

Anna Bay North

Proposal Title : Anna Bay North

Proposal Summary : To rezone 40 ha of land at Anna Bay North from 1(a) Rural Agriculture for residential and recreation purposes.

PP Number : PP_2012_PORTS_001_00

Dop File No : 12/01107

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information : The Planning Proposal should proceed subject to the following conditions:

1. Council will need to undertake a number of additional studies to further demonstrate the form and content of the planning proposal and provide this additional information as part of its planning proposal for exhibition purposes. The following matters need to be addressed:

- Undertake studies to support the proposal including:
 - o biodiversity and ecological assessment, including impact on Koala populations;
 - o bushfire hazard assessment;
 - o traffic impact assessment;
 - o acid sulfate soils assessment;
 - o preliminary contamination assessment;
 - o flood and drainage assessment;
 - o cultural heritage study if impacts are identified following preliminary consultation; and
 - o infrastructure and service strategy report.
- The identification of appropriate zones for the subject site based on the outcomes of the above studies and consultation with key agencies;

2. A copy of all proposed exhibition material, including demonstration of consistency with applicable S.117 Directions and SEPPS, is to be provided to the Department's Regional Planning Team. Council should liaise with the Regional Planning Team to ensure the appropriate material is prepared.

3. Council is to prepare appropriate mapping for the planning proposal which clearly identifies the intended land use zones (based on the outcomes of the studies above) proposed for the site.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Hunter Water Corporation
- NSW Aboriginal Land Council
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries - Fishing and Aquaculture
- NSW Department of Primary Industries - Minerals and Petroleum
- Transport for NSW - Roads and Maritime Authority
- NSW Rural Fire Service
- Hunter - Central Rivers Catchment Management Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal has strategic merit and is consistent with the Lower Hunter Regional Strategy where it identified as a 'proposed urban area'. The Anna Bay Strategy, which implements the LHRS, identifies the the majority of the site as residential land.

Further studies are required to determine exact zone boundaries for the subject site. The planning proposal has provided enough information to show that the majority of the site can be developed for residential purposes.

The 10 ha of land not identified in the Anna Bay Strategy should be considered as part of investigations as it will allow for holistic planning of Anna Bay North. This area should only proceed if Council can demonstrate consistency with applicable Section 117 Directions and SEPPs.

Panel Recommendation

Recommendation Date : 16-Feb-2012

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. Council is to prepare a project timeline indicating how it proposes to deliver the LEP within the nominated timeframe. This timeline is to be provided to the Department's Regional Planning Team for endorsement within 4 weeks of receipt of this Gateway Determination Notice.
2. Council will need to undertake additional investigations for the area subject to the planning proposal to address relevant planning considerations. The matters requiring further investigation are as follows:
 - Biodiversity and ecological assessment, including impacts on koala populations;
 - Bushfire hazard assessment;
 - Traffic impact assessment;
 - Acid sulphate soils assessment;

- Preliminary contamination assessment;
- Flood and drainage assessment;
- Cultural heritage assessment; and
- Infrastructure and service strategy.

This additional work will need to consider how the extra proposed 10 ha of land will integrate with the 40 ha parcel identified as a 'proposed urban area' in the Lower Hunter Regional Strategy. The additional investigations may therefore supplement existing studies already completed.

Council is not to commence public exhibition until the above studies have been completed and copies of the material provided to the Regional Planning Team.

3. Following completion of the above studies and pre-exhibition consultation, Council is to prepare appropriate mapping for the planning proposal including zoning, minimum lot size, building height, and other maps as required. These maps are to be prepared for the purposes of public exhibition and should be prepared in accordance with the Department's Technical Guidelines for the Preparation of LEP Maps. A copy of all exhibition material is to be provided to the Department's Regional Planning Team.

4. In relation to Direction 2.1 Environmental Protection Zones, Council is to consult with the Office of Environment and Heritage and if necessary, amend the planning proposal to reflect the outcomes of this consultation prior to proceeding with public exhibition.

5. In relation to Direction 2.3 Heritage, Council is to consult with the Aboriginal Land Council regarding the need and potential scope of an Aboriginal heritage assessment for the site. Council is to place any completed study on exhibition with the planning proposal.

6. In relation to Direction 3.1 Residential Zones, Council is to consult with Hunter Water to determine whether drinking water and sewerage servicing is available to the site and if not, to develop an appropriate strategy for ensuring supply to the release area.

7. In relation to Direction 4.3 Flood Prone Land, Council is consult with the Office of Environment and Heritage in relation to preparing an updated flood study for the subject site. Any completed flood study is to be placed on exhibition with the planning proposal.

8. In relation to Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the Rural Fire Service and if necessary amend the planning proposal to reflect the outcomes of this consultation prior to public exhibition. Any studies completed in relation to this aspect should be placed on public exhibition with the planning proposal.

9. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

10. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Local and NSW Aboriginal Land Councils
- Hunter - Central Rivers Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- NSW Department of Primary Industries - Minerals and Petroleum
- NSW Department of Primary Industries – Fishing and Aquaculture
- Hunter Water Corporation
- NSW Rural Fire Service

- Transport for NSW - Roads and Maritime Services

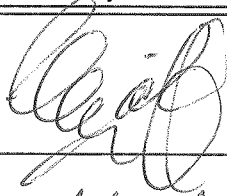
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

11. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

12. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____


Neil McCaffin

Date: _____

23.2.12