



893 Paterson Rd, Woodville Planning Proposal

**Proposed amendment to Port Stephens Local
Environmental Plan 2013**

Additional Permitted Use at Lot 10 DP 1035397,
893 Paterson Road, Woodville



PORT STEPHENS
COUNCIL

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VERSION CONTROL

Version	Date	Details
1	March 2025	Planning proposal for lodgement with Department of Planning, Infrastructure and Housing.
2	September 2025	Amended post Gateway Determination

ATTACHMENTS

APPENDIX A – Land Use Conflict Risk Assessment (LUCRA)

APPENDIX B – Biodiversity Assessment

APPENDIX C – Flood Impact and Risk Assessment

APPENDIX D – Bush Fire Assessment Report

APPENDIX E – Noise Impact Assessment

APPENDIX F – Letter in support of proposal

APPENDIX G – Appendix G – Assessment Checklist From Appendix 1 of the NSW Coastal Design Guidelines 2023

Appendix H – Preliminary Site Investigation

FILE NUMBERS

Council: 58-2024-3-1

Department: PP-2024-2727

SUMMARY

Subject land: LOT 10 DP 1035397
893 PATERSON ROAD, WOODVILLE

Proponent: Wilson Planning

Proposed changes: Amendment to Port Stephens Local Environmental Plan 2013, 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.

BACKGROUND

The planning proposal seeks to amendment to Port Stephens Local Environmental Plan 2013 (LEP). 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, as a function centre.

There is currently a 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 1035937, 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 site 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.

There are some limitations to the existing arrangements, including the lack of a high quality reception / function venues for wedding parties and their guests. Wedding parties will often book the Woodville School of Arts Hall located on the opposite side of Paterson Road as a reception venue. Alternatively, they are forced to 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 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 LEP.

SITE

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 constructed lake surrounded by extensive ornamental gardens which provide a backdrop for the wedding ceremonies held within the site. The western 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' (BV).

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.

The subject site is adjoined by rural properties that are 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 2ha that were created under historical LEP provisions which allowed the excision of 'concessional' allotments from larger rural holdings. A description of each of the sites is included below.

- 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 1 – 893 Paterson Rd, Woodville (land the subject of the planning proposal is shown in red)

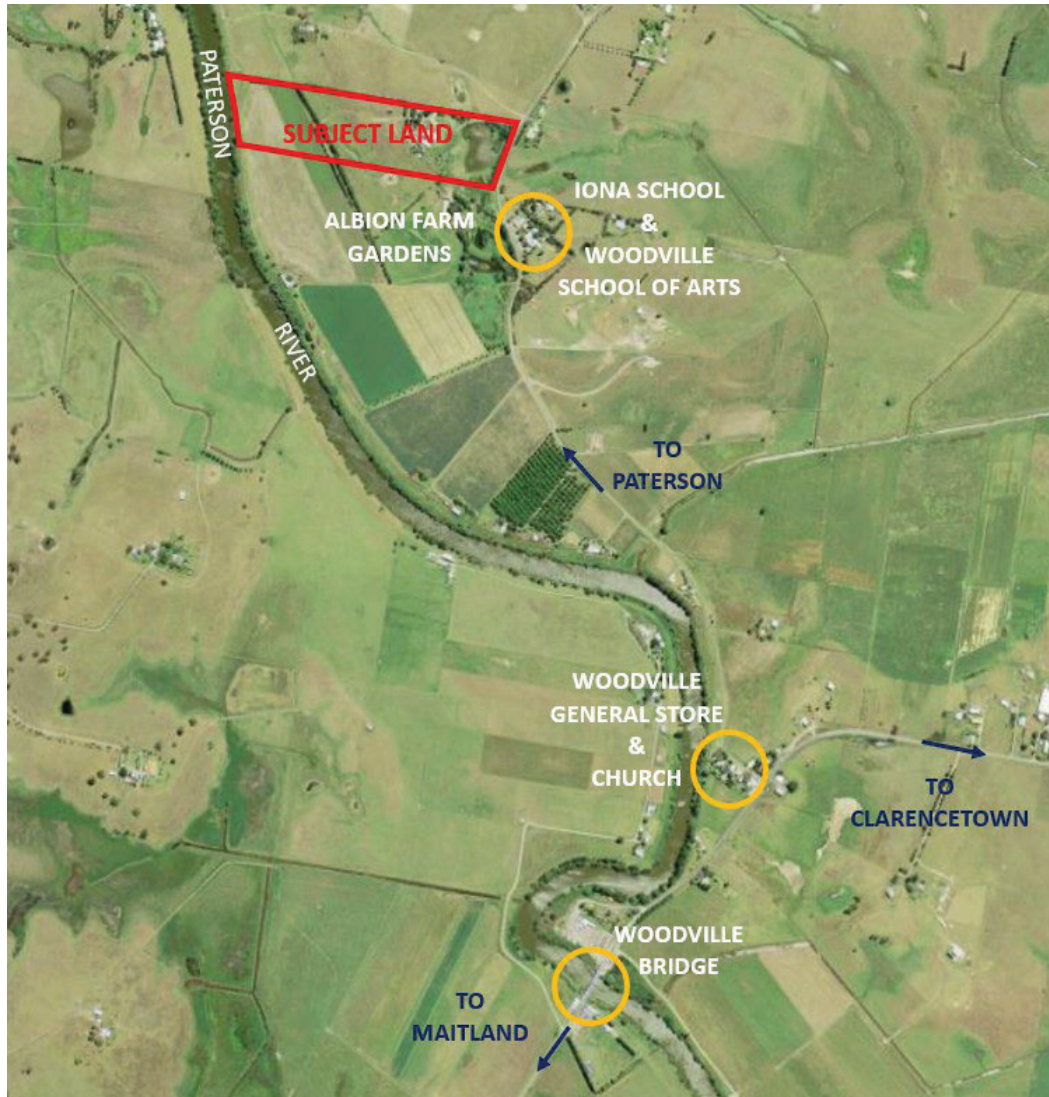


FIGURE 2 – Entry driveway and bridge over constructed lake, with main residence behind



FIGURE 3 – Constructed 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



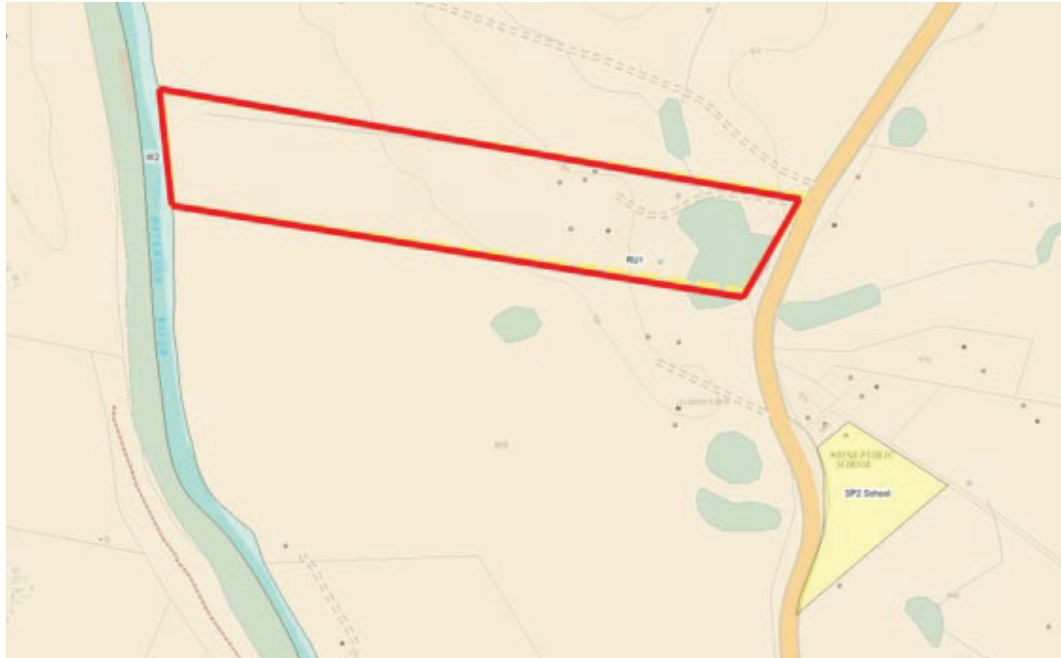
FIGURE 5 – Lower section of the site at the rear, along Paterson River, used for grazing and cultivation



FIGURE 6 – The Paterson Road frontage of the site, with the existing access to the site to the right of the photo



FIGURE 7 – Zoning extract showing the site in the RU1 zone



PART 1 – Objectives or intended outcomes

The planning proposal seeks to achieve the following outcomes:

- The proposal will allow the site, with consent, to have a function centre.

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

PART 2 – Explanation of provisions

The objectives of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

LEP Provision	Amendment	Explanation
Schedule 1 'Additional Permitted Uses'	Use of certain land at Paterson Road, Woodville (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.

The Additional Permitted Uses Map	Identify the subject site as a 'function centre' on the Additional Permitted Uses Map.	Identify function centres as being permitted with development consent on the subject site.
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PART 3 – Justification of strategic merit and site specific merit

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The proposal promotes rural enterprises and diversification of the rural economy, an objective of the Hunter Regional Plan (HRP); and aligns with Priorities 2 and 3 of the Port Stephens Local Strategic Planning Statement (LSPS), theme P1 of the Port Stephens Community Strategic Plan (CSP), and the Economy theme in the Port Stephens Hinterland Place Plan (HPP).

The planning proposal will:

- Enable continuation and augmentation of an existing land use activity that is developing as a 'destination' site within the Woodville locality, 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 affecting the ability of the land to be used for extensive agriculture.
- 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 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.

Amending the LEP to allow an additional permitted use is the only option available to permit the marriage ceremonies on a permanent basis and permit the development for a function centre.

Section B – Relationship to the strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?

The planning proposal will give effect to the strategies and actions of the applicable objectives and priorities detailed in the HRP 2041, as outlined below.

Hunter Regional Plan 2041

The planning proposal is consistent with the Hunter Regional Plan (HRP) 2041.

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, Planning Priority 2 is to promote rural enterprises and diversification. It seeks to promote those types of rural enterprises that have a synergy with agriculture, for example, farm stays, camping or farm gate trails, along with larger visitor economy activities and events.

The proposed ‘function centre’ is the type of development contemplated by the HRP in the promotion of rural enterprises and diversification and is particularly suitable in the Hinterland District.

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.

The proposal is appropriate in its local context, for example, 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 planning proposal is also consistent with the following Part 2 Objectives as set out in the table below.

HRP Part 2 Objectives	Comment in context of proposal
Objective 6 - Conserve heritage, landscapes, environmentally sensitive	The Biodiversity Development Assessment Report (Appendix B) confirms that the proposed location of the future

areas, waterways and drinking water catchments.	development will avoid the Biodiversity Values on the site.
Objective 8 - Plan for businesses and services at the heart of healthy, prosperous and innovative communities.	The proposed function centre will attract visitors from outside the Port Stephens Local Government Area (LGA) who will potentially seek accommodation and visit other local attractions.
Objective 9 - Sustain and balance productive rural landscapes.	The extensive gardens of 'Gracemere' and Albion Farm have been in a constant state of expansion and revision since the mid-1970's (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. Additionally, the 'temporary' consent in September 2018 over the properties for the conducting of wedding ceremonies was an opportunity to trial the events to determine whether the operation would be suitable 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. 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. The rural occupation of the land requires the owners to generate additional income via the function centre and off-site sources of income. Additionally, both Dungog LEP and Gloucester LEP (who have large rural land holdings) permit function centres in the RU1 Primary Production zone, indicating that function centres can co-exist with

	agricultural land uses and any potential conflicts can be appropriately managed.
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Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with the LSPS, CSP and HPP as outlined below.

Port Stephens Local Strategic Planning Statement

The 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. The parts of the LSPS which have relevance to the planning proposal are listed in the table below:

Port Stephens Local Strategic Planning Statement	
Relevant planning priority	Comment in context of proposal
Priority 2: Make business growth easier	
- 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. - 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. - Council commits to assessing rezoning requests consistent with local strategies. In this case the Council will need to consider the: - Port Stephens Community Strategic Plan 2022-2032	Albion Farm Gardens and Gracemere have become successful small businesses and are looking to expand their capacity and improve the standard of facilities and level of service they provide. Relocating the business to another location is not a practical or viable alternative as the business has grown around the gardens, which have taken decades to establish. The gardens provide a setting for weddings that is distinct from that of the vineyards district within the Cessnock and Singleton LGAs. The formalisation and expansion of the wedding ceremony operations to full functions on the subject site will provide a source of employment and income for future staff.

• Port Stephens Hinterland Place Plan	
Priority 3: Support Tourism and Attract Events	
• Council recognises the importance of tourism to the local economy and the recent interest and investment in emerging tourist markets. • Council commits to investigating opportunities to facilitate land uses that can support the tourist and visitor economy.	The existing wedding ceremony venue 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 visitors 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. The function centre has the ability to act as a catalyst for tourism more broadly for the region.
Priority 9: Protect and Preserve Productive Agricultural Land	
• Council recognises the importance of the agricultural sector to the local economy in terms of its output and also as a source of employment. • 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. • Managing the impacts of new development in some areas requires assessing potential land use conflicts to ensure existing and potential agricultural uses are protected. • The Council commits to review local plans to encourage niche commercial, tourist and recreation activities that complement and promote agricultural industries.	In 2022, Council undertook an amendment of the LEP 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. 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. The proposed 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. A Land Use Conflict Risk Assessment (LUCRA) has been

	carried out and can be found at Appendix A. This concludes that the proposal 'will be appropriate for the site and is unlikely to result in adverse impacts on surrounding properties or the agricultural use of surrounding land'.
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Port Stephens Community Strategic Plan 2022-2032

The CSP guides the planning and reporting activities of the Council to meet its Integrated Planning and Reporting framework obligations under the NSW Local Government Act.

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 planning proposal, are discussed in the table below.

Port Stephens Community Strategic Plan 2022-2032	
Relevant Theme	Comment in context of proposal
Our Place	
P1 Strong economy, vibrant local businesses, active investment.	"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. The expansion of the operation to provide a fully equipped formal function venue containing 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. The business, which is already a success in a temporary sense, is one that warrants support for the employment it will generate and the income it bring to the local economy

	The formalisation and expansion of the wedding ceremony operations to full functions on the subject site will provide a source of employment and income for future staff. 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.
Our Environment	
E3 Environmental resilience	The land is subject to the following risks: • Bush Fire Prone Land • Flood Prone Land. 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.

Port Stephens Hinterland Place Plan (HPP)

The HPP was developed 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 CSP.

The Hinterland encompasses the agricultural and rural/bushland landscape connecting the Hunter, the Williams and the Paterson Rivers.

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

Port Stephens Hinterland Place Plan	
Relevant Theme	Comment in context of proposal
Economy: New experiences and distinct business opportunities	
This theme identifies the importance of tourists and visitors to the economy and 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".	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.

	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. The proposal would allow for the formalisation of the temporary 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. Visitors 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. The proposal has the ability to display and support the outputs of other local businesses, for example, the use of locally produced food in the function centre.
Environment: Protection and conservation of our environment	
This theme identifies that the rural and natural landscape in the Hinterland is important to the community	The planning proposal will have no major impacts on native vegetation, wetlands, riparian corridors. Any impacts on the rural landscape can be assessed during the assessment of a development application and there is considered adequate setbacks from the road and neighbours to mitigate potential impacts.
Character: The Hinterland and our unique identity	

The theme identifies the importance of the unique identity of the villages that make the Hinterland.	Gracemere and Albion Farm have established themselves as part of the distinctive character and fabric of Woodville. The planning proposal 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.
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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.

Q6. Is the planning proposal consistent with applicable SEPPs?

An assessment of the relevant applicable SEPPs against the planning proposal is provided in the table below.

Table 1 – Relevant State Environmental Planning Policies (SEPP)

SEPP	Consistency and Implications
SEPP (Primary Production) 2021	
Chapter 2 Primary production and rural development Aims to support sustainable agriculture and aquaculture by facilitating the orderly, environmentally sustainable, and economic use and development of land for primary production and rural development	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.
SEPP (Resilience and Hazards) 2021	
Chapter 2 Coastal Management Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the <i>Coastal Management Act 2016</i> .	The planning proposal is consistent with this SEPP. The subject land is located in the upper estuary of the Paterson River as identified under the Hunter Estuary Coastal Zone Management Plan. The proposed development will have no discernible impacts on the estuarine environment with the proposed development footprint to be located approximately 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. Any impacts can be assessed during the assessment of a development application.
Chapter 4 Remediation of Land This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	The planning proposal is consistent with this SEPP. 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.
SEPP (Biodiversity and Conservation) 2021	
Chapter 3 Koala habitat protection 2020 (Applies to land zoned RU1, RU2, or RU3 only) Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	As outlined within the Biodiversity Development Assessment Report (provided as Appendix B), the planning proposal is not expected to impact on any koala habitat and is therefore consistent with this SEPP.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 2 – Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. PLANNING SYSTEMS	
1.1 Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The planning proposal is consistent with the Hunter Regional Plan 2041. This is demonstrated in the response to Question 3.
1.4 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The planning proposal does not contain any unnecessarily restrictive site-specific planning controls.

3. BIODIVERSITY AND CONSERVATION	
3.1 Conservation Zones The objective of this direction is the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance.	Direction 3.1 requires a planning proposal to include provisions relating to the protection and conservation of environmentally sensitive areas. As outlined within the Biodiversity Assessment (provided as Appendix B), the part of the site that is BV mapped, is in the same area as the Flood Prone Land. The proposed function centre will be located out of the flood mapping and therefore avoid the BV mapped areas. The planning proposal is therefore considered consistent with this direction.
3.2 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site does not contain any heritage items/places listed in the Port Stephens Local Environmental Plan 2013. The site does not contain any known Aboriginal areas, objects, places, or landscapes. The planning proposal is therefore considered consistent with this direction.
4. RESILIENCE AND HAZARDS	
4.1 Flooding The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	A Flood Impact and Risk Assessment was completed for the site. It 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 would be located above the Flood Planning Level and as such the risk to property is readily managed. There is also adequate flood free area above the PMF level on site so that there would be no major risk to life for occupants. The main flood risk is associated with isolation of the site, as the site access and local roads are cut at events in excess of the 20% AEP event. However, given the available flood warning time (greater than 12-

	hours), there is a sufficient lead time 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. The planning proposal is therefore considered consistent with this direction.
4.2 Coastal Management The objective of this direction is to protect and manage coastal areas of NSW. This direction applies to land within the coastal zone.	The subject land is located in the upper estuary of the Paterson River as identified under the Hunter Estuary Coastal Zone Management Plan. The proposed development will have no discernible impacts on the estuarine environment with the proposed development footprint to be located approximately 360m east of Paterson River. An assessment of the proposal against the NSW Coastal Design Guidelines 2023 has been provided (Appendix G). The planning proposal is therefore considered consistent with this direction.
4.3 Planning for Bushfire Protection The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	The proposal relates to bushfire prone land. A Bushfire Assessment Report (BAR) has been prepared by MJD Environmental 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 planning proposal is therefore considered consistent with this direction.

4.4 Remediation of Contaminated Land The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	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. 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. A preliminary site investigation (PSI) has been prepared by DRB Consulting Engineers (provided as Appendix H). The PSI was limited to limited to a desktop study and site inspection, with no intrusive sampling undertaken. The investigation evaluated the potential for soil or groundwater contamination based on historical and current land use, site observations, and the development of a preliminary Conceptual Site Model (CSM). Key findings of the PSI include: • The Site has been used as a rural paddock since at least 1958, primarily for grazing cattle, and historically for small-scale rearing of chickens and pigs. • No evidence of intensive agricultural activities was identified (e.g. pesticide application, cattle dipping, or cropping). • No signs of contamination (e.g. odours, staining, waste, or emissions) were observed during the site inspection. • An observed gravel access path was confirmed to consist of compliant quarried subbase material.
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	• The Site contains well-maintained infrastructure, including animal pens, water facilities, and solar panels, with no signs of environmental degradation. • Although surface water bodies (Paterson River and a nearby creek) are located downgradient of the Site, its elevated topography and absence of contamination sources minimise any risk of impact to these receptors. The CSM and qualitative risk assessment prepared by DRB identified no complete Source–Pathway–Receptor linkages of concern that would constrain the proposed development. DRB concluded that <i>‘assuming access will be provided via existing tracks, the development area is considered suitable for its proposed use as a Function Centre within a commercial setting, from a contaminated land perspective’</i>. The PSI made the following recommendations to support ongoing environmental management: • Implement erosion and sediment control measures during construction. • Adopt an Unexpected Finds Protocol (UFP) during ground disturbance activities to manage unforeseen contamination, if encountered. The planning proposal is therefore considered consistent with this direction.
4.5 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use	The subject land is identified under the Port Stephens LEP 2013 as containing the following acid sulphate soil groups: • Class 1 – low alluvial flats adjoining Paterson River.

of land that has a probability of containing acid sulphate soils.	• Class 3 – rising slope from alluvial flats to the high point of the site between RL's • 2.5m and 7.5m AHD. • Class 5 – All land west of RL 7.5m AHD. 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. The proposed function centre is to be located within the Class 5 soil group above RL 7.5m AHD. The proposed wastewater disposal will occupy the area above RL 4.6m and will be located within the Class 3 soil group. 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.
9. PRIMARY PRODUCTION	
9.2 Rural Lands The objective of this direction is to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. Applies to planning proposals that will affect an existing or proposed rural or environmental protection zone or changes the existing minimum lot size within a rural or environment protection zone	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. 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. 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 LUCRA included with the planning proposal, concludes that the proposal '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'.
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Section C – Environmental, social and economic impact

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

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 completed a Biodiversity Assessment of the site and proposed location of the function centre. It concluded that the location of the proposed function centre would be situated above Flood Planning Level and as such, avoids areas containing Biodiversity Values mapping. 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 either as a windbreak 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 Biodiversity Conservation Act

or the Environmental Protection and Biodiversity Conservation Act would be present on the site or affected by the proposal.

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

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.

Torrent Consulting was engaged to prepare a Flood Impact and Risk Assessment (FIRA) (Appendix C). The report notes that the proposed location on the site for a potential function centre location will remain predominantly flood free for major flood events including the 1% AEP event. There is no filling of flood prone land required and a site provides area for a future function centre will have no impact on existing flood conditions.

The FIRA notes that the proposed development is located above the Flood Planning Level and therefore the risk to property is readily managed.

The principal flood risk is associated with isolation of the site as the site access and local roads are cut in 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 formal Flood Emergency Response Plan (FERP) will be required as part of a future development application and included in consent conditions.

The FIRA has demonstrated the proposed development is not located in floodway, does not impact on the existing flood conditions, does not provide for additional dwelling density or propose a sensitive land 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 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.

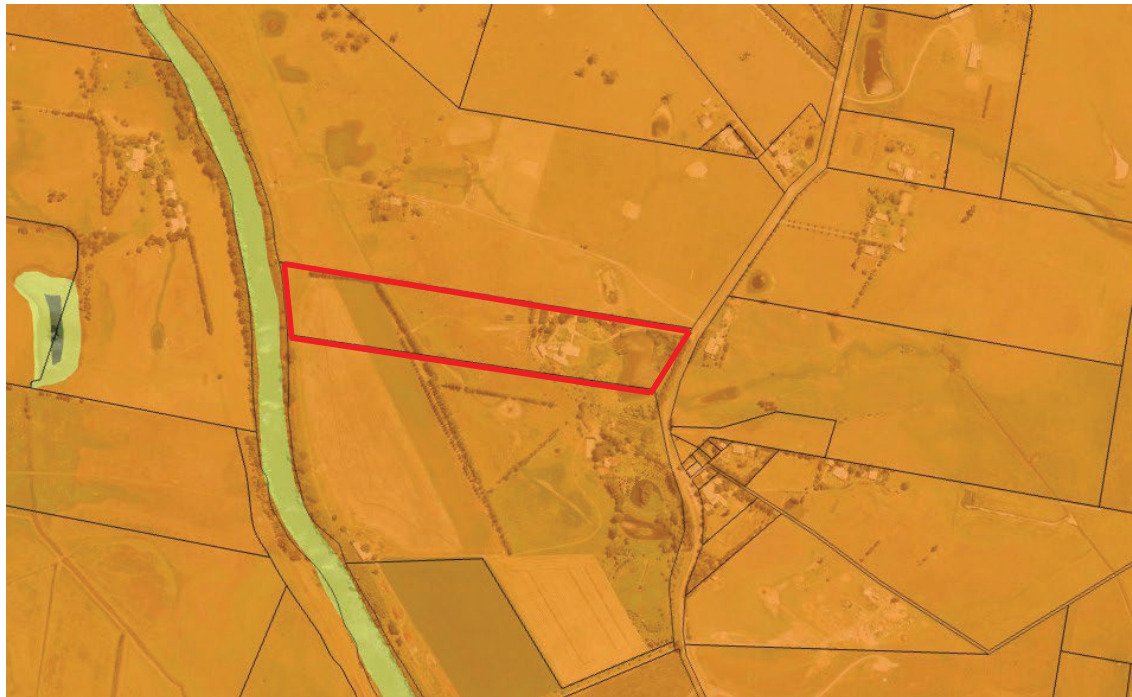
For the flash flooding conditions, critical durations are short given the size of the local catchments such that there is no significant isolation risk, noting the site access road will provide a 1% AEP flood immunity.

Accordingly, the planning proposal is considered to be compatible with the known flood risk.

Bushfire

The subject land is identified under the as being Bushfire Prone Land – Vegetation Category 3, as shown in Figure 8

FIGURE 8 – Bushfire Prone Land Map Extract



A Bushfire Assessment Report (BAR) has been prepared by MJD Environmental (Appendix D). The site inspection found that 'historical grazing and current agricultural use of the land has resulted in vegetation within the site predominantly consisting of exotic 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 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 500m². 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.

Noise

A Noise Impact Assessment (NIA) has been prepared by Reverb Acoustics (Appendix E). The assessment assumes a maximum of 180 guests and function hours of 9am - 11:30, with amplified music ceasing at 10pm.

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.

Riparian Management

MJD Environmental prepared a Biodiversity Assessment (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'.

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 for the formalisation of a temporary land use/business that can operate within the rural area to encourage further investment and promote rural enterprises suitable in the Hinterland District.

The proposal is appropriate for the local context, which includes 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 future staff.

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

Section D – Infrastructure (Local, State and Commonwealth)

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.

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?

The following agencies were consulted with during the scoping phase of this planning proposal:

- Department of Planning, Infrastructure and Housing
- Biodiversity and Conservation Division
- Transport for NSW
- Rural Fire Service
- Department of Primary Industries – Agriculture
- State Emergency Services

No agencies raised any objections to the planning proposal.

The Department of Primary Industries – Agriculture requested that a Land Use Conflict Assessment Report be prepared. It is included in the planning proposal as Appendix A.

PART 4 – Mapping



PART 5 – Community consultation

Community consultation would be undertaken in accordance with a future Gateway determination.

Notice of the public exhibition period would be placed in the local newspaper, The Examiner. The exhibition material would be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay
- Medowie Community Centre, Cnr of Medowie and Ferodale Streets, Medowie

The planning proposal would also be available on Council's website.

PART 6 – Project timeline

The indicative timeframe for the planning proposal is shown in the table below.

Stage	Timeframe and/or date
Consideration by council	December 2024 - March 2025
Council decision	June 2025
Subject to Council determination	
Gateway referral to the Department	June 2025
Gateway determination	July 2025
Commencement and completion of public exhibition period	August 2025 – September 2025
Finalisation of planning proposal	October 2025 – November 2025
Gazettal of LEP amendment	January 2026