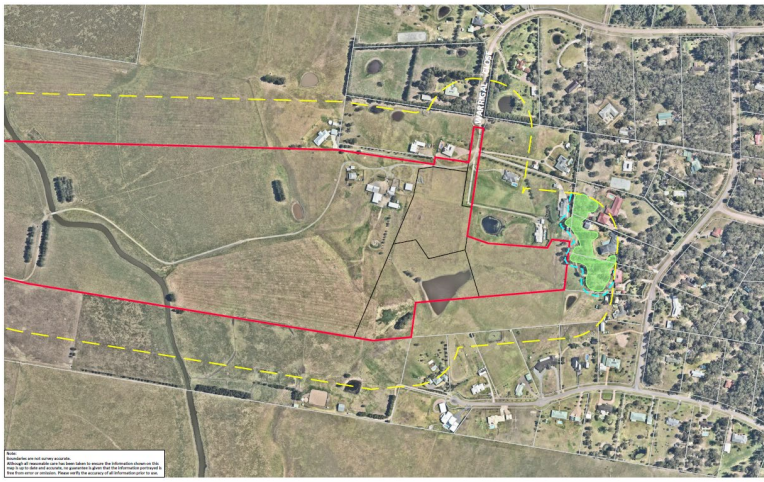
Ministerial Direction	Consistency and Implications
	<p>inconsistent with the terms of the direction as it does not ensure that a network of viable, mixed use centres closely aligned with the public transport system accommodates and creates opportunities for business growth and service delivery. However, the nature of the proposed development, as rural residential, is unlikely to be able to satisfy these requirements.</p> <p>A planning proposal may be inconsistent with this direction if the proposal is in accordance with the HRP or GNMP. As provided above, the planning proposal is in accordance with both the HRP and GNMP as it as it will assist in meeting the dwelling targets identified within the GNMP and reinforce the role of Raymond Terrace as a strategic centre by providing increased housing diversity within a short distance of Raymond Terrace.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 3.4 Integrating Land Use and Transport.</p>
4. HAZARD AND RISK	
<p>4.1 Acid Sulfate Soils</p> <p>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.</p>	<p>The planning proposal will apply to land having a probability of containing acid sulfate soils (classes 2, 3 and 5).</p> <div data-bbox="547 1256 1337 1713"> </div> <p>What Council must do if this direction applies:</p> <p><i>(4) 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</i></p>

Ministerial Direction	Consistency and Implications
	<p><i>Maps as having a probability of acid sulfate soils being present.</i></p> <p>(5) <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i></p> <p style="padding-left: 40px;">(a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i></p> <p style="padding-left: 40px;">(b) <i>such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines</i></p> <p>(6) <i>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 DirectorGeneral prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>(7) <i>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</i></p> <p>The subject land is nominated as class 2, 3 and 5 acid sulfate soils requiring consent for works:</p> <ul style="list-style-type: none"> • below the natural ground surface OR by which the watertable is likely to be lowered (class 2). • more than 1 metre below the natural ground surface OR by which the watertable is likely to be lowered more than 1 metre below the natural ground surface (class 3). • within 500m of Class 1, 2, 3 or 4 land (Cclass 5). <p>The land subject to rezoning is mostly class 5 and is the lowest risk classification. Sufficient area is available to develop outside of land containing class 2</p>

Ministerial Direction	Consistency and Implications
	<p>and 3 ASS. The Port Stephens Local Environmental Plan 2013 contains a clause consistent with <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General</i>, which ensures that all development applications provide consideration to acid sulfate soils. Further consideration of Acid Sulfate Soils can be managed through existing provisions of the LEP.</p> <p>The planning proposal is consistent with Ministerial Direction 4.1 Acid Sulfate Soils</p>
<p>4.3 Flood Prone Land</p> <p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>The planning proposal affects flood prone land.</p>  <p>A planning proposal must:</p> <ul style="list-style-type: none"> (4) include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). (5) not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial Special Use or Special Purpose Zone. (6) not contain provisions that apply to the flood planning areas which: <ul style="list-style-type: none"> (a) permit development in floodway areas; (b) permit development that will result in significant flood impacts to other properties; (c) permit a significant increase in the development of that land;

Ministerial Direction	Consistency and Implications
	<p>(d) are likely to result in a substantial increased requirement for government spending on flood mitigation measures, infrastructure or services; or</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>(7) not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>(8) a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>The planning proposal is mostly consistent with terms (4), (6), (7) and (8) of this direction however the planning proposal will rezone flood affected land from rural to residential and is therefore inconsistent with term (5).</p> <p>A planning proposal may be inconsistent with the terms of this direction if the provisions of the planning proposal that are inconsistent are of minor significance. Given the extent of the land mapped as flood prone that will be rezoned is minor and the ability for future development to be site above the flood planning level, the inconsistency is minor.</p> <p>The planning proposal is justifiably inconsistent with Ministerial Direction 4.3 Flood Prone Land</p>
4.4 Planning for Bushfire Protection	The planning proposal will affect land mapped as bushfire prone land.

Ministerial Direction	Consistency and Implications
<p>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.</p>	<div data-bbox="547 264 1337 719" data-label="Figure"> </div> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ. <p>The planning proposal is informed by a Bushfire Threat Assessment prepared with regard for 'Planning for Bushfire Protection 2006'. The planning proposal will not place inappropriate development in hazardous areas and does not proposed to prohibit bushfire hazard reduction within asset protection zones.</p> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) 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 (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for

Ministerial Direction	Consistency and Implications
	<p><i>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), the APZ provisions must be complied with,</i></p> <ul style="list-style-type: none"> <i>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</i> <i>(d) contain provisions for adequate water supply for firefighting purposes,</i> <i>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</i> <i>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</i> <p>The planning proposal complies with all provisions stated above.</p> <div data-bbox="544 1003 1329 1545">  <p>FIGURE 4-1: ASSET PROTECTION ZONES MAP</p> <p>Legend</p> <ul style="list-style-type: none"> Subject Site APZ Inner APZ Outer APZ Remnant Vegetation <p>Client Details</p> <p>Client: No. 22 Warrigal Close Brandy Hill DATE: 12 March 2018</p> <p>Project Details</p> <p>Project: 1, 140 Hunter Street, Newcastle NSW 2300 P.O. Box 254 Newcastle NSW 2300</p> <p>Scale</p> <p>Scale: 1:10,000</p> <p>North Arrow</p> <p>North Arrow</p> </div> <p>No further assessment of bushfire is required prior to a Gateway determination and appropriate consultation with the NSW Rural Fire Service will be undertaken should the planning proposal receive a Gateway determination to proceed.</p> <p>The planning proposal is consistent with Ministerial Direction 4.4 Planning for Bushfire Protection subject to consultation with the Commissioner of the NSW Rural Fire Service should the planning proposal receive a Gateway determination to proceed.</p>

Ministerial Direction	Consistency and Implications
5. REGIONAL PLANNING	
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.	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must be consistent with a Regional Plan released by the Minister for Planning.</p> <p>The planning proposal is consistent with the Hunter Regional Plan 2036 as provided in response to Question 3.</p> <p>The planning proposal is consistent with Ministerial Direction 5.10 Implementation of Regional Plans.</p>
6. LOCAL PLAN MAKING	
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p>The direction applies to all planning proposals.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> (b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> <ul style="list-style-type: none"> (i) <i>the appropriate Minister or public authority, and</i> (ii) <i>the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i> (c) <i>not identify development as designated development unless the relevant planning authority:</i> <ul style="list-style-type: none"> (i) <i>can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i> (ii) <i>has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the</i>

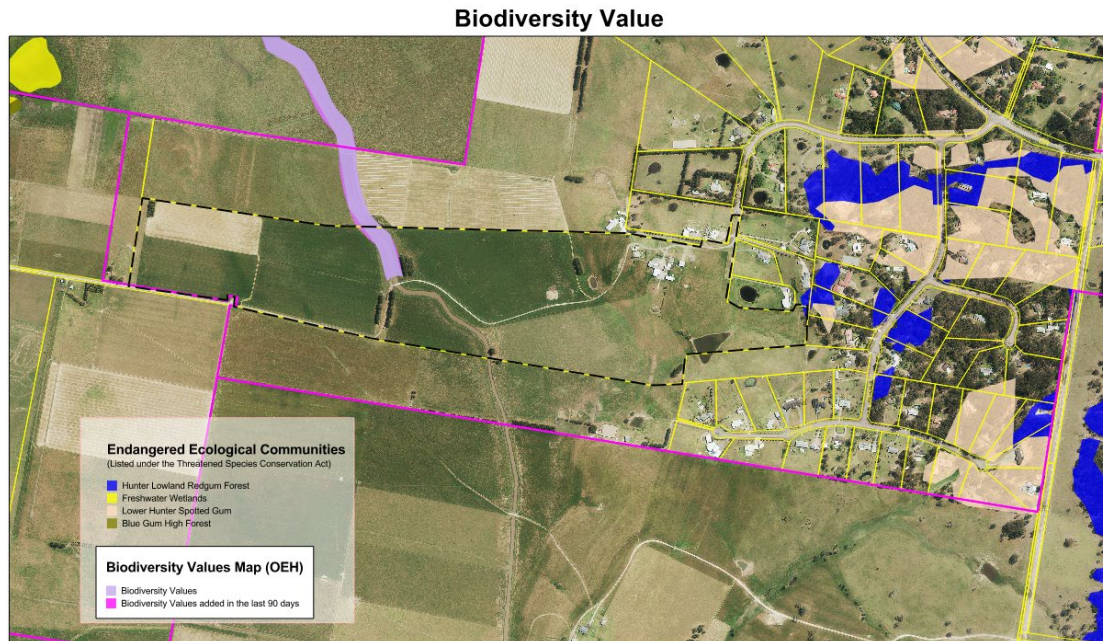
Ministerial Direction	Consistency and Implications
	<p><i>Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>The planning proposal does not propose provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.</p> <p>The planning proposal is consistent with Ministerial Direction 6.1 Approval and Referral Requirements.</p>
<p>6.2 Reserving Land for Public Purposes</p> <p>The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>The direction applies to all planning proposals.</p> <p><i>(4) 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 the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i></p> <p>The planning proposal is not seeking to reserve land for public purposes.</p> <p>The planning proposal is consistent with Ministerial Direction 6.2 Reserving Land for Public Purposes.</p>

Section C – Environmental, social, and economic impact

Q7. 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?

No. The subject land does not include koala habitat areas and/or corridors, significant native vegetation, endangered ecological communities, threatened species or habitats (see Figure 11). The planning proposal is unlikely to adversely affect any important biodiversity values.

Figure 11 Biodiversity value



Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The planning proposal has adequately responded to all likely environmental effects as a result of the planning proposal, including flooding, bushfire, rural land use conflict, acid sulfate soils, wastewater management, contamination and heritage, throughout this document.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The rezoning of the land for rural residential purposes will have positive social and economic effects, and in particular, the development of the land for housing will assist in meeting regional dwelling targets identified within the GNMP. The community benefit associated with the proposed development will be found in the provision of additional housing to service the future population needs of the Port Stephens LGA.

However, it is also recognised that any reduction in lot size permitting a dwelling can have negative social and economic outcomes by increasing fragmentation of agricultural land, making it more difficult and expensive to consolidate larger (potentially more economically viable) parcels for agriculture, and potentially increasing land use conflicts.

The Brandy Hill community have access to community services and facilities within the regional centre of Raymond Terrace, and Maitland and access to recreational facilities locally and within the wider Port Stephens locality. Additional demand from growth in the rural west is likely to continue to be met by either Raymond Terrace or centres within the Maitland LGA. The proposal will provide much needed housing for Port Stephens in a location that is in proximity to the major centre of Raymond Terrace. The impacts of the

proposal will be reduced by the retention of the most significant trees and putting in place evacuation arrangements during significant flooding events.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. Preliminary service advice from Ausgrid (electricity) and Hunter Water Corporation (water) confirming the availability and capacity of electricity and water supply to the subject land.

Connection to a reticulated sewer system is not available therefore; onsite wastewater systems shall be required for each lot, which remains consistent with the surrounding rural residential development of Brandy Hill. A Wastewater Management Report at the development application stage is appropriate given the size and yield of future lots.

There is sufficient infrastructure capacity in the existing road networks to support the proposal. A Traffic and Access Review has concluded that the planning proposal will have an acceptable impact upon the local road network.

Therefore, the expected growth/demand from the amendments will not place excessive demands on infrastructure.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant State and Commonwealth agencies can be undertaken following a Gateway determination to proceed. It is envisaged that the following agencies will be consulted:

- NSW Rural Fire Service
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Water
- Worimi Aboriginal Land Council
- Hunter Water Corporation

PART 4 – Mapping

Proposed changes to the Land Zoning Map and Lot Size Map are provided in Part 2 of this planning proposal (see Figures 2 and 3). Maps will be prepared in accordance with the Department of Planning, Industry and Environment's 'Standard technical requirements for spatial datasets and maps' following a Gateway determination to proceed.

PART 5 – Community consultation

Community consultation will be undertaken in accordance with the Gateway determination.

Notice of the public exhibition period will be placed on Council's website. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace;
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace;
- Tomaree Library, Town Centre Circuit, Salamander Bay.

PART 6 – Project timeline

	Aug '20	Sep '20	Oct '20	Nov '20	Dec '20	Jan '21	Feb '21	Mar '21	Apr '21	May '21	Jun '21	Jul '21	Aug '21
Gateway Determination	X			X									
Further Studies*													
Agency Consultation													
Public Exhibition													
Review of Submissions													
Council Report													
Parliamentary Counsel													

*Including:

- Aboriginal Cultural Heritage Assessment
- Bushfire Assessment Report
- Flood Free Access Report
- Preliminary Contamination Assessment