

Planning and Assessment

IRF21/3575

Gateway determination report

LGA	Port Stephens
PPA	Port Stephens Council
NAME	Rural Economic Development
NUMBER	PP-2021-4405
LEP TO BE AMENDED	<i>Port Stephens Local Environmental Plan 2013</i>
ADDRESS	LGA wide application
DESCRIPTION	LGA wide
RECEIVED	9 July 2021
FILE NO.	IRF21/3575
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Site description

The planning proposal applies to land zoned RU1 Primary Production and RU2 Rural Landscape in the Port Stephens local government area.

1.2 Existing planning controls

Relevant planning controls in *Port Stephens Local Environmental Plan 2013* are:

- objectives, permitted and prohibited land uses listed in the Land Use Table for the RU1 Primary Production and RU2 Rural Landscape zones, and
- clause 5.4 Controls relating to miscellaneous provisions for permitted uses as they apply to home businesses, home industries and farm stay accommodation.

The relevant land uses table and applicable provisions of *Port Stephens Local Environmental Plan 2013* are detailed below:

Extract from Part 2 Land Use Table

Zone RU1 Primary Production	Zone RU2 Rural Landscape
<p>Objectives of zone:</p> <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. 	<p>Objectives of zone:</p> <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.

Zone RU1 Primary Production	Zone RU2 Rural Landscape
<ul style="list-style-type: none"> • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	<ul style="list-style-type: none"> • To provide for a range of compatible land uses, including extensive agriculture.
<p>Permitted without consent:</p> <p>Extensive agriculture; Home occupations; Intensive plant agriculture</p>	<p>Permitted without consent:</p> <p>Extensive agriculture; Home occupations; Intensive plant agriculture</p>
<p>Permitted with consent:</p> <p>Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; 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; Intensive livestock agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems</p>	<p>Permitted with consent:</p> <p>Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; 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</p>
<p>Prohibited:</p> <p>Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3</p>	<p>Prohibited:</p> <p>Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3</p>

Clause 5.4 Controls relating to miscellaneous provisions

Permissible uses

- clause 5.4(2) Home businesses: If development for the purposes of a home business is permitted under the local environmental plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- Clause 5.4(3) Home industries: If development for the purposes of a home industry is permitted under the local environmental plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.
- Clause 5.4(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under the local environmental plan, the accommodation that is provided to guests must consist of no more than 6 bedrooms.

1.3 Surrounding area

The planning proposal applies to RU1 Primary Production and RU2 Rural Landscape zoned land in the Port Stephens local government area.

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal seeks to enable rural economic development through the inclusion of additional permitted uses or prohibited land use terms in the RU1 Primary Production and RU2 Rural Landscape zones, as well as alterations to clause 5.4 controls relating to miscellaneous permissible uses in *Port Stephens Local Environmental Plan 2013*.

2.2 Objectives or intended outcomes

The planning proposal seeks to:

- support agri-tourism and other economically viable land uses compatible with agricultural land use zones;
- stimulate economic development and facilitate home businesses and home industries in rural areas;
- increase opportunities for landowners to maximise the economic potential of their rural land without restricting agricultural uses; and
- support a diversified tourism economy in Port Stephens.

The objectives of the planning proposal are adequate and do not require any amendments.

2.3 Explanation of provisions

Council has advised the proposed wording in the planning proposal for the additional zone objectives in the RU1 Primary Production and RU2 Rural Landscape and clauses to increase the floor area of home businesses and home industries and increase farm stay accommodation to convey Council's intention. The final wording of the objective and clauses may be subject to revision during legal drafting and would be confirmed by Parliamentary Counsel.

Additional objective in RU1 Primary Production and RU2 Rural Landscape zones

- include in the Land Use Table the additional zone objective '*to facilitate a variety of tourist and visitor land uses appropriate for the area*' in both the RU1 Primary Production and RU2 Rural Landscape zones.

The Standard Instrument Land Use Table identifies under Direction 1 that additional objectives may be included in a zone to reflect local objectives for development.

Including the additional objective '*to facilitate a variety of tourist and visitor land uses appropriate for the area*' in the RU1 Primary Production and RU2 Rural Landscape zones highlights Council's intention to provide local rural economic development opportunities.

Despite this, the *Hunter Regional Plan 2036*, *Greater Newcastle Metropolitan Plan 2036* and Council's Local Strategic Planning Statement all use language that tourist and visitor land uses "should complement and promote a stronger agricultural sector". The additional objective should be updated to reflect this language in order to be consistent with the relevant strategic planning framework.

Additional uses permitted with consent in RU1 Primary Production and RU2 Rural Landscape zones

The planning proposal seeks to include the following additional land uses to the Land Use Table as permitted with consent:

- RU1 Primary Production zone: *artisan food and drink industries, charter and tourism boating facilities, garden centres, information and education facilities, secondary dwellings, recreation facilities (outdoor), rural supplies, research stations.*
- RU2 Rural Landscape zone: *artisan food and drink industries, charter and tourism boating facilities, function centres, garden centres, high technology industries, mortuaries, research stations, restaurants or cafes, secondary dwellings, recreation facility (indoor), recreation facilities (major), rural supplies.*

Similar additional land uses permitted with consent have been adopted in the following local environmental plans:

- *Upper Hunter Local Environmental Plan 2013*
 - RU1 Primary Production zone permits *information and education facilities, secondary dwellings, recreation facilities (outdoor) uses and rural supplies* with development consent
- *Gloucester Local Environmental Plan 2010*
 - RU1 Primary Production zone permits *function centres and restaurants or cafes* with development consent
- *Shoalhaven Local Environmental Plan 2014*
 - RU1 Primary Production zone permits *Artisan food and drink industries, Charter and tourism boating facilities, Information and education facilities and Recreation facilities (outdoor)* with development consent

- RU2 Rural Landscape zone permits *artisan food and drink industries, charter and tourism boating facilities, recreation facility (indoor) and recreation facilities (major)* with development consent
- *Lismore Local Environmental Plan 2012*
 - RU1 Primary Production zone permits *garden centres, information and education facilities, recreation facilities (outdoor) and rural supplies* with development consent
 - RU2 Rural Landscape zone permits *garden centres and restaurants or cafes* with development consent

The proposed amendments to the Land Use Table for the RU1 Primary Production and RU2 Rural Landscape zones in *Port Stephens Local Environmental Plan 2013* appear to be generally compatible other local environmental plans.

There do appear to be some anomalies that may require further justification to their alignment current and proposed objectives. This includes the proposed additional permitted use of *mortuaries*. Additionally, the inclusion of *high technology industries* requires additional justification for its inclusion in the RU2 Rural Landscape zone. The *Coffs Harbour Local Environmental Plan 2013* does permit *high technology industries* with consent in the RU2 Rural Landscape zone.

Consultation with the Department of Primary Industries should occur to confirm if the additional land uses and clauses proposed are acceptable.

Prohibited land use terms in zones RU1 and RU2

- Include *General industries* and *Heavy industries* as prohibited in the Land Use Table in RU1 Primary Production and RU2 Rural Landscape zones

The *Port Stephens Local Environmental Plan Local Environmental Plan 2013* already prohibits general industries and heavy industries in the RU1 Primary Production and RU2 Rural Landscape zones as innominate uses being any other development not specified as permitted with or without consent.

The planning proposal seeks to include these land use terms as prohibited in the Land Use Table as previous interpretations of development resulted in certain industrial land uses being carried out where it is prohibited. Expressly identifying the land use terms *General industries* and *Heavy industries* as prohibited provides greater clarity. It will assist Council in its interpretation when defining land uses as prohibited.

Increased floor area for home businesses and home industries in rural zones

- include a new clause at 5.4(2) in additional to the existing clause identifying:
 - *Home Businesses in rural zones. If development for the purposes of a home business is permitted under this Plan in a rural zone, the carrying on of the business must not involve the use of more than 200 square metres of floor area.*
- include a new clause at 5.4(3) in additional to the existing clause identifying:
 - *Home industries in rural zones. If development for the purposes of a home industry is permitted under this Plan in a rural zone, the carrying on of the*

home industry must not involve the use of more than 200 square metres of floor area.

Home businesses and Home industries are permitted with consent in the RU1 Primary Production, RU2 Rural Landscape and RU5 Village zones under *Port Stephens Local Environmental Plan 2013*. The planning proposal seeks to increase the permitted floor area for *home businesses* and *home industries* from 60m² to 200m² in rural zones.

The proposed amendment has the potential to impact the amenity of residents on smaller lots in Hinton zoned RU5 Village. Council has subsequently advised its intention was to apply only to the RU1 Primary Production and RU2 Rural Landscape zones, and not the RU5 Village zone.

The planning proposal should be updated to clarify the increase to allowable floor area provision for home businesses and home industries floor applies only to the RU1 Primary Production and RU2 Rural Landscape zones.

Farm stay accommodation

- amend clause 5.4(5) to increase the number of bedrooms for farm stay accommodation from 6 to 20 as follows:
 - *Farm stay accommodation. If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 20 bedrooms.*

The increase in the number of bedrooms for guests in farm stay accommodation from 6 to 20 is generally consistent with other local environmental plans which contain similar provisions. For example, Dubbo, Gilgandra and Wellington local environmental plans permit up to 15 guest bedrooms and the *Oberon Local Environmental Plan 2013* permits up to 20 guest bedrooms for farm stay accommodation.

Conclusion

The explanation of provisions in the planning proposal references amendments to “the LEP”, rather than the *Port Stephens Local Environmental Plan 2013*. The planning proposal should be updated to identify the environmental planning instrument being amended.

The explanation of provisions is generally adequate, subject to the planning proposal being updated to:

- clarify the increased floor area provision for *home businesses* and *home industries* applies only in the RU1 Primary Production and RU2 Rural Landscape zones; and
- identify in the explanation of provisions that the planning proposal will amend the *Port Stephens Local Environmental Plan 2013*.

2.4 Mapping

The planning proposal seeks to amend the written instrument and no map changes are required.

3. NEED FOR THE PLANNING PROPOSAL

Council has advised there has been a lack of landowner interest in developing agricultural land uses on land zoned for agricultural purposes in Port Stephens Local Government Area due to inflexible planning controls. The proposed changes will support agritourism and other economically viable land uses compatible with agricultural land use zones to stimulate economic development and facilitate home businesses and home industries in rural areas.

The planning proposal also identifies several local strategies and studies that emphasise the need to increase tourism opportunities and visitation to rural areas and generate economic growth and diversity for rural landowners in Port Stephens, including:

- *Port Stephens Visitor Survey 2021;*
- *Rural Lands Strategy 2011;*
- *Port Stephens Commercial & Industrial Land Study 2010;*
- *Port Stephens Economic Development and Tourism Strategy 2018-2020;* and
- *Port Stephens Council Place Score Liveability Survey 2020.*

While the planning proposal is not the result of a specific strategy or study it aims to promote and encourage agritourism and is the best means to achieve Council's objectives.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Hunter Regional Plan 2036

The *Hunter Regional Plan 2036* provides high level directions for growth and change in the region. The planning proposal is consistent with the following relevant directions and actions:

- Direction 6: Grow the economy of MidCoast and Port Stephens
 - 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.
- Direction 10 Protect and enhance agricultural productivity
 - Action 10.5 Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector and build the sector's capacity to adapt to changing circumstances.

The planning proposal will promote economic diversity and new tourism opportunities in rural land in Port Stephens

The *Hunter Regional Plan 2036* uses language that tourist and visitor land uses "should complement and promote a stronger agricultural sector". The additional objective should be updated to reflect this language in order to be consistent with the relevant strategic planning framework.

Including an additional local additional provision which assesses manage land use impacts of the proposed additional uses in the RU1 and RU2 zones, while

diversifying the rural land uses and protecting agriculture productivity would be consistent with the *Hunter Regional Plan 2036*.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* reiterates some of the directions and actions of the *Hunter Regional Plan 2036* as they relate to rural land, and include:

- Strategy 13: Protect rural amenity outside urban areas includes under 13.1 the relevant actions to:
 - encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances
 - protect and preserve productive agricultural land to support the growth of agricultural industries and keep fresh food available locally.
- Direction 10 Protect and enhance agricultural productivity
 - Action 10.5 Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector and build the sector's capacity to adapt to changing circumstances.

The *Greater Newcastle Metropolitan Plan 2036* uses language that tourist and visitor land uses “should complement and promote a stronger agricultural sector”. The additional objective should be updated to reflect this language in order to be consistent with the relevant strategic planning framework.

The planning proposal will provide rural landowners with additional opportunities for economic development, through the diversification of rural industries. Some industries are not specifically related to agriculture. However, they will support changing economies including niche commercial, tourist and recreation activities that do not conflict with primary production.

Existing agricultural land uses will be maintained in the rural zones, while providing additional economic opportunities including agritourism consistent with the strategies and actions of the *Greater Newcastle Metropolitan Plan 2036*.

4.2 Local

Port Stephens Local Strategic Planning Statement

The LSPS includes the following relevant planning priorities and actions:

- Planning Priority 3 Support tourism development and attract events
 - Action 3.2 Facilitate programs for business to encourage accessible tourism across Port Stephens.
 - Action 3.3 Investigate opportunities to facilitate land uses that can support the tourist and visitor economy, including enabling farm gate sales along the Nelson Bay Road corridor and areas for boat and caravan storage in suitable locations.
- Planning Priority 9 Protect and preserve productive agricultural land.
 - Action 9.2 Review local plans to encourage niche commercial, tourist and recreation activities that complement and promote agricultural industries.

Council's Local Strategic Planning Statement uses language that tourist and visitor land uses "should complement and promote a stronger agricultural sector". The additional objective should be updated to reflect this language in order to be consistent with the relevant strategic planning framework.

The planning proposal aims to give effect to priorities to make business growth easier, support tourism development and attract events in Port Stephens. The planning proposal seeks to facilitate land uses that can support the tourist and visitor economy and encourage niche commercial, tourist and recreation activities that complement agricultural industries and operations and is consistent with the LSPS.

Other Council Strategies

Council has identified local strategies that support the planning proposal including:

- *Port Stephens Economic Development and Tourism Strategy 2030;*
- *Our Incredible Place: A Strategy for Events, the Arts, and Culture in Port Stephens;*
- *Port Stephens Local Housing Strategy;*
- *Port Stephens Community Strategic Plan 2018 – 2028;* and
- *Port Stephens Commercial & Industrial Land Study 2010.*

The planning proposal responds to these strategies by enabling the creation of additional agritourism opportunities, permit uses that support tourism and the visitor economy including function centres, artisan food and drink premises, and restaurants and cafes. The planning proposal also facilitates the ongoing expansion of the visitor and tourist sectors in the Port Stephens local government area and is consistent with Council's strategies.

4.3 State environmental planning policies (SEPPs)

SEPP (Koala Habitat Protection) 2021

The SEPP requires any development application to be determined by Council must be consistent with an approved koala plan of management that applies to the land. The Port Stephens Comprehensive Koala Plan of Management applies and any future development applications would need to be consistent with the plan of management when lodged.

SEPP (Activation Precincts) 2020

The planning proposal notes that land surrounding Williamstown Special Activation Precinct is zoned RU2 Rural Landscape and had been subject to land constraints that limited agricultural activity. The planning proposal may enable more diverse use of rural land for landowners affected by these constraints.

SEPP (Primary Production and Rural Development) 2019

The planning proposal identifies additional land uses on rural lands. Consultation with the Department of Primary Industries is required to confirm uses are appropriate.

4.4 Section 9.1 Ministerial directions

1.2 Rural Zones

The direction applies it will amend the permissible land uses in rural zones. While it does not seek to rezone land from a rural zone, it does contain provisions that will increase the permissible density of land in a rural zone.

Subject to the proposed amendment to the wording of the additional proposed objective, the planning proposal is consistent with the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036*.

1.5 Rural Lands

The planning proposal seeks to promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities while maintaining rural land uses and zones.

The planning proposal would benefit from an additional local provision to include assessment considerations to manage land use impacts given the number of additional uses proposed. Including assessment considerations to address impacts on the natural habitat and biodiversity, drinking water catchments, preserving land for agriculture production, minimising land use conflict through appropriate buffers, preventing incompatible uses, while protecting rural character and managing bushfire or flooding risk and assist in demonstrating consistency with the direction.

Consistency with the direction will need to be determined following consultation with the Department of Primary Industries on the proposed local environmental plan amendments.

2.2 Coastal Management

Council has not identified this direction as applicable. However, the planning proposal includes land that is located within the coastal zone. The planning proposal should be updated to address consistency with the direction.

2.6 Remediation of Contaminated Land

Council has not identified this direction as applicable. However, the planning proposal includes permitting additional uses on rural land likely to contain agricultural or horticultural activities identified in Table 1 of the contaminated land planning guidelines. The planning proposal should be updated to address consistency with the direction.

3.3 Home Occupations

This direction was revoked on 20 November 2020 and should be removed from the planning proposal.

3.5 Development Near Regulated Airports and Defence Airfields

Council has identified that Newcastle Airport adjoins land zoned RU2 Rural Landscape that is subject to the planning proposal. The *Port Stephens Local Environment Plan 2013* includes provisions under clauses 7.4 and 7.5 that regulate airspace operations and aircraft noise.

Subject to the proposed amendment to the wording of the additional proposed objective, the planning proposal is consistent with the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036*.

4.1 Acid Sulfate Soils

Council has not identified this direction as applicable. However, the planning proposal includes permitting additional uses on rural land that includes land that has a probability of containing acid sulfate soils. The planning proposal should be updated to address consistency with the direction.

4.3 Flooding

Council has not identified this direction as applicable. However, the planning proposal includes permitting additional uses on rural land across the local government area including land that is flood prone. The planning proposal should be updated to address consistency with the direction.

4.4 Planning for Bushfire Protection

Council has not identified this direction as applicable. However, the planning proposal applies to rural land across the local government area that is mapped as bushfire prone. There are uses proposed, such as *function centres*, which may require additional considerations to manage bushfire risk and could be addressed in an additional local provision in the RU1 Primary Production and RU2 Rural Landscape zones.

Consultation with the NSW Rural Fire Service should occur before consistency with the direction can be determined.

5.10 Implementation of Regional Plans

Subject amendments to the proposed additional objective, the planning proposal is consistent with the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036*.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal is anticipated to result in positive social impacts through permitting expanded land uses to support agritourism and other economically viable land uses compatible with agriculture to stimulate economic development and facilitate home businesses and home industries in rural areas.

5.2 Environmental

The RU1 Primary Production and RU2 Rural Landscape zones are likely to include land with biodiversity values and koala habitat. Although these matters would be addressed when a development application is lodged for a particular use it is appropriate for the Biodiversity and Conservation Division, Department of Primary Industries and NSW Local Land Services to review the planning proposal to confirm they are appropriate.

Council's Drinking Water Catchment Maps identify areas of the water catchment located on RU1 Primary Production and RU2 Rural Landscape zoned land. The proposed provisions and additional uses if developed have the potential to increase effluent disposal in the drinking water catchment. Council should consider including an additional local clause to address impacts of development in the drinking water catchment and consult with Hunter Water Corporation.

5.3 Economic

The planning proposal will increase opportunities for landowners to maximise the economic potential of their rural land, without restricting agricultural uses. The changes will also support a diversified economy in Port Stephens and provide for additional potential employment opportunities through increased visitor and tourist uses.

Council has proposed to consult with Transport for NSW given the additional uses may generate traffic impacts.

6. CONSULTATION

6.1 Community

Council has anticipated a community consultation period of 2 months in the project timeline. Given the planning proposal compatible with surrounding land uses and consistent with the strategic planning framework the planning proposal should be publicly exhibited for a minimum period of 28 days.

6.2 Agencies

The planning proposal recommends consultation with the following:

- NSW Rural Fire Service,
- Biodiversity Conservation Division,
- Department of Primary Industries,
- Hunter Water Corporation,
- Transport for NSW, and
- NSW Local Land Services.

Given the planning proposal seeks to make mortuaries permissible with consent in the RU2 Rural Landscape zone, consultation should be undertaken with Health NSW to determine appropriateness with Part 8 of the *Public Health Regulation 2012*.

7. TIME FRAME

Council proposes a 7 month timeframe to progress the planning proposal to Parliamentary Counsel. However, this timeframe does not account for the extended public exhibition and time to finalise the plan. It is considered a 9 month timeframe is sufficient for Council to make the plan.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. Given the nature of the planning proposal Council should be delegated as the plan-making authority.

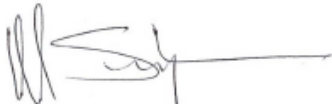
9. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note the consistency with section 9.1 Ministerial directions: 1.5 Rural Lands; 2.2 Coastal Management; 2.6 Remediation of Contaminated Land; 4.1 Acid Sulfate Soils; 4.3 Flooding; and 4.4 Planning for Bushfire Protection are unresolved and will require justification.

It is recommended the delegate of the Minister for Planning and Public Spaces determine the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal should be updated to:
 - (a) identify in the explanation of provisions that the planning proposal will amend the *Port Stephens Local Environmental Plan 2013*;
 - (b) amend the additional objective to read “*to facilitate a variety of tourist and visitor land uses that complement and promote a stronger rural sector appropriate for the area*”;
 - (c) clarify the increased floor area for home businesses and home industries applies only to the RU1 Primary Production and RU2 Rural Landscape zones.
 - (d) remove reference to section 9.1 Ministerial direction 3.3 Home Occupations as it has been revoked.
 - (e) Include consideration of the section 9.1 Ministerial directions: 1.5 Rural Lands, 2.2 Coastal Management, 2.6 Remediation of Contaminated Land, 4.1 Acid Sulfate Soils, 4.3 Flooding and 4.4 Planning for Bushfire Protection.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. During public exhibition, consultation is required with the following public authorities:
 - NSW Rural Fire Service,
 - Biodiversity Conservation Division,
 - Department of Primary Industries,
 - Hunter Water Corporation,
 - Transport for NSW,
 - Health NSW; and
 - NSW Local Land Services.
4. The time frame for commencing public exhibition is 5 months from the date of the Gateway determination.
5. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority.



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