

Singleton Council

**Land Subject to Deferred Matter (Bulga)**  
**SINGLETON LOCAL ENVIRONMENTAL PLAN 2013**

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## EXECUTIVE SUMMARY

<b>Local Government Area:</b>	Singleton Council (SC)
<b>Name of the Draft Local Environmental Plan (LEP):</b>	Singleton Local Environmental Plan (SLEP) 2013 – Bulga “Deferred Matter”
<b>Subject land:</b>	All properties within Bulga “Deferred Area”
<b>Land owner(s):</b>	Various
<b>Applicant:</b>	Singleton Council
<b>Council file reference:</b>	PGR 3/2016
<b>CM9 document reference:</b>	AD17/12329
<b>NSW Department of Planning &amp; Environment (DP&amp;E) reference:</b>	
<b>Version:</b>	1.2
<b>Date:</b>	10/10/2017
<b>Officer:</b>	Gina Hamilton-Avery
<b>Manager:</b>	Mary-Anne Crawford

## PART 1 – OBJECTIVES OF THE PLANNING PROPOSAL

The objective(s) of this planning proposal are to:

- (a) Complete the repeal of the *Singleton Local Environmental Plan 1996* by incorporating the remaining land to which it applies (i.e. Bulga “Deferred Matter”) into the *Singleton Local Environmental Plan 2013*;
- (b) Apply appropriate land use zones to the land, which are compatible with identified environmental constraints and provide for the orderly and economic use and development of the land;
- (c) Provide for large residential lots in the village of Bulga and allow for limited future growth of the village by zoning adjoining relatively un-vegetated land *R5 Large Lot Residential*;
- (d) Provide for low impact residential development on the land proposed to be zoned *E4 Environmental Living*, which is sympathetic to the environmental values of that land;
- (e) Provide for sustainable primary industry on land proposed to be zoned *RU4 Primary Production Small Lots*;
- (f) Provide for continued recreational use of the Bulga Recreation Ground by zoning that land *RE1 Public Recreation*; and
- (g) Map the War Memorial Gates at Bulga Recreation Ground as being an item of local heritage significance.

## PART 2 – EXPLANATION OF THE PROVISIONS

The proposed objectives of the planning proposal will be achieved by amending the SLEP 2013 as outlined below:

Item no.	Explanation of provisions
1	<ul style="list-style-type: none"><li>Amend Part 1, Clause 1.3</li><li>Remove subclause 1.3 (1A).</li></ul>
2	<ul style="list-style-type: none"><li>Amend Land Application Map</li><li>Amend the <i>Land Application Map Sheet LAP_001</i> to remove the “Deferred Matter” border and label from the site subject of this proposal and include the site into the <i>Singleton Local Environmental Plan 2013</i>.</li></ul>
3	<ul style="list-style-type: none"><li>Amend Land Zoning Map</li><li>Amend the <i>Land Zoning Map Sheets LZN_009</i> and <i>LZN_009A</i> to remove the “Deferred Matter” border and label from the site subject of this proposal and identify the site as being zoned <i>R5 Large Lot Residential Zone</i>, <i>E4 Environmental Living Zone</i>, <i>RU4 Primary Production Small Lots Zone</i> and</li></ul>

	<i>RE1 Public Recreation Zone.</i>
4	<ul style="list-style-type: none"> <li>• Amend Lot Size Map</li> <li>• Amend the <i>Lot Size Map Sheet LSZ_009</i> to apply a 1 hectare minimum lot size for lots created by subdivision, to that part of the site to be zoned <i>R5 Large Lot Residential Zone</i>, 4 hectares to that part of the site to be zoned <i>E4 Environmental Living Zone</i>, and 40 hectares to that part of the site to be zoned <i>RU4 Primary Production Small Lots</i>.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Amend Heritage Map</li> <li>• Amend the <i>Heritage Map Sheet HER_009A</i> to identify Lot 1, DP949442 as being a heritage item (item – general): I11.</li> <li>• Note: this item is already listed in Schedule 5, Part 1 of the <i>Singleton Local Environmental Plan 2013</i>.</li> </ul>

## PART 3 – JUSTIFICATION OF THE PROVISIONS

### SECTION A: NEED FOR THE PLANNING PROPOSAL

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

The planning proposal is not the result of a site specific strategic study or report. Singleton Council has prepared the planning proposal to remove the site (Bulga “Deferred Matter” Bulga) from the SLEP 1996 and include that land in the SLEP 2013. This would incorporate the site into the SLEP 2013.

As at the time of preparation of this planning proposal, Council had prepared the draft *Singleton Village Master Plans 2016*, to identify future options for the public domains of Broke/ Fordwich and Bulga/ Milbrodale. This master plan also provided zoning options for the future development of the site. It identified that the entire site should be zoned *RU2 Rural Landscape Zone* and recommended that the minimum lot size for lots created by subdivision increase from 8000m<sup>2</sup> to 4 hectares. This approach would provide some scope for subdivision, but would not provide for growth of the immediate village. Application of the *RU2* zone to the site would not adequately protect important ecological values on certain parts of the site comprising the Central Hunter Grey Box – Ironbark Woodland, which is an Endangered Ecological Community (EEC). It would not reinforce the sense of community or provide future direction for residents or interested stakeholders.

The Villages Masterplan is a concept urban design based document, primarily prepared to address urban design/ public domain related matters for the respective villages. Although the masterplan has been on public exhibition and workshops were held to provide for public participation in the masterplan process, it has not been formally adopted by Council. The masterplan is currently under review. All reference to proposed zone scenarios and development controls identified in the plan are intended to be removed to avoid confusion around its application (i.e. being a public domain based document).

The *R5 Large Lot Residential Zone* would accommodate existing residential housing and associated development and provide opportunity for some additional residential growth.

Application of zone R5 closely aligns with the objectives of the 1(d) Rural Small Holdings Zone that currently applies to the site (Refer to Table A, for a comparison between the 1(d) and R5 zone objectives). Each zone provides for residential development in a rural setting without impact on environmentally sensitive areas or visual amenity. The R5 zone provides for development that does not increase demand on existing services. Given the limited amount of growth provided for by the planning proposal, increased minimum lot size requirements from 8000m<sup>2</sup> to 1 hectare and the provision of reticulated water by the Bulga Water Supply Network, the R5 zone is considered appropriate for the site. The small increase in lots within the R5 zone would also help make the new water supply more viable. Refer to Attachment 5: Proposed Water Supply Network – Bulga (for details on the proposed water supply network route).

Table A: Comparison between the objectives of the 1(d) Rural Small Holdings and R5 Large Lot Residential zones.

<b>Singleton Local Environmental Plan 1996 Zone 1(d) Rural Small Holdings Zone Objective</b>	<b>Singleton Local Environmental Plan 2013 Zone 5 Large Lot Residential Objectives</b>
<i>To facilitate and provide for rural residential development in appropriate locations, taking into account natural constraints.</i>	<i>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</i>
<i>To maintain and enhance amenity and landscape quality.</i>	<i>To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</i>
	<i>To ensure that development in the area does not unreasonably increase the demand on public services or public facilities.</i>
	<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>

Zone E4 Environmental Living was applied to certain areas of the site that contained the Central Hunter Grey Box – Ironbark Woodland, Ecologically Endangered Community (EEC). In 2012, the NSW Office of Environment and Heritage (OEH) recommended that the entire site be zoned E4. Given the already established village area, associated residential development and existing agricultural activities (viticulture, orchards, grazing) across the site, broad application of the E4 zone is not considered appropriate. The planning proposal would apply the E4 zone to certain land that contains the EEC's, riparian areas, intermittent watercourses and adjoins the Wollemi National Park. This would be generally consistent with the OEH recommendations, in that certain parts of the site with important ecological values would be zoned E4. Minimum lot size requirements for subdivision would increase from 8000m<sup>2</sup> to 4 hectares. Increasing the minimum lot size requirements would also help to ensure that any future development occurs in appropriate locations to reduce impacts on the EEC's. Application of the E4 zone to environmentally constrained parts of the site would

help preserve and maintain significant conservation values as identified. Refer to Attachment 3: Existing Vegetation and Settlement Pattern – Bulga (for existing settlement patterns and distribution of EEC's and connectivity to Wollemi National Park).

Application of the *RU4 Primary Production Small Lots Zone* to certain land in the northwest and southeast sections of the site would provide for a continuation of agricultural production activities. Zone RU4 would be consistent with adjoining agricultural lands and provide a transition between residential, environmental and rural lands; which would help reduce conflict between the respective land uses.

Application of the *RE1 Public Recreation Zone* to the Bulga Recreation Ground would facilitate continued use of the site for recreational purposes.

The War Memorial Gates at Bulga Recreation Ground (Lot 1, DP 949442) are listed as being an item of local heritage significance in Schedule 5 of the SLEP 2013. The site was not mapped in the SLEP 2013 Heritage Map due to the "Deferred Matter". Removal of the "Deferred Matter" from the SLEP 2013 will require updating of the Heritage Map to include the heritage item that lies within the "Deferred Matter" boundary as a matter of administration.

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

The amendments to the LEP, as described by this planning proposal, are considered to be the best means of achieving the objectives and intended outcomes as described in Part 1 of this planning proposal. In arriving at this opinion, the following alternative approaches were considered:

**Option 1:** Do nothing. Maintain the existing status of the "Deferred Matter" under the provisions of the SLEP 1996. This option would not align the matter under the SLEP 2013 and would provide no future direction or certainty for the site, its community or Council.

**Option 2:** Zone the entire site *RU2 Rural Landscape*. This zone applies "to rural land used for commercial primary production and is compatible with ecological or scenic landscape qualities that have been conserved". The RU2 zone would help to maintain and enhance the natural resource base and the rural landscape character of Bulga.

The RU2 zone would permit a broad range of activities, but is generally applied to land that is more suitable for extensive (grazing) or intensive (viticulture) agricultural purposes and not to land with special ecological values or residential characteristics. The zone is predominantly used for agriculture, not village or environmental protection purposes. Minimum lot size requirements would increase from 8000m<sup>2</sup> to 4 hectares. This would provide some scope for subdivision within the E4 zone. It would not provide for future growth in the immediate village.

Application of the RU2 zone over the entire site is not considered adequate to maintain and protect the EEC's. If broadly applied, the RU2 zone could increase the likelihood of land use conflict with respect to the immediate village, EEC's and agricultural production purposes.

**Option 3:** Zone the entire site *E4 Environmental Living*. This zone applies to land with special environmental or scenic qualities and would permit low impact residential development. The zone permits a broad range of land uses, but also prohibits a number of activities considered suitable for certain parts of the site including, but not limited to, viticulture, and tourist and visitor accommodation. Given that areas of the site are used for residential activities and agriculture (grazing, orchards, and vineyards), broad application of the E4 zone over the site, could lead to land use conflict between existing residential, environmental protection, commercial and agricultural practises.

## **SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

### **1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional or district strategy (including exhibited draft strategies)?***

The Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) is a sub-regional land use strategy that applies to the Upper Hunter Region, which includes the Singleton Local Government Area (LGA).

The site is within the "Strategic Agricultural Land (SAL) – "Viticulture Industry Cluster" SAL "Equine Industry Cluster" and "Beef Industry Cluster" as identified in the UHSRLUP.

Chapter 3 of the UHSRLUP recognises the need to provide balance between agriculture and resource development. According to the UHSRLUP the site has an existing exploration license, and prospective mine and coal resource exploration potential (Map 2). Map 3 of the UHSRLUP identifies that the site has high coal seam gas potential. The site is also located approximately 3km west of the Bulga Mine Complex (BMC).

According to the State Significant Development Assessment – Bulga Optimisation Project (SSD 4960) prepared by the NSW Department of Planning and Environment (DP&E), BMC operations are expected to reduce overtime with the emplacement of the proposed western overburden, which would shield the site from mine related environmental impacts. Impacts are also expected to decrease as mine operations progress (Department of Planning and Environment, 2014).

The Mount Thorley Continuation and Warkworth Expansion Projects (SSD-6464/ 6465) – Under its previous consent, coal extraction at the Mt Thorley mine would cease in 2022. An additional 21 year consent period was approved to enable the continuation of services to the Warkworth mine. The Planning Assessment Commission (PAC) determined approval of the project "*subject to stringent conditions*". According to the PAC it was "*satisfied that the Project is consistent with current government policy, particularly in relation to biodiversity, noise, air quality and socio-economic impacts*". The PAC considered that the "*Project would*



*deliver substantial benefits to the local government area and the Hunter region".* The planning proposal is not expected to impact on mineral resource potential or current mine operations as it relates to the existing village and neighbouring surrounds of Bulga (Deferred Matter).

Application of the RU4 zone to certain lands in the northwest and southeast sections of the site would provide for the continuation of agricultural produce activities on such land (i.e. viticulture, orchards, grazing etc.).

Housing and settlement is referred to in Chapter 6 of the UHSRLUP. The UHSRLUP recognises the need to provide a mix of housing to cater for population growth and ongoing demand. The planning proposal would provide opportunity for limited growth of the village and relatively vegetated parts of the site. Application of the R5 zone (and to a certain extent the E4 zone) would provide some opportunities for infill residential development, subject to detailed assessment of land capability and suitability criteria.

The proposal is considered to be consistent with the objectives and actions of the UHSRLUP.

## ***2. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?***

### **Singleton Land Use Strategy 2008**

The *Singleton Land Use Strategy* (SLUS) outlines key land use policies and principles for the Singleton LGA. It provides context for the preparation of the local environmental plan provisions. The SLUS identified that appropriate zones should be determined for land uses across the LGA.

Actions in the SLUS proposed that Bulga be zoned entirely *E4 Environmental Living Zone* with a 5ha minimum lot size for subdivision. This was determined based on:

- Land capability and suitability criteria;
- Those parts of the site that comprise the Central Hunter Grey Box – Ironbark Woodland (EEC);
- The site adjoining Wollemi National Park along its southern/ southwest boundary; and
- There being no reticulated water or sewer supply and associated infrastructure.

The E4 zone applies to land with special environmental or scenic qualities and would permit low impact residential development. This accommodates the majority of the EEC's and existing residential development. The zone permits a broad range of land uses but also prohibits a number of activities including, but not limited to, agricultural produce industry, forestry, retail premises community facilities, viticulture, and tourist and visitor accommodation. Given that areas of the site are presently used for residential and agricultural activities (i.e. grazing, orchards, and vineyards), broad application of the E4 zone over the site could lead to land use conflict between existing residential, commercial and agricultural practises.

Zone R5 would accommodate existing residential housing and associated village activities. Introduction of the 1 hectare minimum lot size requirement would provide opportunity for growth through infill development.

The E4 zone would provide for:

- Low impact residential development;
- Protection and maintenance of important environmental and scenic attributes; and
- An appropriate transition between the Wollemi National Park and agricultural produce activities.

Application of the 4 hectare minimum lot size would provide opportunities for some limited growth. The proposed minimum lot size would increase from 8000m<sup>2</sup> to 4 hectares for the predominantly vegetated land. This land has an established residential settlement pattern and any further development within the proposed E4 zone would be similar in form to existing settlement patterns. As such, the proposal is expected to reduce impacts on vegetated areas of the site, as the majority of the EEC's are located within the E4 zone, with the remainder located within the RU4 zone. Minimum lot size requirements in zone RU4 would increase from 8000m<sup>2</sup> to 40 hectares. The 40 hectare minimum lot size and existing rural settlement within the proposed zone would help reduce potential impacts on the EEC's. It would also help maintain and protect the ecological values of the EEC's. Any future subdivision should be able to be designed to avoid impacts on potential threatened fauna habitat.

Zone RU4 would provide for the continuation of agricultural production activities. This would be consistent with activities on adjoining land (i.e. viticulture, orchard, olive groves, grazing etc.). It would also provide a transition between rural, environmental and residential land uses, which would help reduce potential for land use conflict.

Funding has been approved for a proposed water supply network project that involves the construction of a 0.5ML/day (500kL) packaged water treatment plant, associated service pipelines and water reticulation network of around 3km. This infrastructure would have capacity to allow for limited future growth throughout the site.

At the time of writing this report, a reticulated sewerage system was not intended to be provided to the site. Existing residents use on-site sewerage management systems to service individual lots. Future development of the site would need to have sufficient available land area, to accommodate on-site effluent dispersal. The 1 hectare minimum lot size requirement for the land proposed to be zoned R5; and 4 hectares minimum lot size requirement for the land to be zoned E4, would help mitigate impacts on soil, water and the environment. Sufficient dispersal areas would need to be available to accommodate future development.

Application of the proposed R5, E4 and RU4 zones and associated minimum lot size requirements of 1, 4 and 40 hectares respectively, would help reduce the potential for land use conflict between the residential, ecological and rural characteristics of the site. Future development of existing lots would generally reflect existing settlement patterns over the site. Any future development within the proposed zones could be adequately managed by implementing existing controls on design, siting, separation between buildings and building line setbacks, to minimise land use conflict between residential, ecological and rural land uses. Application of the R5 zone would provide for a limited amount of growth for the village and generally reflect existing settlement patterns. The proposed new water supply system (due to be constructed), would service allotments within the site with reticulated water. A small amount of growth over the site would help make the new water supply system more viable.

Land containing the majority of the EEC's would be zoned E4, which would accommodate existing residential development patterns and help maintain the ecological and scientific qualities for lots within the E4 zone. Application of zone RU4 would provide for existing agricultural activities on the site. The E4 zone provides a buffer between the residential setting and existing intensive agricultural activities (viticulture and orchards) within the proposed RU4 zone. As proposed, the combined configuration of the zones would help minimise land use conflict between village activities, residential development and land with high ecological value.

Application of the *RE1 Public Recreation Zone* to the Bulga Recreation Ground would facilitate continued use of the site for recreational purposes.

The proposed R5, E4, RU4 and RE1 zones would accommodate existing land uses and would provide for additional growth opportunities. Future development could be designed, sited and managed to avoid any significant adverse impact on the environment, agriculture and the residential components of the site. It is considered that potential impacts could be adequately managed and/ or mitigated, if future development is provided for in appropriate locations. Actions in the SLUS, identified that water servicing, EEC's and Wollemi National Park are primary considerations for future development within the site. Given the proposed zone combination, associated minimum lot size requirements and provision of a reticulated water supply system to the site, the planning proposal is considered to be generally consistent with the SLUS.

Refer to the following attachments, which illustrate the subdivision potential for the site, vegetated areas in relation to existing settlement patterns and the new water supply network layout:

- Figure 7: Map of subdivision potential for the proposed R5, E4 and RU4 zones;
- Figure 8: Map of vegetated areas (EEC's, Wollemi National Park) with residential development overlaid;
- Figure 9: Map of water supply network for the site.

## Singleton Community Strategic Plan (2013)

The planning proposal is considered to be generally consistent with the principles of the *Singleton Community Strategic Plan* (CSP). As proposed, the mix of R5, E4, RU4 and RE1 zones would provide some opportunities for growth within the village, identify local heritage items, help maintain important environmental characteristics and protect agricultural production activities on the site. The planning proposal would provide lifestyle options and housing diversity within the existing Bulga village.

### **3. Is the planning proposal consistent with applicable state environmental planning policies?**

Appendix A contains an assessment of consistency with applicable State Environmental Planning Policies (SEPPs). SEPPs relevant to this proposal are discussed in more detail below:

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#### **SEPP Rural Lands 2008**

The Rural Planning Principles of the SEPP are outlined below with explanations of how the planning proposal would be consistent:

- (a) *The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.*

The planning proposal would provide for land uses permissible under the proposed *RU4 Primary Production Small Lots Zone*, which includes existing viticulture, orchards and grazing. This would be in accordance with Principle (a) of the SEPP.

Lots containing the Central Hunter Grey Box – Ironbark Woodland, Ecological Endangered Communities (EEC's), and existing residences would be zoned *E4 Environmental Living*. Agricultural land use activities (including but not limited to animal boarding or training establishments, flood mitigation works, intensive livestock agriculture and livestock processing industries etc.) are not considered to be suitable for lots containing EEC's, given the high ecological and scientific value of the EEC's.

Application of the *R5 Large Lot Zone* to the existing village would provide for a limited amount of growth that would be similar in form and nature to existing village settlement patterns. The R5 zone is not expected to have adverse impact on potential productive and sustainable economic activities within the site. Application of the E4 zone would provide a buffer between residential and agricultural activities on the site. This would help maintain amenity, mitigate noise and potential spray drift impacts from existing viticultural and orchard activities.

Certain land located at the boundary between the proposed R5 and E4 zones appears to be used for minor cropping/ grazing. If this allotment was zoned for agricultural purposes (RU4), it would be isolated between R5 and E4 zoned land, which could result in land use conflict between residential and environmental conservation values within the respective zones. Existing settlement patterns and a number of environmental constraints (EEC's, riparian areas, intermittent watercourses etc.) within the proposed R5 and E4 zones, place economic limitations on the agricultural suitability of that land. As proposed, the R5 and E4 zones are considered to provide for the best outcomes to achieve long-term sustainable

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options within the existing village and environmentally sensitive areas of the site.

The site would retain its rural characteristics and continue to provide for productive and sustainable agricultural activities currently undertaken within the proposed RU4 zone. Minimum lot size requirements would increase from 8000m<sup>2</sup> to 40 hectares, which would also help ensure continued economic viability of agricultural activities within the site.

Refer to Figure 8: Map of vegetated areas (EEC's, Wollemi National Park) with existing residential development overlaid.

*(b) The recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands, and issues in agriculture in the area, region and State.*

The planning proposal recognises the importance of rural land and the changing nature of agriculture. It provides for the continued use of existing agricultural activities within the RU4 zone.

Land within the proposed R5 and E4 zones is considered to be marginal for agricultural purposes, particularly given the number of constraints on the land. These constraints are considered to be greater than the lands suitability for agricultural activities.

The proposed R5 zoned land relates to the existing village settlement (with established residences, commercial activities etc.) and would provide for a small amount of growth without increasing demand on existing services.

A large proportion of the E4 zone is constrained by EEC's, riparian areas and intermittent water courses. The majority of the proposed E4 zoned lots have established residences and associated infrastructure. Agricultural production levels would not be affected, given the major environmental constraints.

The site grades gently towards the Wollemi National Park, shallow soils, variable climate and existing settlement patterns, place constraints on the agricultural sustainability of certain lands within the site.

The provision of a new water supply network to certain lots within the site could result in changing community needs and aspirations, as the reticulated water supply system network becomes available for residential use. Application of the R5 zone would provide for a small amount of growth within and around the existing village. Residents would have a safe secure water supply and any additional growth, even small scale would help to capitalise on that water supply. This growth could also change the social and economic dynamics of the site and its long-term sustainability.

Refer to Figure 8: Map of vegetated areas (EEC's, Wollemi National Park) with existing residential development overlaid; and Figure 9: Map of Water Supply Network.

*(c) Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development.*

The site is located within a rural context. It has an existing rural settlement pattern. Certain parts of the site are also heavily constrained by EEC's, riparian areas and intermittent watercourses. The planning proposal would apply suitable zones to the site to accommodate existing rural, environmental and residential attributes of the site.

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Application of the RU4 zone would provide for the continuation of existing rural land uses (viticulture, orchards, grazing etc.). Existing and future enterprises on that land would continue to provide social and economic benefit to the local and broader community. The small amount of growth proposed in the planning proposal would help ensure that the community can continue to develop and prosper over the long-term.

*(d) In planning for rural lands, to balance the social, economic and environmental interests of the community.*

The proposed R5, E4 and RU4 zones were identified based on:

- Existing rural settlement patterns,
- Provision of a potable water supply network;
- Environmental constraints (EEC's, riparian areas and intermittent water courses; and
- Existing agriculture.

The proposal would provide for:

A small amount of growth for the existing village and certain environmentally constrained lots;

- Protect important ecological values; and
- Provide for a continuation of agricultural activities.

Minimum lot size requirements over the site would increase from 8000m<sup>2</sup> to 1 hectare, 4 hectares and 40 hectares, respectively. This would help ensure that any lots developed within the site have capacity to accommodate on-site effluent dispersal, which would reduce impacts on soil, water and the environment.

As proposed, it is considered that a balance between social, economic and environmental interests of the community would be achieved by the provisions outlined in the planning proposal.

*(e) The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained lands.*

The proposal is not considered to generate any significant adverse impacts on biodiversity, native vegetation or water resources.

Application of the proposed E4 zone to certain lands that are highly constrained by EEC's, riparian areas and intermittent watercourses, would help minimise adverse impacts on natural resources including biodiversity and native vegetation.

Future development of the site could be subject to the provisions of the *Biodiversity Conservation (BC) Act 2016*, *Biodiversity Assessment Method (BAM)*. The BAM was established to assess impacts on threatened species and threatened ecological communities and their habitats and their impact on biodiversity values, where required under the BC Act, Local Land Services (LLS) Act 2013, or SEPP (Vegetation in Non-Rural Areas) 2017.

Impacts on water resources would be required to be addressed through the development application process and associated development control plan erosion, sedimentation and water quality controls.

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Refer to Attachment 3: Map of vegetated areas (EEC's, Wollemi National Park) with existing settlement pattern overlaid.

*(f) The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.*

The planning proposal would provide for a small amount of growth within the proposed R5 and E4 zones. Future development would be similar in settlement pattern to the existing village and associated rural lifestyle development pattern. As proposed, future settlement would be provided in an existing rural context. No significant adverse impacts on the welfare of the local community have been identified.

*(g) The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.*

The site has existing services and infrastructure. A new water supply system network would also be provided to certain lots within the proposed R5 and E4 zones. Growth within the site would help ensure that the water supply network remains viable.

Infrastructure servicing is a standard consideration at the development application stage. No significant adverse impacts with regard to future settlement pattern, housing location, services and infrastructure have been identified that could not be appropriately managed through the development application process.

*(h) Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director - General.*

The planning proposal is considered to be consistent with relevant local and regional strategies endorsed by the NSW Department of Planning and Environment.

Consistency with the relevant strategies is discussed in Section B - Relationship to strategic planning framework, Questions 3 and 4.

The Rural Subdivision Principles of the SEPP are outlined below, with explanations of how the planning proposal would be consistent:

*(a) The minimisation of rural land fragmentation.*

The planning proposal would provide for a limited amount of infill growth in and around the existing village (in R5 and E4). Lot size requirements for subdivision within the proposed zones would increase from 8000m<sup>2</sup> to 1 hectare and 4 hectares, respectively. The potential for rural land fragmentation is higher under the current *1(d) Rural Small Holdings Zone* and 8000m<sup>2</sup> minimum lot size provisions for subdivision (which applies across the entire site), than would occur as a result of this planning proposal.

Minimum lot size requirements within the RU4 zone would be 40 hectares. This would align with adjoining RU4 zoned land outside the site.

Future subdivision and development of land within the R5 zone would be similar in form and nature to existing settlement patterns (subject to land capabilities and constraints). Identified EEC's, riparian areas and intermittent water courses would place additional limitations on the development of land within the E4 zone.

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Further fragmentation of rural lands is not anticipated as part of this planning proposal, given the constraints within the site, the increase in minimum lot size for subdivision, existing settlement patterns and rural activities. Future subdivision of certain lands within the site would need to be of a size and shape to accommodate appropriately located building envelopes that comply with setbacks, hazard management and sewerage dispersal requirements. Development would also have to have regard for the natural and physical constraints that apply to the land and not have significant adverse impact on the environment.

Refer to Figure 7: Subdivision potential for proposed R5, E4 and RU4 zones; Figure 8: Map of existing vegetated areas (EEC's, Wollemi National Park) with existing settlement pattern overlaid; and Figure 9: Map of water supply network for the site.

*(b) The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.*

Given the existing settlement pattern within the site, application of the proposed R5 zone to the existing village provides for a small amount of additional growth. As proposed, the E4 zone would apply to certain lands containing the EEC's, riparian areas and intermittent watercourses. The RU4 zone provides for existing agricultural activities on certain lands.

Combined application of the zones (R5, E4 and RU4) would help minimise land use conflict between residential, environmental and agricultural activities. The E4 zone would also provide a buffer between the intensive agricultural production (viticulture and orchards) activities on the site. According to the Department of Primary Industries – Living and working in rural areas handbook, application of the E4 zone would provide a suitable buffer between rural and environmental land use, which would help further reduce land use conflict.

Land use conflict between properties could be minimised by providing a level of separation between buildings and encouraging adequate setbacks to provide a measure of privacy and amenity between neighbouring properties.

The vegetated characteristics of certain lands within the site also provide natural landscape screening between the zone and adjoining R5 zone.

Refer to Figure 8: Map of vegetated areas (EEC's, Wollemi National Park) with existing settlement pattern overlaid.

*(c) The consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands.*

Minimum lot size requirements for subdivision throughout the site would increase from 8000m<sup>2</sup> (existing) to 1 hectare (zone R5), 4 hectares (zone E4) and 40 hectares (zone RU4), respectively.

Future development within the R5 zone would be similar in form and nature to existing settlement patterns.

Land identified within the proposed E4 zone has established rural lifestyle residences and associated activities. Existing lots are generally heavily vegetated.

Application of the proposed RU4 zoned land helps ensure the continuation of existing agricultural activities within the site.

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Given existing settlement patterns, natural constraints (EEC's, riparian areas and intermittent watercourses) and increased minimum lot size requirements being applied to the overall site, the mix of zones (R5, E4, RE1, and RU4) are considered appropriate. Lot sizes for rural lands in and outside of the immediate site are unlikely to change.

*(d) The consideration of the natural and physical constraints and opportunities of land.*

The planning proposal takes into consideration the natural and physical constraints of the site. Lot sizes in the immediate village are small scale.

A gradual transition to larger extensively vegetated lots containing the EEC's, occurs as the land gently grades toward the Wollemi National Park. A series of riparian areas, intermittent watercourses and associated small dams are also located on the larger vegetated residential lifestyle lots.

Agricultural land generally used for viticulture, orchards and grazing is located in the northwest and southeast areas of the site. This land adjoins RU4 zoned land being used for various related agricultural purposes outside the site.

The proposal provides for a range of existing uses (rural, residential, commercial, recreational etc.), with a limited amount of growth. Provisions are also made to ensure that environmental protection outcomes are taken into consideration, particularly the natural and physical constraints of the site.

Refer to Figure 8: Map of vegetated areas (EEC's, Wollemi National Park) with existing settlement pattern overlaid.

*(e) Ensuring that planning for dwelling opportunities takes account of those constraints.*

As mentioned throughout this section, application of the proposed R5 zone provides for a small amount of infill growth on certain lots. The lots would generally be developed in a similar form and nature to the existing settlement pattern within the village.

Application of the E4 zone was considered suitable to accommodate the existing low density residential settlement pattern. It would also provide for a limited amount of additional development. Future development within the zone would need to be managed to minimise/mitigate potential adverse impacts on the EEC's, riparian areas, intermittent watercourses and the adjoining Wollemi National Park.

The RU4 zone would provide for existing agricultural production and associated residential development. Minimum lot size requirements for subdivision would be 40 hectares, which would help ensure that existing rural land uses are not adversely affected by further residential development.

Any future development of the site could be designed, sited and managed to avoid, minimise/ mitigate any significant adverse impacts within the site. Given the established settlement pattern, existing environmental constraints and new water supply network proposed for the site, the planning proposal is not anticipated to have any adverse impacts on rural lands.

Refer to Figure 7: Map of subdivision potential for the proposed R5, E4 and RU4 zones.

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### **SEPP (Vegetation in Non-Rural Areas) 2017**

The site is currently zoned *1(d) Rural Small Holdings* under SLEP 1996. As proposed, the rezoning would remove the “Deferred Area” to align the site under the provisions of the SLEP 2013. Provision of the SEPP would apply to proposed R5 and E4 zoned land but would not apply to the land within the proposed RU4 zone. The Central Hunter Grey Box – Ironbark Woodland – Endangered Ecological Community (EEC) is located on certain land in the proposed E4 zone and neighbouring Wollemi National Park. Certain parts of the proposed R5 zone also comprise native vegetation. The planning proposal does not relate to the clearing of native vegetation. Existing minimum lot size requirements of 8000m<sup>2</sup> would increase over the entire site (i.e. 1ha, 5ha and 40ha), which could reduce any future impacts on existing ecological values from development within the site. The proposal would reduce the potential overdevelopment.

Future development of the site could be subject to the provisions of the *Biodiversity Conservation (BC) Act 2016*, *Biodiversity Assessment Method (BAM)*. The BAM was established to assess impacts on threatened species and threatened ecological communities and their habitats and their impact on biodiversity values, where required under the BC Act, Local Land Services (LLS) Act 2013, or SEPP (Vegetation in Non-Rural Areas) 2017.

The SEPP applies to the clearing of native vegetation above the Biodiversity Offset Scheme (BOS) threshold that would trigger approval from the Native Vegetation Panel established under the requirements of the *Local Land Services Assessment Act 2017*. Vegetation below the BOS threshold would require a permit from Council if that vegetation is identified in council’s development control plan (Department of Planning and Environment, 2017). Development that involved vegetation clearing that relates to native vegetation above the BOS requires development consent under Part 4 or Part 5 of the Environmental Planning and Assessment Act, 1979. The planning proposal provisions amend the SLEP 2013 under Part 3, Division 4 LEPs, Environmental planning instruments.

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#### **4. Is the planning proposal consistent with applicable s117 Ministerial Directions?**

Appendix B contains an assessment of consistency with applicable s117 Ministerial Directions. Directions relevant to this proposal are discussed in more detail below:

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### **s117 MINISTERIAL DIRECTION 1.2 Rural Zones**

The site is currently zoned *1(d) Rural Small Holdings* under the provisions of the *Singleton Local Environmental Plan (SLEP) 1996*. This makes it the only land in the Singleton LGA that is subject to the provisions of the SLEP 1996.

The planning proposal would provide for a mix of R5 Large Lots, *E4 Environmental Living* and *RU4 Primary Production Small Lots Zone* under the *Singleton Local Environmental Plan (SLEP) 2013*. This would align the site under the same planning controls as the rest of the LGA.

As discussed in Section B of the planning proposal, the R5 zone was applied to the village and would provide for a small amount of infill growth. The *R5 Large Lot Residential Zone* was applied as the objectives of the zone closely align with the objectives of the *1(d) Rural Small Holdings Zone*. Each zone (R5/1(d)) has objectives that provide for residential housing in appropriate rural settings without impacts on visual amenity and existing or future public services. The objectives of the R5 zone also relate to minimising land use conflicts. Application of the R5 zone is considered to be appropriate for the village component of the

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site.

Zone R5 would provide for the existing village settlement with a limited amount of growth via infill development. Minimum lot size requirements would increase from 8000m<sup>2</sup> to 1 hectare. Land use conflicts can be adequately managed between zones through the development application process, by minimising impacts on neighbouring properties through the provision of well-designed development. Adequate separation between buildings, appropriate setbacks and landscaping, within building line setbacks, could help minimise impacts between properties and the existing amenity of the site.

The E4 zone would primarily apply to certain land that contains the Central Hunter Grey Box – Ironbark Woodland, Ecological Endangered Communities (EEC's), riparian areas and intermittent watercourses. Minimum lot size requirements for the zone would increase from 8000m<sup>2</sup> to 4 hectares. This generally aligns with existing settlement patterns within the proposed E4 zone (i.e. rural lifestyle housing and associated activities). Controls on side and rear setbacks could provide for privacy and better amenity between neighbouring properties. The E4 zone would also provide an important buffer between the R5 and RU4 zones (between residential, rural and environmental land uses). According to *the Living and Working in Rural Areas – Handbook*, prepared by NSW Department of Primary Industries, the E4 zone is an important buffer zone that can be used between rural and environmental areas.

Agricultural production in the northwest and southeast part of the site would continue as part of this proposal. Application of the *RU4 Primary Production Small Lots Zone* would help retain existing primary industry (i.e. grazing, viticulture, olive groves and orchards). It is intended to apply a minimum lot size of 40 hectares for lots created by subdivision in the proposed RU4 component of the site. This would align the RU4 lands within the site with neighbouring RU4 zoned land that undertake similar rural activities.

Part of the proposed *R5 Large Lot Residential Zone* is being used for cropping/ grazing. Application of the R5 zone to such land would help minimize land use conflict between agricultural activities and the immediate village. The land subject to grazing is not expected to be adversely impacted by the proposed R5 zone. Minimum lot size requirements in the proposed R5 zone would remain (i.e. 8000m<sup>2</sup>/ 1 hectare). It would also provide for a transition between land uses associated with the R5, E4 and RU4 zones. It is acknowledged that application of the R5 zone to that land would be inconsistent with Direction 1.2. If the land is not zoned either R5 or E4 it would remain as an isolated agricultural lot on the periphery of a residential zone and adjoin environmental protection land. This would increase the potential for land use conflict with adjoining non-agricultural land uses.

Given existing settlement patterns and the ecological constraints on that land, leaving it zoned for rural purposes would place economic constraints on the long-term agricultural production values and economic viability of that land. As the majority of the site is being used for non - agricultural purposes, potential production levels are considered to be low, particularly given the major environmental constraints and existing settlement patterns over the broader site.

The planning proposal is generally consistent with Direction 1.2., any inconsistencies are considered to be minor. It is not expected to impact on the agricultural production values of rural land.

Refer to Figure 7: Subdivision Potential Map – Bulga Map for the proposed R5, E4 and RU4 zones; and Figure 8: Existing Vegetation and Settlement Pattern – Bulga for details on vegetated areas (EEC's, Wollemi National Park) with existing settlement pattern overlaid.

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### **s117 MINISTERIAL DIRECTION 1.3 Mining, Petroleum Production and Extractive Industries**

According to the UHSRLUP, the site has an existing exploration license and has prospective mine and coal resource exploration potential (Map 2). Map 3 of the UHSRLUP identifies that the Site has high coal seam gas potential. The Bulga Mine Complex (BMC) is also located around 3km to the west southwest of the Site.

According to the State Significant Development Assessment – Bulga Optimisation Project (SSD 4960) prepared by the NSW Department of Planning and Environment (DP&E), mining related impacts are expected to decrease overtime as the mine operations progress.

The Mount Thorley Continuation and Warkworth Expansion Projects (SSD-6464/ 6465) – Under its previous consent, coal extraction at the Mt Thorley mine would cease in 2022. An additional 21 year consent period was approved to enable the continuation of services to the Warkworth mine. As the BMC, mine operations would decrease overtime.

The planning proposal is generally consisted with Direction 1.3. Some scope is provided for subdivision and growth within the R5 and E4 zones. This small amount of infill development is not expected to compromise mineral resources or mining related activities.

### **s117 MINISTERIAL DIRECTION 1.5 Rural Lands**

This direction applies to all planning proposals to which the *State Environmental Planning Policy (Rural Lands) 2008* applies. The SEPP (Rural Lands) applies to the Singleton Local Government Area.

Direction 1.5 applies to the planning proposal because it would alter existing rural zone boundaries. The proposal would rezone the site from *1(d) Rural Small Holdings Zone* to a mix of *R5 Large Lot Residential*, *E4 Environmental Living*, *RU4 Primary Production Small Lots* and *RE1 Public Recreation*. The planning proposal would also change existing minimum lot size requirements for the particular zones from 8000m<sup>2</sup> to 1 hectare, 4 hectares and 40 hectares, respectively.

The planning proposal is considered to be consistent with the *Rural Planning Principles* and *Rural Subdivision Principles* listed in the *SEPP (Rural Lands) 2008*. Refer to Table 3: Assessment of State Environmental Planning Policies against planning proposal for further discussion on the proposals consistency with the SEPP (Rural Lands).

Application of the RU4 zone would help protect areas of the site identified as having important agricultural value. It would also be compatible with neighbouring land uses and provide for existing primary industries (i.e. grazing, viticulture and orchards).

The *R5 Large Lot Zone* would apply to the village and provide for a limited amount of infill growth around the existing settlement.

The *RE1 Public Recreation Zone* would be applied to the Bulga Recreation Ground to facilitate continued use of that land for recreational purposes.

Zone *E4 Environmental Living* would apply to certain lands within the site that contain the *Central Hunter Grey Box – Ironbark Woodland*, EEC's, riparian areas, intermittent watercourses and established residential settlement pattern.

Given existing settlement patterns, land uses and environmental constraints within the

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proposed R5, RE1 and E4 zones, agricultural production levels would be reduced. Land within the respective zones is not considered to be suitable for cultivation. The timbered lots throughout the E4 zone also place economic constraints on agricultural land suitability.

Part of the proposed R5 zone is being used for grazing. While it is acknowledged that application of the R5 zone is inconsistent with Direction 1.5, applying the R5 zone to such land would help minimize land use conflict between agricultural activities and the immediate village. The land subject to cropping is not expected to be adversely impacted by the proposed R5 zone as existing use of that land would remain. Minimum lot size requirements in the proposed R5 zone would remain (i.e. 8000m<sup>2</sup>/ 1 hectare). It would also provide for a transition between the mix of R5, E4 and RU4 zones and act to buffer residential, environmental and agricultural land uses. If this land is zoned for rural purposes it would remain isolated. Adjoining land uses would be non-agricultural between the zones (i.e. zone R5 would largely be residential and zone E4 would be low density residential and ecological). This land is considered to be marginal land because of the number of constraints, which reduce its suitability for agriculture.

Application of the proposed R5, E4 and RU4 zones and associated minimum lot size requirements would help protect existing agricultural production values of the site. It is not expected to compromise the orderly and economic development of rural lands and associated activities. Any inconsistency with Direction 1.5 is considered to be of minor significance.

Refer to Figure 7: Subdivision Potential Map – Bulga Map for the proposed R5, E4 and RU4 zones; and Attachment 3: Existing Vegetation and Settlement Pattern – Bulga for details on vegetated areas (EEC's, Wollemi National Park) with existing settlement pattern overlaid.

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#### **s117 MINISTERIAL DIRECTION 2.1 Environmental Protection Zones**

Application of the proposed E4 zone to part of the site, with a 4 hectare minimum lot size, would help maintain and protect important Central Hunter Grey Box – Ironbark Woodland (EEC's) and riparian areas.

Future development would be on a lot by lot basis. If development occurs, potential impacts on the ecological values of that land would need to be considered and adequately addressed.

Refer to Figure 8: Existing Vegetation and Settlement Pattern – Bulga for details on vegetated areas (EEC's, Wollemi National Park) with existing settlement pattern overlaid.

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#### **s117 MINISTERIAL DIRECTION 2.3 Heritage Conservation**

The planning proposal does not relate to land within a Heritage Conservation area. Part of the proposal does involve mapping the War Memorial Gates at Bulga Recreation Ground (Lot 1, DP949442) as being of local heritage significance. The proposed mapping is for administrative purposes only and would have no impact on the War Memorial Gates.

The planning proposal is generally consistent with Direction 2.3 and is not expected to impact on Aboriginal or European Cultural Heritage.

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#### **s117 MINISTERIAL DIRECTION 3.1 Residential Zones**

The planning proposal seeks to apply the R5 zone (with a 1 hectare minimum lot size for subdivision requirement) to the existing village area.

This would:

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- Provide some opportunity for growth as infill development;
- Deliver potential diversity in housing choice;
- Accommodate future housing needs; and
- Concentrate residential development within close proximity to existing infrastructure and services.

Environmentally sensitive EEC areas of the site would be primarily located in the proposed E4 zone, with the remainder located within the RU4 zone. Combined, the zones would help maintain and protect the important ecological values of that land. It would also help reduce the risk associated with the potential threat of fire on identified bushfire prone land within the zones.

The planning proposal is generally consistent with Direction 3.1. A limited amount of infill development would be possible within the immediate village and adjoining E4 zone. This development potential is not expected to impact on infrastructure and services, the environment or resource lands.

#### **s117 MINISTERIAL DIRECTION 3.4 Integrated Land Use and Transport**

Application of the R5 zone and 1 hectare minimum lot size requirement for subdivision would provide some opportunity for infill development. Future development is anticipated to be on a lot by lot basis. The zone also accommodates existing residential housing and associated village activities.

The planning proposal is generally consistent with Direction 3.4. It is of minor significance with respect to Integrated Land Use and Transport. The small amount of potential infill development within the immediate village and adjoining E4 zoned land. It is not expected to increase traffic movements or public transport demand.

#### **s117 MINISTERIAL DIRECTION 4.2 Mine Subsidence and Unstable Land**

The planning proposal does relate to land within a proclaimed Mine Subsidence District. The design of future development on the site would need to consider potential impacts from mine subsidence. Development should be in accordance with Mine Subsidence Board requirements.

The planning proposal is generally consistent with Direction 4.2. Existing development on the site has not been subject to mine subsidence. The limited amount of potential infill development generated is unlikely to be affected by mine subsidence.

#### **s117 MINISTERIAL DIRECTION 4.3 Flood Prone Land**

According to the SLEP 2013 Flood Planning Map, isolated parts of the site off Wambo and Putty Roads would be subject to localised flooding from Wollombi Brook. A series of intermittent watercourses also dissect the site.

The majority of the watercourses are located within the proposed E4 zone, with a 4 hectare minimum lot size. It is unlikely that the site would be significantly affected by flood water inundation. Future development within the site should be limited to flood free land.

The *Wollombi Brook Flood Study 2016* had been prepared for the Wollombi Brook catchment. The site is located within the subject catchment.

The study indicates that parts of Bulga village could be affected by flood inundation for the 1% Annual Exceedance probability (AEP) and Extreme Flood events (BMT WBM, 2016). The flood prone land is primarily located within a small area of the existing village. The

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subject planning proposal would not increase development potential on that land.

Consideration should be given to the control and mitigation of any long-term implications associated with flood events. Future development of potential flood affected land within the site should be subject to further detailed flood investigation.

The planning proposal is not expected to generate any significant adverse impacts with respect to flooding.

Refer to Figure 10: Flood Prone Land MAP – Bulga (in relation to the proposed site, particularly for the proposed R5 zoned land).

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#### **s117 MINISTERIAL DIRECTION 4.4 Planning for Bushfire Protection**

Parts of the site are identified as being bushfire prone land (Vegetation Category 1 and Buffer) on Council's Bushfire Prone Land Map. Those parts of the site are primarily located within the E4 zone.

The 4 hectare minimum lot size requirements for the E4 zone would help provide for dwelling house construction with associated bushfire asset protection zones.

The NSW Fire Control Centre and Fire Services Helicopter Base are also located along the Putty Road, approximately 1km south/ southeast of the site. These services could provide almost immediate response, in the case of a bushfire emergency.

Future development within the site would need to address the requirements of *Planning for Bushfire Protection 2006* (note: *Legislative updates Planning for Bushfire Protection 2017 is currently in draft form and would provide development standards for building in bushfire prone areas, and would repeal Planning For Bushfire Protection 2006 once finalised*). Such development would be integrated development and require general terms of approval from the NSW Rural Fire Service.

The Planning proposal is not expected to generate any significant adverse bushfire impacts.

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#### **s117 MINISTERIAL DIRECTION 5.10 Implementation of Regional Plans**

The *Hunter Regional Plan (HRP) 2036* applies to land in the Upper Hunter, which includes the Singleton LGA.

The Directions that apply to the planning proposal are:

***Direction 10: Protect and enhance agricultural productivity.***

The *RU4 Primary Production Small Lots* would provide for existing intensive agriculture production (viticulture, orchards, and olive groves) and grazing. Application of the zone would help ensure that agricultural production on the site continues. This would be generally consistent with Direction 10 of the HRP.

***Direction 14: Protect and connect natural areas.***

Application of the *E4 Environmental Living Zone* would help provide for conservation of the *Central Hunter Grey Box – Ironbark Woodland*, EEC's, riparian areas and intermittent watercourses that are primarily contained within the E4 zoned land. It would also provide a natural transition between existing settlement patterns and the Wollemi Nation Park.

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Application of the E4 zone helps maintain and protect important ecological values of the site and habitat connections that would provide benefit to the environment, community and broader region. The planning proposal identifies and takes account of the sites rural location adjoining the Wollemi National Park. This would be generally consistent with Direction 14 of the HRP.

***Direction 19: Identify and protect the region's heritage.***

The War Memorial Gates at Bulga Recreation Ground are listed as being items of local heritage significance under Schedule 5 of the *Singleton Local Environmental Plan (SLEP) 2013*. The Gates were not mapped in the SLEP 2013 due to the "Deferred Matter". Application of the RE1 zone would provide for connections to the past. It would also help recognise and conserve important assets.

The proposed mix of zones and associated minimum lot size provisions (i.e. 1 hectare (R5), 4 hectares (E4) and 40 hectares (RU4)) would provide for a limited amount of infill development on certain land within the site. Given the existing settlement patterns over the site, the likelihood of disturbance of items and places of Aboriginal Cultural Heritage is not expected to increase as a result of the proposal.

Zone E4 would help ensure that land with high environmental value is maintained and protected. Providing a transition between the R5 and E4 land use activities and the Wollemi National Park would also help maintain Aboriginal Cultural relationships with the site and National Park.

The planning proposal would be generally consistent with Direction 19.

***Direction 20: Revitalise existing communities.***

The planning proposal provides for a limited amount of growth within the existing village area and adjoining environmentally sensitive parts of the site. This would help reinforce and enhance opportunities for the local community to grow and diversify. Even a small amount of growth could improve the long - term viability of existing social infrastructure and public facilities.

The planning proposal would be generally consistent with Direction 20.

***Direction 21: Create a compact settlement.***

A limited amount of growth would be provided for in the existing village and adjoining environmental land. This development would be infill development that would contribute to a compact settlement rather than encourage ad hoc fragmented growth.

The planning proposal would be generally consistent with Direction 21.

***Direction 22: Promote housing diversity.***

The site has an established settlement pattern that primarily provides for residential and rural lifestyle accommodation. Providing for a limited amount of growth within and adjoining the existing village, would enable people seeking alternate rural lifestyles to relocate to the site. It would provide accommodation for local workers and their families. Expanding the rural village and rural lifestyle development options, if well planned, could help contribute to the local community. Conservation of the significant biodiversity values of the EEC's could also

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help maintain and enhance habitat linkages between the EEC's and Wollemi National Park.

In summary, the planning proposal is generally consistent with Direction 22 because it would:

- Zone important agricultural lands in the northwest and southern parts of the site RU4. This would provide a continuation of agricultural produce enterprises (i.e. beef, equine and viticultural) and align with neighbouring agricultural lands;
- Apply zone E4 and 4 hectare minimum lot size requirements to certain parts of the site containing EEC's, which would help conserve, protect and enhance habitat linkages. This would deliver advantage to the environment and local community;
- Provide some opportunity for growth within the proposed R5 zone through infill development. This would deliver potential diversity in housing choice and accommodate future housing needs. Residential development would also have access to existing infrastructure and services.

A proposed new water supply network for the site would supply potable water to the immediate village. This infrastructure would have capacity to allow for limited future growth throughout the site.

The planning proposal is generally consistent with Direction 5.10 and the Goals and Directions identified in the *Hunter Regional Plan 2039*.

Direction 6.1 relates to planning proposals, which seek to incorporate provisions into an LEP requiring concurrence/ consultation/ DA referral to minister or public authority. This planning proposal does not seek to include such requirements.

The planning proposal is generally consistent with Direction 6.1.

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#### **S117 MINISTERIAL DIRECTION 6.2 Reserving Land for Public Purposes**

The planning proposal seeks to zone the existing Bulga Recreational Ground as *RE1 Public Recreation Zone*. The land is within the ownership of Singleton Council and is presently being used for public recreation.

The planning proposal is not expected to generate any adverse impacts on public land, given the existing use and ownership of the Bulga Recreational Ground. It relates to the application of an appropriate zone to the Bulga Recreational Ground to legitimise the land use. The proposal is considered to be consistent with Direction 6.2.

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## **SECTION C: ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

### **1. 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?**

The site is not listed on the Critical Endangered Species under *Schedule 1 - Threatened Species*, of the *Biodiversity Conservation Act 2016* (BC Act).

Wollemi National Park adjoins the site on its southern/ south western boundary. The National Park contains a single population of the Wollemi Pine, which is listed on the Critical

Endangered Species as an endangered species on the BC Act and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

According to the NSW Office of Environment and Heritage conservation project database, there are no known/ identified threatened species populations on the site.

The site comprises Central Hunter Grey Box – Ironbark Woodland in the NSW North Coast and Sydney Basin Bioregions. The majority of the land containing the EEC's would be zoned E4, with the remainder being located within the RU4 zone. This would generally be consistent with the relevant provisions of the *Singleton Land Use Strategy 2008*, *SEPP (Vegetation in Non Rural Areas) 2017* and the BS Act because it would help maintain and protect the EEC's and important biodiversity values.

According to mapping prepared by Hunter Councils in 2015, the following 10 species are considered to have some degree of (at least marginal) habitat available within the site being:

- *Chthonicola sagittata* – Speckled Warbler;
- *Daphoenositta chrysoptera* – Varied Sittella;
- *Glossopsitta pusilla* – Little Lorikeet;
- *Grantiella picta* – Painted Honeyeater;
- *Haliaeetus leucogaster* – White Billed Sea-Eagle;
- *Melanodryas cucullata cucullata* – Hooded Robin (south-eastern form);
- *Ninox connivens* – Barking Owl;
- *Petroica boodang* – Scarlet Robin;
- *Pomatostomus temporalis temporalis* – Grey crowned Babbler (eastern subspecies); and
- *Stagnopleura guttata* – Diamond Firetail.

Such habitat is primarily situated within the land proposed to be zoned E4 and RU4. Given that the minimum lot sizes are proposed to increase from 8000m<sup>2</sup> to 4 hectares and 40 hectare respectively, for the predominantly vegetated land, the proposal is expected to reduce impacts on vegetated areas of the site. Any future subdivision should be able to be designed to avoid impacts on potential threatened fauna habitat.

It should also be known that habitat of the Brush-Tailed Rock Wallaby and Large-eared Pied Bat has been identified in close proximity to the site, within the neighbouring Wollemi National Park.

Since the proposal is increasing the minimum lot size in the E4 and RU4 zones for lots created by subdivision from the existing 8000m<sup>2</sup> requirements, the proposal is not expected to impact on listed threatened species or their habitats on the site or within the neighbouring Wollemi National Park. The EEC's and National Park would provide linkages and habitat for threatened species. An assessment of significance would be required in the future should the land be subdivided and developed. Threatened ecological communities and habitats should be adequately considered, maintained and protected.

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

**Land Use Conflict**

The requirements of the *NSW Department of Primary Industries Land Use Conflict Risk Assessment Guide* (the Guide), has been considered for the planning proposal.

The land is being zoned a mix of R5, E4, RU4 and RE1 zones. Minimum lot size requirements for these zones (except RE1) are 1 hectare, 4 hectares and 40 hectares, respectively. Application of the minimum lot size requirements for subdivision and development would provide some opportunity for growth in the immediate village. It would also help maintain and protect important ecological values of those parts of the site containing the EEC's.

The R5 zone applies to small lots located within the immediate village. Minimum lot size requirements for that land would not change (i.e. 8000m<sup>2</sup>/ 1 hectare) as a result of the planning proposal. The existing land uses could continue and are not expected to be adversely affected by the proposed zone changes.

Existing land uses within the proposed R5 zone include, but are not limited to, residential housing, police station, scout hall (former school), recreational grounds and tennis courts (located in the RE1 zone, situated in the R5 zone), hotel, service station, bottle store, café and community hall etc. Land uses often found in a village setting. Providing for a limited amount of growth for the village (approximately 50 additional lots) is not expected to impact on existing land uses for that section of the site. A small increase in residential population could provide social and economic benefits for local businesses and facilities.

Land within the R5 zone is generally flat, cleared grassland with residential garden landscapes. Part of the proposed R5 zone is being used for cropping/ grazing. This land is around 16 hectares in area. It appears to comprise shallow soils over a low to moderate slope. Cleared grassland and EEC's are located roughly in the centre and along the southern boundary of the lot. Adjoining and adjacent properties are being used for rural lifestyle purposes. Lot sizes range from approximately 1.5 to 5.5 hectares in area.

Given the majority of the lots surrounding the grazing land are being used for rural lifestyle purposes (including the grazing land), application of the proposed R5 zone would reflect existing land uses. The R5 zone provides for dwelling houses in a rural setting, neighbourhood shops, food and drink premises (which includes restaurant, café, take away food, pub, small bar etc.), roads and a number of other development types.

The R5 zone does prohibit land uses including, but not limited to agriculture (extensive agriculture/ intensive plant agriculture), animal boarding and training establishments, rural industry (livestock processing industries, composting industries, stock and sale yard), etc., which are permissible uses in rural zones (RU1, RU2 and RU4). Land uses of that type are not considered to be conducive within a village setting. This land is located on the boundary between the proposed R5 and E4 zones. Surrounding land uses and environmental constraints over the site constrain and isolate agricultural land uses. It is considered that application of an R5 or E4 zone would be more appropriate for that land. Any future

development within the respective zones would be in accordance with development controls that help ensure that any such development is designed, sited and well managed (through building line setbacks, separation between buildings etc.) to avoid any significant adverse environmental impacts and/ or managed to minimise/ mitigate potential impacts.

Application of the R5 zone to such land would generally help minimise potential conflict between agricultural, residential and associated land uses. It would also provide a transition between the R5 and E4 zoned land.

Zone E4 adjoins the R5 zoned land. The zone comprises low scale residential development.

The E4 zone would help provide a buffer between:

- The immediate village;
- EEC's;
- Wollemi National Park; and
- Bushfire prone lands.

Land within the proposed E4 zone is heavily vegetated and contains the majority of the EEC's. This land is generally being used for rural lifestyle and associated purposes. The E4 zone provides for low impact residential development within areas that have special ecological and scientific values, without adverse impacts on those values. As the most common land use conflict in rural settings is loss of amenity, application of the proposed E4 zone to certain land within the site would help preserve the existing natural amenity of the site. It would provide for existing development and protection of the environmental attributes of that land.

Land uses within the E4 zone are unlikely to significantly alter from existing uses. Vegetated areas within the site would help maintain air quality, buffer noise and reduce visual intrusion. Protection of native vegetation within the E4 zone would also help reduce erosion of shallow soils over the site and provide important habitat linkages between the EEC's and the adjoining Wollemi National Park.

In 2012, the Office of Environment and Heritage (OEH) recommended that the entire "Deferred Matter" site be zoned E4, given the sites environmental attributes and its habitat linkages to the Wollemi National Park. While application of the E4 zone is suitable for the vegetated areas of the site, it is not considered to be suitable when applied over the existing village area or agricultural lands to the northwest and southeast. Broad application of an environmental protection zone over residential and agricultural areas would increase the likelihood of land use conflict.

Zone RU4 has been applied to land used for agricultural produce industry purposes (viticulture, grazing, olive groves, and orchards etc.) and adjoins neighbouring agricultural lands. The RU4 zone provides for sustainable industry and compatible uses that encourage employment in that industry. It also provides for the reduction of land use conflict between the zone and adjoining zones. The zone accommodates existing agricultural enterprises; and predominantly adjoins RU4 zoned land outside the site. Neighbouring lands are being

used for similar agricultural purposes. Application of the RU4 zone is considered to be appropriate. Land that adjoins the RU4 land within the site would be zoned E4 to accommodate the environmental attributes of the site. The E4 zone would act as a buffer between the RU4 and R5 zones. Vegetation buffers provide a buffer between the residential setting and the viticultural and orchard activities. This could help mitigate noise (machinery), potential spray drift and improve visual amenity associated with existing and/ or future rural industries. According to the *Living and Working in Rural Areas – Handbook*, prepared by NSW Department of Primary Industries the *E4 Environmental Living Zone* is an important buffer zone that can be used between rural and environmental areas.

Application of the RE1 zone would align that land with the existing recreational use of the Bulga Recreation Ground. Land use conflict associated with that land is not anticipated, as the recreation grounds are located within the existing village setting and provide for physical (tennis, football, cricket etc.) and passive (walking, picnicking etc.) recreation activities.

The planning proposal is unlikely to create land use conflict for existing and future residents of the site. In accordance with the Guide, its level of risk is considered minor or negligible.

### **Surface Water**

A series of intermitted drainage lines drain west from Wollemi National Park to Wollombi Brook. A number of small dams are also located sporadically throughout the site.

A surface water assessment has not been prepared for the planning proposal. Likely environmental effects as a result of the proposal are unknown. Any future development of the site would need to ensure that lots can adequately dispose of stormwater and does not contribute to downstream stormwater impacts. A wastewater management strategy/ plan would be required for any future development within the site.

### **Groundwater**

A groundwater assessment has not been prepared for the planning proposal. Any likely environmental effects are unknown. Any future development of the site would need to ensure there are no adverse impacts on groundwater.

### **Heritage (Aboriginal and European)**

An Aboriginal Cultural Heritage Due Diligence Assessment has not been proposed for the planning proposal.

The proposed mix of R5, E4 and RU4 zones and associated minimum lot size provisions would provide some opportunity for subdivision and development to occur on certain land within the site. The likelihood of disturbance is not expected to increase as a result of the planning proposal. The minimum lot size would increase for the R5 (8000m<sup>2</sup> to 1Ha), E4 (8000m<sup>2</sup> to 4Ha) and RU4 (8000m<sup>2</sup> to 40Ha) zoned land, which would further reduce potential impacts on items or places of significance.

According to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (NSW Environment, Climate Change and Water, 2010), a due diligence assessment is not required because harm to an object that may be present, could be avoided. Increasing the minimum lot size requirements for subdivision over the site would

help reduce potential disturbance. Future applications to develop lots within the site may need to apply for an Aboriginal Heritage Impact Permit if it is determined that such development would impact upon items or places of Aboriginal Cultural Heritage.

Existing levels of disturbance from residential, agricultural and associated land uses (including historic land clearance and erosion) minimises the likelihood of the site comprising items or places of Aboriginal Cultural Heritage significance.

The western sections of the site adjoin Wollemi National Park. The low sandstone mountain landform provides a scenic background to the village. It is acknowledged that Wollemi National Park is and has been an important place of Aboriginal Cultural Heritage significance for over 12,000 years (National Parks and Wildlife Service, 2016). Ceremonial grounds, stone arrangements, grinding grooves, scarred trees and rock engravings are some of the items known to be found in the National Park. Aboriginal cultural connections are significant (National Parks and Wildlife Service, 2016). The planning proposal is not expected to have any significant adverse impacts on the National Park. The E4 zone would also provide a transitional buffer to the National Park, which would further help reduce impacts. This would align with recommendations made in 2012, by the NSW Office of Environment and Heritage that the land comprising the EEC's to be zoned E4.

As mentioned, the potential for disturbance of aboriginal artefacts within the site is considered to be low. Conversely, if aboriginal artefacts were identified at some future time, an Aboriginal Cultural Heritage Management Plan (ACHMP) could be prepared to identify measures to avoid, mitigate, manage or salvage identified items. Heritage sites could be recorded and items collected for safe keeping in accordance with an ACHMP.

The planning proposal is not expected to result in any disturbance of items or places of Aboriginal Cultural Heritage Significance.

The site does contain an item being of local significance "The Bulga War Memorial Gates" (Lot 1, DP949442) at Bulga Recreational Ground, which is listed under Schedule 5 of the SLEP 2013.

The planning proposal is not expected to result in any impacts upon the item of significance or post-contact heritage items and places.

### **Bushfire**

Parts of the site are identified as being bushfire prone land (Vegetation Category 1 and Buffer) on Council's Bushfire Prone Land Mapping. Those parts of the site are generally located within the proposed E4 zone.

The minimum lot size requirements of 4 hectares for the E4 zone would help ensure that sufficient land is available to provide adequate asset protection zones to protect property and persons from bushfire threat.

The NSW Fire Control Centre and Fire Services Helicopter Base are also located along the Putty Road, approximately 1km south/ southeast of the site. These services could provide almost immediate response, in the case of a bushfire emergency.

The site is considered to be capable of providing for development that complies with *Planning for Bushfire Protection*. The proposal should not have a significant adverse impact with respect to bushfire.

### **Soils, land and agriculture capability**

The planning proposal is not anticipated to result in soil degradation. According to Council's Land and Soil Capability Mapping, the site contains low to moderately fertile soils.

According to the Department of Primary Industries Important Agricultural Land Mapping, the site contains Viticulture, Equine and Beef, Strategic Agricultural Land (SAL) and associated industry clusters.

Based on topography, soil capability and fertility, the proposed RU4 zone has been applied to that land containing SALs'.

Heavily vegetated areas of the site are zoned E4 because that land has high conservation value (i.e. contain ECCs'). It is not considered to be suitable for agricultural produce activities.

The proposed R5 zone applies to small lots in the immediate village. While site specific details on soil capability and agricultural fertility are unknown and would need further detailed investigation and assessment (at the development stage), broadly the proposal is not expected to adversely affect land suitable for agricultural production.

### **Traffic and transport, including public transport**

A traffic, access and transport study has not been prepared for the planning proposal.

The site has direct access to Putty and Wambo Roads, providing access opportunities from the site to the broader road network. Future subdivision and development would be on a lot by lot basis. The levels of traffic generated would be subject to the size and scale of development proposed.

Traffic impacts would need to be further assessed under the *NSW Roads and Maritime Service Guide to Traffic Generating Developments* (Oct 2002), as part of any future application to subdivide and develop the site.

The site is located approximately 30km west/ southwest from Singleton. It is presently not serviced by train services. Local school bus services are provided by Hunter Valley buses.

At the time of writing this report, there are no plans to provide additional public transport services to the site. The planning proposal would permit a small amount of infill development opportunities within the R5 and E4 zones. This limited growth is unlikely to considerably increase public transport demand.

### **Visual amenity**

Bulga is a small rural village, with agricultural lands predominantly used for vineyards, orchards, olive groves and grazing land (beef and equine). Wollemi National Park is a

dominant natural landform, which adjoins the site along its western and southern boundaries.

Landscapes associated with the village and adjoining agricultural lands are generally flat along the banks of Wollembi Brook, and gently grades toward the Wollemi National Park. The National Park provides an elevated scenic background to the site.

Lot size in the immediate village is generally small scale; the planning proposal envisages a continuation of small scale development within the proposed R5 zone. A series of intermittent vegetated watercourses, associated small dams and woodland are predominantly located on larger residential lots within the proposed E4 zone.

The Bulga Mine Complex (BMC) and Warkworth Expansion and Mt Thorley Continuation Projects (WMT) form a dominant visual landform to the east of the site. The mine operations are visible from elevated parts of the site and from public access roads. Visual impacts from the mine operations could be managed with visual (vegetation) screening on individual properties and along affected roads. The mine operations are responsible for ensuring any visual impacts are reduced in accordance with its conditions of consent for the overall operations to maintain the landscape for the local and broader community.

A visual impact assessment has not been prepared for the planning proposal as the proposal is unlikely to create impacts on visual amenity of the landscape. Any future development within the site would align with the character of the existing village, and its environmental and rural context.

## **Flooding**

According to the *Singleton Local Environmental Plan 2013 - Flood Planning Map*, isolated parts of the site off Wambo and Putty Roads would be subject to localised flooding from Wollombi Brook. A series of intermittent watercourses also dissect the site. The majority of the watercourses are located within the proposed E4 zone, which is intended to have a 4 hectare minimum lot size.

*Wollombi Brook Flood Study 2016* has been prepared for the Wollombi Brook catchment, which incorporates the subject site. According to the draft study, the north-eastern section of the site, proposed to be zoned R5, would be subject to inundation by floodwaters during the 1 year Annual Exceedance Probability (AEP) flood event. The section of the site that may be affected by floodwaters is located within the already established part of the R5 zone, not on lots that could be subject to future subdivision. The proposal would reduce the potential to subdivide the affected land as the minimum lot size would increase from 8000m<sup>2</sup> to 1 hectare. The draft study is intended to inform preparation of a Flood Risk Management Plan, which in turn will inform LEP flood planning mapping. This work would be undertaken separately from this planning proposal.

Refer to Figure 10: Flood Prone Land Map – Bulga (in relation to the site, particularly the for the proposed R5 zoned land).



## **Air quality**

An Air quality assessment has not been prepared for the planning proposal.

An air quality assessment was undertaken for the Bulga Mine Complex (BMC). The BMC is located some 3km to the east, northeast of the site. The BMC is approved to operate to 2031.

According to the State Significant Development Assessment – Bulga Optimisation Project (SSD 4960) prepared by the Department of Planning and Environment (DP&E), “the air quality monitoring network for the BMC indicated that average annual background concentrations of PM10 remains below the relevant air quality criteria of 30ug/m3 (and typically below 20ug/m3). Concentrations for Bulga during 13/08/2011 to 18/10/2012 were 16ug/m3 (Department of Planning and Environment, 2014).

Potential dust impacts from the BMC are expected to reduce overtime with the emplacement of the proposed western overburden, which would shield the site. Dust impacts are also expected to decrease as mine operations progress (Department of Planning and Environment, 2014).

In 2016, an air quality impact assessment prepared by Jacobs Group (Australia) Pty Ltd for the Bulga Optimisation Project – Modification 1 (Eastern Escarpment Area (EEA)). The results of the assessment indicated that there would be *“no material changes to air quality impacts”* predicted for the Modification. According the DP&E assessment report *“the Department is satisfied with BMC’s assessment of air quality and notes that the modified EEA layout would not cause any significant change to air quality impacts at sensitive receivers”* in the area. The Department is also satisfied that the modified project could continue to meet the relevant air quality criteria in the consent” (Department of Planning and Environment, 2016).

The Mt Thorley Continuation Project Determination Report prepared by the Planning Assessment Commission (PAC), air quality (including noise impacts) is longstanding issues that have potential to impact on the Bulga community. It recommended the strengthening of the Air Quality Management Plan. The PAC *“considered that the predicted air quality levels would largely comply with the relevant criteria as specified in government policy”*.

The planning proposal is not expected to generate air quality impacts.

## **Noise**

An acoustic assessment has not been prepared for the planning proposal. According to the DP&E, potential exists for residents of the site to experience some acoustic and vibration disturbance from the BMC. Disturbance should reduce with the proposed emplacement of the western overburden, which would shield the site and surrounding lands.

Mine impacts are also expected to decrease overtime as operations progress. The site is not predicted to experience noise concentrations above excepted criteria of 35dB (A) (Department of Planning and Environment, 2014).

In June 2016, a noise impact assessment was prepared by Global Acoustics for the Bulga Optimisation Project – Modification 1. The results of the assessment indicated that changes to noise emission results associated with the modified project were *“insignificant for all assessed stages and all sensitive receivers”*. The report also concluded *“that any minor increase in noise would be indiscernible compared to existing background levels”*. The DP&E *“is satisfied with the BMC’s assessment of noise impacts and agrees with its findings that there would be no significant change in the noise impacts on sensitive receivers”* (NSW Department of Planning and Environment, 2016).

The site is also affected by noise impacts from the Warkworth Extension Project and Mt Thorley Continuation Project (WMT). According to the Planning Assessment Determination Commission Report - Mt Thorley Continuation Report (26 November 2015), the Planning Assessment Commission (PAC) was satisfied that noise impacts could be addressed, following its First Review Report. The PAC Second Review Report stated *“the Commission recommended that the Noise Management Plan should be strengthened to address non-compliance and exceedances of the relevant performance criteria”* and was satisfied that its recommendation had been addressed. According to the PAC Second Review Report, potential noise impacts from *“predicted noise exceedance and recommendation treatments are consistent with the current and applicable government policies”* (Planning Assessment Commission, Determination Report – Mt Thorley Continuation Project, 2015). It recommended *“the community have ready access to information to real time noise monitoring to provide timely detailed information to the public rather than retrospective summaries”*.

### **3. Has the planning proposal adequately addressed any social and economic effects?**

In itself, the planning proposal is unlikely to result in adverse social and economic effects on the site or broader LGA. The proposal would include the village of Bulga (Deferred Matter) under the provisions of the Singleton LEP 2013, which would provide zoning and land use control over the site to align with State Government Planning provisions.

The planning proposal acknowledges that mine related operations from the BMC and WMT have real and potential social and economic impacts on the site and its community, particularly noise, air quality and visual amenity. Community concerns for its long-term sustainability and investment within the site are primary considerations, particularly regarding the provision of services and infrastructure to sustain long-term quality of life.

The *Singleton Land Use Strategy 2008* identified that water, sewer servicing, the EEC's and Wollemi National Park were primary consideration for future development of the site. Application of the proposed zones (R5, E4, RU4) and minimum lot sizes (1ha, 5ha, 40ha) would help ensure that properties with the site have capacity for on-site sewer management. Application of the E4 zone would help ensure that EEC's are maintained and provide transition to Wollemi National Park. Potable water is proposed for the site.

#### **Positive effects**

Council has committed to delivering the Bulga Water Supply Scheme, which will provide potable water to the Bulga village. At present, plans are progressing for the project and a

50% funding commitment has been secured from the NSW Government under the Restart NSW Fund. Community updates on the progress of the project will be provided.

Funding has been approved from the Bulga Optimisation Voluntary Planning Agreement to engage consultants to commence detailed public design works at Bulga and Broke as part of the Villages Master Planning process.

Mt Thorley Warkworth Voluntary Planning Agreement also has been prepared in part to ensure funding for community infrastructure and services for mine affected area including Bulga Village. The total contribution from the VPA is \$11million over the 21 year lifespan of the combined projects. Apportionment of the funds mean the Bulga area would receive approximately \$6.6million over the life of the VPA. This represents 60% of the \$11million. Section 94, 94A and 94EF of the *Environmental Planning and Assessment Act 1979* are not excluded by the VPA and S94 contributions would also be required where applicable.

Overall, funding and proposes project delivery (based on projects outlined in the Village Master Plan) would provide improved services and facilities for the community for sustainable village living. It also would help enhance, protect and improve the environment, and strengthen partnerships to deliver services.

### **Housing and accommodation**

Proposed R5 and E4 zone provisions and minimum lot size requirements (1ha and 4ha) have the capacity to provide opportunity for some infill growth. Any future development would be assessed on a lot by lot basis, subject the land capabilities and constraints. Providing housing and accommodation options could bring new residents and their family to the village and neighbouring E4 zoned land, which could strengthen local sense of community and place.

### **Community Services**

The site has good accesses to open space and recreation facilities associated with the Bulga Recreation Ground and adjoin Wollemi National Park. According to the Villages Master Plan, the recreation ground *"is the key sport and recreation facility and requires only minor maintenance and upgrade"*. A number of other community facilities are located within the site or surrounding area including, St Mark's Anglican Church, Community Hall (with mobile pre-school), Scout Hall, Police Station, National Park Office and the Hunter Valley Fire Control Centre.

Abovementioned funding has the capacity to positively contribute to the enhancing community service and infrastructure delivery for the site and surrounding area.

### **Community health and wellbeing**

As mentioned, the site is potential affected by environmental impacts from mine operations, including but not limited to, noise, air quality, visual amenity, and landuse conflict. The planning proposal itself is not expected to generate adverse impacts on community health and wellbeing. Given the rural context, open space, general aesthetics of the Wollemi National Park and opportunities for passive and active recreation (walking, cycling, tennis,

horse riding), life for the site and surrounding area could potentially improve over the lifespan of mine operations and completion those operations.

### **Access and mobility**

The site is accessed from Putty and Wambo Roads. These roads have and are undergoing major upgrades. Internal road networks are generally sealed and maintained. Any future development of the site would be funded by property owner(s). Development of the site would also need to ensure that internal access is provided. Existing provisions under the *Singleton Development Control Plan 2014* can adequately control internal access and mobility as required throughout the site.

### **Crime and public safety**

Crime and safety issues occur against people and property through society. The planning proposal acknowledges that development within the site, tourist related activities etc., could bring visitor to the site. As proposed, bring the site under the provisions of the Singleton LEP 2013, is unlikely to result in adverse impacts of crime and public safety. Any future development within the site has potential to provide good design outcomes that are conducive to the rural character and local amenity, with the community itself helping to encourage community ownership of the public domain and built environment, in the form of passive surveillance and shared responsibility for community security.

### **Social equity**

The level of disadvantage in many areas throughout the Hunter and NSW are acknowledged. Singleton has had generally prolonged population growth that has sustained a healthy local economy supported by a diverse industry base, young labour force and access to infrastructure. The site itself is influenced by two primary, competing industry sectors, agriculture and mining.

According to 2016 Census key statistics for the Bulga:

- 354 people;
- Median age 41;
- Families 103;
- Median household income of \$1,553;
- Average household size 3;
- 19.7% of children aged between 0-14 years; and
- 15.4% of people aged over 65.

The site has a higher percentage of youth than seniors (ABS, 2016 Census). Available funding to provide and/or improve existing services and infrastructure would contribute positively to the community. Social interactions could be enhanced through good design mechanisms that enhance indoor and outdoor communal facilities for visitors and residents.

### **Violation of civil liberties (personal and property rights)**

The rural and natural setting attracted locals and visitors to the site. Success of the proposal depends on maintaining the local character and amenity of the area. As proposed,

delineation between public and private space, and property would remain. The proposal seeks to retain the sites village character and natural setting. Personal and property rights would be maintained.

### **Workforce and employment**

Potential exists for a small amount of infill growth, which would provide employment for local builders and related services. A small amount of additional growth could also encourage home industries, and provide housing for people working in the agricultural and mining sectors. The site is also within approximately 25 minute commute to Singleton, which can provide alternate, additional employment opportunities.

## **SECTION D: STATE AND COMMONWEALTH INTERESTS**

### ***1. Is there adequate public infrastructure for the planning proposal?***

#### **Local and State road network**

The planning proposal does not relate to the introduction of new roads to the site. It would apply new zones (R5, E4, RU4 and RE1) and minimum lots size requirements (1 hectare, 4 hectare and 40 hectares, respectively (excluding RE1)).

New internal roads would be introduced should future subdivision and development occur on the site. Further investigation into traffic, access and transport related impacts on the surrounding road network would be expected to be undertaken as part of future applications for such subdivision/development.

#### **Electricity supply**

Potential adverse impacts from the planning proposal on existing electricity infrastructure supply are considered minor or negligible. It is not anticipated that the limited amount of infill development would have adverse impacts on existing or future electricity supply.

#### **Gas supply**

There is no existing provision of gas infrastructure to the site. The planning proposal is not anticipated to generate demand or need for gas infrastructure.

#### **Telecommunications, including national broadband**

Telecommunications are available to the site, although national broadband is not. The small amount of infill development potential is not anticipated to have any adverse impact on telecommunications networks or supply.

#### **Reticulated water supply**

The site is not currently serviced by reticulated water supply. Funding has been approved for the Bulga Water Supply Network. It is expected that this infrastructure would have capacity to allow for limited future growth throughout the site.

## **Sewer**

At the time of writing this report, a reticulated sewerage system was not intended to be provided to the site. Existing residents use on-site sewerage management systems to service individual lots. Future development of the site would need to have sufficient available land area to accommodate on-site effluent dispersal. The minimum lot size requirements for the R5 and E4 zones of 1 hectare and 4 hectares; respectively, would provide adequate land area to help mitigate impacts on soil, water and the environment. Sufficient dispersal areas would need to be available to accommodate any future development.

## **Waste management services**

Singleton Council provides (user pay) general waste and recycling services once a fortnight. The planning proposal is not anticipated to impact on existing services.

Future development of the site would be on a lot by lot basis and waste management services (user pay) would be further considered at that time.

## **Health, education and other public services**

There are no health services within the site. Residents requiring health related services travel to Singleton, approximately 30km east/northeast of the site to access such services.

No education services are provided within the site. Students travel to Singleton 30km east/northeast of the site. Milbrodale Public School is located approximately 5 km south of the site. The school does provide education services to local students. Mobile preschool services are available to Bulga for children between 2 – 5 years.

A former public school is located on The Inlet Road. This site is currently being used as a Scout Hall.

The planning proposal is not anticipated to have any adverse impacts on health, education and other public services.

## **Emergency services**

The following Emergency Services are located at the site:

- NSW Police located on The Inlet Road, Bulga; and
- NSW Fire Control Centre and Fire Service Helicopter Base located off Putty Road, Bulga.

According to NSW Ambulance Service, the nearest Ambulance Station is located on George Street, Singleton, which is approximately 35km east/ northeast of the site.

The planning proposal is not anticipated to have any adverse impacts on emergency services.

**2. *What are the views of the State and Commonwealth public authorities proposed to be consulted following the gateway determination?***

As the planning proposal is subject to Gateway determination from the NSW Department of Planning and Environment, the views of relevant State and Commonwealth public authorities are unknown.

Council recommends consultation with the following:

- NSW Department of Primary Industries.
- NSW Office of Environment and Heritage.
- NSW Rural Fire Services.
- NSW Industry and Investment – Resources and Energy.
- Wanaruah Local Aboriginal Land Council.

## **PART 4 – MAPPING**

Part 2 of this planning proposal describes the effect of the proposal in terms of LEP mapping. Maps showing the site context and proposed LEP map changes are contained in **Appendix C**. Copies of the draft technical LEP maps for the amendment are contained in **Appendix D**.

## PART 5 – COMMUNITY CONSULTATION

The planning proposal is not considered to be low impact, given the broad level of community interest with respect to Bulga being deferred from the SLEP 2013. Community and associated stakeholder interests could be high. As such, the planning proposal should be exhibited for a period of not less than 28 days.

The table (below) provides details of the community consultation strategy for this planning proposal:

Community Consultation		
Task	Required? Yes/No	Explanation
<i>Community Consultation Workshop</i>	Yes	It is intended to conduct a workshop for residents and interested stakeholders to discuss the proposed land use zone changes and minimum lot size requirements.
<i>Notice of exhibition on Council's Corporate website</i>	Yes	Planning proposal exhibitions are advertised on the Council's website
<i>Newspaper notice</i>	Yes	The site is within an area of circulation of the Singleton Argus newspaper. A notice of exhibition is to be placed within the Singleton Argus. It is also intended to place a notice of exhibition in the Hunter Valley News.
<i>Notification letters</i>	Yes	Notification letter are to be sent to landowners on the site and those adjoining and adjacent to the boundaries of the site.



## PART 6 – PROJECT TIMELINE

Anticipated timeframes for Gateway Determination and making of the amendment to Singleton LEP 2013 are outlined below:

Task	Timeline
Anticipated commencement date (date of Gateway determination)	15/01/2018
Anticipated timeframe for the completion of required technical information	NIL
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	<p>It is recommended that the public authority comments be obtained on the planning proposal prior to exhibition. This would enable comments to be included with the exhibition material.</p> <p>Public authorities should be given 21 days to provide comment on the planning proposal.</p> <p>Given the timeframes associated with preparation of referral documentation, it is expected that a minimum of 1 month be required for government agency consultation.</p>
Commencement and completion dates for public exhibition period	<p>TENTATIVE TIMEFRAME – The planning proposal is not considered to be of low impact. It is recommended that the planning proposal be exhibited for a period of not less than 28 days. Given the lead times for the preparation of exhibition documentation and arranging newspaper notices etc., it is expected that a minimum of 2 months could be needed for exhibition.</p>
Public Workshop	<p>The proposal could be controversial, given the number of properties affected. Council will conduct a workshop for residents and interested stakeholders to discuss the</p>

	planning proposal, with respect to proposed land use zone changes and minimum lot size requirements.
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	TENTATIVE TIMEFRAME – The timeframe for consideration of submissions would be dependent upon the number of submissions received with respect to the exhibition of the planning proposal. If the number of submissions received is not extensive, it would be anticipated that submissions could be reviewed within approximately 3 weeks of the completion of the exhibition period. If numerous submissions are required, it could take 6-8 weeks to complete the review of submissions.
Timeframe for the consideration of a proposal post exhibition	TENTATIVE TIMEFRAME – Subsequent to exhibition, the planning proposal would need to be updated to include details of the exhibition. It would be expected that the proposal would be able to be updated within 3 weeks of completion of the exhibition period.

In accordance with Council's standard process, the planning proposal would need to be reported to an appropriate Council meeting with the results of exhibition.

Council holds 1 Council meeting per month. Reports for such meetings must be finalised approximately 2 weeks prior to the respective meeting.

As such, it could take up to 1-2 months after updating of the planning proposal to have the

	<p>matter considered at a Council meeting.</p> <p>Given the above timeframes, it would be expected to take approximately 2 months to consider the planning proposal post exhibition.</p>
Date of submission to the Department to finalise the LEP	30/11/2017
Anticipated date RPA will make the plan (if delegated)	N/A
Anticipated date RPA will forward to the Department for notification.	<p>It would be expected that the planning proposal would be forwarded to the DP&amp;E within 2 weeks of the post-exhibition Council meeting.</p> <p>Council is not seeking the Ministers plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979, with respect to the planning proposal.</p>

## CONCLUSION AND RECOMMENDATION

The planning proposal seeks to remove the Bulga "Deferred Matter" from the SLEP 1996 and include that land in the adopted SLEP 2013. Bulga is currently zoned *1(d) Rural Small Holdings* under the provisions of the SLEP 1996.

Application of the R5, E4, RU4 and RE1 zones best represent the immediate village, environmental values and agricultural production characteristics of Bulga. The proposed zones would provide for a range of existing and compatible land uses. This would reduce potential for land use conflict.

The planning proposal is considered to be generally consistent with relevant policies and directions. It is not anticipated to generate any significant adverse impacts on the community, environment or productive agricultural land within the site (Refer to Attachment 1: draft LEP 2013).


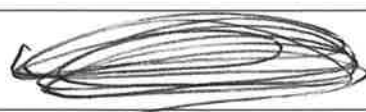
### Note.

Pursuant to section 58 of the Environmental Planning and Assessment Act 1979, Council could, at any time, vary the proposal as a consequence of its consideration of any submission or report during community consultation or for any other reason. It could also, at any time, request the Minister to determine that the matter not proceeds.

This planning proposal has been prepared to explain the intended effect of the proposed amendment to the Singleton Local Environmental Plan 2013 and sets out the justification for making that amendment.

Pursuant to Section 58 of the Environmental Planning and Assessment Act 1979, Council may, at any time, vary the proposal as a consequence of its consideration of any submission or report during community consultation or for any other reason. It may also, at any time, request the Minister to determine that the matter not proceeds.

This planning proposal (version: 1.2) has been reviewed by the Director Planning & Infrastructure and deemed suitable for the purposes of lodgement with the Department of Planning and Environment. It is also deemed suitable for the purposes of lodgement for gateway determination.

		
<b>Gina Hamilton-Avery</b>		<b>Mary-Anne Crawford</b>
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## APPENDIX:

### ANNEX A - Planning proposal assessment against State Environmental Planning Policies (SEPP's)

SEPP	Overview	Applicable	Consistency
SEPP No. 1 - Development Standards	Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	N/A	<p>Clause 1.9(2) of the Singleton Local Environmental Plan 2013 excludes application of the SEPP to the land.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 14 - Coastal Wetlands	Provides for the preservation and protection of coastal wetlands.	N/A	<p>The LEP amendment proposal does not relate to coastal wetlands.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP 19 - Bushland in Urban Areas	Provides for the protection and preservation of bushland in urban areas within certain local government areas.	N/A	<p>The SEPP does not apply to the Singleton LGA.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 21 - Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years	N/A	<p>The LEP amendment proposal does not relate to a movable dwelling proposal, caravan park or camping ground.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>

SEPP	Overview	Applicable	Consistency
SEPP No. 26 - Littoral Rainforests	Provides for the preservation of specific littoral rainforest areas identified on the technical map series for the SEPP.	N/A	<p>The LEP amendment proposal does not relate to littoral rainforest areas identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 30 - Intensive Agriculture	Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.	N/A	<p>The LEP amendment proposal does not relate to a cattle feedlot, piggery or composting facility.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 33 - Hazardous and Offensive Development	Requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy.	N/A	<p>The LEP amendment proposal does not relate to 'potentially hazardous' or 'potentially offensive' development.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 36 - Manufactured Estates	Helps establish well-designed and properly serviced manufactured home estates in suitable locations.	N/A	<p>The LEP amendment proposal does not relate to a manufactured home estate.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 44 - Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that	N/A	<p>The site does not contain established trees to constitute potential koala habitat.</p>

SEPP	Overview	Applicable	Consistency
	provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.		Consistency with the SEPP is not relevant to the proposal.
SEPP No. 47 – Moore Park Showground	Provides for the redevelopment of Moore Park Showground (Sydney) in a manner that is consistent with its status as an area of importance for State and regional planning in New South Wales	N/A	<p>The LEP amendment proposal does not relate to Moore Park Showground as identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 50 – Canal Estates	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments	N/A	<p>The LEP amendment proposal does not relate to a canal estate.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Requires development consent for certain artificial waterbodies (carried out under farm plans to implement land and water management plans) for land identified on the technical map series for the SEPP,	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 55 – Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	Undetermined	<p>There is the potential for the site to contain contaminated land.</p> <p>Insufficient information has been lodged to adequately assess consistency with the SEPP.</p>
SEPP No. 62 – Sustainable Aquaculture	Encourages the sustainable expansion of aquaculture in NSW.	N/A	<p>The LEP amendment proposal does not relate to aquaculture.</p> <p>Consistency with the SEPP is not relevant to</p>

SEPP	Overview	Applicable	Consistency
			the proposal.
SEPP No. 64 - Advertising and Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	N/A	<p>The LEP amendment proposal does not relate to advertising or signage.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 65 - Design Quality of Residential Flat Development	Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	N/A	<p>The LEP amendment proposal does not relate to residential flat development.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 70 - Affordable Housing (Revised Schemes)	Provides for revised affordable housing provisions to be inserted into environmental planning instruments for certain land within the Greater Metropolitan Region.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 71 - Coastal Protection	Provides for the preservation and protection of land within the coastal zone.	N/A	<p>The LEP amendment proposal does not relate to land within the coastal zone.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Affordable Rental Housing) 2009	Provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers	N/A	<p>The LEP amendment proposal does not relate to affordable rental housing.</p> <p>Consistency with the SEPP is not relevant to</p>



SEPP		Overview	Applicable	Consistency
				the proposal.
SEPP Sustainability BASIX) 2004	(Building Index:	Ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.	N/A	<p>The LEP amendment proposal does not relate to implementation of the BASIX scheme.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Exempt and Complying Development Codes) 2008		Provides exempt and complying development codes that have State-wide application.	N/A	<p>The LEP amendment proposal does not relate to implementation of the exempt and complying development codes.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Housing for Seniors or People with a Disability) 2004		Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.	N/A	<p>The LEP amendment proposal does not relate to housing for seniors or people with a disability.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP 2007	(Infrastructure)	Provides greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	N/A	<p>The LEP amendment proposal does not affect implementation of the Infrastructure SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Integration and Repeals) 2016		Repeals certain Regional Environmental Plans and State Environmental Planning Policies.	N/A	The LEP amendment proposal does not relate to the repeal of any Regional Environmental Plans or State Environmental Planning

SEPP	Overview	Applicable	Consistency
			Policies.
			Consistency with the SEPP is not relevant to the proposal.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Provides for the protection and enhancement of alpine resorts in that part of the Kosciuszko National Park identified on the technical map series for the SEPP.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Kurnell Peninsula) 1989	Through application of appropriate development controls, provides for the protection of the natural environment of the Kurnell Peninsula (within the Shire of Sutherland) as identified on the technical map series for the SEPP.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.	Yes	<p>The LEP amendment proposal does not relate to an extractive industry proposal.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Miscellaneous Consent Provisions) 2007	Contains miscellaneous provisions relating to matters such as the subdivision of land, the erection of a building, the demolition of a building and the erection of temporary structures.	N/A	<p>The LEP amendment proposal does not affect implementation of the Miscellaneous Consent Provisions SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Penrith Lakes Scheme) 1989	Through application of appropriate development controls, provides for the protection of the natural environment and environmental heritage on land identified on the	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the</p>

SEPP	Overview	Applicable	Consistency
	technical map series for the SEPP (Penrith Lakes).		SEPP is not relevant to the proposal.
SEPP (Rural Lands) 2008	Contains rural planning principles and rural subdivision principles, which must be taken into consideration before developing rural land. Provides for rural land to be subdivided below the minimum lot size for subdivision for the purpose of primary production.	Yes	<p>The LEP amendment proposal relates to land within an existing rural zone.</p> <p>The information lodged for the proposal demonstrates consistency with the SEPP.</p>
SEPP (State and Regional Development) 2011	Confers functions on joint regional planning panels to determine development applications for relevant State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure.	N/A	<p>The LEP amendment proposal does not relate to functions conferred on joint regional planning panels.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (State Significant Precincts) 2005	Facilitates the development, redevelopment and protection of important urban, coastal and regional sites of economic, environmental or social significance to the State, so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.	N/A	<p>The LEP amendment proposal does not relate to land within an existing or proposed State significant precinct.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Sydney Drinking Water Catchment) 2011	Through application of appropriate assessment and approval provision, provides for the protection of the Sydney drinking water catchment as identified on the technical map series for the SEPP.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Sydney Region Growth Centres) 2006	Provides for the coordinated release of land for residential,	N/A	The LEP amendment proposal does not relate to land identified on the

<b>SEPP</b>	<b>Overview</b>	<b>Applicable</b>	<b>Consistency</b>
	employment and other urban development in the North West and South West growth centres of the Sydney Region as identified on the technical map series for the SEPP.		technical map series for the SEPP.  Consistency with the SEPP is not relevant to the proposal.
SEPP (Three Ports) 2013	Provides a coordinated and consistent approach to the development and re-development of certain land at Port Botany, Port Kembla and the Port of Newcastle (as identified on the technical map series for the SEPP) for port purposes.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.  Consistency with the SEPP is not relevant to the proposal.
SEPP (Urban Renewal) 2010	Establishes a process for assessing and identifying sites as urban renewal precincts, to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts, and to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.	N/A	The LEP amendment proposal does not relate to land within an existing or proposed urban renewal precinct.  Consistency with the SEPP is not relevant to the proposal.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Aims to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW and preserve the amenity of such areas through the preservation of trees and other vegetation.	Yes	The LEP amendment proposal relates to land within a zone to which the SEPP applies.  The information lodged for the proposal demonstrates consistency with the SEPP.
SEPP (Western Sydney Employment Area) 2009	Provides for the co-ordinated planning and development of land in the Western Sydney Employment Area as	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.

SEPP	Overview	Applicable	Consistency
	identified on the technical map series for the SEPP.		Consistency with the SEPP is not relevant to the proposal.
SEPP (Western Sydney Parklands) 2009	Provides for development of the land identified on the technical map series for the SEPP into multi-use urban parkland for the region of western Sydney.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>

## ANNEX B - Planning proposal assessment against section 117(2) Ministerial Directions

Ministerial Direction	Overview	Applicable	Consistency
<b>1. Employment and Resources</b>			
1.1 Business and Industrial Zones	<p>Applies to planning proposals affecting existing or proposed business or industrial zone land.</p> <p>By requiring consistency with the objectives of the direction, retention of areas of business and industrial zoned land, protection of floor space potential, and/or justification under a relevant strategy/study; the direction seeks to protect employment land in business and industrial zones, encourage employment growth in suitable locations and support the viability of identified centres.</p>	N/A	<p>The LEP amendment proposal does not relate to land within an existing or proposed business or industrial zone.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
1.2 Rural Zones	<p>Provides for protection of the agricultural production value of rural land by requiring planning proposals to be justified by a relevant strategy or study if they seek to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural (except RU5) zoned land.</p>	Yes	<p>The LEP amendment proposal relates to land within an existing rural zone.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries	<p>Seeks to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.</p>	Yes	<p>The LEP amendment proposal does not seek to implement provisions that would prohibit or restrict the potential development/mining of coal, mineral or petroleum resources or other extractive materials of State/regional significance.</p> <p>Consistency with the direction is not relevant to the proposal.</p>

Ministerial Direction	Overview	Applicable	Consistency
1.4 Oyster Aquaculture	Provides for the protection of priority oyster aquaculture areas and surrounds from land uses that may adversely impact upon water quality and consequently, on the health of oysters and oyster consumers.	N/A	<p>The LEP amendment proposal does not relate to a priority aquaculture area.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
1.5 Rural Lands	<p>Applies to planning proposals relating to existing or proposed rural or environmental protection zoned land and proposals that seek to change the minimum lot size for subdivision of such land.</p> <p>By requiring consistency with the rural planning principles and rural subdivision principles of SEPP (Rural Lands) 2008 or justification under a relevant strategy, the direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	Yes	<p>The LEP amendment proposal relates to land within an existing rural zone.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
<b>2. Environment and Heritage</b>			
2.1 Environment Protection Zones	<p>Applies to planning proposals affecting land within an environment protection zone or land otherwise identified for environment protection purposes.</p> <p>Provides for 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 in the opinion of the Secretary of the NSW Department of Planning and Environment</p>	Yes	<p>The LEP amendment proposal relates to land within a proposed environmental protection zone.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>

Ministerial Direction		Overview	Applicable	Consistency
		(or nominated delegate).		
2.2	Coastal Protection	<p>Applies to land within a coastal zone, as defined in the Coastal Protection Act 1979.</p> <p>The direction seeks to implement the principles of the NSW Coastal Policy by requiring relevant planning proposals to be consistent with the NSW Coastal Policy, the Coastal Design Guidelines and the NSW Coastline Management Manual or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).</p>	N/A	<p>The LEP amendment proposal does not relate to land within a coastal zone.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
2.3	Heritage Conservation	Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Yes	<p>According to the study information for the LEP amendment proposal, the site contains heritage items/places.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
2.4	Recreation Vehicle Areas	Seeks to protect land with significant conservation values and other sensitive land from being developed for the purposes of recreation vehicle areas, unless they are suitably justified under a relevant strategy or study or considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	<p>The LEP amendment proposal does not seek to enable land to be developed for the purposes of a recreational vehicle area.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far	<p>Applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.</p> <p>Requires planning</p>	N/A	The LEP amendment proposal does not relate to land within the local government areas of Ballina, Byron, Kyogle,



Ministerial Direction		Overview	Applicable	Consistency
North Coast LEPs		proposals that seek to introduce or alter an E2 or E3 zone into a relevant LEP to be consistent with the Northern Councils E Zone Review Final Recommendations, except where considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		Lismore or Tweed.  Consistency with the direction is not relevant to the proposal.
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	Applies to planning proposals affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted.  Requires relevant planning proposals to include provisions that encourage housing development, ensures satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes	The LEP amendment proposal relates to land within a proposed residential zone.  The information lodged for the proposal demonstrates consistency with the direction.
3.2	Caravan Parks and Manufactured Home Estates	Applies to planning proposals that seek to identify suitable zones and/or locations and/or provisions for caravan parks or manufactured home estates (excludes certain land reserved or dedicated under the Crown Lands Act 1989 National Parks and Wildlife Act 1974).  Provides for a variety of housing types and opportunities for caravan parks and manufactured home estates, through application of requirements	N/A	The LEP amendment proposal does not seek to identify suitable zones and/or locations and/or provisions for caravan parks or manufactured home estates.  Consistency with the direction is not relevant to the proposal.

Ministerial Direction		Overview	Applicable	Consistency
		for relevant planning proposals.		
3.3	Home Occupations	Requires home occupations to be permissible without development consent in dwelling houses under the relevant provisions of a planning proposal, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate), it is considered to be of minor significance.	N/A	<p>The LEP amendment proposal does not affect the permissibility of home occupations in dwelling houses.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
3.4	Integrating Land Use and Transport	Requires planning proposals, which seek to create, alter or remove a zone or provision relating to urban land (including land zoned for residential, business, industrial, village or tourist purposes), to be consistent with the aims, objectives and principles of 'Improving Transport Choice – Guidelines for planning and development' and 'The Right Place for Business and Services – Planning Policy' or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)..	Yes	<p>The LEP amendment proposal does not seek to create, alter or remove a zone or provision relating to urban land.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
3.5	Development Near Licensed Aerodromes	Applies development criteria and consultation requirements to planning proposals that seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. Inconsistency with the development criteria and/or consultation requirements can be considered if the inconsistency is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment	N/A	<p>The LEP amendment proposal does not relate to land in the vicinity of a licensed aerodrome.</p> <p>Consistency with the direction is not relevant to the proposal.</p>

Ministerial Direction		Overview	Applicable	Consistency
		(or nominated delegate).		
3.6	Shooting Ranges	Requires planning that proposals not rezone land adjacent to and/ or adjoining to an existing shooting range where it would permit more intensive land uses than those that are permitted under the existing zone or land uses that are incompatible with the noise emitted by the existing shooting, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	<p>The LEP amendment proposal does not relate to land adjoining or adjacent to a shooting range.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
<b>4. Hazard and Risk</b>				
4.1	Acid Sulfate Soils	Requires the provisions of planning proposals must be consistent with the Acid Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	<p>According to the study information for the LEP amendment proposal, the site does not contain acid sulfate soils/potential acid sulfate soils.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
4.2	Mine Subsidence and Unstable Land	Applies requirements to planning proposals that would have the effect of permitting development on land within a proclaimed Mine Subsidence District, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of	N/A	<p>The LEP amendment proposal does not relate to land identified as being unstable by a known study, strategy or other assessment. The site is not within a designated mine subsidence district.</p> <p>Consistency with the</p>

Ministerial Direction			Overview	Applicable	Consistency
			the NSW Department of Planning and Environment (or nominated delegate).		direction is not relevant to the proposal.
4.3	Flood Land	Prone	Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes	<p>The LEP amendment proposal relates to flood prone land within the meaning of the NSW Government's 'Floodplain Development Manual 2005'.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
4.4	Planning Bushfire Protection	for	Applies requirements for planning proposals affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that, notwithstanding the noncompliance with the requirements; the NSW Rural Fire Service does not object to progression of the planning proposal.	Yes	<p>The LEP amendment proposal relates to bushfire prone land.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
<b>5. Regional Planning</b>					
5.1	Implementation of Regional Strategies		<p>Applies to planning proposals affecting land to which the South Coast Regional Strategy (excluding land in the Shoalhaven LGA) and Sydney–Canberra Corridor Regional Strategy apply.</p> <p>Requires that relevant planning proposals be consistent with the relevant regional strategy, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent</p>	N/A	<p>The LEP amendment proposal does not relate to land to which the South Coast Regional Strategy or Sydney–Canberra Corridor Regional Strategy apply.</p> <p>Consistency with the direction is not relevant to the proposal.</p>

Ministerial Direction	Overview	Applicable	Consistency
	of the strategy is not undermined.		
5.2 Sydney Drinking Water Catchments	Applies requirements to planning proposals affecting land within the Sydney Drinking Water Catchment for the purposes of protecting water quality, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); non-compliance with the requirements of the direction is considered to be of minor significance.	N/A	<p>The LEP amendment proposal does not relate to land within the Sydney Drinking Water Catchment.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Requires that planning proposals not rezone certain land, within the NSW Far North Coast, identified as State Significant Farmland, Regionally Significant Farmland or significant non-contiguous farmland for urban or rural-residential purposes, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); consistency with the North Coast Regional Plan 2036 and Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, (February 2005), would be achieved.	N/A	<p>The LEP amendment proposal does not relate to land within the NSW Far North Coast.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Applies requirements to planning proposals that affect land that is traversed by the Pacific Highway, within the Port Stephens and Tweed Shire Council LGA's, to (inter-alia) protect the function of the highway and manage commercial and retail development along the highway except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); non-compliance with the requirements of the	N/A	<p>The LEP amendment proposal does not relate to land traversed by the Pacific Highway.</p> <p>Consistency with the direction is not relevant to the proposal.</p>

Ministerial Direction	Overview	Applicable	Consistency	
	direction is considered to be of minor significance.			
<u>Note:</u> Directions 5.5 – 5.7 have been repealed.				
5.8	Second Sydney Airport: Badgerys Creek	Provides that planning proposal must not contain provisions, that would permit the carrying out of development which could hinder the potential for development of a Second Sydney Airport at Badgerys Creek, unless the provision(s) are suitably justified under a relevant strategy or study or considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal does not relate to land at Badgerys Creek.  Consistency with the direction is not relevant to the proposal.
5.9	North West Rail Link Corridor Strategy	Provides that planning affecting land located within the North West Rail Link (NWRL) Corridor must be consistent with the NWRL Corridor Strategy and the objectives of the direction, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal does not relate to land located within the North West Rail Link Corridor.  Consistency with the direction is not relevant to the proposal.
5.10	Implementation of Regional Plans	Requires that planning proposals be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	The Hunter Regional Plan 2036 (HRP) applies to the LEP amendment proposal.  The information lodged for the proposal demonstrates consistency with the direction.
<b>6. Local Plan Making</b>				
6.1	Approval and Referral Requirements	Applies requirements for planning proposals, which seek to incorporate	N/A	The LEP amendment proposal does not seek to incorporate

Ministerial Direction	Overview	Applicable	Consistency
	provisions into a Local Environmental Plan (LEP) that require concurrence, consultation or development application referral to a minister or public authority.		provisions into the instrument that require concurrence, consultation or development application referral to a minister or public authority.  Consistency with the direction is not relevant to the proposal.
6.2 Reserving Land for Public Purposes	Applies requirements to planning proposals which seek to create, alter or reduce existing zonings or reservations of land for public purposes.	N/A	The LEP amendment proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.  Consistency with the direction is not relevant to the proposal.
6.3 Site Specific Provisions	Applies requirements for planning proposals seeking to incorporate provisions into an environmental planning instrument so as to amend another environmental planning instrument.	N/A	The LEP amendment proposal does not seek to incorporate provisions into the instrument that would amend another environmental planning instrument.  The information lodged for the proposal demonstrates consistency with the direction.
<b>7. Metropolitan Planning</b>			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Requires that relevant planning proposals be consistent with the NSW Government's 'A Plan for Growing Sydney' (Dec 2014), except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the	N/A	The LEP amendment proposal does not relate to land to which the NSW Government's 'A Plan for Growing Sydney' (Dec 2014) applies.  Consistency with the direction is not relevant to the proposal.

Ministerial Direction		Overview	Applicable	Consistency
		strategy is not undermined.		
7.2	Implementation of Greater Macarthur Land Release Investigation	Provides that planning proposals affecting land located within the Greater Macarthur Land Release Investigation Area, as identified in the Preliminary Strategy; must be consistent with the Preliminary Strategy, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A	<p>The LEP amendment proposal does not relate to land within the Greater Macarthur Land Release Investigation Area.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
7.3	Parramatta Road Corridor Urban Transformation Strategy	Provides for the incremental transformation and development of land identified on the Parramatta Road Corridor Map (on pages 14 and 15) contained in the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), where consistent with the strategy and associated corridor implementation toolkit.	N/A	<p>The LEP amendment proposal does not relate to land identified on the Parramatta Road Corridor Map of the Parramatta Road Corridor Urban Transformation Strategy.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the North West Land Use and Infrastructure Strategy, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A	<p>The LEP amendment proposal does not relate to land to which the North West Land Use and Infrastructure Strategy applies.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan except where, in the opinion of the Secretary of the NSW	N/A	The LEP amendment proposal does not relate to land to which the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan



Ministerial Direction	Overview	Applicable	Consistency
Plan	Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.		applies.  Consistency with the direction is not relevant to the proposal.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A	The LEP amendment proposal does not relate to land to which the Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan applies.  Consistency with the direction is not relevant to the proposal.

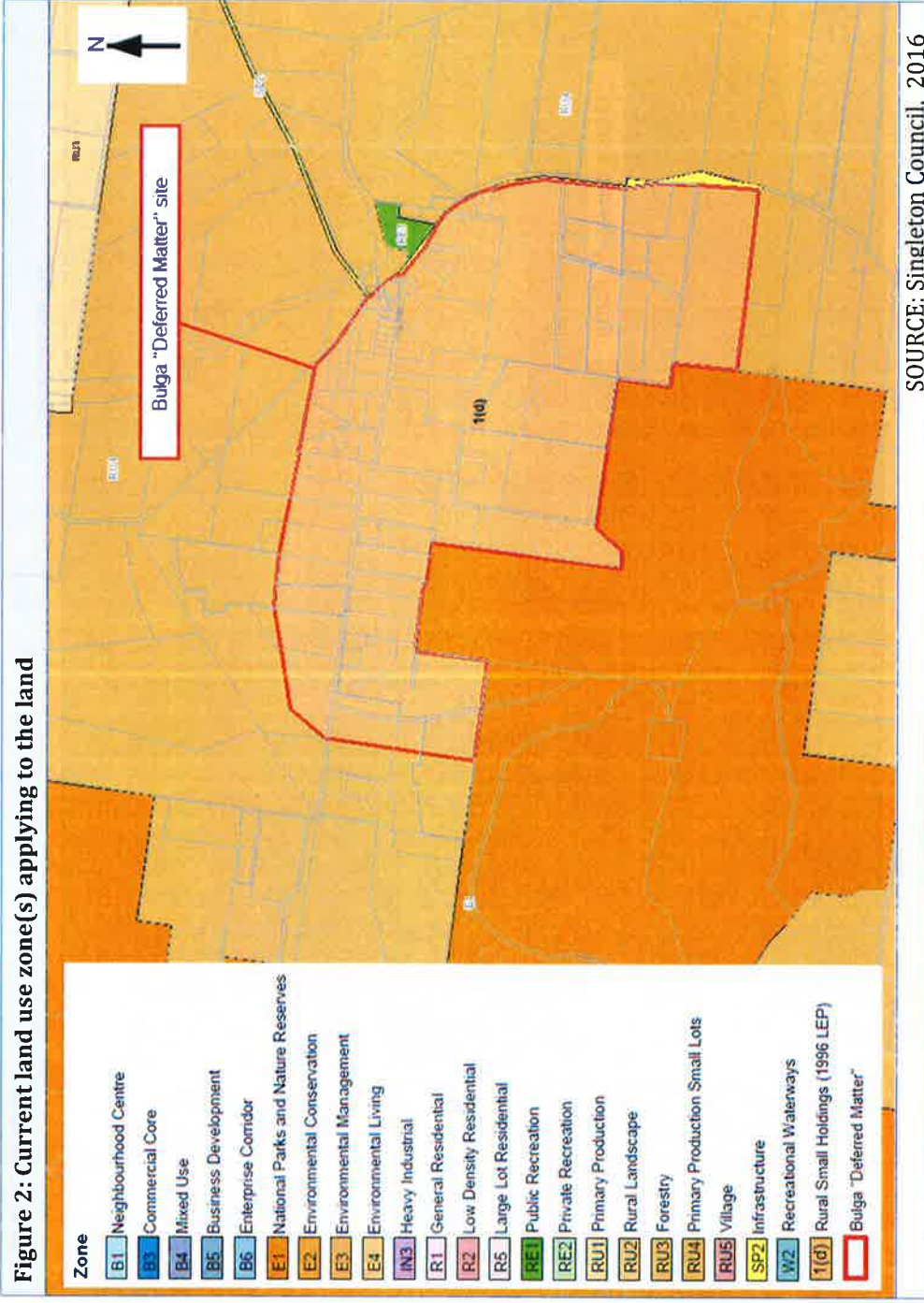
## ANNEX C - EXPLANATORY MAPS

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Phone: 02 6578 7290  
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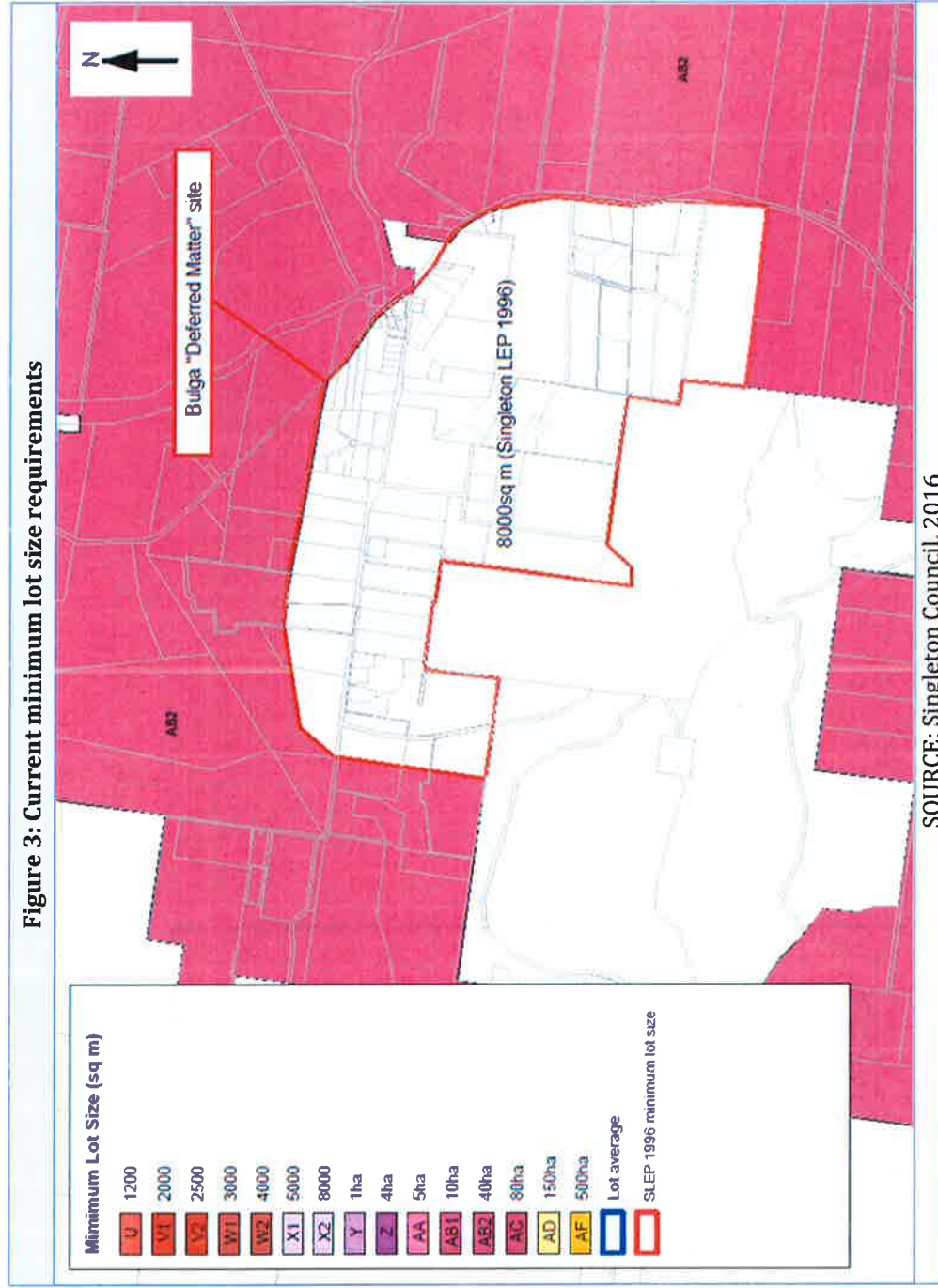
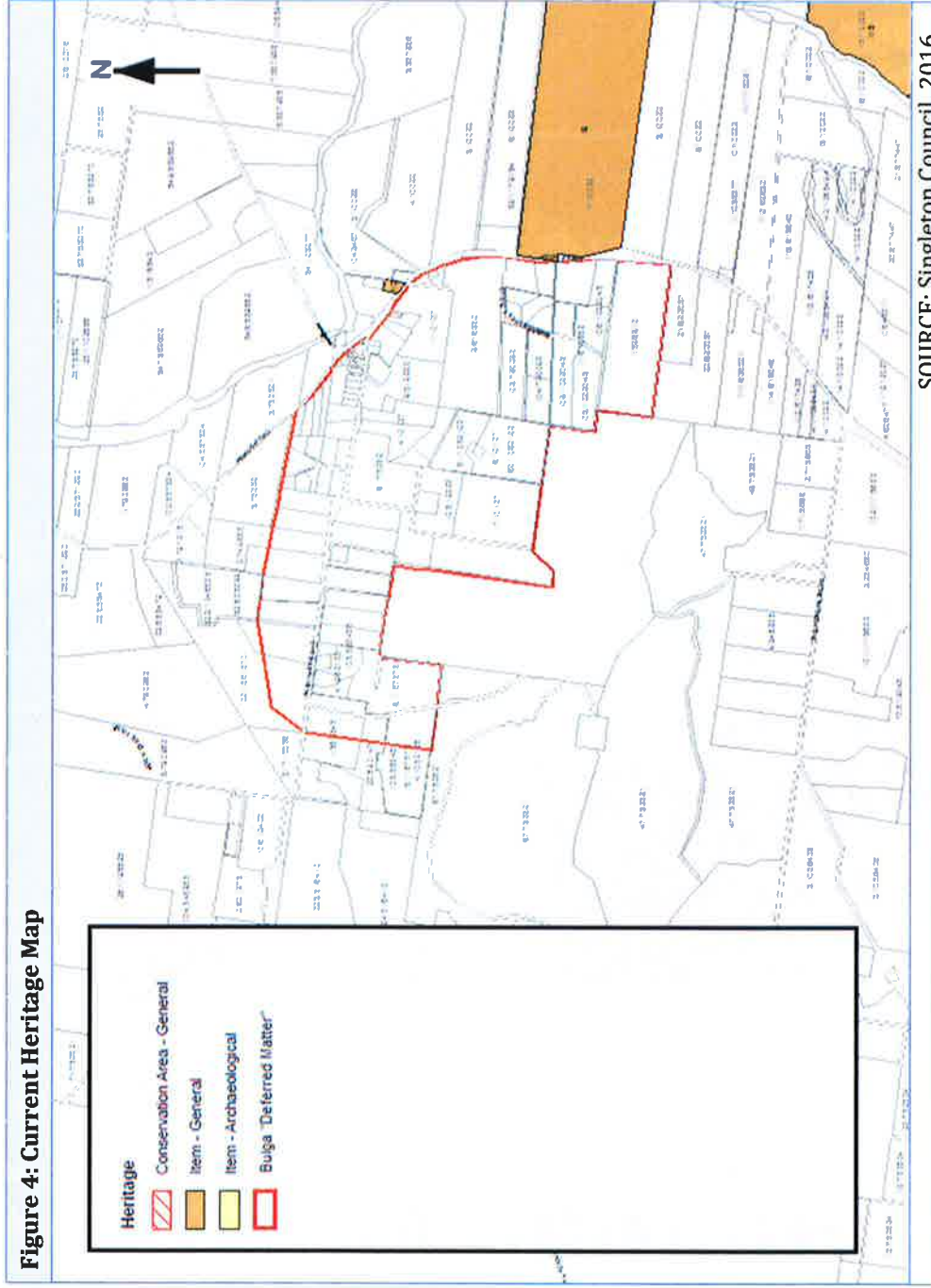
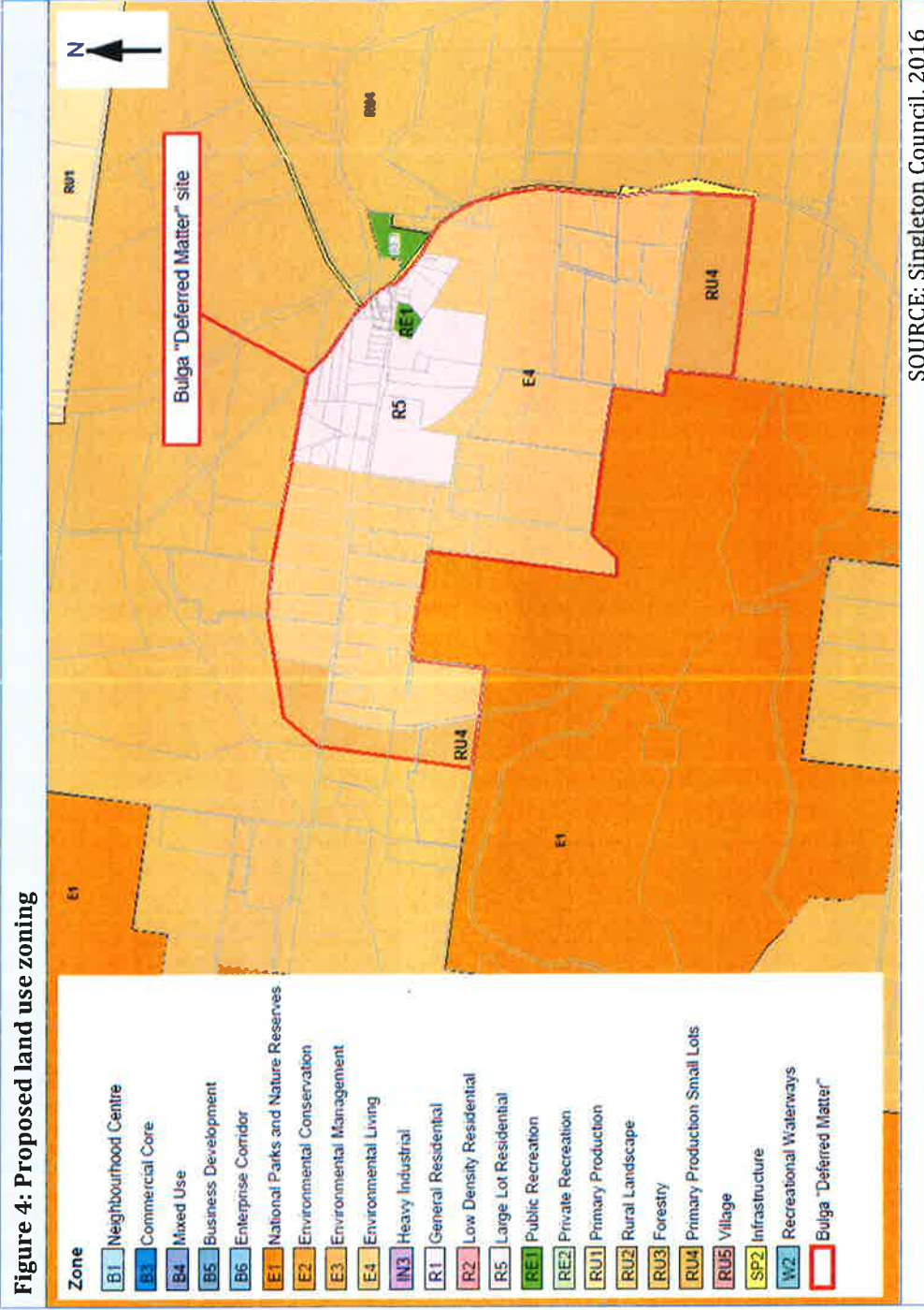
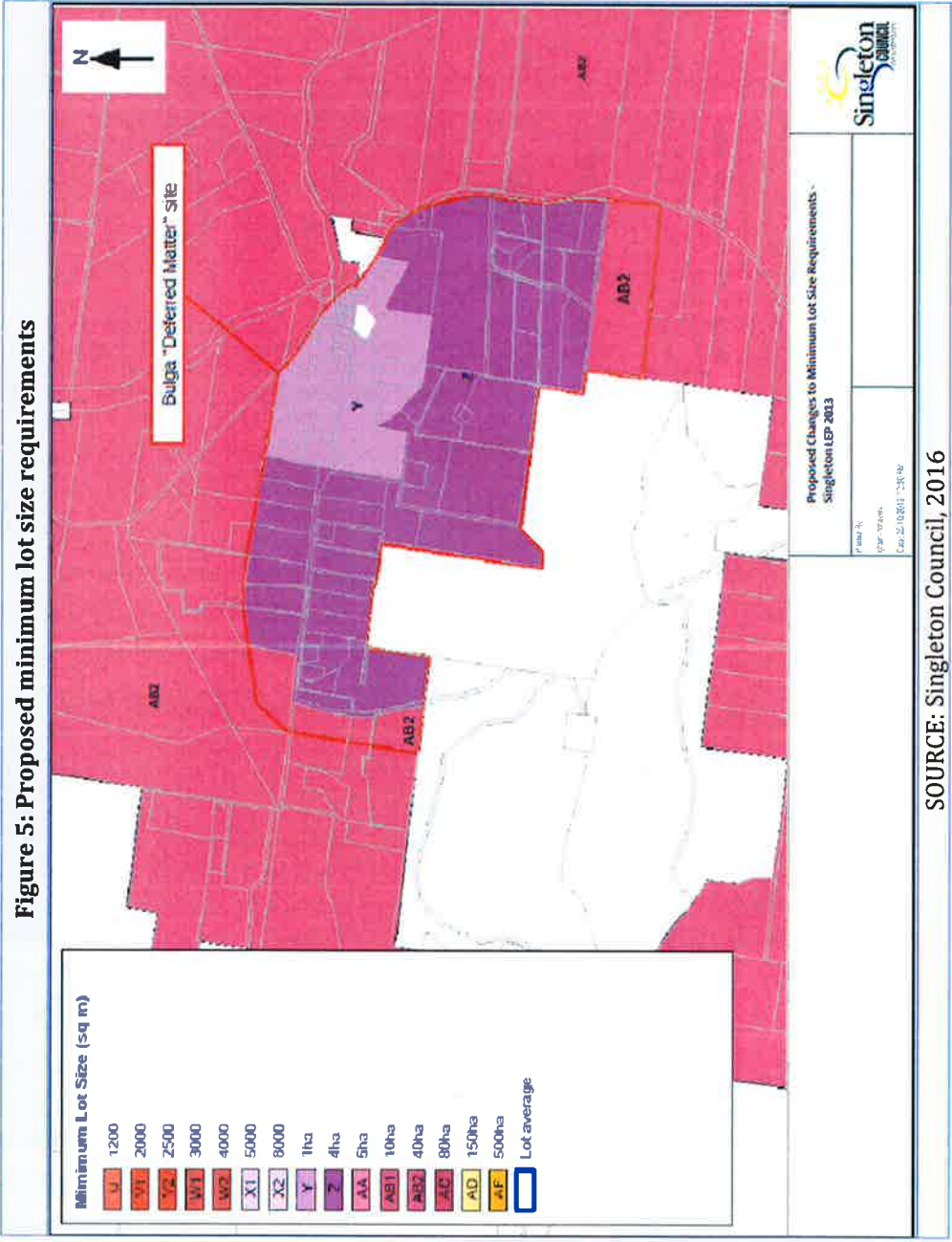


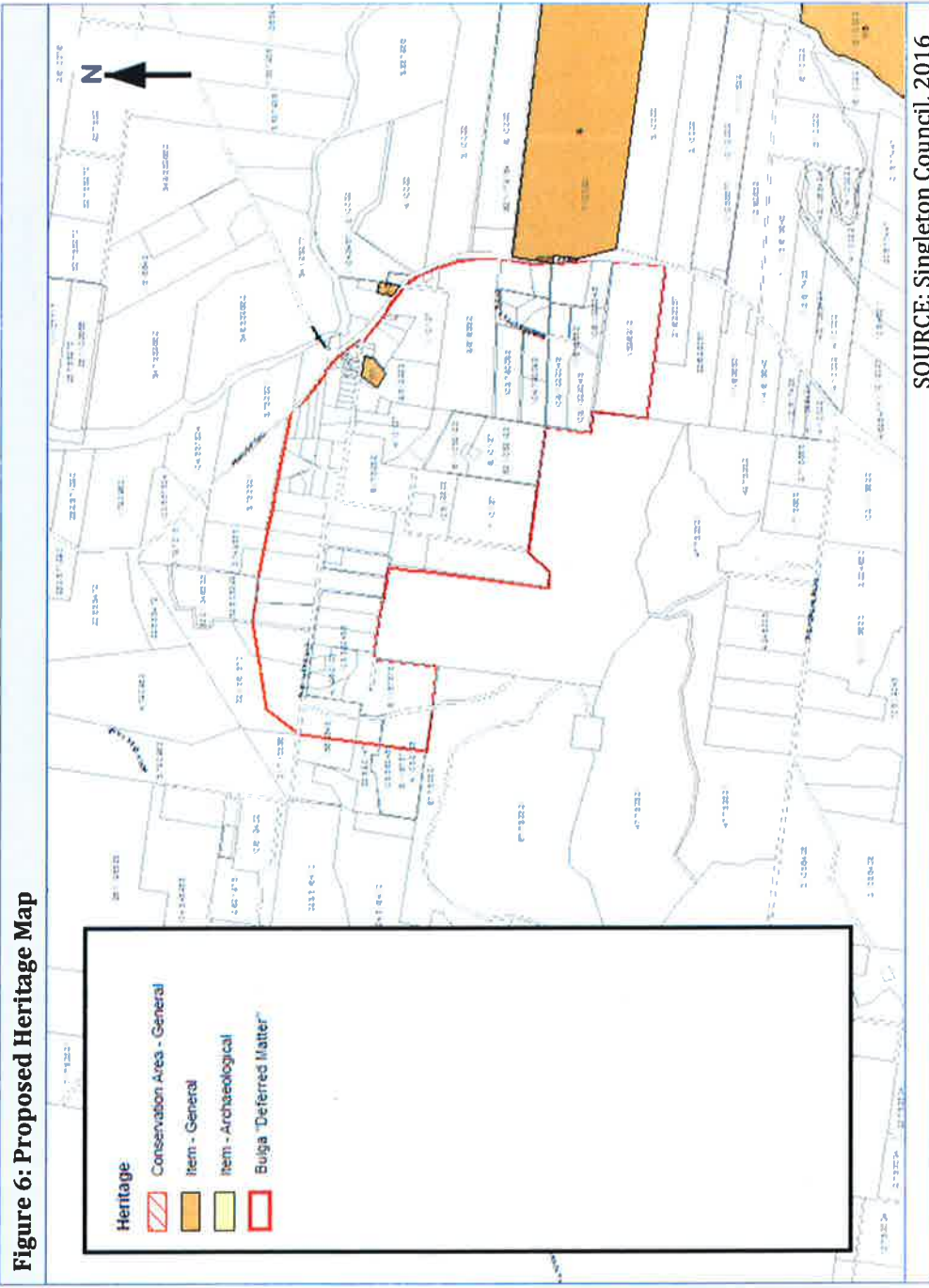
Figure 4: Current Heritage Map











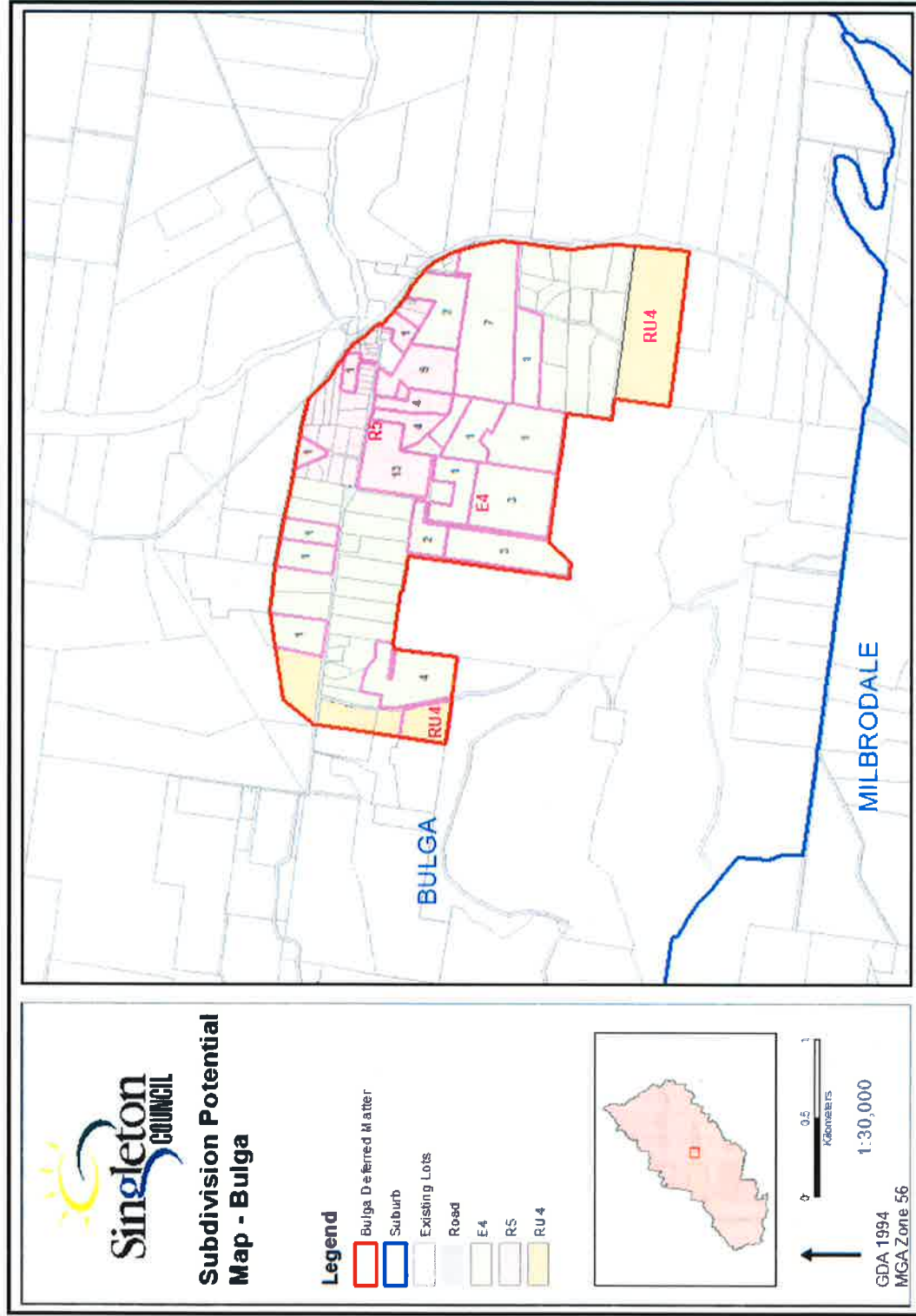
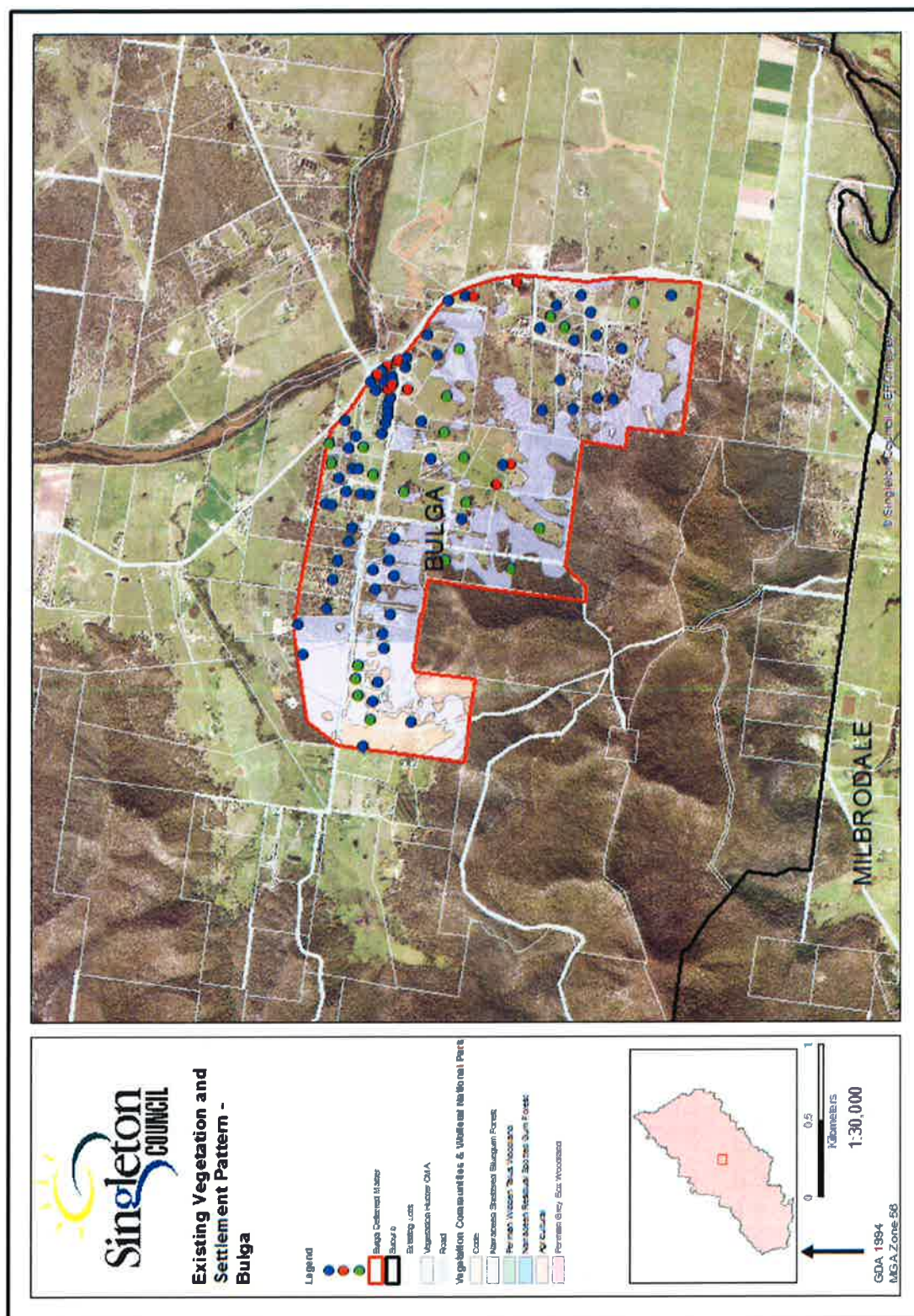


Figure 7 Subdivision Potential Map – Bulga





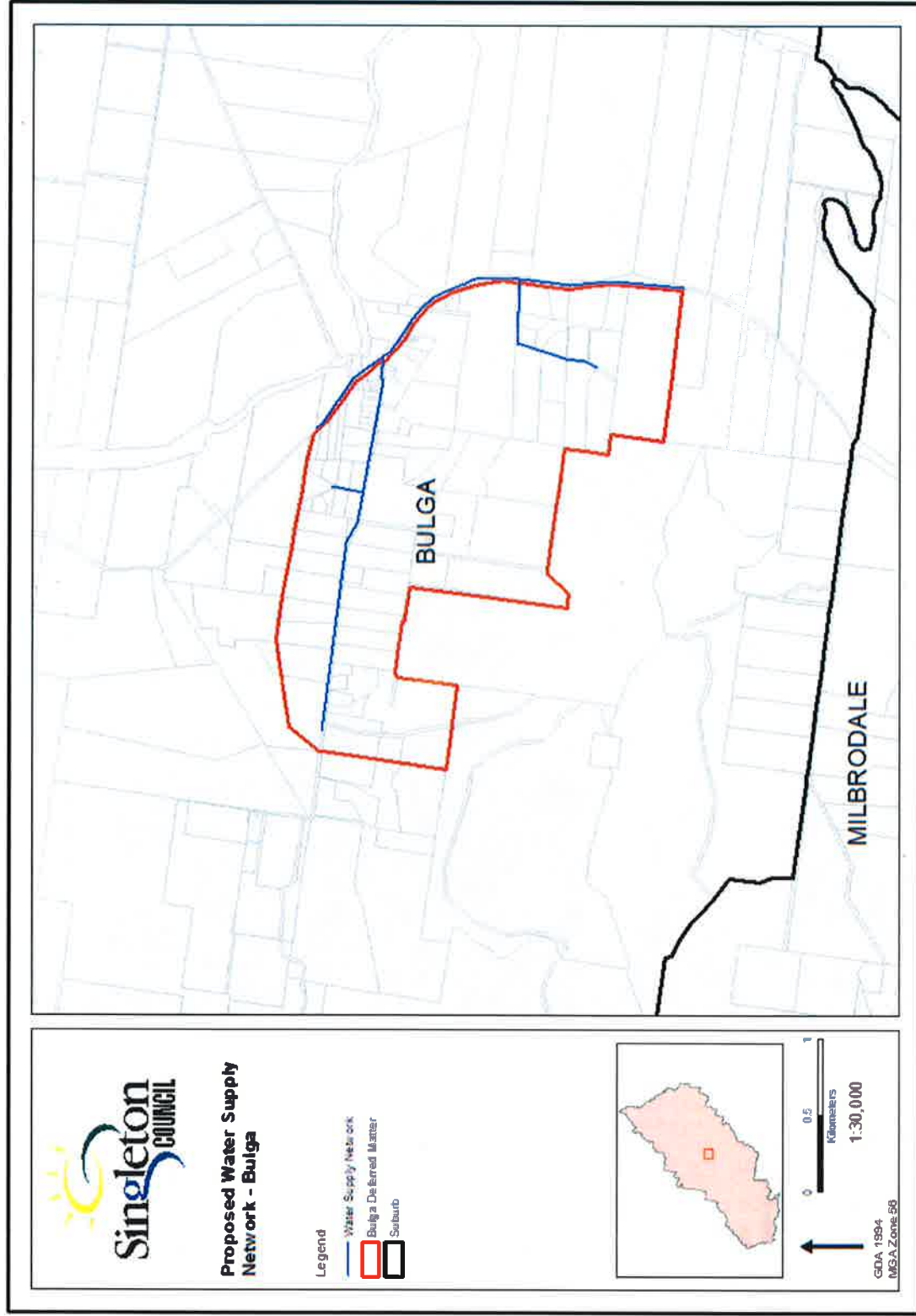


Figure 9: Proposed Water Supply Network - Bulga

