



PLANNING PROPOSAL

Proposed amendment to Port Stephens Local Environmental Plan 2013

Proposal to rezone land at
Lot 2 DP 810866
509 Gan Gan Road, One Mile

February 2014

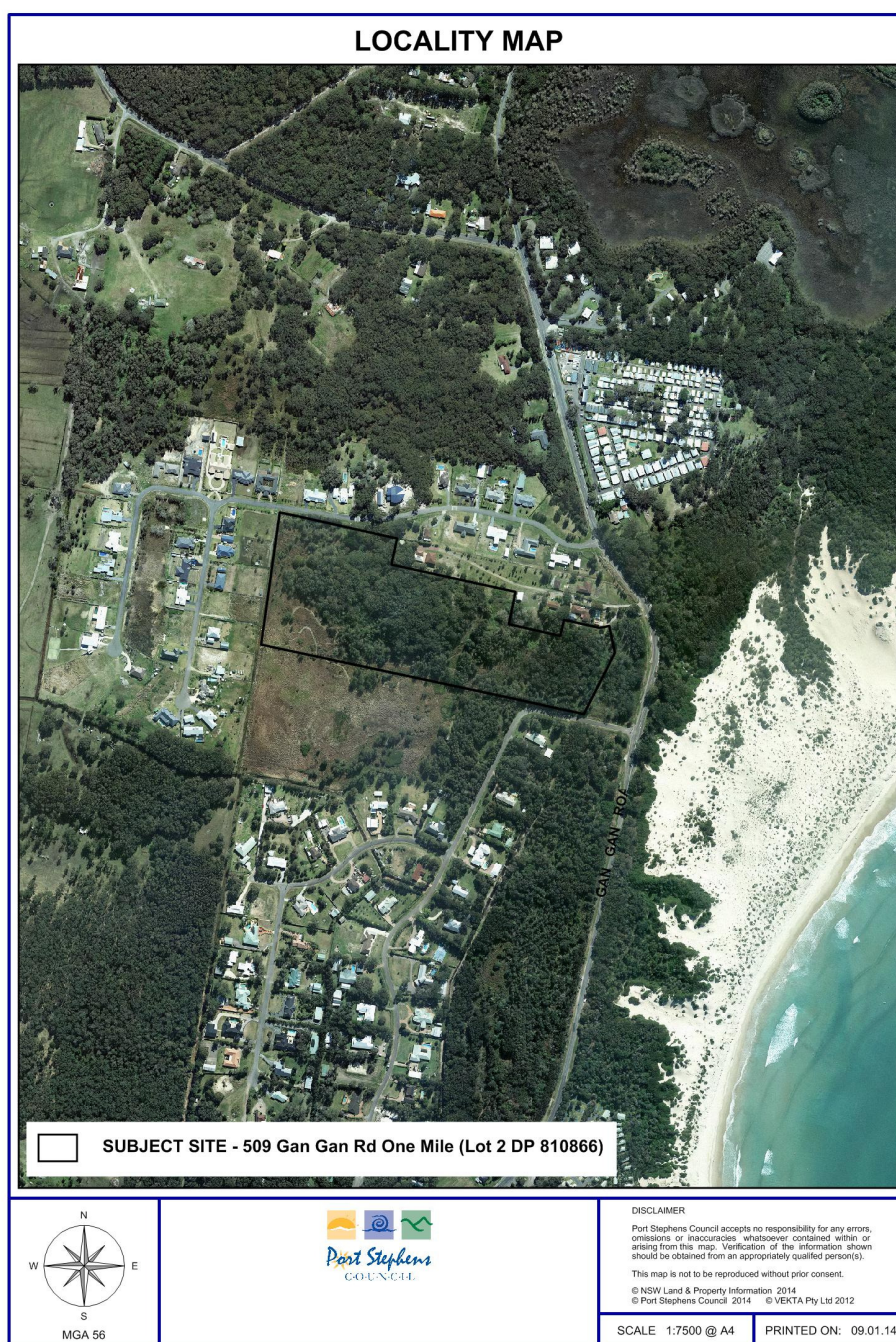
Contact

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PLANNING PROPOSAL – 509 Gan Gan Road, One Mile (Lot 2 in DP 810866)

Introduction

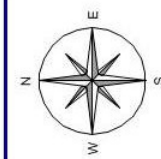
This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It aims to establish the merit for investigating proposed changes to the minimum lot size provisions on Lot 2 DP 810866 principally to enable subdivision of approximately 2 hectares of land in the western part of the site for residential use on allotments with a minimum area of 2000m². The site has a total area of approximately 8.4 hectares.



Locality Map



SUBJECT SITE - 509 Gan Gan Rd One Mile (Lot 2 DP 810866)



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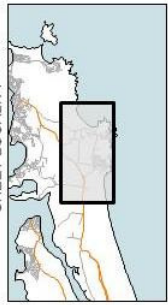
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SHEET LOCALITY



PART 1 – Objective of the proposed Local Environmental Plan Amendment

The objective of the Planning Proposal is to enable the subdivision of part of the land for residential use.

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

The proposed objective will be principally achieved by amending the Port Stephens Local Environmental Plan 2013 Lot Size Map in accordance with the proposed Draft Lot Size Map at **Attachment 1**.

A minimum lot size of 2,000 square metres is proposed for approximately 2 hectares of land in the western part of the site adjacent to existing rural residential development. A minimum lot size of 4 hectares will apply to the remainder of the site. It is intended that a dwelling will be permitted with consent in this 'residual' area.

The E4 Environmental Living Zone that currently applies across the site will be retained and is shown in the Land Use Zone Map at **Attachment 2**.

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

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

The Planning Proposal is not the result of any strategic study or report and is being considered as a 'spot' rezoning following a request lodged on behalf of the landowner.

Part of the site is immediately adjacent to existing rural residential development on allotments of approximately 4,000 square metres and may have merit for limited development subject to demonstrating satisfactory resolution of flooding and drainage, flora and fauna, bushfire, access and development design issues. The context of the site relative to surrounding development is shown in the Location Map.

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

Amendment of the Port Stephens Local Environmental Plan 2013 is the only way to achieve the objective of the Planning Proposal.

The current E4 Environmental Living Zone that applies to the site and surrounding area is considered appropriate and reflects the environmental constraints and zoning of the area. Amending the Lot Size Map is required to facilitate the subdivision of the western part of the site to allotments with a minimum area of 2000m².

A minimum lot size of 4 hectares will apply to the remainder of the site. The intent is to permit a dwelling with consent.

It is proposed to proceed with a stand-alone planning proposal rather than wait for a general review of the Port Stephens Local Environmental Plan 2013. This will enable the Planning Proposal to be considered in a timely manner.

SECTION B – Relationship to Strategic Planning Framework

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

Lower Hunter Regional Strategy

The subject land is not identified as a proposed urban area in the Lower Hunter Regional Strategy. Neither is it located within a Green Corridor. The Planning Proposal is being considered through the Lower Hunter Regional Strategy's Sustainability Criteria (an assessment against the Sustainability Criteria is included with this Planning Proposal).

The Planning Proposal seeks to facilitate the creation of a small number of allotments and is not required to meet the housing objectives and actions of the Strategy.

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

Port Stephens Planning Strategy 2011-2036

The Port Stephens Planning Strategy does not identify the site as a potential urban release area and the Planning Proposal is not required to meet dwelling projections. It is being considered as a 'spot' rezoning on its individual merits.

5. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of the Planning Proposal against the relevant State Environmental Planning Policies against is provided in the following table:

Table 1: Relevant State Environmental Planning Policies

SEPP	Comments
SEPP 14 Coastal Wetlands The aim of this SEPP is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.	The site does not contain wetlands mapped under SEPP 14. Notwithstanding that the site is not mapped under SEPP 14, low-lying parts of the site comprise Freshwater Wetland Complex. The Planning Proposal is consistent with this direction.
SEPP 44 Koala Habitat Protection This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.	The Port Stephens Comprehensive Koala Plan of Management (CKPoM) is applied in Port Stephens LGA for the purpose of implementing SEPP 44. The site comprises a range of Koala habitat types. The Proponent has submitted a Koala Habitat Assessment including a map of koala habitat types under the Port Stephens Comprehensive Koala Plan of Management (refer to Koala Habitat Assessment, Kleinfelder Australia, November 2013). The submitted assessment is based on an earlier version of the Proponent's Planning Proposal. Areas of 'preferred' and 'supplementary' koala habitat are located in the east and central parts of the site and are utilised by koalas. These areas are generally not proposed for development under this Planning Proposal. The part of the site proposed for investigation for development is primarily within 'marginal' and 'other' koala habitat. A small area of 'supplementary' habitat may be affected. Initial review indicates changing the minimum lot size to facilitate subdivision in this part of the site may satisfy the Port Stephens Comprehensive Koala Plan of Management performance criteria for rezoning. The consistency of the Planning Proposal with this SEPP is to be further investigated and established.
SEPP 55 Remediation of Land This SEPP aims to promote the remediation of	The Proponent advises the site has been historically utilised for grazing cattle however has not run cattle since 1990. Cattle grazing took place across the entire site. The grazing use has been low key and was utilised for land management purposes. The Proponent advises that there have never been cattle dips on the property, storage of quantities of chemicals such as pesticides or herbicides, and that the site has not been the

contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	subject of contamination or a pollution order from any authority. The site presents little risk of being contaminated and as such a preliminary contamination report has not been prepared. For the purpose of ensuring satisfaction of the provisions of SEPP 55, a preliminary contamination report can be prepared following a Gateway Determination. The consistency of the Planning Proposal with this SEPP is to be further investigated and established.
SEPP 71 Coastal Protection This SEPP has a range of aims around protecting and managing the natural, cultural, recreational and economic attributes of the NSW coast.	<i>(a) The aims of the Policy</i> The Planning Proposal seeks to establish an appropriate balance between the potential development of the land and environmental and physical constraints, however the Planning Proposal will involve the clearing of some native coastal vegetation. This is the main inconsistency with the aims of the Policy. <i>(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, improved.</i> There is no existing public access or opportunity to provide public access from the site to the coastal foreshore. <i>(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability.</i> There is no opportunity for improving public access to the foreshore associated with this site. <i>(d) The suitability of development given its type, location and design and its relationship with the surrounding area.</i> The minimum lot size of 2000m² facilitated by this Planning Proposal is inconsistent with adjoining development immediately to the west of the site, which comprises dwellings on allotments of 4,000m². The design of future development can be clarified through further investigation. <i>(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the foreshore.</i> The Planning Proposal will not have a detrimental impact on the amenity of the coastal foreshore, and will not result in any significant overshadowing or loss of views from a public place to the foreshore. <i>(f) The scenic qualities of the NSW Coast, and means to protect and improve these qualities.</i> Adverse impacts upon the scenic quality of the coast will be

	minimal because the area proposed to facilitate additional development is at the west of the site behind a hill and adjacent to existing development. <i>(g) Measures to conserve animals and plants (within the meaning of the Threatened Species Conservation Act 1995) and their habitats.</i> Submitted assessments identify that the site comprises plants, animals and their habitats that will likely require consideration under the Threatened Species Conservation Act 1995. Further information will be required following a Gateway Determination to determine measures to conserve animals, plants and their habitats listed under the Threatened Species Act 1995. Any required measures will be influenced by the provision of infrastructure, location of future dwellings and bushfire asset protection zones etc. Biodiversity offsets may be required. Note: impact on threatened species is also discussed under Section C of this Planning Proposal. <i>(h) Measures to conserve fish and marine vegetation (within the meaning of Part 7A of the Fisheries Management Act 1994) and their habitats.</i> It is not anticipated that the proposed development will impact upon fish or their habitats. <i>(i) Existing wildlife corridors and the impact of development on these corridors.</i> Koalas appear to move between the areas of 'preferred' and 'supplementary' within the site. The role of the site as a wildlife corridor and the impact of the Planning Proposal in a broader context have not been established for the Koala or other species at this time. <i>(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards.</i> The land is not subject to 'coastal hazards'. The impact of flooding is discussed separately in this Planning Proposal. <i>(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities.</i> Not applicable. <i>(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.</i>
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	The Proposal is unlikely to impact upon Aboriginal cultural places, values, customs, beliefs, and knowledge etc. An Aboriginal Archaeological Assessment carried out for the Proponent by Insite Heritage in 2001 found a stone arrangement on the elevated part of the site, however it is possible it is not of Aboriginal origin. The Proponent advises that the Worimi LALC was satisfied with the assessment at the time. Further consultation with the Worimi LALC can occur following a Gateway Determination. <i>(m) Likely impacts of development on the water quality of coastal water bodies.</i> Any impact on the water quality of downstream water bodies can be addressed through a drainage study. The Proponent seeks to apply water sensitive urban design measures to any future development. <i>(n) The conservation and preservation of items of heritage, archaeological or historic significance.</i> No items of significance for European heritage are located on the site. <i>(o) The means to encourage compact towns and cities.</i> The Planning Proposal is considered as 'infill' development because of the surrounding pattern of rural residential type development. It does not contribute towards encouraging compact towns and cities. The consistency of this Planning Proposal is to be further investigated and established.
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Section 117 Ministerial Directions

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

An assessment of the Planning Proposal against the relevant State Environmental Planning Policies against is provided in the following table:

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Comment
2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal seeks to facilitate additional development on low-lying areas at the western area of the site. The primary vegetation community on this part of the site is Freshwater Wetland Complex EEC, with other smaller areas of Blackbutt Red Gum Forest, Swamp Oak Forest and exotic grassland. The Planning Proposal is consistent with Clause (4) of this Direction because it maintains the E4 Environmental Living Zone on the site. This zone is consistent with the environmental characteristics and existing zoning of the area. The Planning Proposal is inconsistent with Clause (5) of this Direction because it proposes to reduce the environmental standards that apply to the western part of the site by reducing the minimum lot size to 2,000m² to facilitate subdivision. Further study is required in support of the Planning Proposal to demonstrate no significant impact, particularly on threatened species and their habitats, and whether any impacts are able to be offset. If part of the site is developed it is likely to be cleared for infrastructure including fill, vehicle access and bushfire asset protection zones. The consistency of the Planning Proposal with this direction is to be further investigated and established.
2.2 Coastal Protection The objective of this Direction is to implement the principles in the NSW Coastal Policy.	This direction applies because the land is within the coastal zone. The Planning Proposal is consistent with many of the elements of the Coastal Policy however flora and fauna issues require further investigation. The consistency of the Planning Proposal with this Direction is discussed previously under SEPP 71 Coastal Protection. The consistency of the Planning Proposal with this direction is to be further investigated and established.

2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	This direction applies when a Relevant Planning Authority prepares a planning proposal. There are no items of European heritage located on the site. The Proposal is unlikely to impact upon Aboriginal cultural places, values, customs, beliefs, and knowledge etc. An Aboriginal Archaeological Assessment carried out by Insite Heritage in 2001 found a stone arrangement on the elevated part of the site; however it is possible it is not of Aboriginal origin. The Proponent advises that the Worimi LALC was satisfied with the assessment and referral can occur again to review this matter. The elevated area of the site where the stone arrangement exists is not directly proposed for development under the Planning Proposal. The Planning Proposal is consistent with this direction.
3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following objectives.	This direction applies because the planning proposal seeks to rezone land for residential development. To be consistent with this direction a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUPA 2001)</i> and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>. Any inconsistency with this direction is justified because the Planning Proposal is of minor significance. It seeks to create a small number (approximately 8 to 10) additional allotments within an area of existing development within a reasonable distance (2km) to the existing town of Anna Bay. The Planning Proposal is consistent with this direction.
4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	Lower parts of the site proposed to facilitate residential subdivision are mapped as comprising Class 3 (Works Beyond 1m Below the Natural Ground Surface) acid sulphate soils. An Acid Sulfate Soil Investigation Report was completed for the site in 2001 (Barker Harle Engineers and Scientists, March 2001). Section 6 Recommendations of the Report states that samples from a test point in the west of the site indicate potential acid sulphate soil, which when disturbed, will create acid sulphate soils and an acid sulfate soils management plan will be required. Any inconsistency with this direction is justified by the Acid Sulfate Soil Investigation Report and can be managed through the preparation of an acid sulphate soils management plan at the development application stage. The Planning Proposal is consistent with this direction.

4.3 Flood Prone Land The objectives of this Direction are: (a) To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. (b) To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	This direction applies because parts of the site are mapped as flood prone land. The lower areas of the site are flood prone land the area generally is part of a flood plain. Filling the flood plain has the potential to impact upon other properties the due to a loss of flood storage. Appropriate measures will need to be investigated and established to manage flooding and drainage issues and potential impacts. Council is currently planning to carry out a flood study for the Anna Bay/One Mile catchment in cooperation with the NSW Office of Environment and Heritage. This study will determine the correct flood planning levels for the area by considering sea level rise, impact of sea level rise on flood planning levels, future developable area etc. The expected date of completion is June 2016. If the Planning Proposal is to proceed prior to the completion of the flood study the Proponent will need to establish that the land is suitable for development. The Planning Proposal is currently inconsistent with this Direction. The consistency of the Planning Proposal is to be further investigated and established.
4.4 Planning for Bushfire Protection	The land is mapped as bushfire prone. A Bushfire Threat Assessment has not been provided by the Proponent. It is proposed to address this issue following a Gateway Determination including referral to the NSW Rural Fire Service. The consistency of the Planning Proposal with this direction is to be further investigated and established.
5.1 Implementation of Regional Strategies The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The site is not identified as a proposed urban area or Green Corridor under the Lower Hunter Regional Strategy. The Planning Proposal is being considered as a 'spot' rezoning using the Strategy's Sustainability Criteria. It does not currently satisfy the Sustainability Criteria for 5) Avoidance of Risk (the site is within the 1:100 year flood plain, no demonstrated satisfactory bushfire and flood evacuation routes, geotechnical assessment to determine whether highly erodible) and 7) Environmental Protection (demonstrated maintenance or improvement of regionally significant biodiversity, consistency with catchment and stormwater management planning). Consistency with the Regional Strategy is reliant upon the Proponent demonstrating satisfactory resolution of the above issues. The consistency of the Planning Proposal with this direction is to be further investigated and established.

SECTION C – Environmental, Social and Economic Impact

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

Investigations carried out by the Proponent indicate that the site has significant environmental value. The Proponent has submitted two reports to accompany their Planning Proposal:

- Ecological Constraints Desktop Study (Kleinfelder January 2013); and
- Koala Habitat Assessment (Kleinfelder, May 2013 respectively).

These reports refer to an earlier version of the Proponent's Planning Proposal and will require updating to reflect this Planning Proposal (following a Gateway Determination) however are considered sufficient to consider the merits of the Planning Proposal for a Gateway Determination.

The Ecological Constraints Desktop Study provides the following summary information on whether threatened species, populations or ecological communities or their habitats are on the site and whether they will be adversely affected.

4.1.1 Threatened Flora

Of the 11 threatened fauna species which have previously been recorded within a 5km radius of the study area, seven species including Callistemon linearifolius, Cryptostylis hunteriana, Diuris arenaria, Diuris praecox, Melaleuca biconvexa, Persicaria elatior, and Prostanthera densa, have potential habitat on the site. None of these species were detected during the site inspection. However, three of these species (Cryptostylis hunteriana, Diuris arenaria and Persicaria elatior) are unable to be detected, or difficult to detect, outside their respective flowering periods. Therefore, targeted searches for these species would need to be conducted prior to any clearing of native vegetation during the appropriate seasons.

4.1.2 Threatened Ecological Communities

Three endangered ecological communities (EECs) were recorded during the site inspection, including:

- *Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions EEC (1.77ha);*
- *Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions EEC (2.15ha);*
- *Freshwater wetlands on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions EEC (1.28 ha).*

A collective total of 5.2 ha of EEC is present within the study area.

4.2.1 Threatened Fauna

A number of threatened fauna species are assessed as being likely to occur within the study area due to the presence of suitable habitat.

Species which may use habitat within the study area include the Wallum Froglet, Regent Honeyeater, Varied Sitella, Little Lorikeet, Swift Parrot, Barking Owl, Powerful Owl, Giant Dragonfly, Large-eared Pied Bat, Spotted-tailed Quoll, Brush-tailed Phascogale, Eastern False Pipistrelle, Little Bentwing-bat, Eastern Bentwing-bat, Eastern Freetail-bat, Southern Myotis, Koala, Grey-headed Flying Fox, Yellow-bellied Sheath-tail Bat, Greater Broad-nosed Bat and Squirrel Glider. A number of these species are also listed under the EPBC Act, including the Koala which has previously been recorded on the site (Ecotone 2000a).

An additional two EPBC listed migratory species Black-faced Monarch and Rufous Fantail are also identified as potential users of habitat within the study area.

Seven of these species have previously been recorded within/immediately adjacent to the study area during previous ecological assessments (Ecotone (2000): the Koala, Squirrel Glider, Powerful Owl, Wallum Froglet, Greater Broad-nosed Bat, Eastern False Pipistrelle, and Little Bentwing-bat.

The relatively large number of threatened fauna species assessed as likely of using the study area is due to the high number of known records in the locality (NPWS Atlas) and the presence of larger areas of habitat to the north and south of the site.

Potential effects on threatened species and their habitats need to be further investigated and established. An assessment of significance under Section 5A of the Act and Threatened Species Assessment Guidelines has not been submitted. Following a Gateway Determination it is proposed that a revised Flora and Fauna Report is undertaken to address whether threatened species, ecological communities, or their habitats will be adversely effected.

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

Flooding and Drainage

The area is mapped as flood prone land and is part of a flood plain. Filling the flood plain has the potential to impact upon other properties due to a loss of flood storage. Appropriate control mechanisms will need to be investigated and established.

A suitable flood study/analysis is required to address:

- Existing and future flood hazard risk at the site;
- Hydraulic categories for existing flooding on the site;
- Suitable flood free building sites and vehicular access within the site;
- Impacts of the proposal on flood levels in the vicinity of the site, particularly adjoining properties;
- Impacts of sea level rise and climate change on flooding of the site; and
- Ability to provide a suitable drainage system.

Council will soon commence the Anna Bay/One Mile Beach Flood Study under the NSW Floodplain Management Program. The study will provide updated flood information for the area and should address the above issues however will not enable the Planning Proposal to progress in a timely manner. It is scheduled for completion in 2016.

The Proponent has put forward the following suggested management response for hydrology and flooding in their submitted proposal:

- *The FPL adopted by PSC for this site is 2.7m AHD.*
- *A 300 mm freeboard added to the FPL gives a floor level of 3m AHD.*
- *It is proposed to fill the land for building envelopes only, which include dwelling, garage, access, any outbuildings and infrastructure. Building envelopes of 600m² are proposed.*
- *Building envelopes will be implemented through instruments or restrictions on title (e.g.) Section 88B of the Conveyancing Act).*
- *Filling to 3m AHD is proposed to permit on slab construction.*
- *Proposed roads will also be filled to 3m AHD. Proposed roads could have an area of 0.35 ha (dependent upon final design and engineering design and engineering details).*
- *Stormwater management to mitigate downstream water quality and hydrological impacts. The future development of the site to include Water Sensitive Urban Design initiatives.*

The Proponent will be required to address concerns related to flooding and drainage issues in greater detail following a Gateway Determination.

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

There are minimal social and economic effects associated with the Planning Proposal due to the small number of proposed lots.

SECTION D – State and Commonwealth interests

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

Water Delivery and Wastewater Transportation

Hunter Water Corporation provided preliminary comment on 17th May 2013 on water delivery and wastewater transportation. Hunter Water Corporation's analysis of the sewer system downstream of the connection point indicates that capacity is available within the trunk system. There are capacity limitations in both the Boat Harbour 4 WWPS and Anna Bay 8 WWPS. The wastewater servicing study prepared for the site by Sinclair Knight Merz in 2007 should be updated in line with the Hunter Water Servicing Strategy template.

Hunter Water Corporation has no objection to the Planning Proposal proceeding however the developer will have to continue to liaise with Hunter Water Corporation to ensure the site is effectively serviced. Their comments are summarised in this section.

The ability to service the site is a principal reason for a proposed minimum lot size of 2,000m².

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

The following authorities and groups will be consulted with:

- NSW Office of Environment and Heritage
- NSW Roads and Maritime Authority
- NSW Rural Fire Service
- Worimi Local Aboriginal Land Council
- Anna Bay Drainage Union
- Hunter Water Corporation

Part 4 – Details of Community Consultation

The Planning Proposal will be placed on public exhibition for a period of 28 days.

Notice of the public exhibition will be placed in the local newspapers and exhibition material will be on display at Councils administration building, Raymond Terrace Library, Tomaree Library and on Council's website. Adjoining landowners will be notified in writing.

Part 5 – Project Timeline

The Planning Proposal is intended to follow the timeline set out in the following table:

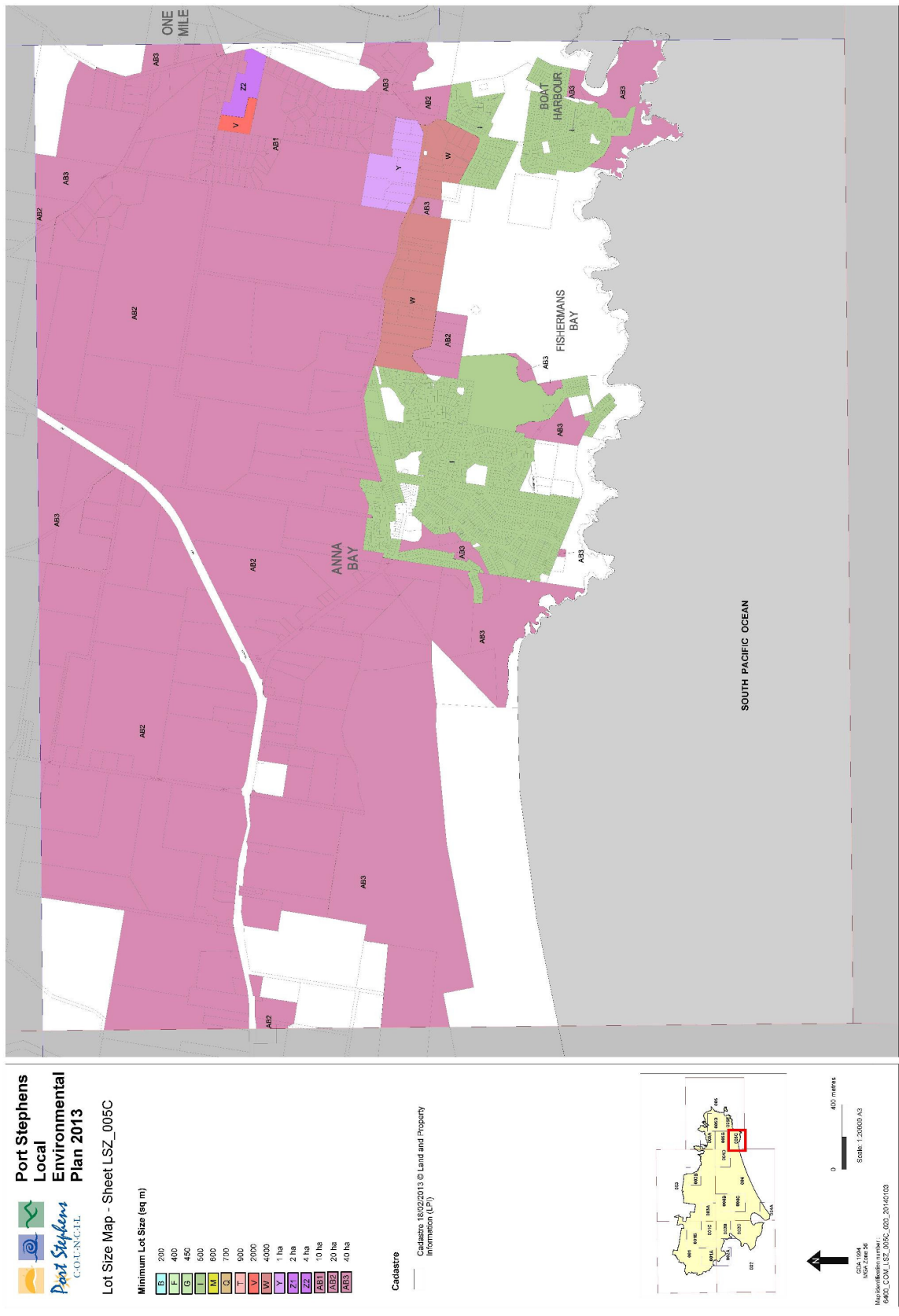
Description	Timing
Council determination whether to prepare a Planning Proposal	February 2014
Seek initial Gateway Determination	March to May 2014
Undertake Gateway Determination requirements and assessments	June 2014 to Feb 2015
Public exhibition	March 2015
Post exhibition review	April 2015
Council determination whether to proceed	May 2015
Final determination by Minister	June to August 2015
Legal drafting and making of the Plan	Sept to November 2015

Assessment Against Lower Hunter Regional Strategy Sustainability Criteria

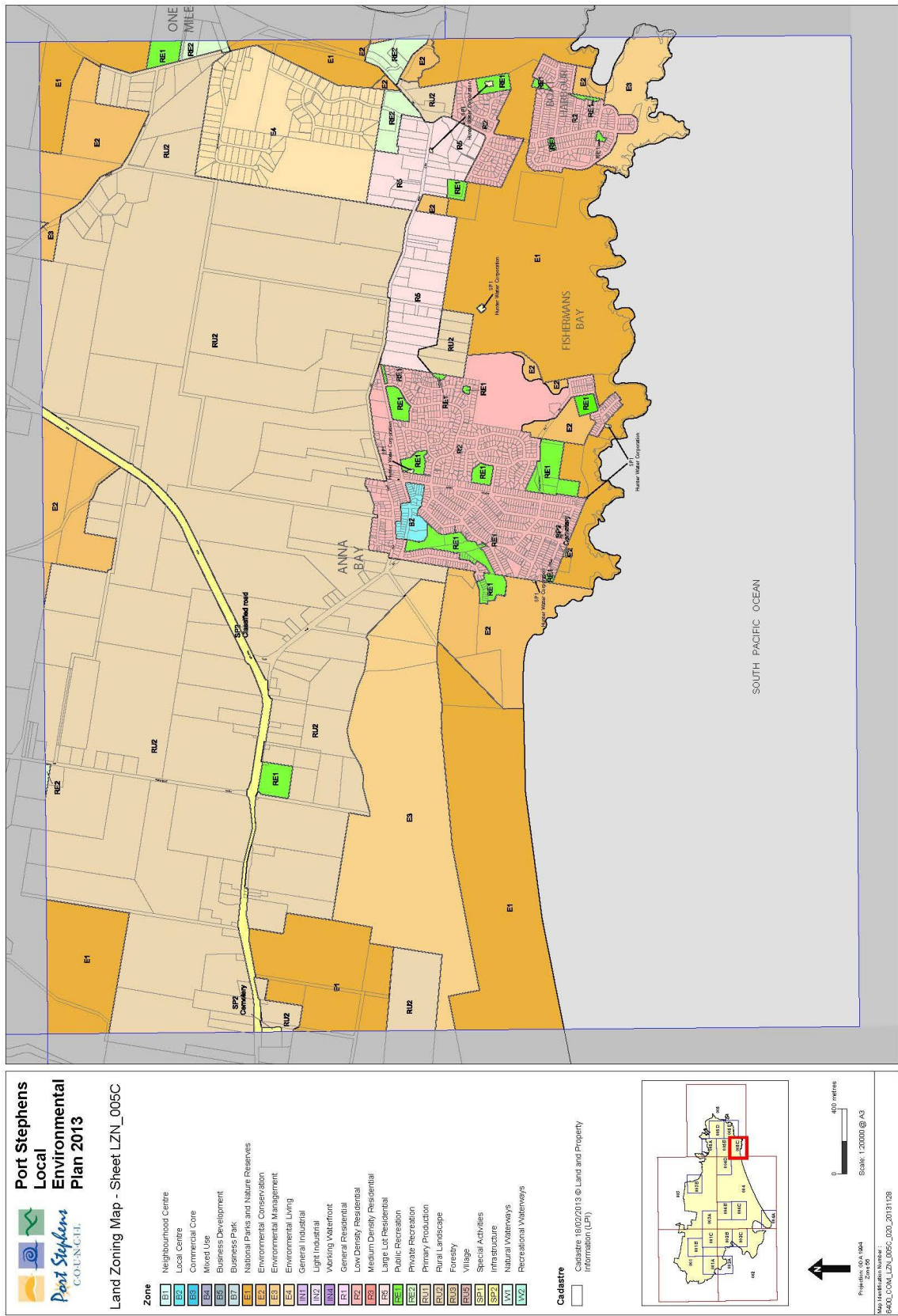
Sustainability Criteria Considerations	Comments
1. Infrastructure provisions Mechanisms in place to ensure utilities, transport, open space, and communication are provided in a timely and efficient way.	
Development is consistent with any regional strategy, subregional strategy, State Infrastructure Strategy, or Section 117 Direction.	The site is not identified as a proposed urban area or Green Corridor under the Lower Hunter Regional Strategy. The site is being considered as a 'spot' rezoning on its merits. It does not currently satisfy the Sustainability Criteria for 5 Avoidance of Risk (the site is within the 1:100 year flood plain, no demonstrated satisfactory bushfire and flood evacuation routes, geotechnical assessment to determine whether highly erodible) and 7 Environmental Protection (demonstrated maintenance or improvement of regionally significant biodiversity, consistency with catchment and stormwater management planning). Consistency with the Regional Strategy is reliant upon the Proponent demonstrating satisfactory resolution of the above issues. This criterion is not currently satisfied.
The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.	Hunter Water Corporation provided preliminary comment that sewer and water infrastructure are available to the site. It is unclear at this stage whether the site will be considered as an Urban Release Area for the purpose of contributions towards State infrastructure. The Developer may need to consider whether development under the Planning Proposal is viable. This criterion is partly satisfied.
Preparedness to enter into a development agreement.	The developer may need to enter into agreements with service providers such as Hunter Water Corporation for the provision of sewer and water utilities. This criterion is partly satisfied.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	
Accessibility of the area by public transport and/or appropriate road access in terms of: - Location/land use: to existing networks and related activity centres. - Network: the area's potential to be serviced by economically transport services. - Catchment: the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to the achievement of travel and vehicle use goals. - No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.	The Planning Proposal is of minor significance and will not impact negatively on the performance of the existing subregional transport network. It only seeks to create a small number of additional allotments within an area of existing development within a reasonable distance (2km) to the existing town of Anna Bay. This criterion is satisfied.

3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	
Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	The Planning Proposal will make a negligible contribution to the geographic market spread of housing supply and is not intended to meet any government targets established for aged, disabled or affordable housing. This criterion is partly satisfied.
4. Employment Lands Provide regional/local employment opportunities to support the Hunter's expanding role in the wider regional and NSW economies.	
Maintain or improve the existing level of subregional employment self-containment and meets subregional employment projections.	Not applicable to this Planning Proposal.
5. Avoidance of Risk Land Use conflicts, and risk to human health and life, avoided	
No residential development within 1:100 flood plain.	The area identified for development is within a floodplain. The Proponent proposes to fill land for building envelopes only (including dwelling, garage, access, any outbuildings and infrastructure). Council is about to commence a flood study for the Anna Bay/One Mile catchment in cooperation with the NSW Office of Environment and Heritage. This study will determine the correct flood planning levels for the area by considering sea level rise, impact of sea level rise on flood planning levels, future developable area etc. The expected date of completion is June 2016. This criterion is not currently satisfied.
Avoidance of physically constrained land e.g. high slope, highly erodible.	The area proposed for potential subdivision is relatively flat however there is may be a requirement for cut and fill including for vehicle access. A geotechnical assessment to determine whether highly erodible. This criterion is partly satisfied.
Avoidance of land use conflict with adjacent existing or future land use as planned under relevant subregional or regional strategy.	The Planning Proposal will not create conflict with adjacent or future land use planned under the Lower Hunter Regional Strategy. This criterion is satisfied.
Where relevant available safe evacuation route (flood and bushfire).	Relevant safe evacuation routes for flood and bushfire have not been established at this stage. A preliminary road design has been indicated by the Proponent in their submission. This criterion is partly satisfied.
6. Natural Resources Natural resource limits not exceeded/environmental footprint minimised.	
Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.	Preliminary comment from Hunter Water Corporation demonstrates the Planning Proposal is within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows. This criterion is satisfied.
Demonstrates most efficient/suitable use of land: (avoids identified significant agricultural land, avoids productive resource lands - extractive industries, coal, gas and other mining, and quarrying).	The site is not considered to be significant agricultural land and productive resource lands. This can be confirmed through referral to the Department of Primary Industries. This criterion is satisfied.

Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.	The small scale of development under the Planning Proposal is unlikely to place unacceptable pressure on infrastructure capacity to supply energy. This criterion is satisfied.
7. Environmental Protection Protect and enhance biodiversity.	
Consistent with Government-approved Regional Conservation Plan.	The land is not identified within the Lower Hunter Regional Conservation Plan however it has significant environmental value. The Proponent may be able to provide suitable biodiversity offsets in consultation with the NSW Office of Environment and Heritage.
Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.	The Planning Proposal does not demonstrate maintenance or improvement of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by the NSW Office of Environment and Heritage) including regionally significant vegetation communities, threatened species, populations, ecological communities or their habitats. This matter can be further investigated following a Gateway Determination and may include the provision of biodiversity offsets. This criterion is not currently satisfied.
Maintain or improve existing environmental condition for air quality.	The small scale of development under the Planning Proposal will have little impact on the maintenance or improvement of air quality. This criterion is satisfied.
Maintain existing environmental condition for water quality (consistent with community water quality objectives for recreational water use and river health (DEC and CMA) and consistent with catchment and stormwater management planning (CMA and Council).	The Proponent will need to demonstrate satisfactory resolution of stormwater management.. This criterion is not currently satisfied.
Protect areas of Aboriginal cultural heritage (as agreed by DEC).	The Proposal is unlikely to impact upon Aboriginal cultural places, values, customs, beliefs, and knowledge etc. An Aboriginal Archaeological Assessment carried out by Insite Heritage in 2001 found a stone arrangement on the elevated part of the site however it is possible it is not of Aboriginal origin. The Proponent advises that the Worimi LALC was satisfied with the assessment and referral can occur again to review this matter. The elevated area of the site where the stone arrangement exists is not proposed for development. This criterion is satisfied.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	
Available and accessible services (do adequate services exist? Are they at capacity or is some capacity available? Has government planned and budgeted for further service provision? Developer funding for required service upgrade/access is available.	The small scale of development under the Planning Proposal will not place unacceptable pressure on services. Adequate capacity exists to service future development under the Planning Proposal. This criterion is satisfied.



Attachment 1 – Draft Lot Size Map



Attachment 2 – Land Zoning Map