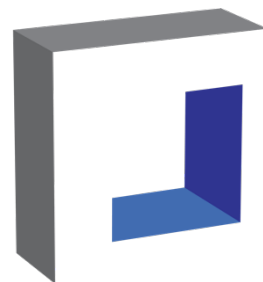


**AMENDMENT TO PORT STEPHENS LEP 2013  
'GRACEMERE' FUNCTION CENTRE  
LOT 10 DP 1035397 –  
893 PATERSON ROAD, WOODVILLE**

# **PLANNING PROPOSAL**

**DECEMBER 2024**

**VERSION 2**



**WILSON PLANNING**

## Document Information

**Client:** Coren

**Project:** Planning Proposal - Additional Permitted Use - Function Centre

**Author:** WW

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# 1.0 Introduction

## 1.1 Overview of Planning Proposal

This Planning Proposal has been prepared by Wilson Planning Pty Ltd (Wilson Planning) on behalf of Catherine Coren (the proponent) to support an amendment to Port Stephens Local Environmental Plan 2013 (LEP 2013). The Planning Proposal seeks to use Clause 2.5 to add an item to Schedule 1 'Additional Permitted Uses' to permit, with development consent, the use of Lot 10, DP 1035397, 893 Paterson Road, Woodville (the site), as a function centre.

## 1.2 Background

Port Stephens Council issued Development Consent No. 16-2018-557-1 for 'Temporary Use of Land – Marriage Ceremonies' on 14 September 2018 over the following allotments:

- Lot 92, DP 1050560, No. 837 Paterson Road, Woodville
- Lot 901, DP 1268662, No. 869 Paterson Road, Woodville
- Lot 10, DP 1035397, No. 893 Paterson Road, Woodville.

The key parameters for the DA reflected in the consent conditions were:

- The consent being time limited to five (5) years expiring 15 September 2023
- Guest numbers being limited to 120 persons on the site at any one time
- The ceremonies limited to not more than 52 days in any one calendar year (essentially one wedding ceremony per week).

The proponents applied to have the consent extended for a further five (5) year period via a Section 4.55(1A) modification to the existing consent. This amendment application was approved by Council on 13 January 2023 and permitted the 'Temporary Use of Land – Marriage Ceremonies' to operate from the land for a further five (5) years with the consent lapsing on 15 September 2028. The amended development consent retained the same operational parameters as the original consent.

Port Stephens Council issued the development consent as a temporary, time limited consent under Clause 2.8 of the LEP on the basis that a 'function centre' as defined by the LEP is a 'prohibited use' within the RU1 Primary Production Zone which applies to the land.

The existing wedding ceremony business has been doing very well, with consistent bookings and good reviews. There are some limitations of the existing arrangements, including et al the lack of a high-quality reception/function venue for wedding parties and their guests. Clients will often book the Woodville School of Arts Hall located on the opposite side of Paterson Road as a reception venue which is a 'basic' facility requiring self-catering. Alternatively, wedding parties often choose to travel further afield if a larger or higher quality reception venue is required.

The 'wedding ceremony' use of the properties has been conducted for the last five (5) years with there being no adverse environmental, traffic or amenity impacts at the locality. The successful and harmonious operation of the wedding ceremony use was formative to Council deciding to grant a further 5-year temporary consent over the site.

Development for the purpose of a 'function centre' is not permitted within the current RU1 Primary Production zone under the Port Stephens LEP 2013.

The Proposal is for an amendment to the Port Stephens Local Environmental Plan (LEP). Specifically, it is requested that Schedule 1 'Additional Permitted Uses' be amended to permit, with development consent, the use of certain land at Lot 10, DP 1035397, 893 Paterson Road, Woodville, as a function centre.

### 1.3 Pre-lodgement Consultation

The proponent lodged a Scoping Proposal in April 2024, and this was referred to the following agencies for comment:

- NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity and Conservation Division (BCD)
- NSW Department of Planning, Housing and Infrastructure (DPHI)
- NSW Department of Primary Industry – Agriculture (DPI Agriculture)
- NSW Rural Fire Service (RFS)
- NSW State Emergency Service (SES)
- Transport for NSW (TfNSW)

Feedback from Council and the above agencies was received on 27 June 2024 and the requirements for a Planning Proposal outlined in Attachment No. 1 are included in the following sections of the document and/or appendices to this document. The requirements outlined in Attachment No. 1 and how they are addressed are outlined in Table 1 below.

Planning Proposal Requirement	Where Addressed	Complies
<b>Regional Plans</b>  Provide a detailed response to the applicable aims, objectives and strategies of the Hunter Regional Plan 2041 (consideration of Objective 6 and 8, as well as Planning Priority 2 in the Hinterland District). This will assist in responding to Ministerial Direction 1.1 Implementation of Regional Plans.	Sections 5.1 and 5.2.1	✓
<b>Local Plans</b>  Provide a detailed response to the Planning Priorities of the Port Stephens Local Strategic Planning Statement and The Hinterland Place Plan.	Sections 5.2.2 and 5.2.4	✓
<b>Ministerial Directions</b> <ul style="list-style-type: none"> <li>• Provide a detailed response to applicable Ministerial Directions in the scoping proposal. This includes listing and responding to the Objectives, Application, Directions and responses to the Consistency criteria of applicable directions.</li> <li>• Key Ministerial Directions include:               <ul style="list-style-type: none"> <li>○ 1.1 Implementation of Regional Plans</li> <li>○ 1.3 Approval and Referral requirements</li> <li>○ 1.4 Site-Specific Provisions</li> <li>○ 3.1 Conservation Zones</li> <li>○ 3.2 Heritage Conservation</li> <li>○ 4.1 Flooding</li> <li>○ 4.2 Coastal Management</li> </ul> </li> </ul>	Section 5.2.8	✓

Planning Proposal Requirement	Where Addressed	Complies
<ul style="list-style-type: none"> <li>○ 4.3 Planning for Bushfire Protection</li> <li>○ 4.4 Remediation of Contaminated Land</li> <li>○ 4.5 Acid Sulfate Soils</li> <li>○ 5.1 Integrating Land Use and Transport</li> <li>○ 9.1 Rural Zones</li> <li>○ 9.2 Rural Lands</li> </ul> <p>Note that this proposal will need to demonstrate consistency with or justify any inconsistency with all of the above Ministerial Directions.</p>		
<p><b>DPI Agriculture Comments</b></p> <p>DPI Agriculture recommends that a Land Use Conflict Risk Assessment (LUCRA) be completed to identify potential impacts the proposal may impose on or experience from, lawful agricultural land uses and activities in the vicinity and detail effective mitigation measures. The LUCRA should follow the DPI Agriculture LUCRA guideline and demonstrate appropriate consultation with all stakeholders, evaluation and risk reduction management strategies, including performance monitoring.</p>	Appendix A - LUCRA Report	✓
<p><b>Biodiversity and Conservation</b></p> <p><u>BCD comments</u></p> <p>1. Ecological considerations</p> <p>The site is mapped as containing PCT 3083 - Lower Hunter Tuckeroo Riparian Rainforest onsite which is associated with state listed Threatened Ecological Community (TEC) Lower Hunter Valley Dry Rainforest in the Sydney Basin and NSW North Coast Bioregions and Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions as well as the federally listed Critically Endangered Lowland Rainforest of Subtropical Australia.</p> <p>It is also noted that the scoping proposal identified Native groundcover vegetation (including grasses) which may be impacted by the proposal. Further investigations will need to consider clearing thresholds for entry into the Biodiversity Offset Scheme (BOS) in accordance with the Biodiversity Assessment Method (BAM).</p> <p>The Biodiversity Values (BV) Map identifies land within the site associated with the Paterson River. Avoidance of impacts to BV mapped land is required.</p> <p>2. Water Management Act 2000 – Riparian Management</p> <p>In accordance with the requirements of the Water Management Act 2000 (WM Act) and the NSW DPIE - Controlled Activities - Guidelines for riparian corridors on waterfront land (2022), Vegetated Riparian Zones (VRZ) should be established in accordance with the provisions of the Act.</p>	<p>Section 5.3.1 and Appendix B – Biodiversity Assessment</p> <p>Section 5.3.2.4 and Appendix B – Biodiversity Assessment</p>	<p>✓</p> <p>✓</p>

Planning Proposal Requirement	Where Addressed	Complies
<p><u>Council comments</u></p> <ul style="list-style-type: none"> <li>The proposal is considered likely to have minimal impacts on the natural environment provided that the additional permitted use area is located outside of areas of environmental sensitivity (as currently indicated).</li> <li>The proposal should consider measures for the long-term management of areas containing high biodiversity values such as threatened species habitats, TECs, watercourses and their associated riparian buffers.</li> <li>Native groundcover vegetation (including grasses) is required to be considered for determining whether there is any exceedance of the applicable native vegetation clearing entry threshold into the BOS.</li> </ul>		
<p><b>Flooding</b></p> <p><u>SES comments</u></p> <ul style="list-style-type: none"> <li>The proposal needs to be considered against Ministerial Direction 4.1 Flooding and ensure consistency with the NSW Floodplain Risk Management Manual and the Guideline Support for Emergency Management Planning.</li> <li>A Flood Impact and Risk Assessment (FIRA) needs to be completed for the site, including the duration of isolation of the site and duration of flooding on adjacent roads. Risk assessment should have regard to flood warning, evacuation capacity and demand on existing and future access/egress routes. Risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood. Climate change considerations should also be included, in line with NSW Government Guidelines.</li> <li>Development strategies should not rely on sheltering in buildings surrounded by flood water, as they are not equivalent, in risk management terms, to evacuation.</li> <li>Development strategies should not rely on an assumption that mass rescue is possible where evacuation either fails or is not implemented.</li> <li>Early closure of the site is recommended where flooding is likely, for example when there is a flood warning, as outlined in the preliminary assessment of the proposal against Part B5 Flooding of the Port Stephens Development Control Plan – Floodplain</li> <li>NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.</li> </ul> <p><u>BCD comments</u></p> <ul style="list-style-type: none"> <li>No flooding comments provided.</li> </ul>	<p>Section 5.3.2.1 and Appendix C – Flood Impact and Risk Assessment</p>	<p>✓</p>

Planning Proposal Requirement	Where Addressed	Complies
<u>Council comments</u> <ul style="list-style-type: none"> <li>The proposal should be altered to allow for internal/alternate private road raising through the high hazard flood storage area to egress the site.</li> </ul>		
<b>Bushfire</b>  <u>RFS comments</u>  The subject land is mapped bushfire prone (unmanaged grasslands) by Council and is generally considered to be combination of grasslands and managed residential land. The RFS has no concerns with the draft Planning Proposal. The RFS does not require any further referrals for the Planning Proposal. At future development application stage for 'function centre', further bushfire considerations will be required.  <u>Council comments</u>  The Planning Proposal needs to be considered against Ministerial Direction 4.3 Planning for Bushfire Protection.	Section 5.3.2.2 and Appendix D – Bushfire Assessment Report	✓
<b>Traffic and Transport</b>  <u>TfNSW comments</u>  Given the nature, scale and complexity of the proposal it is unlikely a 'traffic, mobility and transport strategy' will be required, however TfNSW welcomes the opportunity to review any supporting traffic study, where the proposal indicates an impact to the State transport network.  <u>Council comments</u> <ul style="list-style-type: none"> <li>PSC Engineering Services are not of the opinion the proposal will have an adverse impact on the State Transport Network or local road network.</li> <li>A Traffic Impact Assessment will be required to support any future development application (not Planning Proposal) for a function centre on this site, which will consider</li> </ul>	Comments noted and therefore not addressed further in the PP report. To be addressed at DA stage	✓

**Table 1 – Planning Proposal Requirements**

## 2.0 Background and Context

### 2.1 Site Description

The subject site is legally described as Lot 10 in DP 1035397 and is known as 893 Paterson Road, Woodville. The subject site has an area of 10.52ha, a frontage of approximately 158m to Paterson Road on the eastern side, and a depth of approximately 660m. The western boundary of the site is defined by Paterson River. The land is located approximately 11km by road north-east of the Central Maitland Post Office in the locality of Woodville. The site's location is shown in Figure 1.

The subject site contains a substantial dwelling and rural outbuildings occupying around 1.0ha in the centre of the site. The eastern portion of the site (approximately 2.5ha) contains a large man-made lake surrounded by extensive ornamental gardens which provide a backdrop for the conducting of wedding ceremonies held within the site. The western (rear) portion of the site (around 7.0ha) contains cultivated river flats and extensive areas for livestock grazing. The current condition of, and improvements within, the site are shown in Figures 2-5.

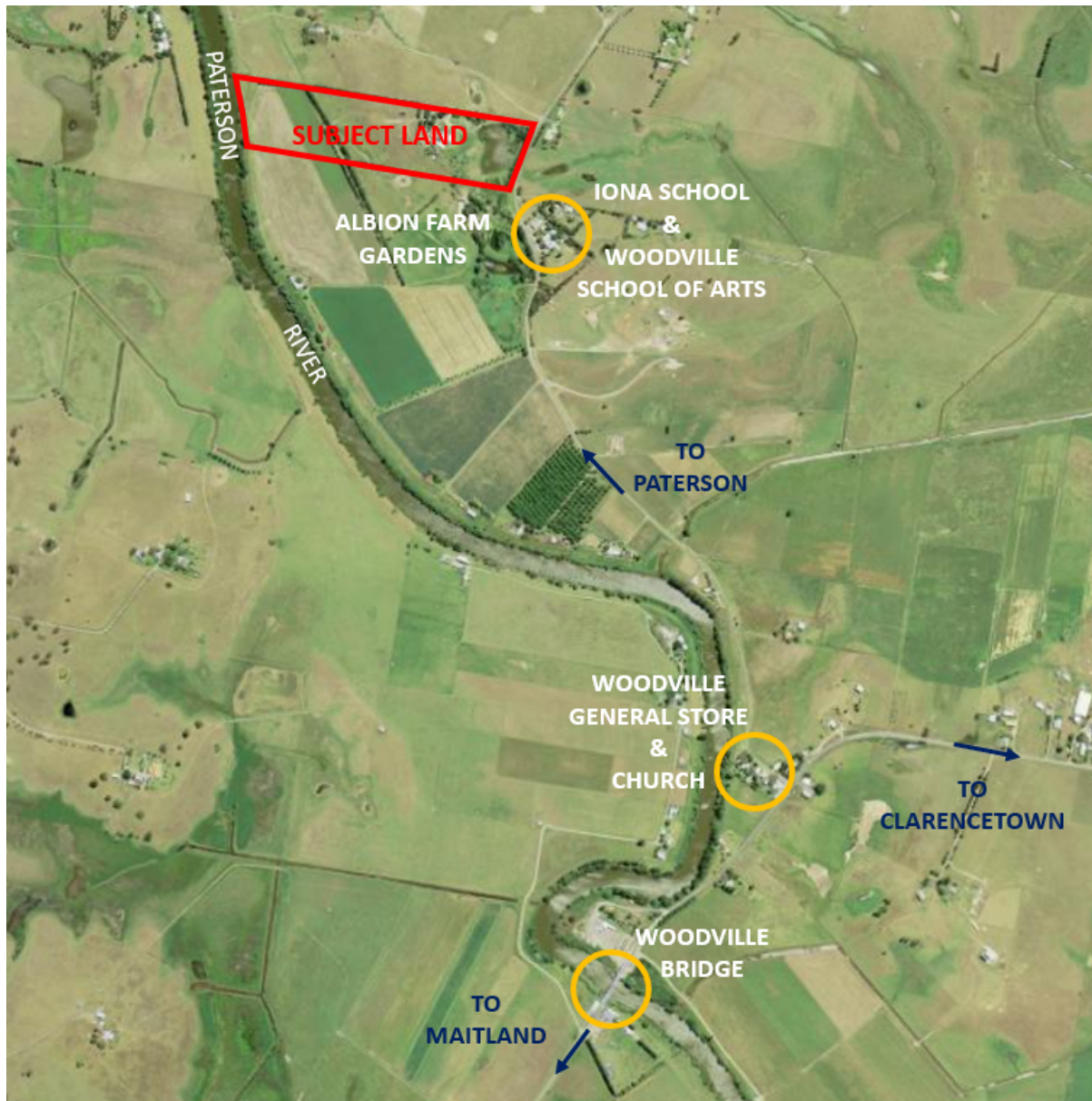
Reticulated water and sewer are not available to the site, with rainwater tanks provided for water and on-site sewerage management system provided for the treatment of sewerage. Electricity and telecommunications infrastructure are available to the site. The site has legal frontage to, and access from, Paterson Road, which is a sealed rural road with a speed limit of 60km/hr along the frontage of the site. The Paterson Road frontage is shown in Figure 6.

Parts of the site are flood prone; however, the location of the existing dwelling and proposed function centre are above the 1% AEP and PMF flood planning levels. The whole of the site is bush fire prone land (Vegetation Category 3) and a small section of the rear of the site (along the river) is mapped as containing 'biodiversity values'.

The subject land is zone RU1 Primary Production under the Port Stephens Local Environmental Plan 2013 (the LEP). Figure 7 shows the zoning of the land. The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To facilitate a variety of tourist and visitor-orientated land uses that complement and promote a stronger rural sector appropriate for the area.





**Figure 1 – Site locality**

Source: NSW Planning Portal Spatial Viewer, 2024





**Figure 2 – Entry driveway and bridge over man-made lake, with main residence behind**





**Figure 3 – Man-made lake at the front of the property, with existing wedding ceremony location and dwelling beyond**





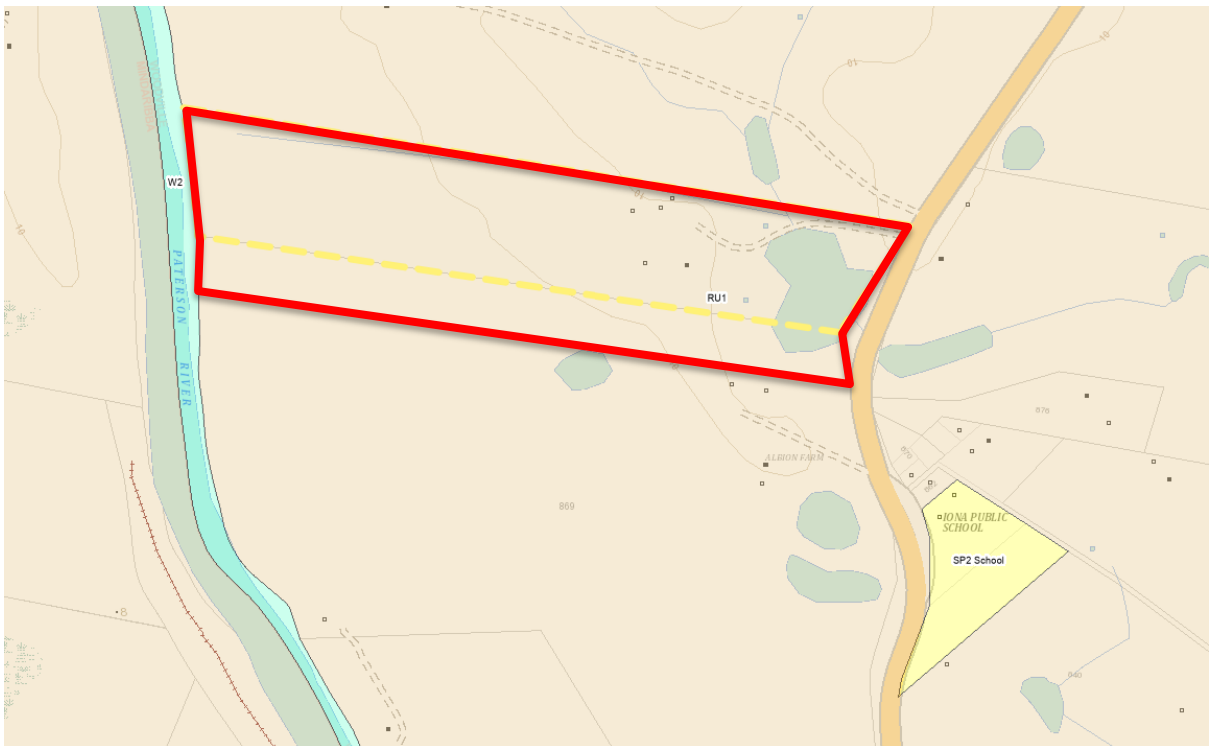
**Figure 4 – Grazing area at the rear of the site**



**Figure 5 – Lower section of the site at the rear, along Paterson River, used for grazing and cultivation**



**Figure 6 – The Paterson Road frontage of the site, with the existing access to the site to the right of the photo**  
Source: Google Streetview, 2024



**Figure 7 – Zoning extract showing the site in the RU1 zone**

Source: NSW Planning Portal Spatial Viewer, 2024

## 2.2 Surrounding Development

The subject site is located within the rural hinterland of Port Stephens, in the locality of Woodville. Rural properties adjoining and surrounding the subject land are generally hobby farms used for either cultivation (river flats) or grazing purposes. Lot sizes in the locality are varied with a few larger lots in the range of 40 to 60 hectares but with most in the range of 5 to 20 hectares. There are some rural small holdings lots with areas around 2.0ha that were created under historical LEP provisions which allowed the excision of ‘concessional’ allotments from larger rural holdings. Figure 8 shows properties surrounding the subject site and present uses of these.



Immediately to the north – 895 Paterson Road - 33ha farm used for extensive agriculture. Dwelling approximately 300m from location of proposed function centre.

Immediately to the east –

- 896 Paterson Road – 16ha farm 'Rosedale' used for extensive agriculture. Dwelling approximately 300m from location of proposed function centre, close to the Paterson Road vehicular entry to the subject site.
- 876 Paterson Road – small holding used as a hobby farm. Dwelling approximately 500m from location of proposed function centre.
- 866-866B Paterson Road – small holding used as a hobby farm. Dwelling approximately 400m from location of proposed function centre.
- 864 Paterson Road – 12ha farm used for extensive agriculture. Dwelling approximately 600m from location of proposed function centre.
- 870 Paterson Road - Woodville School of Arts (community) Hall
- 860 Paterson Road - Iona Public School.

Immediately to the south – 837 and 869 Paterson Road – 28ha farm 'Albion Farm' used for extensive agriculture and ornamental gardens. Dwellings approximately 250m and 500m from location of proposed function centre.

Immediately to the west (on the western side of Paterson River) –

- 532 Tocal Road, Mindaribba – 27ha farm 'Mindaribba House' used for extensive agriculture and tourist and visitor accommodation. Was formally used for wedding ceremonies and receptions. Mindaribba House approximately 650m from location of proposed function centre.
- 510 Tocal Road, Mindaribba – 12ha farm used for extensive agriculture. No dwelling.
- 496 Tocal Road, Mindaribba – 2ha small holding used as a hobby farm. Dwelling approximately 1km from location of proposed function centre.
- 474 Tocal Road, Mindaribba – 16ha farm used for extensive agriculture. Dwelling approximately 1.2km from location of proposed function centre.

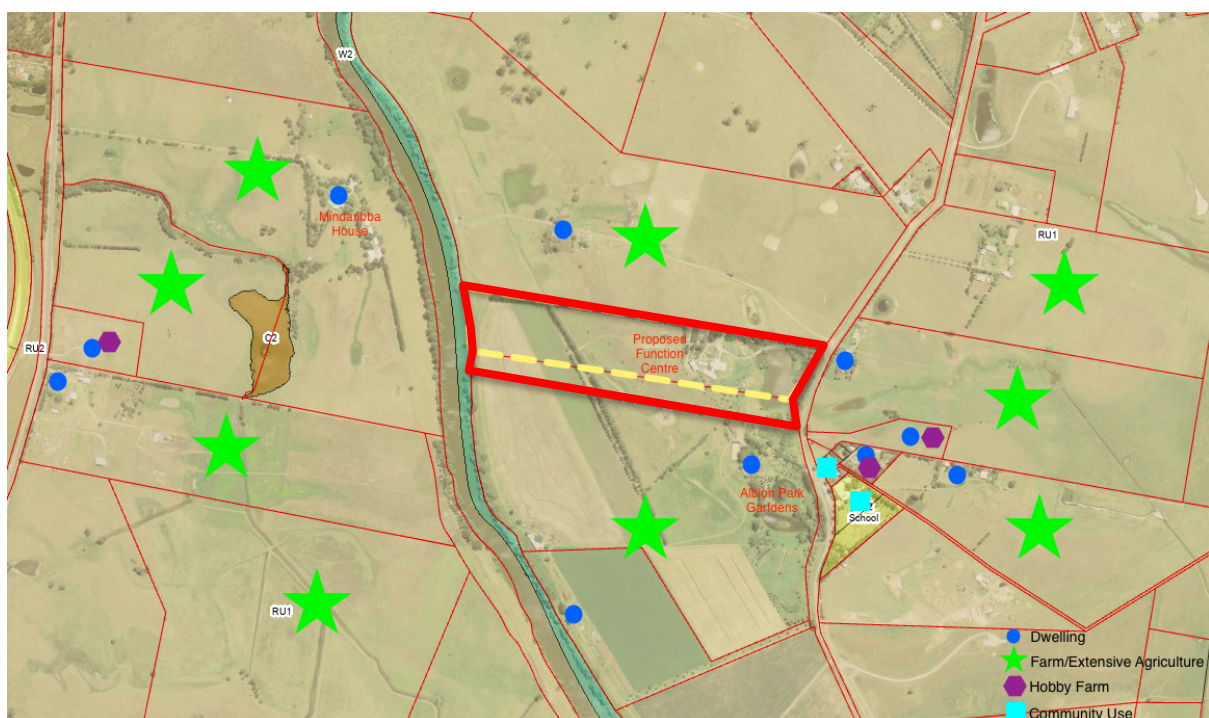


Figure 8 – Aerial photo showing surrounding properties and present land uses

## 3.0 Statutory Planning Framework

### 3.1 Port Stephens Local Environmental Plan 2013 (LEP 2013)

The LEP 2013 is the principal Environmental Planning Instrument (EPI) applying to the subject site. The key relevant LEP clauses are outlined below.

#### 3.1.1 Zone and Permissibility

The site is zoned RU1 Primary Production Zone and according to the Land Use table a 'function centre', as defined by the LEP 2013, is prohibited. Table 2 below summarises the objectives of, and permitted and prohibited land uses within, the RU1 zone.

Zone objectives	Permitted with consent	Prohibited
<ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>To minimise the fragmentation and alienation of resource lands.</li> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>To facilitate a variety of tourist and visitor-orientated land uses that complement and promote a stronger rural sector appropriate for the area.</li> </ul>	Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Charter and tourism boating facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems	Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

**Table 2 - Summary of objectives of, and permitted and prohibited land uses within, the RU1 zone**

## 4.0 The Proposal

### 4.1 Objectives and Intended Outcomes (Part 1)

#### 4.1.1 Objectives

The key objective of this Planning Proposal is to allow the permanent use of part of the subject site as a function centre, along with extensive agriculture and ornamental gardens, reflecting the temporary and successful use of the site and surrounding sites for weddings over the past 5+ years.

A secondary objective is to allow a function centre that caters for a broader range of function types (eg. corporate training, workshops etc) at times when weddings are not being catered for.

#### 4.1.2 Intended Outcomes

The intended outcome of this Planning Proposal is to amend Schedule 1 'Additional Permitted Uses' of the LEP 2013 to include an additional permitted use, 'function centre', on Lot 10, DP 1035397, 893 Paterson Road, Woodville.

### 4.2 Explanation of the Provisions (Part 2)

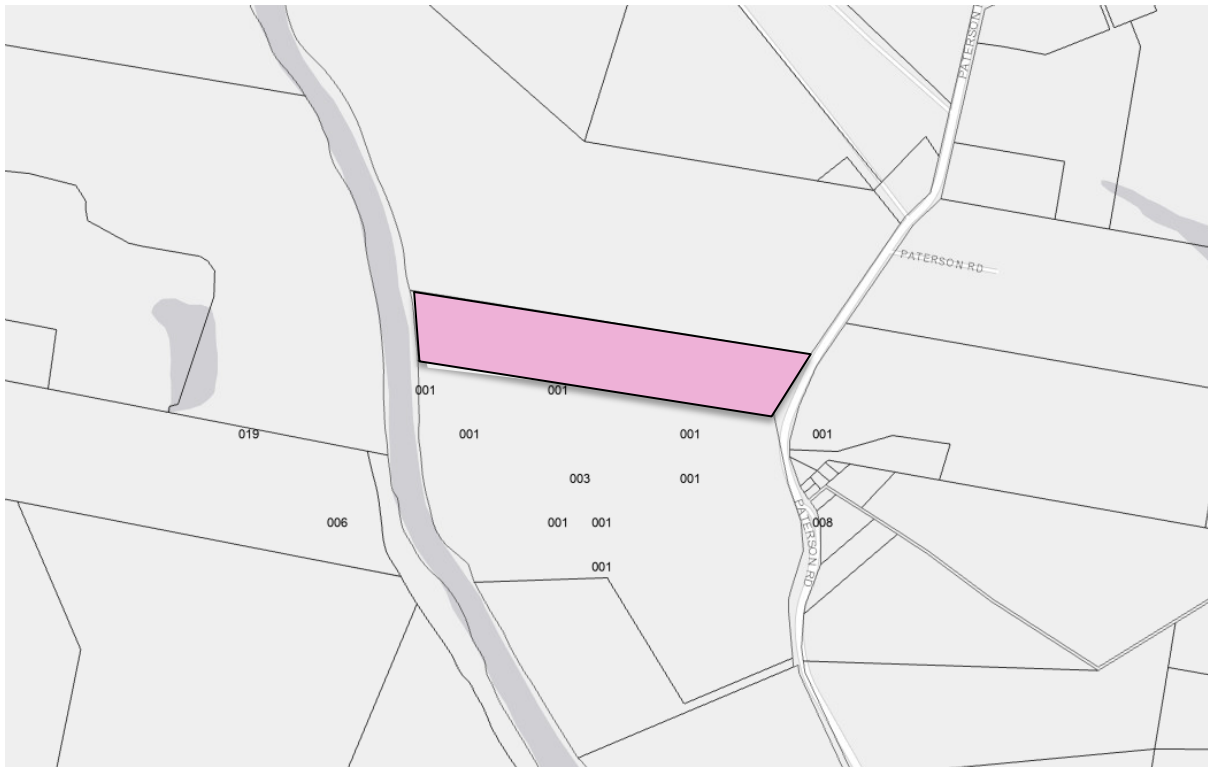
The Planning Proposal seeks to achieve the intended outcome outlined in Section 4.1.2 above through the proposed amendments to the LEP 2013 outlined in Table 3 below.

LEP Provision	Amendment	Explanation
Schedule 1 'Additional Permitted Uses'	<b>X Use of certain land at Paterson Road, Woodville</b>  (1) This clause applies to land at Paterson Road, Woodville, being Lot 10, DP 1035397. (2) Development for the purpose of a function centre is permitted with development consent.	Permit function centres with development consent on the subject site.
Sheet 001 of the Additional Permitted Uses Map	Identify the subject site as 'function centre' on the Additional Permitted Uses Map	Identify function centres as being permitted with development consent on the subject site.

Table 3 - Proposed amendments to the LEP 2013

### 4.3 Maps (Part 4)

Sheet 001 of the Additional Permitted Uses Map requires amendment as shown in Figure 9.



**Figure 9 – Amended Sheet 001 of the Additional Permitted Uses Map to show ‘function centre’ as an additional permitted land use**

## 5.0 Justification of Strategic and Site-Specific Merit (Part 3)

### 5.1 Section A – The Need for a Planning Proposal

#### *Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?*

While technically not a *result of* an endorsed LSPS or study, the proposal promotes rural enterprises and diversification of the rural economy, an objective of the HRP; and aligns with Priorities 2 and 3 of the Port Stephens LSPS, the P1 Strong economy, vibrant local businesses, active investment theme of the Port Stephens CSP, and the Economy: New experiences and distinct business opportunities theme of the Port Stephens Hinterland Place Plan.

The proposal will:

- Enable continuation and augmentation of an existing land use activity that is developing as a 'destination' site within the Woodville locality and which builds upon the existing ornamental gardens (Albion Farm Gardens) established over the last two decades
- Be situated and operated to minimise land use conflict and integrate effectively in its rural setting without impacting on the ability of the land to be used for extensive agriculture
- Be able to showcase rural enterprises in the locality by promoting local rural produce and/or using this produce in catering at the function centre (paddock to plate)
- Enhance the range of visitor offerings in the Port Stephens hinterland environment consistent with maintaining the dominance of rural enterprises and farming
- Enhance the biodiversity values of the site through expanded tree planting and landscaping of the site.

#### *Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Port Stephens Council issued Development Consent No. 16-2018-557-1 for 'Temporary Use of Land – Marriage Ceremonies' on 14 September 2018 over the land (and adjoining land). The consent was limited to wedding ceremonies with 120 persons not more than 52 times in a year, and time-limited to 5 years expiring 15 September 2023. A modification was approved for an extension of the temporary use for a further five (5) years, to 15 September 2028.

The existing wedding ceremony business has been doing very well, with consistent bookings and good reviews. There are some limitations of the existing arrangements, including et al the lack of a high-quality reception/function venue for wedding parties and their guests. Clients will often book the Woodville School of Arts Hall located on the opposite side of Paterson Road as a reception venue which is a 'basic' facility requiring self-catering. Alternatively, wedding parties often choose to travel further afield if a larger or higher quality reception venue is required.

The 'wedding ceremony' use of the properties has been conducted for the last 5 years with there being no adverse environmental, traffic or amenity impacts at the locality. The successful and harmonious operation of the wedding ceremony use was formative to Council deciding to grant a further 5-year temporary consent over the site.



The owners of the land could continue to apply for extensions to the temporary use DA; however, they wish to make the arrangements to allow a permanent one, and to establish a formal function centre to cater for not only weddings but for a broader range of function types (e.g. corporate training, workshops etc) at other times.

The subject land is suitable for use as a 'function centre', as evidenced by the successful and harmonious operation of the wedding ceremony use since 2018 and support from the local community and neighbours. The history of the use of the land for the conducting of wedding ceremonies should give the Council confidence that the expanded proposal can operate in a manner which respects and integrates with adjoining rural land uses.

The proposal will not undermine the Council's planning objectives for the RU1 Primary Production zone and will not set a precedent for similar LEP variations at a broader scale. Taken into consideration together with the history of development on the land and the unique characteristics of the site - all these factors contribute to making the proposal an entirely appropriate 'exception to the rule'.

## 5.2 Section B – Relationship to the Strategic Planning Framework

***Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plan or strategies)?***

This section of the report provides demonstrates that the proposal has strategic merit and does not compromise or undermine strategic directions for the region. A summary of this assessment is provided below.

The strategic policy framework taken into account in the assessment includes:

- Hunter Regional Plan 2041
- Port Stephens Local Strategic Planning Statement (LSPS)
- The Port Stephens Community Strategic Plan (CSP) 2022-2032
- Port Stephens Hinterland Place Plan 2023
- Port Stephens Floodplain Risk Management Policy
- Hunter Estuary Coastal Zone Management Plan

An outline of how the proposal aligns with the relevant strategic plans is provided below.

### 5.2.1 Hunter Regional Plan 2041

The Proposal is not inconsistent with the Hunter Regional Plan (HRP) 2041.

The Hunter Regional Plan 2041 is a 20-year forward planning document prepared under the provisions of the Environmental Planning and Assessment Act 1979. Its purpose is to provide high level strategic guidance for the development of the Hunter Region to ensure that it grows logically and sustainably and has proper regard to the priorities of both the community and governments over this time.

The HRP establishes a vision for the Hunter as a leading regional economy and, through Part 2 of the Plan, sets out core objectives and associated 'performance outcomes' that need to be met as each Council develops its own 'local strategic plan' and which also need to be addressed as part of any Planning Proposal.

- Objective 1. Diversify the Hunter's mining, energy and industrial capacity
- Objective 2. Support the right of Aboriginal residents to economic self-determination
- Objective 3. Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities
- Objective 4. An inter-connected and globally-focused Hunter without car dependent communities
- Objective 5. Plan for 'nimble neighbourhoods', diverse housing and sequenced development
- Objective 6. Conserve heritage, landscapes, environmentally sensitive areas, Waterways and drinking water catchments
- Objective 7. Reach net zero and increase resilience and sustainable infrastructure
- Objective 8. Plan for businesses and services at the heart of healthy, prosperous and innovative communities
- Objective 9. Sustain and balance productive rural landscapes

Part 3 of the HRP "District Planning and Growth Areas" sets out specific projects across the Hunter which are to be a focus over the period of the plan. Of particular relevance is the Hunter's Hinterland District which is recognised as being vital to the region. Part 3 states:

*The Hinterland district connects the rural landscapes integrated with Greater Newcastle and World Heritage-listed natural areas. The district's communities are connected to the land and enjoy relaxed, casual, outdoor lifestyles, and secluded living environments.*

*Working farms co-exist with complementary enterprises and outdoor recreation. Agricultural and nature-based tourism give visitors the chance to experience and appreciate the natural attractions of the hinterland and its rural towns and villages.*

*The district's rural areas and non-urban character are defined by:*

- *rural enterprises, rural residential, tourism, environmental and outdoor recreation land uses*
- *limited, dispersed buildings and structures that are integrated with the natural landscape.*
- *The Hinterland district could be the leading wine and tourism area in Australia, connecting the rural landscapes to Greater Newcastle and World Heritage-listed natural areas.*

*This will be achieved by:*

- *creating housing diversity in rural villages*
- *promoting rural enterprises and diversification*
- *supporting the NSW Koala Strategy*
- *providing blue-green infrastructure and quality public spaces*
- *protecting drinking water catchments*
- *planning for the regionally significant viticulture growth area.*

The proposed 'function centre' is type of development contemplated by the HRP in the promotion of rural enterprises and diversification. Aspects of the HRP most relevant to the proposal are discussed in Table 4 below.

Hunter Regional Plan 2041		
Relevant Objective	Performance Outcome	Comment
<b>Part 2 Objectives</b>		
Objective 6 - Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	<p>1. Areas of high environmental value are protected to contribute to a sustainable region.</p> <p>2. The biodiversity network is sustainably managed and provide social, environmental, health, cultural and economic benefits.</p> <p>3. Development outcomes maintain or improve the environmental value or viability of the biodiversity network.</p> <p>7. Water management uses innovative approaches in urban, rural and natural areas to enhance and protect the health of waterways, wetlands, coast and bays.</p>	Achieved. See Section 5.3.1 of this report and Appendix B – Biodiversity Assessment.
Objective 8 - Plan for businesses and services at the heart of healthy, prosperous and innovative communities	6. Tourism activities support domestic and international visitors, providing diverse and sophisticated tourism experiences, and complement the landscape setting and avoid land use conflict.	<p>The proposed function centre will draw people from out of the area who would potentially extend their stay to visit other regional drawcards and participate in other local events, attractions and activities. Visitors to this site will also seek local accommodation, further enhancing the local economy. The function centre therefore has the ability to act as a catalyst for tourism more broadly for the local area and region.</p> <p>Potential areas of conflict are addressed in the LUCRA Report found at Appendix A.</p>
Objective 9 - Sustain and balance productive rural landscapes	5. The productive capacity and resource base for agriculture is recognised and managed for long-term agricultural production, particularly for irrigated or important agricultural land.	<p>The adjoining land holdings surrounding the subject land vary in size, with the predominant activity being grazing with some limited cultivation along the river flats.</p> <p>The extensive gardens of 'Gracemere' and Albion Farm have been in a constant state of expansion</p>

Hunter Regional Plan 2041		
Relevant Objective	Performance Outcome	Comment
		<p>and revision since the mid 1970s (Albion Farm) and early 2000s (Gracemere). They have been developed alongside extensive agriculture within these sites and the adjoining rural properties over this period with no land management conflict.</p> <p>The issue of the 'temporary' (5 year limited) consent in September 2018 over the properties for the conducting of wedding ceremonies was an opportunity to 'test the water' to determine whether the operation would be a suitable 'fit' in its local context in terms of intensity of use and its associated impacts. The wedding ceremony use has operated for 5 years with no conflict with adjoining neighbours, which gave the Council sufficient confidence to issue a second 5 year temporary consent in September 2023.</p> <p>The expanded proposal will involve a modest increase in the number of function guests that can be catered for – from 120 up to 180 people – with the function venue itself occupying an area of the property which has been used historically for limited grazing and storage of farm materials and equipment. The proposal will have no impact on the cultivation of the lower flats adjoining the Paterson River.</p> <p>The scale of the proposal could not in any way be construed as compromising the agricultural production potential of the subject site or adjoining/nearby land holdings.</p> <p>The subject land has an area of 10.5ha and while grazing of some sections of the property and cultivation along the river flats takes</p>

Hunter Regional Plan 2041		
Relevant Objective	Performance Outcome	Comment
		<p>place, these agricultural activities are at a relatively small scale and not economically viable in and of themselves.</p> <p>The rural occupation of the land is possible only by way of the owners generating additional income via the function centre and off-site sources of income.</p> <p>It is also interesting to note that two of the closest local government areas with large rural land holdings, Dungog and Mid Coast, permit function centres in the RU1 Primary Production zone under their local environmental plan, indicating that function centres can co-exist with agricultural land uses and potential conflicts can be appropriately managed.</p>
Part 3 District Planning and Growth Areas		
Hinterland District	Planning Priority 2 - Promote rural enterprises and diversification	<p>The HRP seeks to promote those types of rural enterprises that have a synergy with agriculture – things like, farm stays, camping or farm gate trails, along with larger visitor economy activities and events.</p> <p>The proposed ‘function centre’ is type of development contemplated by the HRP in the promotion of rural enterprises and diversification and is particularly suitable in the Hinterland District.</p> <p>The Planning Proposal does not seek to make a ‘function centre’ a permissible use across the entirety of the RU1 Primary Production zone. Rather it proposes a site specific additional permitted use as a ‘function centre’ on a specific lot, which is considered to be well suited for it.</p>

Hunter Regional Plan 2041		
Relevant Objective	Performance Outcome	Comment
		The proposal is a good 'fit' in its local context taking into account the circumstances of the case – the nature and pattern of adjoining land uses, the development consent history of the site, the ability of the proposed development to integrate with and operate harmoniously within its rural setting and the opportunity it provides to grow and support the local economy.

**Table 4 - Aspects of the HRP most relevant to the proposal**

***Q4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?***

#### **5.2.2 Port Stephens Local Strategic Planning Statement (LSPS)**

The Port Stephens Local Strategic Planning Statement (LSPS) sets out the vision for land use in Port Stephens over the next 20 years. It is a document which closely aligns with the Hunter Regional Plan and demonstrates the strategies and initiatives that the Council will follow in order to meet the objectives and outcomes of the HRP.

The LSPS identifies various planning priorities for the Council and commitments which the Council must undertake within nominated time frames. Those parts of the LSPS which have relevance to the Planning Proposal are listed in Table 5 below:

Port Stephens Local Strategic Planning Statement	
Relevant planning priority	Comment in context of proposal
<b>Priority 2: Make business growth easier</b>	
<ul style="list-style-type: none"> <li>• Council acknowledges that the small business sector will continue to be a major jobs generator, particularly in creative, knowledge and service based, and tourism industries.</li> <li>• Council recognises that by creating an environment where business can thrive, Council can facilitate the growth of innovative and successful enterprise and ensure existing industries can continue to provide jobs and opportunities in our LGA.</li> <li>• Council commits to assessing rezoning requests consistent with local strategies. In this case the Council will need to consider the: <ul style="list-style-type: none"> <li>- Port Stephens Community Strategic Plan 2022-2032</li> </ul> </li> </ul>	Albion Farm Gardens and Gracemere have become successful small businesses and there is a gaining momentum towards the modest expansion of its capacity and the improvement in the standard of facilities and level of service to be provided. Relocating the business to another location is not a practical or viable alternative as the business has grown up around the gardens which have taken decades to establish, and also to take advantage of the unique landscape and rural outlooks. The gardens are core to the success of the landscape setting and ambience which is able to be provided for weddings and functions across all seasons of the year. These gardens provide a setting for weddings distinct from that of the vineyards district within the Cessnock and Singleton LGAs. The formalisation and expansion of the wedding ceremony operations and allowance of other functions on the subject site will provide a source of employment and

Port Stephens Local Strategic Planning Statement	
Relevant planning priority	Comment in context of proposal
<ul style="list-style-type: none"> <li>- Port Stephens Hinterland Place Plan</li> </ul>	<p>income for a venue manager and the required support staff, together with the property owners.</p> <p>The business, already a success in a temporary sense, is one which warrants the support of the Council not only for the employment it generates and the income it brings to the local economy, but for the people it brings into the Port Stephens area.</p>
<b>Priority 3: Support Tourism and Attract Events</b>	
<ul style="list-style-type: none"> <li>• Council recognises the importance of tourism to the local economy and the recent interest and investment in emerging tourist markets.</li> <li>• Council commits to investigating opportunities to facilitate land uses that can support the tourist and visitor economy.</li> </ul>	<p>The existing wedding ceremony venue, being marketed as 'Albion Farm Gardens', is evolving into a destination for weddings. While not specifically a tourist development, the proposed function centre will further build upon the success of the activity to date by drawing people from out of the area who require local accommodation and would potentially extend their stay to visit other regional drawcards and participate in other local events, attractions and activities.</p> <p>The function centre has the ability to act as a catalyst for tourism more broadly for the region.</p>
<b>Priority 9: Protect and Preserve Productive Agricultural Land</b>	
<ul style="list-style-type: none"> <li>• Council recognises the importance of the agricultural sector to the local economy in terms of its output and also as a source of employment.</li> <li>• There may be opportunities for existing agricultural businesses to capitalise on complementary uses such as artisan food premises, boutique breweries and wedding reception venues which can provide supplementary income for farm-based businesses.</li> <li>• Managing the impacts of new development in some areas requires assessing potential land use conflicts to ensure existing and potential agricultural uses are protected.</li> <li>• The Council commits to review local plans to encourage niche commercial, tourist and recreation activities that complement and promote agricultural industries.</li> </ul>	<p>In 2022, Council undertook an amendment of the LEP 2013 to incorporate additional permitted land uses within its rural zones. 'Function centres' were made permissible with consent in the RU2 Rural Landscape zone but not the RU1 Primary Production zone.</p> <p>Notwithstanding, the proposal will facilitate a niche commercial activity that has evolved over time to become not only an accepted operation in the local Woodville community, but which has a history of lawful operation under the 'temporary' consent provisions of the LEP - this has enabled the operators to demonstrate the compatibility of the development with adjoining/nearby land use activities.</p> <p>The function centre would enable the operators the opportunity to promote other local produce and accommodation options as part of the experience and service it provides to function centre guests.</p> <p>A LUCRA has been carried out and can be found at Appendix A. This concludes that the proposal <i>'will be appropriate for the site and its setting and is unlikely to result in adverse impacts on surrounding properties or the agricultural use of surrounding land'</i>.</p>

**Table 5 - Aspects of the LSPS relevant to the proposal**

### 5.2.3 The Port Stephens Community Strategic Plan (CSP) 2022-2032

The Port Stephens Community Strategic Plan 2022-2032 guides the planning and reporting activities of the Council to meet its Integrated Planning and Reporting (IP&R) framework obligations under the NSW Local Government Act.

The purpose of the Plan is to:

- Identify the community's main priorities and aspirations over the next 10 years
- Support community and stakeholders to play an active role in shaping their future
- Work with other governments and agencies to achieve community priorities
- Outline council's role in delivering these priorities and assigning resourcing to
- support delivery while balancing affordability
- Maintain accountability and transparency in reporting on progress.

The CSP involved extensive community consultation and focusses on 4 main themes. These themes assist Council in the development of its Delivery Program and Operational Plans. The themes which have relevance to the scoping proposal are discussed in Table 6 below.

Port Stephens Community Strategic Plan 2022-2032	
Relevant Theme	Comment in context of scoping proposal
<b>Our Place</b>	
P1 Strong economy, vibrant local businesses, active investment  <i>"Our community has an adaptable, sustainable and diverse economy"</i>	<p>"Albion Farm Gardens" has secured itself a place in the local economy as a unique venue for the holding of wedding ceremonies that draws clientele from not only the immediate area but from as far away as the Central Coast, Sydney and Melbourne. It is becoming a 'destination' venue.</p> <p>The expansion of the operation to capture corporate functions and to provide a fully equipped formal function venue containing et al function space, kitchen, toilet facilities, car parking, waste-water management facilities and landscaping – requires significant expenditure which cannot reasonably be made under the current circumstances where the operation has only a temporary, time limited consent.</p> <p>The business, already a success in a temporary sense, is one which warrants the support of the Council not only for the employment it generates and the income it brings to the local economy, but for the people it brings into the Port Stephens area.</p> <p>The formalisation and expansion of the wedding ceremony operations and allowance of other functions on the subject site will provide a source of employment and income for a venue manager and the required support staff, together with the property owners.</p>



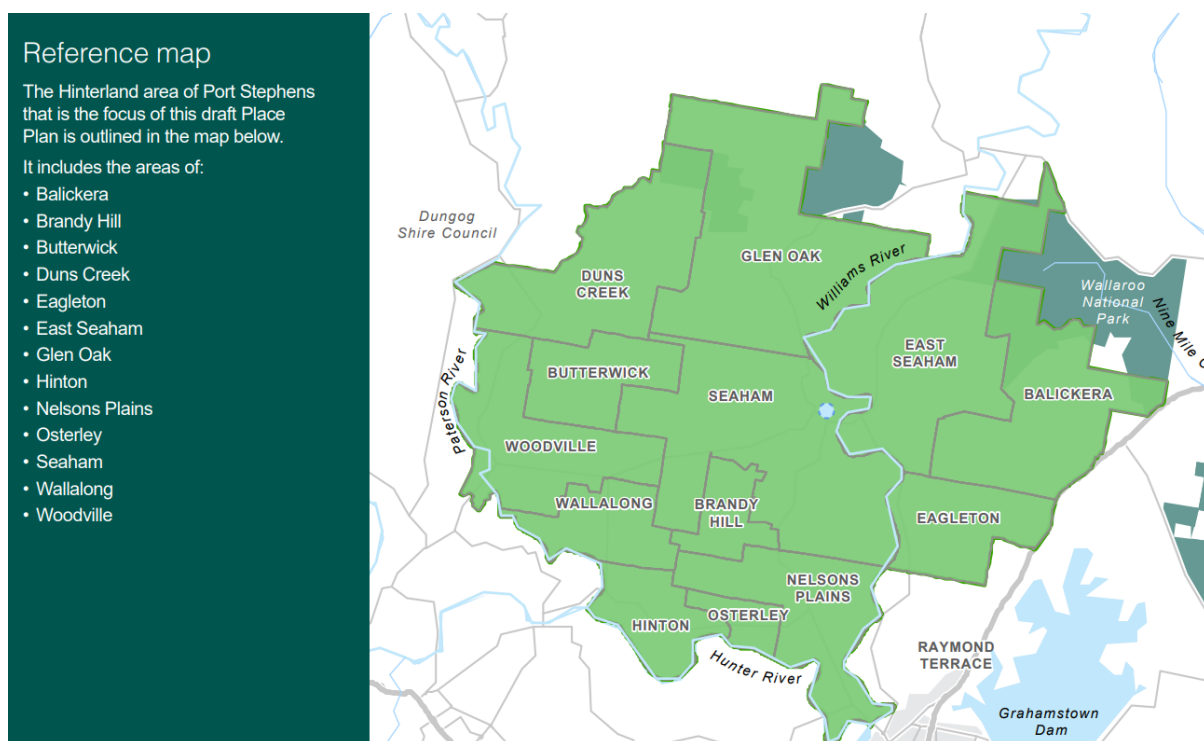
	The Planning Proposal will add to and reinforce the diversity of businesses in the LGA and enable the owners to make the necessary investment to grow this successful and evolving business for the future.
<b>Our Environment</b>	
E3 Environmental resilience  <i>“Our community is resilient to environmental risks, natural hazards and climate change”</i>	<p>The land is subject to the following risks:</p> <ul style="list-style-type: none"> <li>• Bush Fire Prone Land</li> <li>• Flood Prone Land.</li> </ul> <p>These areas of risk are discussed in greater detail in later sections of the planning proposal. Both can be appropriately mitigated through design and management strategies in the operational phase of the development and are not sufficient to warrant rejection of the Planning Proposal.</p>

**Table 6 - Aspects of the CSP relevant to the proposal**

### 5.2.4 Port Stephens Hinterland Place Plan 2023

Port Stephens Council has developed the Hinterland Place Plan (HPP) in close consultation with the local community to provide finer grained, more targeted strategies and outcomes which build upon the higher-level planning strategies contained in the Port Stephens Community Strategic Plan.

The Hinterland encompasses the agricultural and rural/bushland landscape connecting the three main rivers – the Hunter, the Williams and the Paterson. The Hinterland is shown in Figure 10.



**Figure 10 - Map defining The Hinterland**

Source: Port Stephens Hinterland Place Plan 2023

Located in this area are the small villages/localities of Seaham, Hinton, Wallalong, Duns Creek, Woodville and Balickera and Eagleton.

These areas have a distinctive character and the Hinterland Place Plan recognises that “... As the region continues to grow, there are opportunities to further enhance liveability by connecting communities through the development of walking paths and cycling trails, new visitor experiences and further investment and support for local business.”

The Hinterland Place Plan is built upon the following Character principles:

- The highly valued natural environment is celebrated and protected.
- Future development respects the local history and unique character of each village.
- Communities with a shared history and sense of place are better connected.
- Local stories are shared, with a strong focus on supporting new and innovative businesses.
- Sharing the Hinterland with visitors is supported and developed. This includes collaboration to deliver new events, touring itineraries and community activities

The HPP identifies the following key themes to help focus future initiatives. These are discussed in Table 7 below:

Port Stephens Hinterland Place Plan	
Theme	Comment Relevant to Proposal
<b>Economy: New experiences and distinct business opportunities</b>	
The HPP acknowledges the high number of tourists and visitors to the region which will increase with the \$66M upgrading of the Newcastle Airport and states “Visitors will expect immersive, authentic and unique experiences that showcase the region. The Hinterland is ideally positioned to leverage this growing visitor economy”. The Plan suggests that “... farm gate experiences, farm stays and low impact events can showcase the Hinterland’s history, lifestyle and local produce while increasing vibrancy, community connection and economic outcomes.”	<p>A function centre sits outside the RU1 zoning provisions of the LEP; however, the proposed ‘function centre’ on the subject land, as a one-off additional permitted use under the LEP would not compromise the intent of the HPP to protect and promote the values of the hinterland environment and economy.</p> <p>Based on the findings of the LUCRA (Appendix A), the proposal is classified as something that offers ‘low impact events’ while at the same time increasing visitors and boosting the local economy.</p> <p>Rather, the proposal would allow for the formalisation and augmentation of a use that has been operating for over five (5) years and which has been granted a temporary consent for a further five (5) years. The use of the land for wedding ceremonies has become an integral and well-embraced element of the Woodville community and beyond. The existing use draws many people to the site for wedding ceremonies and this is expected to increase under the proposal, particularly as the facility will be expanded to cater for other types of functions and events. Those who would be travelling to the site from out of the area will book local accommodation and are likely to increase their stay to explore other places of interest and activities in the Port Stephens region.</p> <p>The proposal has the ability to showcase and support the outputs of other local businesses eg. the use of locally produced food in the function centre.</p>

Port Stephens Hinterland Place Plan	
Theme	Comment Relevant to Proposal
<b>Movement: Connection and access for all to enjoy</b>	
The HPP seeks to improve physical connections such as cycleways, walking trails.	The 'function centre' Planning Proposal will have no implications for access between and within hinterland villages. The site has access to Paterson Road and any improvements to the property intersection will be the subject of a further traffic impact assessment as part of a future development application.
<b>Open Space: Creating quality open space</b>	
The HPP acknowledges the importance of open space areas to healthy communities and the potential of well-designed and accessible open space areas to attract tourism, promote well-being and support diversity. Improving the design and functionality of open spaces within the village areas as places to gather and improving access to rivers and natural linkages between hinterland villages are the focus.	<p>The foundation for the carrying out of wedding ceremonies from the subject land has been the establishment of the extensive ornamental gardens by the land owners of both 'Albion Farm' and 'Gracemere' over many years. These gardens are regularly open to the public as part of community events such as 'garden rambles' and for other charitable purposes. This type of access would not change under the proposal.</p> <p>While the subject land is not 'public land', the proposed function centre will continue to provide an opportunity for the community, by way of invitation, and guests to enjoy the picturesque landscape setting that has been created.</p> <p>Integral to the future function centre would be the expansion of the gardens to the west (rear) of the existing dwelling to ensure that the new facilities blend harmoniously with the rural landscape.</p>
<b>Environment: Protection and conservation of our environment</b>	
Communities within the hinterland place a high value on the quality of their environment – the rural and natural landscape including native bushland, rivers and wetlands – and the native wildlife that occupies these spaces. Preservation and improvement of these environments is key.	<p>The 'function centre' Planning Proposal will facilitate a development which improves the environmental qualities of the locality. The area over which the new development is to occur is used partly for grazing and partly as a back-of-house area for the solar panel array and storage of various items of farm equipment and materials.</p> <p>While the new development will involve the construction of buildings and a car park, it will also provide an opportunity for the expansion of the gardens on the property which include a mix of both native and exotic plants.</p> <p>As outlined in various sections of this report, the proposal will have no impact on native vegetation, wetlands, riparian corridors, or rural landscape.</p>
<b>Management and Safety: Safe and resilient communities</b>	
The hinterland offers a strong sense of familiarity and safety together with a laid back and peaceful lifestyle. Community	The proposed function centre will provide a purpose built and safe environment for guests. In particular, weddings are an occasion where gathering together

Port Stephens Hinterland Place Plan	
Theme	Comment Relevant to Proposal
events using community halls as shared spaces offer opportunities to meet, build resilience and facilitate community connection. Visitors value environments where they feel comfortable, safe and welcome. Initiatives around road safety, improved accessibility and well-designed community spaces and facilities are initiatives that can be pursued.	<p>promotes good community cohesion and provides important memories for couples and their families and guests for many years.</p> <p>While the site of the proposed function centre would be above the level of the 1 in 100 year flood event as identified in the Paterson River Flood Study, the Woodville locality, being located on the Paterson River floodplain, would be isolated in larger flood events due to the inundation of the local road network at various locations. These flood related impacts are discussed in greater detail in a later section of this report.</p>
<b>Character: The Hinterland and our unique identity</b>	
<p>Character is what makes an area distinctive and shapes the identity of a place. It encompasses the land, people, the built environment, history, culture and tradition.</p> <p>These elements create a specific look and feel, and a sense of belonging that a person feels for that place.</p> <p>The Hinterland's character is defined by its working farms and its beautiful natural landscape that features rolling hills, deep rivers, views of mountain ranges and a feeling of open space. The community values the unique identity of the villages that make the Hinterland.</p>	<p>'Gracemere' and 'Albion Farm' together have built a reputation within the locality as a place where the ornamental gardens can be experienced and enjoyed in the context of wedding ceremonies and via invitations to charity events and open gardens.</p> <p>Woodville is unique in the way the land uses are located in clusters – the general store and the former Anglican church complex located some 1.8km to the south-east of the Iona Public School, Woodville School of Arts and the properties of Albion Farm and Gracemere. These two focal points are surrounded by farmland comprising low, gently undulating hills and river flats occupied by small hobby farms and rural small-holdings lots.</p> <p>Gracemere and Albion Farm have established themselves as part of the distinctive character and fabric of Woodville. The LEP amendment will facilitate the necessary investment to enable Gracemere to continue to deliver an improved standard of facilities and experience for many in the local community and beyond.</p>

**Table 7 - Discussion of Place Plan Themes Port Stephens Hinterland Place Plan 2023**

The Port Stephens Hinterland Place Plan aims to encourage new experiences and bespoke local business in the Port Stephens rural hinterland environment. The proposed development will build upon the significant work that has been done to date in establishing Albion Farm/Gracemere as a unique venue for the carrying out of wedding ceremonies. Expanding the use of the site to provide a purpose-built function centre is considered generally consistent with the aims and strategies of the Hinterland Place Plan.

### 5.2.5 Port Stephens Floodplain Risk Management Policy

The subject site is impacted by flooding to the extent detailed in the Port Stephens Council Flood Certificate dated 24 January 2024. An extract of this is shown in Figure 11 below. The 1% AEP Flood Level for the site is RL 6.6m AHD with a Flood Planning Level of RL 7.7m AHD.

An extract of the baseline survey of the land undertaken by registered surveyors SCDW Surveying dated 2.8.23 is provided as Figure 12 below. This plan shows the approximate position of the 7.7m FPL and the maximum spatial extent of the development footprint, the approximate extent of the PMF and the location of the minimum wastewater level. It demonstrates that the function centre building facilities and its associated car parking will be able to be located on land above the FPL.

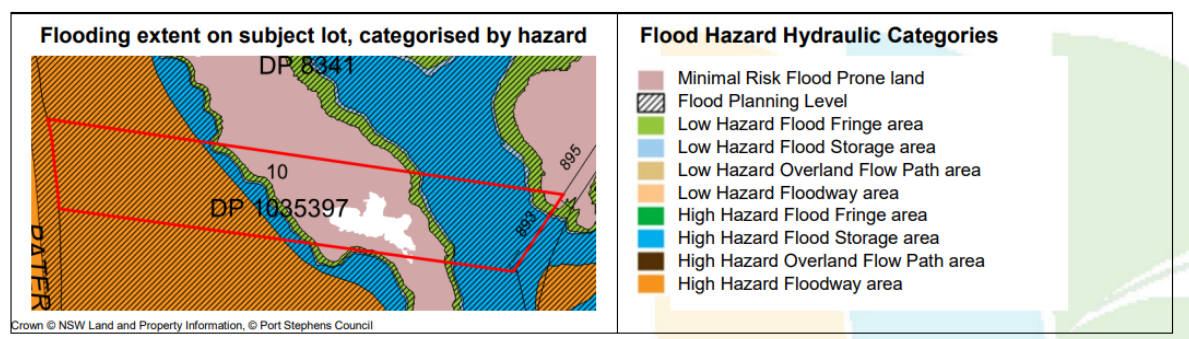
The Port Stephens Floodplain Risk Management Policy was adopted in March 2016. Through the policy the Council seeks to manage the floodplain in a manner consistent with the risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual. This includes but is not limited to:

- Securing up-to-date data and mapping in relation to flooding across the LGA
- Categorising flooding in line with flood hazard
- Building appropriate flood related controls into Council's development control plan eg. establishing minimum floor levels for different classifications of buildings
- Ensuring that decisions relating to flood prone land do not have adverse consequences for emergency management or cause adverse impacts on flooding in other locations.

These principles are embodied in Section B5 'Flooding' of the Port Stephens Development Control Plan 2013, which contains the detailed requirements that need to be taken into account when preparing a development application for development on flood prone land.

A Flood Impact and Risk Assessment has been prepared by Torrent Consulting and accompanies the Planning Proposal. This assessment is discussed in more detail in Section 5.3.2.1 of this report.

<b>Flood Planning Level</b>	<b>7.7 metres AHD</b> (velocity = 2.8 m/s)	(This level defines the minimum floor level for habitable rooms and land that is subject to flood-related development controls (refer to Port Stephens DCP Section B5).)
<b>Highest Hazard Category</b>	<b>High Hazard Floodway area</b>	
Flood levels that may be useful are:		
Probable maximum flood level	9.0 metres AHD (velocity = 3.2 m/s)	(The highest flood level that could conceivably occur at this location. If required, onsite flood refuges are built at or above this level, refer to the Port Stephens Development Control Plan B5.2)
Current day 1% AEP flood level	6.6 metres AHD	(This level is useful for insurance purposes, refer to your insurance policy and the Insurance Contracts Regulation 1985 (Cwealth).)
Adaptable minimum floor level	7.5 metres AHD	(The 1% AEP flood level plus freeboard, 50 years from now, refer to the Port Stephens Development Control Plan B5.2.)
Minimum onsite wastewater level	4.6 metres AHD	(The 5% AEP level 50 years from now, refer to the Port Stephens On-site Sewage Management Development Assessment Framework and AS/NZS 1547:2012 5.5 land application system design.)



**Figure 11 - Extract from Port Stephens Council Flood Certificate dated 24 January, 2024 for 893 Paterson Road, Woodville**



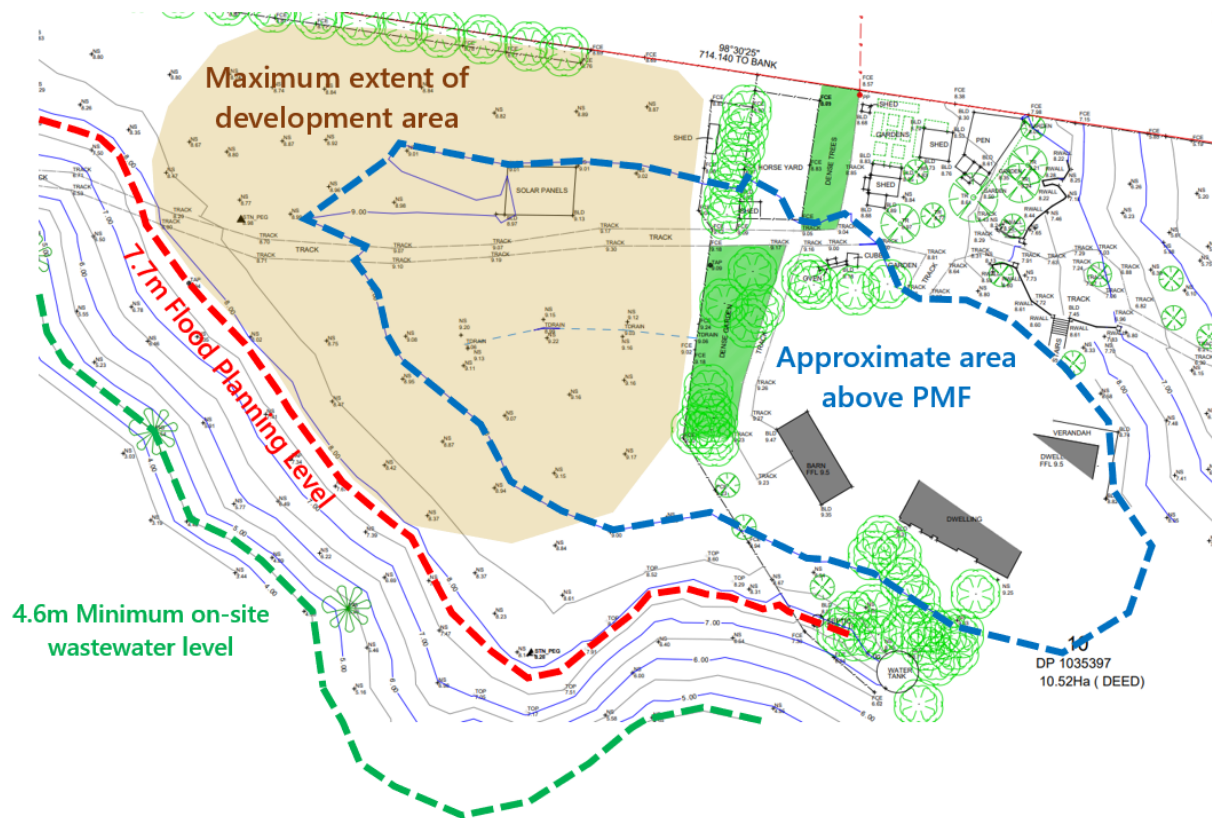


Figure 12 - Extract of baseline survey undertaken by registered surveyor showing maximum extent of development footprint

### 5.2.6 Hunter Estuary Coastal Zone Management Plan

The purpose of the Hunter Estuary Coastal Zone Management Plan is to guide future decision making regarding short and long-term management of the Hunter Estuary, its foreshores and its broader catchment area. The Management Plan applies to three key river systems – Hunter, Paterson and Williams, and identifies 25 key objectives intended to protect, preserve and improve:

- Biodiversity
- Riparian corridors
- Riverbank stability and soil quality
- Landscape and scenic values
- Aboriginal and European heritage
- Public access to estuarine environments

The Plan incorporates a range of strategies to achieve the above objectives recognising that a range of stakeholders including – State government agencies, local Councils and communities – will need to be engaged.

The subject land is located in the upper estuary of the Paterson River and the proposed development will have no discernible impacts on the estuarine environment. The new development footprint is to be located some 360m east of Paterson River. An on-site wastewater management strategy will be developed at development application stage to ensure that soil quality, water quality and any potential run-off is within relevant environmental thresholds. Similarly, soil erosion controls established during the future construction stage of the project will ensure that the project does not have short term sedimentation impacts on the watercourse to the south in the construction phase.

The landscape strategy for the development will ensure that erosion and sediment controls are integrated passively into the garden spaces around the new development. The development is occurring on land with low biodiversity values as it is cleared grazing land and the development has no impact on any known aboriginal or European archaeological sites.

The proposed development can be sited and designed to be consistent with the Hunter Estuary Coastal Zone Management Plan aims and objectives.

#### 5.2.7 Consistency With Other Applicable State and Regional Studies or Strategies

***Q5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?***


There are no other applicable State or regional studies or strategies.

#### 5.2.8 Consistency With Relevant State Environmental Planning Policies

***Q6. Is the Planning Proposal consistent with applicable SEPPs?***

The proposal is consistent with all relevant State Environmental Planning Policies (SEPPs). Table 8 below outlines the intent of the relevant SEPPs and consistency of the Planning Proposal.

State Environmental Planning Policies		
SEPP	Consistency	Comments
SEPP (Biodiversity and Conservation) 2021	✓	<p>A very small portion of the subject site along Paterson River is mapped as containing biodiversity values, as shown below.</p> <p>The future function centre will be located on a part of the subject site that is devoid of trees and comprises an open area of introduced grass species which have been used for grazing purposes for many years. This area has low biodiversity value and does not represent habitat for any ecologically endangered or threatened species of flora or fauna.</p> <p>MJD Environmental (MJD) was engaged to carry out a biodiversity assessment of the site and proposed location of the function centre, and to determine the need for a Biodiversity Development Assessment Report (BDAR). A copy of the MJD Biodiversity Assessment can be found at Appendix B. The results of the biodiversity assessment are discussed in Section 5.3.1 of this report.</p>

State Environmental Planning Policies		
SEPP	Consistency	Comments
		
SEPP (Primary Production) 2021	✓	<p>The proposal is not inconsistent with the provisions of this SEPP. It will not adversely impact the production potential of the adjoining rural land and any areas of potential conflict have been considered as part of a Land Use Conflict Risk Assessment (LUCRA) Report, which can be found in Appendix A.</p>
SEPP (Resilience and Hazards) 2021	✓	<p>The SEPP has three main focus areas:</p> <ul style="list-style-type: none"> <li>• Management of the coastal environment particularly coastal wetlands and littoral rainforests</li> <li>• Introducing principles for hazardous or offensive development</li> <li>• Setting out requirements for the identification, remediation and management of contaminated land.</li> </ul> <p>The subject land is located in the upper estuary of the Paterson River as identified under the Hunter Estuary Coastal Zone Management Plan and this is discussed in more detail in Section 5.2.6 of this report.</p> <p>The proposed land use will not be potentially hazardous or offensive.</p>



State Environmental Planning Policies		
SEPP	Consistency	Comments
		Refer to Section 5.2.8 of this report for more detailed discussion of contaminated land management (Ministerial Direction 4.4).
SEPP (Sustainable Buildings) 2022	✓	<p>The proposal is able to achieve compliance with this SEPP.</p> <p>While detailed building design has not been undertaken at this early planning stage, the principles of sustainability in the types of building materials used, efficiency in building location and form and minimising its demand on energy use will be given high priority in any consultant brief.</p> <p>Detailed compliance with the Sustainable Buildings SEPP will be demonstrated as part of any future detailed development application for the site.</p>

**Table 8 – Consistency with SEPPs**

### 5.2.9 Consistency With Relevant Ministerial Directions

***Q7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?***

The planning proposal is consistent with the Ministerial Directions outlined in Table 9 below.

Ministerial Directions		
Direction	Consistent	Comments
<b>Focus Area 1: Planning Systems</b>		
<b>Direction 1.1 Implementation of Regional Plans</b>  (1) Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	✓	See Section 5.2.1 of this report.
<b>Direction 1.3 Approval and Referral Requirements</b>  (1) A Planning Proposal to which this direction applies must:  (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and	✓	(a) A Bushfire Assessment Report has been prepared for the proposal and RFS is welcome to provide input on this at the Planning Proposal stage, rather than development application stage, which would not require referral as integrated development.


Ministerial Directions		
Direction	Consistent	Comments
<p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary),</p> <p>prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</p> <p>ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&amp;A Act.</p>		<p>The proposal will have no impact on riparian corridors or be located on waterfront land.</p> <p>The Planning Proposal will not result in new concurrences or referrals being required at development application stage.</p> <p>(b) No.</p> <p>(c) No.</p>
<p><b>Direction 1.4 Site Specific Provisions</b></p> <p>(1) A Planning Proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p>	✓	<p>The proposal is to allow a 'function centre' as an additional permitted use on the subject site only, not to allow function centres as a permissible land use in the RU1 zone generally.</p> <p>No existing development standards need to be amended to allow a function centre on the</p>

Ministerial Directions		
Direction	Consistent	Comments
<p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(2) A Planning Proposal must not contain or refer to drawings that show details of the proposed development.</p>		<p>land. No new development standards are required.</p> <p>No specific plans for a function centre are included as part of the Planning Proposal.</p>
<b>Focus Area 3: Biodiversity and Conservation</b>		
<p><b>Direction 3.1 Conservation Zones</b></p> <p>(1) A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A Planning Proposal that applies to land within a conservation zone or land otherwise identified for environment conservation /protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “<i>Rural Lands</i>”.</p>	✓	<p>None are necessary – see Sections 5.3.1 and 5.3.2 of this report.</p> <p>Not applicable.</p>
<p><b>Direction 3.2 Heritage Conservation</b></p>	✓	<p>The site does not contain any items of heritage significance and there are no in close proximity.</p>

Ministerial Directions		
Direction	Consistent	Comments
<p>(1) A Planning Proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>		<p>The site is not located within a heritage conservation area.</p> <p>The site does not contain any known Aboriginal areas, objects, places, or landscapes.</p>
<b>Focus Area 4: Resilience and Hazards</b>		
<p><b>Direction 4.1 Flooding</b></p> <p>(1) A Planning Proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the NSW Flood Prone Land Policy,</p> <p>(b) the principles of the Floodplain Development Manual 2005,</p> <p>(c) the Considering flooding in land use planning guideline 2021, and</p> <p>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</p>	✓	<p>A Flood Impact and Risk Assessment (Flood Assessment) has been prepared by Torrent Consulting and accompanies the Planning Proposal. This has been prepared in accordance with the required documents, as well as Clause 5.21 of the LEP and Section B5: Flooding of the DCP. A copy of this can be found at Appendix C.</p> <p>Flood impacts and risk amelioration and management measures are discussed in Section 5.3.2.1 of this report.</p> <p>The Flood Assessment has demonstrated the proposed development is not located in a floodway, does not impact on existing flood conditions, does not provide for additional dwelling density and is not a sensitive use.</p>

Ministerial Directions		
Direction	Consistent	Comments
<p>(2) A Planning Proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.</p> <p>(3) A Planning Proposal must not contain provisions that apply to the flood planning area which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit development for the purposes of residential accommodation in high hazard areas,</p> <p>(d) permit a significant increase in the development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure,</p>		<p>The available flood warning provides for a proposed flood emergency response that enables patrons and staff for the proposed function centre to not be on site during an event either by pre-event cancellation or effective evacuation prior to access road inundation. Accordingly, there is no need to provide flood free access to or within the site.</p>

Ministerial Directions		
Direction	Consistent	Comments
<p>flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p> <p>(4) A Planning Proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a Planning Proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as</p>		

Ministerial Directions		
Direction	Consistent	Comments
otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.		
<p><b>Direction 4.2 Coastal Management</b></p> <p>(1) A Planning Proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas;</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit;</p> <p>(c) section 3.2 of the <i>NSW Coastal Design Guidelines 2023</i>; and</p> <p>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i>, that applies to the land.</p>	✓	<p>(1) Part of the site is located in the coastal environment area and coastal use area, as shown below:</p> 
<p>(2) A Planning Proposal must not rezone land which would enable increased development or more intensive land-use on land:</p> <p>(a) within a coastal vulnerability area identified by chapter 2 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>; or</p> <p>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</p> <p>i. by or on behalf of the relevant planning authority and the Planning Proposal authority, or</p> <p>ii. by or on behalf of a public authority and provided to the</p>	✓	<p>(2) Not applicable.</p>

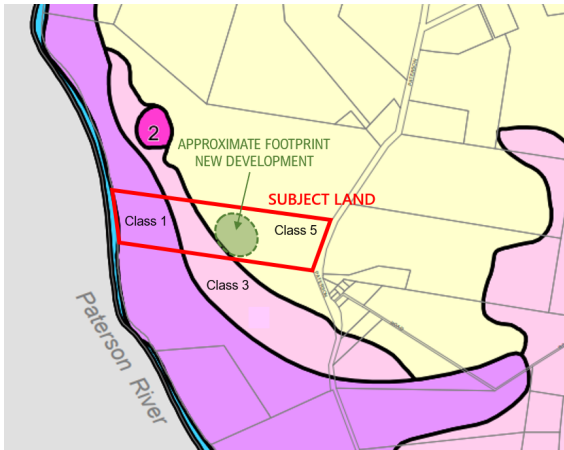


Ministerial Directions		
Direction	Consistent	Comments
<p>relevant planning authority and the planning proposal authority.</p> <p>(3) A Planning Proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p> <p>(4) A Planning Proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>:</p> <p>(a) Coastal wetlands and littoral rainforests area map;  (b) Coastal vulnerability area map;  (c) Coastal environment area map;  and  (d) Coastal use area map.</p> <p>Such a Planning Proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a <i>Coastal Zone Management Plan</i> under the <i>Coastal Protection Act 1979</i> that continues to have effect under clause 4 of Schedule 3 to the <i>Coastal Management Act 2016</i>.</p>	<p>✓</p> <p>✓</p>	<p>(3) Not applicable.</p> <p>(4) Not applicable.</p>
<p><b>Direction 4.3 Planning for Bushfire Protection</b></p> <p>(1) In the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to</p>	<p>✓</p>	<p>See Section 5.3.2.2 of this report for discussion of bush fire risk management.</p>

Ministerial Directions		
Direction	Consistent	Comments
<p>undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&amp;A Act, and take into account any comments so made.</p> <p>(2) A Planning Proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2019</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</p> <p>(3) A Planning Proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the Planning Proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural</i></p>		

Ministerial Directions		
Direction	Consistent	Comments
<p><i>Fires Act 1997</i>), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>		
<p><b>Direction 4.4 Remediation of Contaminated Land</b></p> <p>(1) A Planning Proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the Planning Proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the Planning Proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the Planning Proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>In order to satisfy itself as to paragraph 1(c), the planning</p>	✓	<p>The contaminated Land Management Act 1997 (CLMA), for the most part, is grounded on the principle that the person/body responsible for the contamination is the person/body responsible for its remediation. The CLMA provides a framework for the management of contaminated land in NSW in the following ways:</p> <ul style="list-style-type: none"> <li>• Sets out the accountabilities for identifying, managing and remediating contaminated land. In general terms,</li> <li>• Sets out the role of the EPA in the assessment of contamination and the supervision of the investigation and management of contaminated sites,</li> <li>• Provides for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land, and</li> <li>• Ensures that contaminated land is managed with regard to the principles of ecologically sustainable development.</li> </ul> <p>The land is not within an investigation area, is not being used, or has been used for any of the activities listed in Table 1 of Appendix 1 of the guidelines, and the proposed land use is not residential, educational, recreational or childcare purposes, or for the purposes of a hospital. The Planning Proposal does not involve a change of zone.</p>

Ministerial Directions		
Direction	Consistent	Comments
<p>proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p>		<p>The expanded proposal will occupy an area of the property which has been used historically for limited grazing and storage of farm materials and equipment.</p> <p>A preliminary site investigation has not been commissioned at this stage. This can be undertaken if required by any Gateway Determination, though the location of the future function centre has only ever been used for grazing and is as such considered at low risk of contamination.</p>
<p><b>Direction 4.5 Acid Sulfate Soils</b></p> <p>(1) The relevant planning authority must consider the <i>Acid Sulfate Soils Planning Guidelines</i> adopted by the Planning Secretary when preparing a Planning Proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(2) When a relevant planning authority is preparing a Planning Proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the <i>Acid Sulfate Soils Planning Guidelines</i> adopted by the Planning Secretary, or</p> <p>(b) other such provisions provided by the Planning Secretary that are consistent with the <i>Acid Sulfate Soils Planning Guidelines</i>.</p> <p>(3) A relevant planning authority must not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps</p>	✓	<p>As shown on the map extract below, the subject land is identified under the Port Stephens LEP 2013 as containing the following acid sulphate soil groups:</p> <ul style="list-style-type: none"> <li>• Class 1 – low alluvial flats adjoining Paterson River.</li> <li>• Class 3 – rising slope from alluvial flats to the high point of the site between RL's 2.5m and 7.5m AHD.</li> <li>• Class 5 – All land west of RL 7.5m AHD.</li> </ul> <p>The risk of encountering acid sulphate soils on the site is highest on the river flats and reduces with increasing distance upslope from the river.</p> <p>The map extract below shows that the built development footprint – proposed function centre is to be located within the Class 5 soil group above RL 7.5m AHD. Wastewater disposal will occupy the area above RL 4.6m and will be located within the Class 3 soil group.</p> <p>It is not anticipated that works on the site will require excavation or exposure of soils greater than 1.0m below natural ground level. The requirement for an 'acid sulphate soils management plan' as set out in Clause 7.1 of the Port Stephens LEP is not triggered on the basis that the risk of encountering and exposing these soils is low.</p> <p>An 'On-site Wastewater Management Report' dated 19 June 2023 prepared by GSL</p>

Ministerial Directions		
Direction	Consistent	Comments
<p>unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the Planning Proposal must contain provisions consistent with 2(a) and 2(b).</p>		<p>Environmental undertook testing of soils in the proposed wastewater management zone on the site and identified mildly acidic soils which would benefit by the application of lime and gypsum to encourage improved plant growth as part of its use as a wastewater application area.</p> 
<b>Focus Area 5: Transport and Infrastructure</b>		
<p><b>Direction 5.1 Integrating Land Use and Transport</b></p> <p>(1) A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	✓	<p>The subject site is not urban land and this direction is therefore not applicable.</p>
<b>Focus Area 9:</b>		
<p><b>Direction 9.1 Rural Zones</b></p> <p>(1) A Planning Proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5</p>	✓	<p>Not proposed.</p>



Ministerial Directions		
Direction	Consistent	Comments
Metropolitan Centre, W4 Working Waterfront, village or tourist zone.		
<b>Direction 9.2 Rural Lands</b>  (1) A Planning Proposal must: <ul style="list-style-type: none"> <li>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</li> <li>(b) consider the significance of agriculture and primary production to the State and rural communities</li> <li>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</li> <li>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</li> <li>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> </ul>	<p>The subject site is not in Lake Macquarie, Wollongong or in an applicable Greater Sydney Regional LGA. The subject site is within a rural zone.</p> <p>(a) See Sections 5.2.1, 5.2.2, 5.2.3 and 5.2.4 of this report.</p> <p>(b) The subject site has been used historically for limited grazing and cultivation of the lower flats adjoining the Paterson River. These agricultural activities are at a relatively small scale and not economically viable in and of themselves.</p> <p>(c) See Sections 5.3.1 and 5.3.2 of this report and Appendix B – Biodiversity Assessment. There will be no impact.</p> <p>(d) The location of the future function centre has been chosen having regard to these aspects and found to be highly suitable.</p> <p>(e) The HRP seeks to promote those types of rural enterprises that have a synergy with agriculture – things like, farm stays, camping or farm gate trails, along with larger visitor economy activities and events. The proposed ‘function centre’ is type of development contemplated by the HRP in the promotion of rural enterprises and diversification and is particularly suitable in the Hinterland District.</p> <p>The proposal is a good ‘fit’ in its local context taking into account the circumstances of the case – the nature and</p>

Ministerial Directions		
Direction	Consistent	Comments
		pattern of adjoining land uses, the development consent history of the site, the ability of the proposed development to integrate with and operate harmoniously within its rural setting and the opportunity it provides to grow and support the local economy.
(f) support farmers in exercising their right to farm	✓	(f) See LUCRA at Appendix A, which concoudees that the proposal <i>'will be appropriate for the site and its setting and is unlikely to result in adverse impacts on surrounding properties or the agricultural use of surrounding land'</i> .
(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use	✓	(g) The proposal does not involve the fragmentation of rural land. See LUCRA at Appendix A for consideration of the risk of land use conflict.
(h) consider State significant agricultural land identified in chapter 2 of the <i>State Environmental Planning Policy (Primary Production) 2021</i> for the purpose of ensuring the ongoing viability of this land	✓	(h) Not affected.
(i) consider the social, economic and environmental interests of the community.	✓	(i) See Section 5.3.3 of this report.
(2) A Planning Proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:	✓	(2) Not applicable.
(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses		
(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including		

Ministerial Directions		
Direction	Consistent	Comments
supporting infrastructure and facilities that are essential to rural industries or supply chains (c) where it is for rural residential purposes: i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres ii. is necessary taking account of existing and future demand and supply of rural residential land.		

**Table 9 – Consistency with Ministerial Directions**

### 5.3 Section C – Environmental, Social and Economic Impact

#### 5.3.1 Impacts on Critical Habitat or Threatened Species, Populations or Ecological Communities, or Their Habitats

***Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?***

A small part of the subject site, along Paterson River, is mapped a 'Biodiversity Values'. The site is also mapped as containing PCT 3083 - Lower Hunter Tuckeroo Riparian Rainforest, which is associated with state listed Threatened Ecological Community (TEC) Lower Hunter Valley Dry Rainforest in the Sydney Basin and NSW North Coast Bioregions, and Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions, as well as the federally listed Critically Endangered Lowland Rainforest of Subtropical Australia.

MJD Environmental (MJD) was engaged to carry out a biodiversity assessment of the site and proposed location of the function centre, and to determine the need for a Biodiversity Development Assessment Report (BDAR). A copy of the MJD Biodiversity Assessment can be found at Appendix B.

To determine whether the groundcover within the study is of Low Conservation Value (LCV) (Category 1 – exempt), an ecologist from MJD Environmental attended the site on the 13 August 2024 and identified LCV using two methods –

- a) Interim Grasslands and other Groundcover Assessment Method (IGGAM) and;
- b) A 20 x 20 m floristic vegetation plot as per BAM 2020.

MJD made the following conclusions relating to the site and potential for impacts of the proposal in native flora and/or fauna:

*'The proposed footprint for the function centre contained a mix of native and exotic ground cover species, however, predominately exotic species were recorded. Canopy species within the lot are planted as either a wind break or as ornamental individuals. Furthermore, the pasture is poor condition as the paddock is actively grazed by cattle and therefore unlikely to support biodiversity.'*

*Due to the level of disturbance on the site and the historical land use practices it is not expected that threatened species listed under either the BC Act or the EPBC Act would be present on the site or impacted by the proposal'.*

### 5.3.2 Any Other Likely Environmental Effects

***Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

#### 5.3.2.1 Flooding

The subject site is located on the left floodplain of the Paterson River, around 3km upstream of Dunmore Bridge at Woodville. The topography of the local floodplain is flat and low-lying, characterised by alluvial deposition and raised flood levee embankments. The western boundary of the site is adjacent the Paterson River and includes a section of the levee embankment on the left bank of the river at a crest level between 7 to 7.5m AHD. A low-lying flood channel east of the levee runs through the site with elevations down to ~1m AHD. The existing residential and farm buildings, and location of the proposed function centre, are on a higher spur of ground in the centre of the site typically above 9m AHD elevation. A small local catchment drains through the eastern portion of the site across the existing access road and bridge structure and through an on-site dam to the crossing of Paterson Road at the south-east corner of the site. The lowest elevation of the access road is ~4.6m AHD.

A Flood Impact and Risk Assessment (Flood Assessment) has been prepared by Torrent Consulting and accompanies the Planning Proposal. A copy of this can be found at Appendix C. This notes that the proposed function centre location will remain flood free for major flood events including the 1% AEP event and even almost up to the PMF event. There is no filling of flood prone land required and the proposed function centre will have no impact on existing flood conditions.

The Flood Assessment notes that the proposed development provides for flood free area above the PMF level providing for suitable refuge. Accordingly, there is no direct flood risk to patrons on the Site and the proposed development would perform appropriately as a “shelter-in-place” environment. It does; however, state that the preferred flood risk management approach is to not have patrons on the site during major flood events given the potential isolation issues. This is expected to be achieved via site closure prior to an event or effective flood evacuation with appropriate early flood warning.

Evacuation from the site to prevent becoming isolated by flood waters is required before the Major Flood level threshold is exceeded at either the Maitland or Gostwyck Bridge gauges.

The BoM *Service Level Specification for Flood Forecasting and Warning Services for New South Wales and the Australian Capital Territory* (2015) provides a target flood warning time for quantitative flood level predictions of:

- Gostwyck - 12 hours prior to reaching 9.1m AHD trigger level (Minor flood event classification)
- Maitland - 24 hours prior to reaching 7.1m AHD trigger level (between Minor and Moderate flood level classification).

The service level specifications indicate the Gostwyck gauge for Paterson River flooding to potentially provide the shortest flood warning availability for the Site. However, this is expected to provide at least a 12-hour lead warning time prior to the Paterson Road access to the Site being isolated.

On the Paterson River the modelled travel time between Gostwyck Bridge and Dunmore Bridge is around 15 hours. Therefore, in the event of either a Hunter River or Paterson River flood, a 24-hour warning time may be available prior to the site access being cut. This lead warning time provides opportunity for events to be cancelled prior to expected flooding or enable the effective evacuation of the Site in the event that patrons are on Site during a flood event.

It is envisaged a formal Flood Emergency Response Plan (FERP) will be required as part of a future development application and included in consent conditions.

Given the proposed development is effectively flood free at up to the PMF there are no development controls that impact the proposal in addressing a direct flood risk. However, there are higher level planning controls considering the evacuation and isolation risk.

NSW Planning Ministerial Direction 4.1 provides direction on how to consider flooding implications when considering Planning Proposals on land identified within a flood planning area or below the probable maximum flood (extreme event).

The Flood Assessment has demonstrated the proposed development is not located in floodway, does not impact on existing flood conditions, does not provide for additional dwelling density or be a sensitive use. The available flood warning provides for a proposed flood emergency response that enables patrons and staff for the proposed function centre to not be on site during an event either by pre-event cancellation or effective evacuation prior to access road inundation. Accordingly, there is no need to provide flood free access to or within the site.

The existing low point on the access road within the site is ~4.6m AHD. Raising the road to 5.0m AHD provides 1% AEP flood immunity for the local catchment flooding conditions. This level also ties in to the existing bridge level. Raising the access road further or providing an alternate access doesn't provide any benefit given the flood level immunity on Paterson Road.

The principal flood response strategy for the site remains the cancellation of events to not have people on site given the available warning for the mainstream river flooding. For the flash flooding conditions, critical durations are short given the size of the local catchments such that there is no significant isolation risk, noting the site access road will provide a 1% AEP flood immunity.

The Flood Assessment concludes:

*'The flood assessment has determined that the proposed development is compatible with the existing flood hazard and does not result in adverse off-site flood impacts. The proposed function centre buildings [will be] located above the Flood Planning Level and as such the risk to property is readily managed. The proposed development also provides for flood free area above the PMF level such that there is no major risk to life for occupants of the site.'*

*The principal flood risk is associated with isolation of the site is the site access and local roads are cut at events in excess of the 20% AEP event. However, given the available flood warning time (>12-hours via the BoM Flood warning Network), sufficient lead time is available to evacuate the site prior to loss of local flood access. Notwithstanding this evacuation opportunity, the availability of early flood warning enables events booked in at the site to be cancelled prior to commencement.*

*A Flood Emergency Response strategy has been outlined which may have been developed based on homeowners of the proposed dwelling developing a Home Emergency Plan using the online tool provided by the SES. To ensure timely flood warning in advance of a required evacuation,*

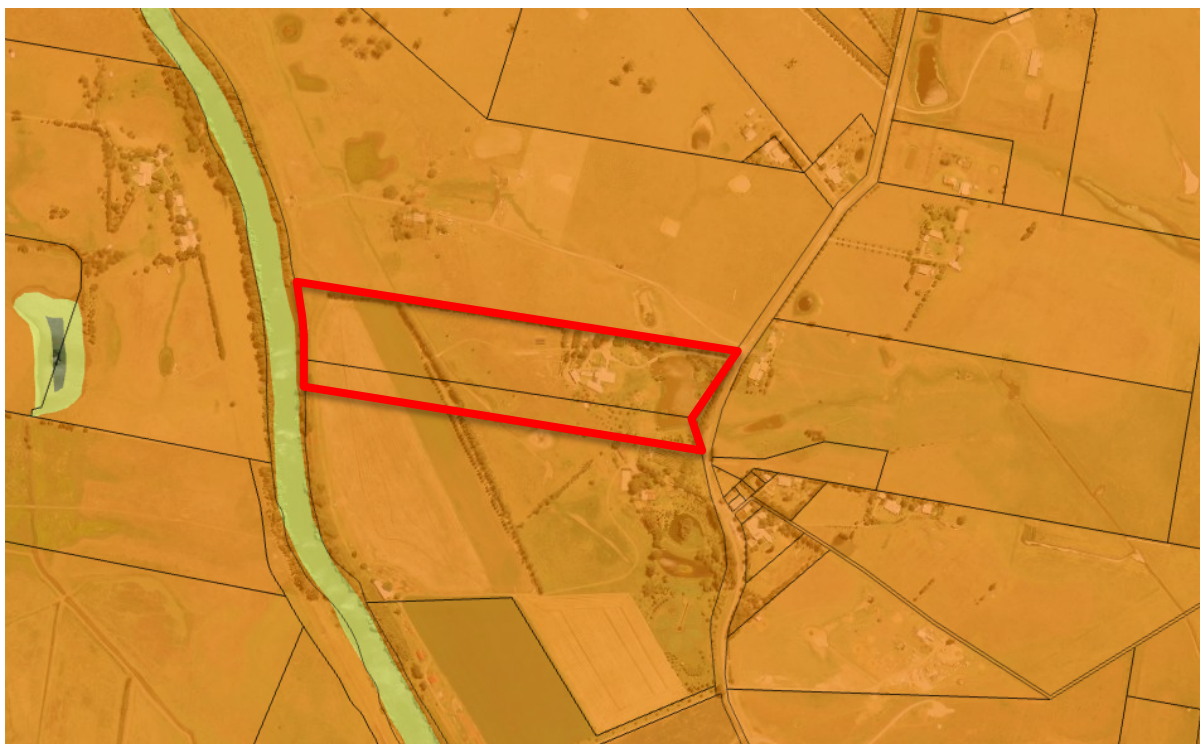


*homeowners should set themselves up to receive RSS (Really Simple Syndication) feeds from the BoM New South Wales & ACT Warning service. Evacuation from Site should be executed in the event of a Major flood warning being issued for either Maitland or Gostwyck Bridge.*

*Accordingly, the proposed development is considered to be compatible with the known flood risk.'*

### 5.3.2.2 Bushfire

The subject land is identified under the as being Bushfire Prone Land – Vegetation Category 3, as shown in Figure 13.



**Figure 13 - Bushfire Prone Land Map Extract**

A 'Bushfire Safety Authority' under Section 100B of the Rural Fires Act 1997 would not be required for the function centre development on the basis that the development does not involve subdivision of land, is not for a residential/rural residential purpose, and is not for a 'special fire protection purpose' as defined by the Rural Fires Act. The function centre development would not be deemed 'integrated' development under Clause 4.46 of the Environmental Planning and Assessment Act 1979. Notwithstanding, Section 4.14 of the Environmental Planning and Assessment Act 1979 requires development for all other purposes to conform with the specifications and requirements of Planning for Bushfire Protection (PBP) 2019. Confirmation must be provided by a suitably qualified consultant. In this regard, a Bushfire Assessment Report (BAR) has been prepared by MJD Environmental and a copy can be found at Appendix D.

The BAR assessed vegetation in and around the site, to a distance of 140m, in accordance with PBP and a site inspection and found that *'historical grazing and current agricultural use of the land has resulted in vegetation within the site predominantly consisting of exotic forb and pasture species as well as an array of planted individuals within the manicured gardens and along wind breaks of the site'*. As such, the vegetation classification in all directions is 'Grassland Vegetation'. The effective slopes of the site are:

Direction	Vegetation Classification	Slope Class
North	Grassland Vegetation	0-5° Downslope (-0.2°)
East	Grassland Vegetation	Upslope (0.6°)
South	Grassland Vegetation	5-10° Downslope (-6.3°)
West	Grassland Vegetation	0-5° Downslope (-6°)

While bushfire protection measures do not apply to Class 5-8 buildings, the following objectives have been applied in relation to access, water supply and services, and emergency and evacuation planning:

- to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;
- to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;
- to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building; and
- provide for the storage of hazardous materials away from the hazard wherever possible.

The BAR concludes that the proposed development *'will be able to meet the performance criteria for acceptable solutions for commercial development, giving due regard to the requirements of Chapter 8 of PBP 2019, specifically Section 8.3.1. A suitable package of BPMs has been developed that is commensurate with the assessed level of risk to the development'*.

The proposed function centre is also considered likely to trigger the provisions of Section 8.3.11 of PBP relating to *Public Assembly buildings* with floor space area greater than 500m<sup>2</sup>. The use is not defined as a Special Fire Protection Purpose (SFPP) under the provisions of the Rural Fire Act and its Regulations and does not require a Bush Fire Safety Authority (BFSA) but requires referral to the RFS under Section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The following recommendations are made to ensure the future function centre can comply with PBP:

#### *Asset Protection Zones*

- *An APZ of 45m is to be established to the north, south and west. A 36m APZ is to be established to the east.*
- *The entire development site will be managed as an IPA for the life of development.*
- *A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the site as set out in Table 6.8d of PBP 2019 and consistent with the NSW RFS document A Guide to preparing a Bush Fire Emergency Management and Evacuation Plan. A copy of the Bushfire Emergency Management and Evacuation Plan is to be provided to the Local Emergency Management Committee prior to occupation of the development.*

#### *Access*

- *Existing access arrangements from Paterson Road will be maintained as part of the proposal. It is noted that the existing bridge within the site does not have a compliant width as per the requirements for access listed in Appendix 3 of PBP 2019. It has a width of 3m rather than the required 3.5m width. A Performance Solution has been prepared by MJD Environmental and accompanies the BAR. This outlines compliance with the objectives of the PBP access controls.*

- *The weight capacity of the bridge within the site is sufficient to carry a fully loaded firefighting vehicle (up to 23 tonnes); the bridge is to have its load capacity clearly indicated.*

#### *Services – Water supply, Gas and Electricity*

- *Reticulated water is not available to the site and therefore a 10,000 litre minimum static water supply for firefighting purposes is to be provided for each occupied building.*
- *The Site shall be connected to the existing power supply.*
- *Any future gas connection will be installed in accordance with the provisions of PBP (2019).*
- *Any water storage tanks [where provided] are to include connection points in accordance with PBP (2019) and be readily accessible and clearly marked. If pumps are to be made available, they must be regularly maintained and in good working order.*

#### *Landscaping*

- *Careful consideration of future site landscaping and ongoing fuel management must occur to minimise the potential impact of bushfire on the Site.*
- *Ongoing fuel management across the Site as part of the maintenance regime should give due consideration to Appendix 4 Asset Protection Zone Requirements of PBP (2019) which provides guidance on maintenance activities to assist in achieving the landscape principles.*

#### *Emergency Management*

- *A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the site as set in Table 6.8d of PBP 2019 and consistent with the NSW RFS document. A Guide to Preparing a Bush Fire Emergency Management and Evacuation Plan. A copy of the Bushfire Emergency Management Plan is to be provided to the Local Emergency Management Committee (LMEC) prior to occupation of the development.*

The BAR concludes that the proposed development is 'able to meet the performance criteria for acceptable solutions for commercial/industrial development, giving due regard to the requirements of Chapter 8 of PBP 2019, specifically section 8.3.1 and 8.3.11. A suitable package of BPMs has been developed that is commensurate with the assessed level of risk to the development.

#### **5.3.2.3 Noise**

In relation to potential noise impacts, a Noise Impact Assessment (NIA) has been prepared by Reverb Acoustics and a copy can be found at Appendix E. This assumes a maximum of 180 guests and function hours of 9am-11:30, with amplified music ceasing at 10pm.

The NIA discusses the background and ambient noise levels at the front of the subject site in Paterson Road and models impacts on sensitive receivers surrounding the subject site against the EPA's Noise Policy for Industry (NPfI).

The existing background noise is dominated by traffic on nearby roads, agricultural activity and some commercial/light industrial noise sources during the day, evening and night.

The potential sources of noise from the proposed function centre would be:

1. Mechanical plant (air conditioning, kitchen exhaust etc)

2. Amplified entertainment/music/DJ
3. Background music
4. Vehicles.

The final function centre design and layout will have input from Reverb Acoustics to ensure sensible design that considers the amenity of nearby neighbours. Strategies will include positioning the function room break-out areas and recreational areas on the south side of the building facing away from nearest residences and/or in shielded locations. With these strategies implemented, recommended construction methods utilised, and ceasing of amplified entertainment at 10pm, the assessment considers that a function centre with amplified entertainment (music/DJ) will be compliant with the relevant criteria, ensuring there will be no intrusive noise at the nearest sensitive receivers.

The NIA considers the cumulative noise impact from activities associated with the proposed function centre and predicts compliance with the relevant criteria at all nearby receivers, providing the recommended noise controls detailed in Section 4 are incorporated into the design of the site.

The NIA concludes that *'the site is suitable for the intended purpose, providing recommendations outlined in this report are incorporated into the design. With these or equivalent measures in place, noise from the site will be either within the criterion or generally below the existing background noise level in the area for the majority of the time'*.

The recommendations of the NIA can be incorporated in the future design of the proposed function centre and implemented through conditions of consent associated with a future development application.

#### 5.3.2.4 Riparian Management

As per the Water Management Act 2000 (WM Act) and the NSW DPIE – Controlled Activities – Guidelines for riparian corridors on waterfront land (2022) potential impacts to waterfront land are to be assessed by the Natural Resources Regulator (NRAR). Waterfront land includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary.

MJD Environmental has prepared a Biodiversity Assessment, which can be found at Appendix B. A desktop assessment and site visit were carried out. MJD concluded that *'the function centre is proposed to occur further than 40 m from the Paterson River and the second order stream which runs north to southeast, east of the site and through the man-made dam at the front of the property. Therefore, the proposal will not impact any waterfront land, and no Vegetated Riparian Zones (VRZ) are required to be established in accordance with the provisions of the Water Management Act'*.

#### 5.3.3 Social and Economic Effects

##### **Q10. Has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal will not create any adverse social impacts. It will allow an approved temporary land use/business that has a synergy with agriculture to invest into its future and promotion of rural enterprises and diversification suitable in the Hinterland District.

The proposal is a good 'fit' in its local context taking into account the circumstances of the case – the nature and pattern of adjoining land uses, the development consent history of the site, the ability of

the proposed development to integrate with and operate harmoniously within its rural setting and the opportunity it provides to grow and support the local economy.

The formalisation and expansion of the wedding ceremony operations and allowance of other functions on the subject site will provide a source of employment and income for a venue manager and the required support staff, together with the property owners.

The Planning Proposal provides a balance between the continued economic benefits associated with the wedding/function industry and the protection of rural amenity.

## 5.4 Section D – Infrastructure

### *Q11. Is there adequate public infrastructure for the planning proposal?*

Electricity and telecommunications infrastructure are available to the site. The site has legal frontage to, and access from, Paterson Road, which is a sealed rural road with a speed limit of 60km/hr along the frontage of the site.

Reticulated water and sewer are not available to the site, with rainwater tanks provided for water and on-site sewerage management system provided for the treatment of sewerage. An on-site waste water disposal report prepared in June 2023 concluded that the site is suitable for an on-site waste water management system. An on-site waste water management strategy will be developed at development application stage to ensure that soil quality, water quality and any potential run-off is within relevant environmental thresholds.

No additional community or social infrastructure is required as a result of the proposal.

## 5.5 Section E – State and Commonwealth Interests

### *Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

See comments from relevant authorities in Section 1.3 of this report. No federal authorities have been or need to be consulted.

# 6.0 Community Consultation (Part 5)

The landowners of the following properties have been consulted about the proposal to allow a function centre within the subject site.

- 895 Paterson Road
- 896 Paterson Road
- 876 Paterson Road
- 866-866B Paterson Road
- 864 Paterson Road
- 870 Paterson Road
- 860 Paterson Road



- 837 and 869 Paterson Road
- 532 Tocal Road, Mindaribba
- 510 Tocal Road, Mindaribba
- 496 Tocal Road, Mindaribba
- 474 Tocal Road, Mindaribba.

A letter of support from the owner of 896 Paterson Road, directly opposite the vehicular entrance to the subject site, can be found at Appendix F.

Both the planning proposal and future development application for the function centre will be placed on public exhibition in accordance with a Gateway Determination, the requirements of Division 3.5 of the Environmental Planning & Assessment Act 1979, and Council's Community Participation Plan. These exhibitions, including all supporting documentation, will provide opportunity for adjoining neighbours and others to formally comment on the proposal.

## 7.0 Project Timeline (Part 6)

The indicative timeframe for the Planning Proposal is shown in Table 10 below.

Stage	Timing	Date
Stage 1 Pre-lodgement	50 working days	June 2024
Stage 2 Planning Proposal	95 working days	December 2024 – February 2025
Stage 3 Gateway Determination	25 working days	March 2025
Stage 4 Post-Gateway	50 working days	March - May 2025
Stage 5 Public Exhibition and Assessment	95 working days	May – August 2025
Stage 6 Finalisation	55 working days	August – September 2025

**Table 10 Indicative Project Timeline**

Stage	Timeframe and/or date
Consideration by council	November 2024
Council decision	TBC
Gateway determination	TBC
Pre-exhibition	TBC
Commencement and completion of public exhibition period	TBC
Consideration of submissions	TBC
Post-exhibition review and additional studies	TBC
Submission to the Department for finalisation (where applicable)	TBC
Gazettal of LEP amendment	TBC

## 8.0 Conclusion

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act and the NSW DPHI LEP Making Guidelines. The Planning Proposal is consistent with the applicable strategic planning framework, SEPPs and Ministerial Directions.

The Planning Proposal will allow the permanent use of part of the subject site as a function centre, along with extensive agriculture and ornamental gardens, reflecting the temporary and successful use of the site and surrounding sites for weddings over the past 5+ years. The Planning Proposal will also allow a function centre that caters for a broader range of function types (eg. corporate training, workshops etc) at times when weddings are not being catered for.

The successful outcome of this Planning Proposal will be an amended Schedule 1 'Additional Permitted Uses' of the LEP 2013 to include an additional permitted use, 'function centre', on Lot 10, DP 1035397, 893 Paterson Road, Woodville.

The Planning Proposal would not result in any adverse environmental, social or economic impacts. Rather, the formalisation and expansion of the wedding ceremony operations and allowance of other functions on the subject site will:

- provide a source of employment and income for a venue manager and the required support staff, together with the property owners,
- generate income to the local economy,
- bring people into the Port Stephens area,

while respecting the rural character and amenity of the locality.

The proposal will not undermine the Council's planning objectives for the RU1 Primary Production zone and will not set a precedent for similar LEP variations at a broader scale. Taken into consideration together with the history of development on the land and the unique characteristics of the site - all these factors contribute to making the proposal an entirely appropriate 'exception to the rule'.



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