

FILE NO: PSC2015-00487

TITLE: PORT STEPHENS RURAL RESIDENTIAL POLICY

POLICY OWNER: SECTION MANAGER, STRATEGY AND ENVIRONMENT

PURPOSE:

The purpose of this policy is to provide a framework for which Council can use to assess the appropriateness of rural residential development planning proposals in the short term.

This Policy should be read in conjunction with the Port Stephens Rural Residential Assessment Criteria (**APPENDIX 1**) (consistency with the Assessment Criteria constitutes consistency with the Policy).

CONTEXT/BACKGROUND:

Port Stephens Council is facing increasing pressure in relation to development and rezoning of rural lands for residential purposes. While existing studies and strategies have been carried out on existing rural lands, Council does not have a specific policy that deals with the social, economic and environmental challenges faced by rural residential land planning.

Rural residential development is one of the many housing types that contribute to the diversity and choice of housing in Port Stephens LGA and the Hunter Region. It does however require special consideration because rural residential development can have environmental, social and economic costs that are significantly higher than those of standard residential development.

The Hunter Regional Plan states it will provide guidance in local land use strategies for expanding rural villages and rural residential development so that such development will:

- not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;
- not impact on drinking water catchments;
- not result in greater natural hazard risk;
- occur on land that is unlikely to be needed for urban development;
- contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and
- facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.

It is considered that the long term planning around rural villages including appropriate zonings and lot sizes should be undertaken as part of the Port Stephens Planning Strategy review.

The Policy and Assessment Criteria provides a framework for which council can assess the appropriateness of rural residential development proposals in the interim of undertaking further work as part of the Port Stephens Planning Strategy review.

SCOPE:

This policy relates specifically to the following Council functions:

- Consideration of planning proposals (rezoning requests) in the short term;
- Inform appropriate land uses in the medium to long term as part of the Port Stephens Planning Strategy review; and
- Provide a policy position to further consult with the State Government to endorse rural residential development.

This Policy does not provide for additional subdivision and minor amendments to lot sizes, but rather provides a coordinated approach to the consideration of rezoning additional land in the Local Government Area for Rural Residential Development.

DEFINITIONS:

An outline of the key definitions of terms included in the policy.

Rural Residential Development Land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture.

Rural residential development is defined by a combination of land use zone including R5 Large Lot Residential and E4 Environmental Living and lot sizes between 4000m² up to 2 hectares.

Planning Proposal A request to amend the Port Stephens Local Environmental Plan 2013 is known as a planning proposal or rezoning application. This process involves a number of steps that include Council assessment, public and government agency consultation and approval from the NSW Department of Planning and Environment.



POLICY STATEMENT:

The Port Stephens Rural Residential Policy aims are:

- To provide a criteria for which Council can assess the appropriateness of rural residential development planning proposals in the short term.
- To provide Council and the community with further clarity around the future use and development of rural lands.
- To identify preferred areas physically suitable for rural settlement which are compatible with surrounding landuses.
- To ensure future development protects the environmental and cultural values of the area.
- To ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses.
- To ensure that rural residential development does not hinder the strategic development of urban settlements in the future.
- To ensure new developments can have access to an appropriate level of community services in a cost effective manner.

POLICY RESPONSIBILITIES:

- 1) Strategic Planning Team (policy review and planning proposal assessment).

RELATED DOCUMENTS:

- 1) Environmental Planning and Assessment Act 1979
- 2) State Environmental Planning Policy (Rural Lands) 2008
- 3) Hunter Regional Plan 2036
- 4) Port Stephens Planning Strategy 2011
- 5) Port Stephens Local Environmental Plan 2013

CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
RM8 container No	PSC2015-00487	RM8 record No	N/A
Audience	General		

Process owner	Strategy and Environment Section		
Author	Strategy and Environment Section Manager		
Review timeframe	Two years	Next review date	13/06/2019
Adoption date	13/06/2017		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	13/06/2017	Section Manager, Strategy and Environment	Adopted by Council on 13/06/2017	123

APPENDIX 1

RURAL RESIDENTIAL ASSESSMENT CRITERIA

The following assessment criteria outlines the key constraints that require consideration in the assessment of a planning proposal for rural residential development.

The assessment criteria includes two (2) types of criteria:

1. *Exclusionary Criteria* – where development is not appropriate due to land suitability, and proposals that are inconsistent with this criteria will require extensive justification at Planning Proposal stage;
2. *Management Criteria* - applies to constraints where further site specific assessment is required at planning proposal stage to determine whether rural residential development is appropriate such as, infrastructure requirements, environmental impacts and buffers to adjacent land uses. Such constraints are likely to require accompanying studies to justify the suitability of the planning proposal.

1.0 LAND TO WHERE THE ASSESSMENT CRITERIA APPLIES

- Zoned RU1 – Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living.
- Located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land.
- Any part of the landholding is located within 800 metres of existing R5 Large Lot Residential zoned land at the time this Policy was adopted"

2.0 EXCLUSIONARY CRITERIA

- Located within a Future Urban Growth Areas identified in a Local or Regional Strategic Plans, as they are proposed to be developed for urban purposes including land within (Karuah, Raymond Terrace, Medowie, Mallabula, Anna Bay, Nelson Bay and Fern Bay).
- Within a 2km distance from existing or planned major employment areas.
- Slopes greater than 18 degrees because of slope instability and clearing of vegetation are restricted under State legislation including the Native Vegetation Act 2003.
- Class 1 and 2 acid sulphate soils because of the high risk of exposing acid soils during dwelling and infrastructure construction.
- Below the flood planning level as identified on Councils Flooding Hazard map.
- High environmental value land including SEPP 14 Coastal Wetlands or local wetlands plus a 100 m buffer or any SEPP 71 Coastal Lakes.
- Noise exposure areas within an ANEF 25 or greater, in keeping with Australian Standards and Port Stephens Aircraft Noise Policy.
- Identified as Important Agricultural Land as defined by the Biophysical Strategic Agricultural land (BSAL) mapping prepared by the State Government for the purposes of Strategic Regional Land Use Planning.
- Located on known extractive industries, quarrying or mining or within a 500m buffer.
- Identified by the State Government as having known mineral resource potential in accordance with S117 Directions.

3.0 MANAGEMENT CRITERIA

Flooding

- Development that has the potential to be isolated in flood events, must demonstrate access to evacuation facilities via a public road that is given 24 hours warning of flood isolation.
- Development in floodprone areas are to identify minimum lot sizes that provide appropriate stock refuge in the event of flooding.

Bushfire

- Development on areas identified as bush fire prone on Councils Bush Fire Prone Land Map must demonstrate consistency with the planning principles for rezoning including the provision of contour map with Bushfire Attack Level (BAL) applied.

Environmentally Sensitive Land

- Development identified in SEPP 71 Coastal Zone needs to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development.
- Koala habitat areas and corridors are to be protected in accordance with the Port Stephens Comprehensive Koala Plan of Management.
- Development must not impact on native vegetation, endangered ecological communities, threatened species or habitats.
- Development must contribute to the conservation of important biodiversity values or the establishment of important biodiversity corridor linkages.

Aircraft Noise

- Development must include a provision to ensure that development meets AS 2021-2015 regarding interior noise levels in areas where the ANEF is between 20 and 25.

Non-Aboriginal Cultural heritage

- Development near items identified within the PSLEP 2013 need to consider the impact on heritage values, including the setting of the items and any archaeological remains.

Aboriginal Cultural heritage

- Any development should undertake an initial assessment of the likelihood of Aboriginal cultural heritage values including:
 - a search of the Aboriginal Heritage Information Management System (AHIMS);
 - Determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects;
 - Site inspections; and
 - Consultation with the Aboriginal community.

Drinking Water Catchments

- Development within a drinking water catchment must be able to be connected to reticulated sewer and able to demonstrate NorBE 'neutral and beneficial effect' in accordance with Hunter Water requirements.

Rural Land Resources

- Development is a minimum 1km buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) measured from property boundary to property boundary. Development proposed within the 1km buffer is required to provide expert reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks.

- Development must not impact on strategic or important energy, mineral or extractive resource viability.

Scenic Amenity

- A visual impact assessment is required for land within a high or very high landscape area as defined in the Rural Land Study.
- Development fronting road corridors to identify appropriate buffer zone to prevent clearing and protect scenic qualities.

Infrastructure and Services

- Development must be accessed via sealed roads.
- Development must not result in the creation of direct access to a state road.
- Local infrastructure contributions must not require a level of infrastructure greater than the nexus of apportionment and/or are equivalent to \$20,000 per lot, or less.
- Development must not create additional demand for unplanned state infrastructure upgrades.
- Development must be able to be connected to reticulated power supply.
- Development requiring on-site sewage disposal must be carried out in accordance with Councils Development Assessment Framework (DAF) for the management of on-site sewage management, which includes a performance standards and recommendations about appropriate areas.