

ATTACHMENTS UNDER SEPARATE  
COVER

ORDINARY COUNCIL MEETING  
24 MAY 2016



**PORT STEPHENS**  
C O U N C I L



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## ITEM 1 - ATTACHMENT 1 DA16-2015-852-1 (FERODALE PARK SPORTS COMPLEX) - CONDITIONS OF CONSENT.



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## Notice of Determination

Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

### SCHEDULE 1

#### REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

#### CONDITIONS THAT IDENTIFY APPROVED PLANS AND LIMITATIONS OF CONSENT

1. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in RED by Council on the approved plans:

Plan/Doc. Title	Plan Ref. No.	Sheet.	Date	Drawn By
Site Plan (As Amended)	PSC15-2578:xx MED ARCH 01	1/5	17/12/2015	Port Stephens Council
Landscape, Playground and Signage Plan (As Amended) Rev B	PSC15-2578:xx MED ARCH 02	2/5	17/12/2015	Port Stephens Council
Floor Plan (As Amended)	PSC15-2578:xx MED ARCH 03	3/5	17/12/2015	Port Stephens Council
Elevations (As Amended)	PSC15-2578:xx MED ARCH 04	4/5	17/12/2015	Port Stephens Council
Sections	PSC15-2578:xx MED ARCH 05	5/5	17/12/2015	Port Stephens Council
Stormwater Management Plan 1 (As Amended)	SWMP1	1/2	11/03/2016	Port Stephens Council
Stormwater Management Plan 2 (As Amended)	SWMP2	2/2	11/03/2016	Port Stephens Council

In the event of any inconsistency between conditions of this consent and the drawings / documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

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2. A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a Principal Certifying Authority (PCA). If Council is not appointed as the PCA then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
3. The person having the benefit of the development consent must surrender DA 16-2000-1559-1 to Council by submitting a completed copy of Clause 97 of the *Environmental Planning and Assessment Regulation 2000*.

### CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

4. **Prior to the commencement of works**, a construction waste storage facility is to be established on-site and regularly serviced for the duration of the works.
5. **Prior to the commencement of works**, erosion and sediment control measures shall be put in place to prevent the movement of soil by wind, water or vehicles onto any adjoining property, drainage line, easement, natural watercourse, reserve or road surface, in accordance with *Managing Urban Stormwater – Soils and Construction, Volume 1* (Landcom, 2004).
6. **Prior to the commencement of work**, the person having the benefit of this consent shall contact Hunter Water Corporation (HWC) to ensure that the approved works do not impact upon existing or proposed HWC infrastructure. A copy of the information received by HWC shall be provided to Council within 10 days of receipt. Should HWC require modification to the approved development a Section 96 Modification Application and/or modified Construction Certificate Application should be lodged.
7. Hunter Water Corporation shall be notified at least fourteen days **prior to the commencement** of works within the vicinity of Campvale Drain.

### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

8. **Prior to the issue of a Construction Certificate**, documentary evidence is to be provided to the PCA that DA 16-2000-1559-1 has been surrendered to Council in accordance with Condition 3 of this consent.
9. **Prior to the issue of a Construction Certificate**, the PCA is to certify that on-site car parking shall be provided for a minimum of 105 vehicles, with provision for six disabled parking spaces, and such being set out generally in accordance with Council's Car Parking requirements. The plans submitted in association with

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the Construction Certificate application are to demonstrate compliance with this requirement.

10. **Prior to the issue of a Construction Certificate**, the PCA is to certify that the design of parking spaces, access and manoeuvring areas are in accordance with Council's Development Control Plan and AS 2890 as applicable.
  - a. Required access and manoeuvring areas are to be designed for swept path clearances for the 85<sup>th</sup> percentile vehicle per AS 2890.1 2004.
  - b. Visitor parking spaces are to be located in proximity to the building entrance and clearly linemarked and signposted.
  - c. Disabled parking spaces are to be designed in accordance with AS 2890.6 2009 and be located in proximity to the building disabled access and be clearly linemarked and signposted.
  - d. Loading/unloading areas are to be separated from parking and storage areas. Loading areas must be designed to accommodate appropriate turning paths in accordance with AS 2890.2 2002.
11. **Prior to the issue of a Construction Certificate**, the PCA is to certify that full geometric, drainage and certified structural details for retaining walls intended for use as earth retaining structures together with existing and proposed earthworks levels are satisfactory.
12. Campvale Drain shall be widened 1.2m immediately south of Ferodale Road for approximately 50m and to the northern extent of the Maundia Habitat Drain illustrated on the approved Site Analysis Plan. The drain widening is to taper to the southern extent so as not to significantly impact upon the Maundia Habitat. **Prior to the issue of a Construction Certificate**, design plans shall be prepared in accordance with Council's Infrastructure Specification and be approved by Council as the Asset Owner.
13. All hardstand and roofed area shall be collected and conveyed to Campvale Drain generally in accordance with the approved Stormwater Management Plans. **Prior to the issue of a Construction Certificate**, design plans shall be prepared in accordance with Council's Infrastructure Specification and be approved by Council. A Construction Certificate cannot be issued until full details of the stormwater drainage design, including associated calculations, has been provided to the PCA for assessment and determined to be satisfactory.
14. **Prior to the issue of a Construction Certificate**, the PCA is to certify that design plans provide for kerb & gutter, ancillary drainage and an adjacent sealed road shoulder pavement, making a smooth connection to the existing bitumen seal, for the entire road frontage of the development site.
15. All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

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Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional and constructed in accordance with Council's 'Infrastructure Design and Construction Specification – AUS Spec', and Development Control Plan.

The required works to be designed are as follows:

- a. Half width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum width of 5.5 metres wide road pavement across the full frontage of the site in Ferodale road.
- b. Footway formation graded at +2% from the top of kerb to the property boundary, across the frontage of the site in Ferodale road.
- c. 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the frontage of the site in Ferodale road.
- d. All redundant dish crossings and/or damaged kerb and gutter are to be removed and replaced with new kerb and gutter.
- e. Roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail in accordance with RMS and Australian Standards.
- f. Signage and line marking. The signage and line marking plan shall be approved by the Council Traffic Committee.
- g. Pram ramps at the intersection of Ferodale road and the site access point to both sides of Ferodale Road to the satisfaction of Council.
- h. A bus stop is to be provided to comply with the requirements of AS/NZS 1428.4.1:2009 and the Disability Discrimination Act 1992.
- i. The bus stop shall have a seat installed, with other devices as required, in accordance with AS/NZS 1428.4.1:2009 > Appendix D > Figure D1 BUS STOP WITHOUT SHELTER – SET BACK FROM FOOTPATH.
- j. Rubber rumble strips for traffic calming on both sides of the Ferodale Road / Kirrang Drive roundabout along Ferodale Road.

The engineering plans must be approved by Council as the Roads Authority prior to the issuing of a Construction Certificate required under this consent.

16. **Prior to the issue of a Construction Certificate**, the PCA is to certify that the building design incorporates an acoustic barrier in the location as marked in RED on the approved plans. The barrier is to be a minimum of 2.4m high and of solid construction to prevent noise penetration to the west and northwest.
17. **Prior to the issue of a Construction Certificate**, a geotechnical report confirming the adequacy of the foundation material in respect of the proposed construction works for the facility is to be provided to the PCA. Structural engineering plans for the reinforced concrete slab are to reference the geotechnical report and incorporate any recommendations in respect of the works which are contained in the report.

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18. **Prior to the issue of a Construction Certificate**, a vaulted system or structural soil placement for the instalment of trees within the car park to be provided to the PCA. The design is to comply with the requirements of the Port Stephens Council Tree Technical Specification 2014.
19. **Prior to the issue of a Construction Certificate**, the PCA is to certify that the design of the kitchen facilities complies with the provisions of AS 4674-2004 *Design, construction and fit-out of food premises*. Particular reference is made to Sections 2.4 (garbage handling) and 4.4 (hand wash basins).
20. **Prior to the issue of a Construction Certificate**, the PCA is to certify that the floor plan has been amended to provide for a cleaners/sluice sink in close proximity to the kitchen.
21. **Prior to the issue of a Construction Certificate**, the PCA is to certify compliance of the cook line and associated mechanical ventilation with AS 4674-2004 and AS 1668.1 and 1668.2.

### CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES

22. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
23. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
  - Monday to Friday, 7.00am to 6.00pm;
  - Saturday, 8.00am to 1.00pm; and
  - No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the L10 level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

24. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
25. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete.

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Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

26. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the PCA and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the PCA. A further copy of the certificate must also be prominently displayed in the building.
27. The construction of any habitable floor level shall not be less than the Flood Planning level for the site RL 9.0 m AHD. A survey certificate prepared by a Registered Surveyor is to be submitted to the PCA, and approved by the PCA before works proceed above the Flood Planning Level. A copy is to be provided to Council.
28. The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2005).
29. All outdoor lighting is to be installed in accordance with Australian Standard - AS4282 – Control of the obtrusive effects of outdoor lighting.
30. The flood lighting associated with the bowling greens is to be installed in accordance with the provisions of Australian Standard – AS2560.2.6 Guide to Sports Lighting.

### CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

31. All drainage and civil works shall be carried out in accordance with the Construction Certificate and Council's Design and Construction Specification, Policies and Standards, to the satisfaction of Council or the Certifying Authority prior to issue of the Occupation Certificate.
32. Prior to the issue of an Occupation Certificate, the PCA is to certify that one 105 formalised car parking spaces, with six disabled spaces have been provided in accordance with the requirements of the Port Stephens Council DCP and AS2890.1. Parking is to be appropriately line marked and signposted.
33. Prior to the issue of an Occupation Certificate, the PCA is to certify that site landscaping has been installed and established in accordance with the approved landscaping plans.
34. Prior to issue of the Occupation Certificate, the Section 50 Hunter Water compliance certificate which refers to the development application must be obtained and submitted to both Council and the PCA.

### CONDITIONS TO BE SATISFIED AT ALL TIMES

Adelaide Street (PO Box 42), Raymond Terrace NSW 2324  
DX 21406 Raymond Terrace • Phone 4980 0255  
Email [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

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Under section 80, 80A, 80(1) and 81(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW).

35. At all times, the hours of operation for the community facility are to be restricted to:
- Monday to Thursday – 9.00am to 10.00pm
  - Friday and Saturday – 9.00am to 12.00pm
  - Sunday – 9.00am to 10.00pm (12.00pm on long weekends)
- Other internal operations such as cleaning, preparation and office administration may be undertaken outside of the above hours provided that no disturbance to the amenity of the neighbourhood occurs.
36. At all times, the bowling greens and associated flood lighting must not be used later than 9.00pm.
37. At all times, the hours of operation for the loading dock and site deliveries are restricted to 7.00am and 6.00pm.
38. At all times, all lighting is to be restricted to operation in keeping with the community facility's operating hours. Incidental lighting in accordance with the NSW Police guidelines for 'Crime Prevention through Environmental Design' and illumination associated with entry signage is exempted from this condition.
39. At all times, the community facility is to operate in a manner so as not to create 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997*.
40. The stormwater system, including any water quality, quantity or infiltration components, shall be maintained in perpetuity for the life of the development.
41. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
- a. The service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such inspection and test; and
  - b. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

### ADVICES

- The 'future bowling green' as illustrated on the approved plans has been granted development consent under this application. A further development application for

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the construction of the bowling green marked 'future bowling green' on the approved plans is not required.

**SCHEDULE 2**

**RIGHT OF APPEAL**

If you are dissatisfied with this decision:

- a review of determination can be made under Section 82A of the Act, or
- a right of appeal under Section 97 of the Act can be made to the Land and Environment Court within six (6) months from the date on which that application is taken to have been determined.

**NOTES**

- This is not an approval to commence work. Building works cannot commence until a Construction Certificate is issued by Council or an accredited certifier.
- Consent operates from the determination date. For more details on the date from which the consent operates refer to section 83 of the Environmental Planning and Assessment Act 1979.
- Development consents generally lapse five years after the determination date, however different considerations may apply. For more details on the lapsing date of consents refer to section 95 of the Environmental Planning and Assessment Act 1979.



**ITEM 1 - ATTACHMENT 2 DA16-2015-852-1 (FERODALE PARK SPORTS COMPLEX) - ASSESSMENT REPORT.**



**1.0 APPLICATION DETAILS**

<b>Application Number</b>	DA 16-2015-852-1
<b>Development Description</b>	Development Application 16-2015-852-1 – Community Facility, Recreation Facility (Outdoor), Associated Earthworks, Signage and Car Parking
<b>Applicant</b>	PORT STEPHENS COUNCIL
<b>Date of Lodgement</b>	21/12/2015
<b>Value of Works</b>	\$3,000,000.00

**1.1 Development Proposal**

The proposed development seeks consent for the construction of a community facility building, a bowling green (with provision made for another), children's playground, entry signage, landscaped garden and car parking area. The community facility building consists of 3 meeting rooms, 3 offices, a commercial kitchen and servery, public toilet facilities, staff toilet facilities, a loading and delivery area and screened waste storage. The subject site is located a short distance from the Medowie commercial area and adjoins the existing Ferodale Sports Complex. The applicant is Port Stephens Council.

The proposed operating hours for the community facility are:

- Monday to Thursday – 9.00am to 10.00pm
- Friday and Saturday – 9.00am to 12.00pm
- Sunday – 9.00am to 10.00pm and 12.00pm on Long Weekends
- Public Holidays – No Operation

The facility has been designed to cater for 426 patrons and will be available for a variety of activities like community gatherings, training sessions, sporting presentations and watching sporting games such as cricket, football and bowls which are played on the adjacent sporting facilities. The proposal may be used as an emergency operations centre in the Medowie area if required. The proposed development provides 105 car parking spaces including 6 accessible spaces.

**2.0 PROPERTY DETAILS**

<b>Property Address</b>	36 and 36A Ferodale Road, Medowie
<b>Lot and DP</b>	Lot 1 DP 1003417 and Lot 22 DP 1021843
<b>Current Use</b>	No. 36A - Vacant Land. Site filling has been commenced under DA 16-2000-1559-1. No. 36 – Ferodale Sports Complex – Cricket and AFL oval.
<b>Zoning</b>	No. 36 – RE1 Public Recreation No. 36A – RE2 Private Recreation

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DA16-2015-699-1

**Site Constraints**

Bushfire Prone Land – Category 1 Vegetation and 100m buffer (No. 36 only)  
 Acid Sulfate Soils – Class 5  
 Flood Prone Land – High Hazard Floodway (Campvale Drain), High Hazard Flood Storage, Low Hazard Flood Storage and Flood Fringe. Flood Level 9.00m AHD.  
 Endangered Ecological Community – Swamp Sclerophyll Forest (No. 36 only)  
 Preferred Koala Habitat (No. 36 only)

**2.1 Site Description and Context**

The subject site is located on Ferodale Road; at the roundabout juncture with Kirrang Drive. 36A Ferodale Road is currently vacant land with earthworks carried out in accordance with DA 16-2000-1559-1. 36 Ferodale Road is currently used as the Ferodale Sports Complex with an oval used for cricket and AFL. The site has high visibility and is located a short distance from the Medowie commercial area. The site is accessible via public transport with Ferodale Road being a major bus route for the area. Campvale drain is located on the sites eastern extent. Lot 22 is devoid of vegetation whilst Lot 1 has a stand of vegetation located on its southern extent. No significant vegetation removal is proposed as part of this application.

**2.2 Site History**

Council records detail the following applications relevant to the subject site:

Application Number	Description	Date
007-1997-248-1	Sports Complex Stage 1	19/11/1997
007-1998-40811-1	Two Lot Subdivision	17/06/1998
007-1998-21017-1	BMX Track	07/07/1998
16-2000-1559-1	Bowling Club, Car Park and Landfill	08/11/2000
16-2003-233-1	Shade Structure	24/04/2003
16-2004-791-1	Telecommunications Base Station	31/08/2004
16-2004-1039-1	Amenities Building, Car Park Lighting and Demolition	14/10/2004
16-2005-1421-1	Floodlight Towers to Sports Fields	11/01/2006
16-2008-574-1	Additions to Community Facility (Lighting and Car Parking)	09/04/2009

No outstanding compliance matters exist for the site. Should the proposed development be given consent, the previous enacted approval (DA 16-2000-1559-1) will be surrendered to enable the proposal to proceed in accordance with the new consent (a condition has been recommended in this regard).

**2.3 Site Inspection**

A site inspection was carried out on 28<sup>th</sup> January 2016. The site was vacant at the time and no constraints were noted which would prohibit the use of the site for the proposed purpose. The site is shown below:

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**3.0 APPLICATION SUMMARY**

**Assessing Officer**

**BROCK LAMONT**

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<b>Designated Development</b>	The application does not constitute designated development.
<b>Integrated Development</b>	The application does not require any additional approvals listed under s.91 of the EP&A Act. The bushfire prone status of the site is noted; however approval for a residential or special fire protection purpose is not requested.
<b>Number of Submissions</b>	10 (all in support)
<b>Recommendation</b>	Approval with conditions.

3.1 **Internal Referrals**

The application was referred to the following internal specialist staff. The comments of the staff listed have been used to carry out the assessment under section 4.0.

- 3.1.1 **Development Engineer (incorporating traffic, drainage and flooding assessment)** – A request for further information was made regarding the off street car parking assessment undertaken and the stormwater management concept submitted. A Traffic Impact Assessment was supplied by the applicant with the recommendations and findings of the assessment being accepted. The development is considered to form a nexus for the establishment of a public bus stop, rubber rumble strips to act as traffic calming for the adjacent roundabout and kerb for the sites road frontage. This has been conditioned accordingly. Furthermore, the stormwater design and use of on-site infiltration was not considered practical and an alternate arrangement where the adjoining stormwater drain (Campvale drain) was to be widened to cater for the increased capacity was accepted. This solution was devised with reference to Council's intended widening works within the greater Campvale Drain area. Widening this small section of the Campvale Drain will assist to improve flow through the culvert at Ferodale Road. It should be acknowledged that further work on the Campvale drain downstream of the site is not warranted under this subject development application, however will be investigated in the future by Council's Facilities and Services group. Development Engineering completed their referral with a recommendation for approval with conditions.
- 3.1.2 **Building Surveyor** – The proposed development was referred to Council's Building Unit for assessment. The application was recommended for approval with conditions. All conditions recommended have been adopted and included within the draft consent attached to this report.
- 3.1.3 **Section 94 Officer** – The proposed development is for a public purpose (recreational and community facilities). As such, S94A Developer Contributions are not to be imposed should development consent be granted.
- 3.1.4 **Vegetation Management Officer** – The application was referred to Council's Vegetation Management Officer for assessment of the proposed landscaping plan. The landscape plan was considered suitable. A condition has been recommended with regard to car park tree planting.

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3.1.5 **Environmental Health Officer** – The application was referred to Council's Environmental Health Unit for comment. Concerns were raised in relation to operational noise and kitchen fitout. The concerns relating to noise were with regard to surrounding residential land uses within 250m of the site. Due to the existing use as a sporting field, background noise levels associated with this use as well as existing traffic noise generated from Ferodale Road, the requirement for an Acoustic Impact Assessment was not considered to be required. The orientation of the building towards the adjoining oval ensures that evening noise will be projected towards the south where no residential land use exists. The imposition of an additional wall on the western building elevation will ensure a barrier between the external deck area and the properties to the sites west. A condition will be placed on the use of the bowling greens and associated lighting during the evening to prevent noise generation (9pm limit). As such, conditions of consent are considered adequate in addressing acoustic impact of the development. The concerns raised regarding the kitchen fitout are considered able to be effectively conditioned on the development consent. The concerns raised by Environmental Health are considered to have been adequately addressed and conditioned accordingly.

3.2 **External Referrals**

The subject site is adjacent to the Campvale Drain system. This drain is nominated as an Order 1 Stream in accordance with the provisions of the *Water Management Act 2000*. The eastern extent of the site would typically be defined as 'waterfront land', however, works carried out by a public authority are exempted from requiring a 'controlled activity approval' in accordance with Clause 38 of the *Water Management (General) Regulation 2011*.

No external referrals are required for the proposed development.

4.0 **MATTERS FOR CONSIDERATION – SECTION 79C**

4.1 **s79C(1)(a)(i) – The provisions of any EPI**

4.1.1 **Port Stephens Local Environmental Plan 2013 (PSLEP2013)**

**Clause 2.1 Land Use Zones** – The proposed development is defined as a 'community facility' and 'recreation facility (outdoor)' in accordance with the PSLEP2013. The land use definition of these terms is provided as follows;

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
  - (b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range,

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*mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

The subject site is zoned RE1 Public Recreation and RE2 Private Recreation in accordance with the PSLEP2013. Both of the proposed land uses are permissible with consent within both land use zones.

The proposed development is considered to meet the objectives of the RE1 and RE2 zones with particular reference to objective 2; 'To provide a range of recreational settings and activities and compatible land uses'.

**Clause 4.3 Height of Buildings** – The subject site does not have a prescribed building height limit under the PSLEP2013. The proposed development has a maximum physical height of 8m. The maximum height control for adjoining residential zones is 9m and therefore the proposed development is considered to be commensurate in scale with the surrounding area.

**Clause 7.1 Acid Sulfate Soils** – The subject site is mapped as Class 5 Acid Sulfate Soils. This requires an Acid Sulfate Soils Management Plan to be prepared for works within 500m of Class 1, 2, 3 and 4 nominated land and would have the potential to lower the water table by 1m. No works are proposed as such with the building works being placed on top of the existing fill. As such, an Acid Sulfate Soils Management Plan is not required.

**Clause 7.2 Earthworks** – The proposed development seeks consent for the completion of the earthworks required in order to sufficiently meet the flood controls affecting the site. The preceding approval was granted for fill to 8.5m AHD. This application will supersede that consent by permitting site filling to 9.0m AHD. The proposed increase in landfill by 0.5m is considered acceptable.

**Clause 7.3 Flood Planning** – The subject site is mapped as flood prone land. The site contains areas of High Hazard Floodway, High Hazard Flood Storage, Low Hazard Flood Storage and Flood Fringe. Council's engineering unit has determined the flood level for the site is 9.0m AHD. The finished floor level (FFL) detail provided by the applicant notes the building will be constructed with a FFL of 9.0m AHD minimum. The information provided by the applicant is satisfactory and accordingly draft consent conditions relating to the flood prone status of the site have been provided.

**Clause 7.6 Essential Services** – The subject site is provided with access to all essential services courtesy of the road frontage to Ferodale Road. A condition is proposed requiring confirmation from Hunter Water Corporation for adequate servicing capacity of the development prior to the commencement of works.

4.1.2 Applicable SEPP's

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ITEM 1 - ATTACHMENT 2 DA16-2015-852-1 (FERODALE PARK SPORTS COMPLEX) - ASSESSMENT REPORT.

DA16-2015-699-1

**SEPP 55 Remediation of Land** – As detailed above under site history, the site has been subject to a number of development applications in the past. The historic uses and operations are not considered the types of uses which would lead to the long term contamination of the site. The proposal is considered to be compliant with the provisions of SEPP 55.

**SEPP 64 Advertising and Signage** – The proposed development seeks consent for the erection of identification signage on the Ferodale Road frontage of the site. The signage is a 3.7m high x 1.5m wide digital data board which is to be erected perpendicular to the front boundary between the carpark and the bowling green. This sign will be used to identify the site and will convey information related to the facilities' upcoming events. The signage may be illuminated in the future. The signage is considered appropriate in size and scale of the development and is consistent with the aims and objectives of SEPP 64.

**4.2 s79C(1)(a)(ii) – Any draft EPI**

There are no draft EPI's relevant to the proposed development.

**4.3 s79C(1)(a)(iii) – Any DCP**

**4.3.1 Port Stephens Development Control Plan 2014**

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

**Chapter A.12 Development Notification** – The development application was notified in accordance with the requirements of Chapter A.12. Ten (10) submissions were received as a result of this process and are discussed under section 4.9 below.

**Chapter B3 Environmental Assessment – Waste** - The proposed development provides for a screened waste storage area that allows for routine servicing by waste contractors via the loading area.

**Chapter B4 Drainage and Water Quality** – With the proposed development being situated on flood prone land, Council's Engineering Unit has identified that on-site stormwater infiltration would not be effective for the proposed development. As such, an alternate arrangement has been made with Council's Assets Unit to widen the adjoining Campvale drain in order to increase the stormwater capacity during storm events. The stormwater quality treatment as proposed has also been accepted by Council's Engineering Unit. As such, the development has been supported and conditions of consent have been provided.

**Chapter B5 Flooding** – A flood planning assessment has been carried out above in accordance with Clause 7.3 of the PSLEP2013. Development Engineering is satisfied with the developments response to flood constraints.

**Chapter B6 Essential Services** – The subject site is provided access to all essential services as discussed previously.

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**ITEM 1 - ATTACHMENT 2 DA16-2015-852-1 (FERODALE PARK SPORTS COMPLEX) - ASSESSMENT REPORT.**

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**Chapter B9 Road Network and Parking** – The proposed development is considered a 'community facility' in accordance with Council's DCP Chapter B9. This type of development and the off street car parking generation associated with it is to be 'assessed on merits'. As such, the applicant was requested to provide a Traffic Impact Assessment Report to survey the existing and projected traffic generation and provide car parking and alternative transport measures accordingly. The assessment recommended that 103 car spaces were provided with accessible car parking at a rate of 1 per 20 standard spaces. The proposed development provides for 105 car spaces including 6 accessible spaces. Furthermore, the site is located on the major bus route through Medowie and will provide for bicycle racks, a mini bus car park, taxi zone and motor cycle parking. As such, the proposed development is considered to comply with the relevant provisions of Chapter B9.

**Chapter B10 Social Impact** – The proposed development is not defined as one of the land uses requiring a SIA in accordance with the PSDCP2014. The proposal is considered to have a positive social impact through provision of an additional recreation facility in the area.

**Chapter C8 Signage** – The signage proposed is considered consistent with the aims and objectives of SEPP64 as discussed above.

**4.4 s79C(1)(a)(iia) – Any planning agreement or draft planning agreement entered into under section 93F**

There are no planning agreements that have been entered into under section 93F relevant to the proposed development.

**4.5 s79C(1)(a)(iv) – The regulations**

No provisions listed under the regulations are specifically applicable to the proposed development.

**4.6 s79C(1)(a)(v) – Any coastal management plan**

There are no coastal management plans applicable to the proposed development.

**4.7 s79C(1)(b) – The likely impacts of the development**

**4.7.1 Social and Economic Impacts**

The proposed development will provide for a social and recreational hub located in close proximity to the Medowie CBD and Ferodale Sports Complex. Flow on economic impacts will be realised in the Medowie CBD as a result of increased interest and activity in the area. The proposed development is considered to have positive social and economic outcomes.

**4.7.2 Impacts on the Built Environment**

The proposed development will provide for a contemporary community building located on a currently vacant site. Given the high level of exposure afforded to the site, the building design along with signage and landscaping

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has been scrutinised to ensure a quality visual outcome. The building and ancillary elements are considered complementary to recent development within the Ferodale Road area. As such, the proposed development is considered to have a positive impact upon the built environment in the surrounding area.

**4.7.3 Impacts on the Natural Environment**

The proposed development is to be carried out on a cleared, development ready site with no significant vegetation or habitat removal required. Downstream water quality impacts have been assessed and are satisfactory. As such, the proposed development is not considered to have any significant impact upon the natural environment.

**4.8 s79C(1)(c) – The suitability of the site**

The subject site has been identified for community purposes for a prolonged period. This is demonstrated by the Bowling Club approval granted in 2000. The proposed development is considered to be a well-designed social hub that improves upon the existing sports facilities in the area. The proximity of the site to the Medowie commercial area and the sites location on a major bus route further demonstrates the sites suitability for a community facility use. As such, the proposed development is considered appropriate for the site.

**4.9 s79C(1)(d) – Any submissions**

Ten (10) submissions were received in relation to the proposed development. All submissions received were in favour of the application. A summary of the key themes provided within the submissions is as follows;

- **Social and Community Benefit** – Potential to improve social and recreational opportunities within the Medowie area. The submissions also note that the facility would improve upon the existing Ferodale Sports Complex.
- **Emergency Response** – The use of the facility in times when an emergency response centre is required. Central location and accessibility.
- **Public Hire** – Benefit of a community facility that may be used for public events, meetings and community education uses.

**4.10 s79C(1)(e) – The public interest**

The proposed development is permissible with consent on RE1 and RE2 zoned land. The proposed development is generally compliant with applicable legislative controls, policies and Council development control requirements. As such, the approval of the application with appropriate conditions is considered to be within the public interest.

**5.0 DETERMINATION**

- 5.1 The application is recommended to be approved by Council determination, subject to conditions as contained in the notice of determination.

Brock Lamont  
Development Planner  
15/04/2016

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ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.



Proposed amendment to Port Stephens Local  
Environmental Plan 2013



**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**

**FILE NUMBERS**

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**Council:** PSC2016-00770

**Department:** To be provided at Gateway Determination.

**SUMMARY**

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**Proposed changes:** Amend Clause 7.3(2)(a) of *Port Stephens Local Environmental Plan 2013*  
Remove Flood Prone Land Map  
Amend Clause 7.3  
Delete definition of 'Flood Planning Map'

**BACKGROUND**

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The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013 (PSLEP 2013)* by removing reference to "Flood Planning Map" in Clause 7.3 Flood Planning, removing the Flood Planning Map from the suite of LEP maps and deleting the definition of 'Flood Planning Map' in the Dictionary.

On 8 March 2016, Council adopted a Floodplain Risk Management Policy and Flood Hazard Maps. The Policy and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA. The maps are under constant review and amendments will be made when new information is available. The Flood Hazard Map more accurately reflects the flood planning level than the current 'Flood Planning Map' contained in the *PSLEP 2013*.

This planning proposal seeks to remove the Flood Planning Map from the LEP to avoid any confusion between the LEP and the adopted Flood Hazard Map. Removing the flood maps from the LEP will ensure reliance on most up to date flood mapping, without the need for a lengthy LEP amendment process every time the Flood Hazard Maps are updated. Council will instead rely on Clause 7.3 (as amended), the Floodplain Risk Management Policy and Flood Hazard Maps. The Flood Hazard Maps are available for viewing by the community on Council's website, ensuring that the most accurate and up to date mapping is readily accessible and used in the assessment of development applications.

Development on land at or below the flood planning level will still need to satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*.

The Floodplain Risk Management Policy and Flood Hazard Map (LGA wide) are contained in Attachment 1 and Attachment 2 respectively.

ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

**PART 1 – Objective of the proposed Local Environmental Plan**

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The planning proposal seeks to achieve the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Remove reference to the "Flood Planning Map";
- Delete the Flood Planning Map from the suite of LEP maps; and
- Delete the Definition of Flood Planning Map

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

---

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

a) Amending Clause 7.3(2) from:

- (2) *This clause applies to:*
- (a) *land identified as "Flood Planning Area" on the Flood Planning Map, and*
  - (b) *other land at or below the flood planning level.*

To:

- (2) *This clause applies to land at or below the flood planning level.*

b) Deleting Map Identification Numbers:

- FLD\_001 6400\_COM\_FLD\_001\_080\_20131210
- FLD\_002 6400\_COM\_FLD\_002\_080\_20131210
- FLD\_003 6400\_COM\_FLD\_003\_080\_20131128
- FLD\_004 6400\_COM\_FLD\_004\_080\_20131128
- FLD\_005 6400\_COM\_FLD\_005\_080\_20131128

c) Deleting the definition of **Flood Planning Map** contained in the Dictionary.

**PART 3 – Justification for the Planning Proposal**

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**SECTION A – Need for the Planning Proposal**

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

The planning proposal has been prepared in response to Council's adoption of the Floodplain Risk Management Policy and Flood Hazard Maps. The policy and maps were prepared from the following studies:

- Medowie Drainage and Flood Study (2012)
- Paterson River Flood Study (1997)

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**

- Paterson River Floodplain Risk Management Study and Plan (2001)
- Port Stephens Design Flood Levels – Climate Change Review (2010)
- Williams River Flood Study (2009)
- Williamtown Salt ash Flood Study (2005)
- Williamtown Salt Ash Flood Study Climate Change Review (2012)
- Port Stephens Foreshore (Floodplain) Management Plan (2002)

The Flood Hazard Maps will soon be updated to incorporate the:

- Medowie Floodplain Risk Management Study and Plan (2016); and
- Williamtown Salt Ash Floodplain Risk Management Study and Plan (2016)

The planning proposal to remove the Flood Map ensures that a lengthy LEP amendment process will not be required each time new flooding information is obtained and the Flood Hazard Maps are amended. The Flood Hazard Map will be updated:

- a) following adoption of a flood study/ floodplain risk management plan by council (these are studies commissioned by council and OEH); or
- b) annually to include submissions that have been made by owners/developers to amend the flood hazard due to filling of the land etc.

Section 117 Direction No. 4.3 – Flood Prone Land remains satisfied as adequate provisions remain in the LEP for consideration for development at or below the flood planning level.

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

An amendment to the *Port Stephens Local Environmental Plan 2013*, via a planning proposal, is the only means of achieving the objectives and intended outcomes.

**Is there a community benefit?**

The Floodplain Risk Management Policy aims to systematically reduce the impact of flooding and flood liability on individual owners and reduce the private and public losses resulting from floods. It also recognises that flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.

The Floodplain Risk Management Policy takes an integrated risk management approach using the best available information that classifies land in terms of flood risk so that decisions take into account flood risk while recognising the social, economic and environmental values of flood prone land.

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Ensuring that the *PSLEP 2013* is consistent with the Floodplain Risk Management Policy and the Flood Hazard Maps is beneficial to the community as it takes a risk management approach, consistent with the State Government's Floodplain Risk Management Manual 2005.

**SECTION B – Relationship to Strategic Planning Framework**

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

Draft Hunter Regional Plan

The draft Hunter Regional Plan aims to monitor and investigate risks from natural hazards to inform future planning and management.

The planning proposal is consistent with this direction as it will ensure the most up-to-date flooding information is accessible to the community and used in planning decisions.

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy requires Councils to ensure the principles and recommendations in the Management of flood liable land in accordance with section 733 of the *Local Government Act 1993* and floodplain risk management plans prepared in accordance with the NSW Government's Flood Plain Development Manual (2005)

The removal of the flood mapping from the *PSLEP 2013* aims to ensure that the community has access to the most accurate and relevant data regarding flood prone land. Given Council's Flood Hazard Maps are constantly being improved, it is preferred that Council provide flood mapping in a format that can be easily updated, without the need for a lengthy LEP amendment process. This will ensure that people are aware of flooding risks to public and private assets. This approach is consistent with the LHRS.

Adequate provision remains in the LEP to consider development on flood prone land under Clause 7.3 Flood planning.

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

Port Stephens Planning Strategy (PSPS)

The PSPS recognises the large area of land within the LGA that is subject to flooding. The planning proposal ensures community and planners are not relying on outdated maps contained in the LEP.

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

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**

There are no existing or draft State Environmental Planning Policies that prohibit or restrict amendments outlined in this planning proposal.

**7. Is the planning proposal consistent with applicable Ministerial Directions?**

An assessment of relevant s.117 Directions against the planning proposal is provided below.

Section 117 Direction No. 4.3 aims to:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land*

The Floodplain Risk Management Policy and Flood Hazard Maps, adopted by Council on 8 March 2016, were prepared in accordance with the Floodplain Development Manual 2005.

Adequate provision remains in the LEP to consider development on flood prone land under Clause 7.3 Flood planning.

**SECTION C – Environmental, Social and Economic Impact**

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

No.

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

Compliance with Floodplain Risk Management Policy which seeks to ...

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

Social planning to provide comment

**SECTION D – State and Commonwealth interests**

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

Not applicable.

**ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**

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

Consultation with relevant State and Commonwealth Agencies will be undertaken following a Gateway Determination. It is envisaged that the following agencies will be consulted with:

- Office of Environment and Heritage
- NSW State Emergency Services

**Part 4 - Mapping**

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The planning proposal seeks to delete Map Identification Numbers:

- FLD\_001 6400\_COM\_FLD\_001\_080\_20131210
- FLD\_002 6400\_COM\_FLD\_002\_080\_20131210
- FLD\_003 6400\_COM\_FLD\_003\_080\_20131128
- FLD\_004 6400\_COM\_FLD\_004\_080\_20131128
- FLD\_005 6400\_COM\_FLD\_005\_080\_20131128

**Part 5 - Details of Community Consultation**

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Community consultation will be undertaken in accordance with the gateway determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will 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

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

**Part 6 – Project timeline**

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The planning proposal is expected to be reported to Council following the completion of the public exhibition period.

The following timetable is proposed:

	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Gateway Determination</b>								
<b>Agency Consultation</b>								
<b>Public Exhibition</b>								



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<i>Consideration of submissions / preparation of council report</i>								
<i>Council Report</i>								
<i>Parliamentary Counsel</i>								
<i>Plan finalised</i>								

**ATTACHMENT 1 – Flood Risk Management Policy**

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ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

Policy



**FILE NO:** PSC2015-01399  
**TITLE:** FLOODPLAIN RISK MANAGEMENT  
**POLICY OWNER:** ASSET SECTION MANAGER

**PURPOSE:**

Port Stephens Council is committed to managing flooding across the Local Government Area using an integrated risk management approach, in order to:

- 1) Systematically reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, hence reduce the losses resulting from floods;
- 2) Recognise that appropriately developed flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development;
- 3) Consider floodplain risk as early as possible in the planning and development process using the best available flood information;
- 4) Classify land in terms of floodplain risk so that decisions take into account the risk while recognising the social, economic and environmental values of flood prone land;
- 5) Provide the framework to manage floodplain risk through cost-effective measures that address existing, future and continuing risks in a hierarchy of avoidance, minimisation and mitigation as identified in local floodplain risk management studies and plans;
- 6) Remain consistent with the floodplain risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
- 7) Facilitate the systematic collection of flood information and floodplain risk data, and the provision of such information in a timely way so that residents can understand the severity of floodplain risk and plan their affairs accordingly; and,
- 8) Promote the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

The measurement of success for this policy is the implementation of the integrated risk management approach.

Policy

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Policy



**CONTEXT/BACKGROUND:**

Port Stephens covers a diverse number of catchments, generally flowing to the Hunter Estuary or the Port Stephens Estuary. The area has a number of creeks, rivers, estuaries, foreshore areas, stormwater channels and drains which are impacted by flooding or coastal inundation, sometimes with little or no warning.

Flooding is a significant issue affecting existing and future development throughout Port Stephens and may involve significant risk, including risks to life and property. While it is not usually cost-effective to entirely eliminate all floodplain risks, the risks can be managed.

Council has been undertaking the necessary flood studies in accordance with the State Government's Floodplain Development Manual 2005. Where the catchments cross local government boundaries, Council has been working in collaboration with neighbouring councils.

The Local Government Act (section 733) provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the principles contained in the NSW Floodplain Development Manual 2005.

**SCOPE:**

While local government in NSW has the primary responsibility for controlling the development within flood-prone land, both the State Government (for example, Crown developments and state significant developments) and the Federal Government (for example, development on Commonwealth land) consider development on the floodplain.

Both local government and the State Government (principally through the State Emergency Service) are responsible for managing floodplain risk.

**DEFINITIONS:**

- |                                      |  |
|--------------------------------------|--|
| Flood prone land (flood liable land) | Land that is likely to be inundated by the probable maximum flood (PMF is the largest flood that could conceivably occur in a particular catchment) and defines the "floodplain" for that catchment. |
| Flood Planning Level                 | The level of the 1% AEP (annual exceedance probability) flood event in the year 2100 plus 0.5 metre freeboard  |

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<b>Policy</b>	
<b>Floodway area</b>	Land that is a pathway taken by major discharges of floodwaters, the partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels. Floodways are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential.
<b>Flood Storage area</b>	Those parts of the floodplain that are important for the temporary storage of flood waters. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation.
<b>Flood Fringe area</b>	The remaining area of flood prone land after the Floodway area and Flood Storage area have been defined.
<b>High Hazard flood area</b>	The area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.
<b>Low Hazard flood area</b>	The area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety.

**POLICY STATEMENT:**

Council will manage the risk of flooding on lands in accordance with State Government's Flood Prone Land Policy and Floodplain Development Manual 2005. This can be summarised as:

- 1) Following the State Government directed process for each catchment, including:
  - a) Formation of a Floodplain Risk Management Committee, including members from council, community and state government agencies;
  - b) Collection of social, economic, flooding, ecological, land use, cultural and emergency management data;
  - c) Undertaking a flood study, in accordance with "Australian Rainfall & Runoff" published by Engineers, Australia, to define floodplain risk throughout the catchment, including hydrologic and hydraulic aspects of floods of varying severity;
  - d) Identifying, assessing and comparing various risk management options through a Floodplain Risk Management Study; and,
  - e) Developing a Floodplain Risk Management Plan outlining the implementation of acceptable flood response and property modification measures, and is formally approved by Council after public exhibition.

**Policy**

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Policy



- 2) Categorising floodplain risk in terms of the hazard (low hazard and high hazard), the location (floodway area, flood storage area and flood fringe area) and the chance of the flood occurring in any one year (the annual exceedance probability (AEP)), namely:
  - a) Minimal risk flood prone land (above the Flood Planning Level and below the Flood prone land extent)
  - b) Low hazard – flood fringe area
  - c) Low hazard – flood storage area
  - d) Low hazard – floodway area
  - e) High hazard – flood fringe area
  - f) High hazard – flood storage area
  - g) High hazard – floodway area
- 3) Keeping the Flood Hazard Maps up-to-date by incorporating relevant information from Council adopted Flood Studies, Floodplain Risk Management Plans, flood modification measures and approved filling within the floodplain which may change the categorisation of floodplain risk.
- 4) Undertaking a comprehensive benefit-cost analysis of proposed flood modification measures (for example, levees, retarding basins, flood gates) in each catchment using a standard approach and include those measures with a benefit: cost ratio greater than 1 into Council's Strategic Asset Management Plan (where possible Council will seek State and Federal government funding for such measures).
- 5) Considering property modification measures including voluntary purchase or house-raising and Development Control Plan changes based on the floodplain risk categories.
- 6) Utilising a site-specific risk management approach for the finished floor level for non-residential developments, focussed on reducing risk-to-life and risk-to-property, based on the floodplain risk categories and specified in Council's DCP.
- 7) Ensuring that the State Emergency Service and the Port Stephens Local Emergency Management Committee are provided with the most up-to-date flood information so they can include it in their emergency response and recovery planning.
- 8) 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.
- 9) Ensuring that new Council assets have an appropriate floodplain risk category, so that future generations of residents and ratepayers are not inordinately burdened.
- 10) Developing a system for the timely provision of up-to-date flood information, to facilitate the assessment of development applications, to achieve a merit-based outcome for each floodplain risk category for an individual site.

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Policy



**POLICY RESPONSIBILITIES:**

Assets Section Manager has overall responsibility for this Policy.

Senior Flooding & Drainage Engineer is responsible for the implementation of the engineering aspects of this Policy, including management of the Floodplain Risk Management process.

Strategy and Environment Section Manager is responsible for the implementation of the strategic planning aspects of this Policy, including consideration of floodplain risk as early as possible in the planning process and the provision of the most up-to-date flood information through the issuing of Section 149 certificates.

Development Assessment and Compliance Section Manager is responsible for the implementation of the development assessment aspects of this Policy, including a merit-based consideration of the floodplain risk categories for an individual site, focussed on reducing risk-to-life and risk-to-property.

Communications Section Manager is responsible for the implementation of the communications aspects of this Policy, including assisting in the coordination of community engagement through the Floodplain Risk Management process.

Facilities and Services Group Manager is responsible for the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

**RELATED DOCUMENTS:**

- 1) Local Government Act 1993
- 2) Environmental Planning and Assessment Act 1979
- 3) Water Management Act 2000
- 4) Hunter Water Act 1991
- 5) State Emergency and Rescue Management Act 1989
- 6) The State Government's Flood Prone Land Policy 2005
- 7) The State Government's Floodplain Development Manual 2005
- 8) Port Stephens Local Environment Plan 2013
- 9) Port Stephens Development Control Plan 2014
- 10) Port Stephens Community Strategic Plan 2015-2025

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Version	Date	Author	Details	Minute No.
1	16 Dec 2008	Trevor Allen	Areas affected by flooding and/or inundation.	384
2.1	27 Oct 2015	John Maretich	Draft Floodplain Risk Management Policy for Public Exhibition	323
2.2	8 March 2016	John Maretich	Floodplain Risk Management Policy	054

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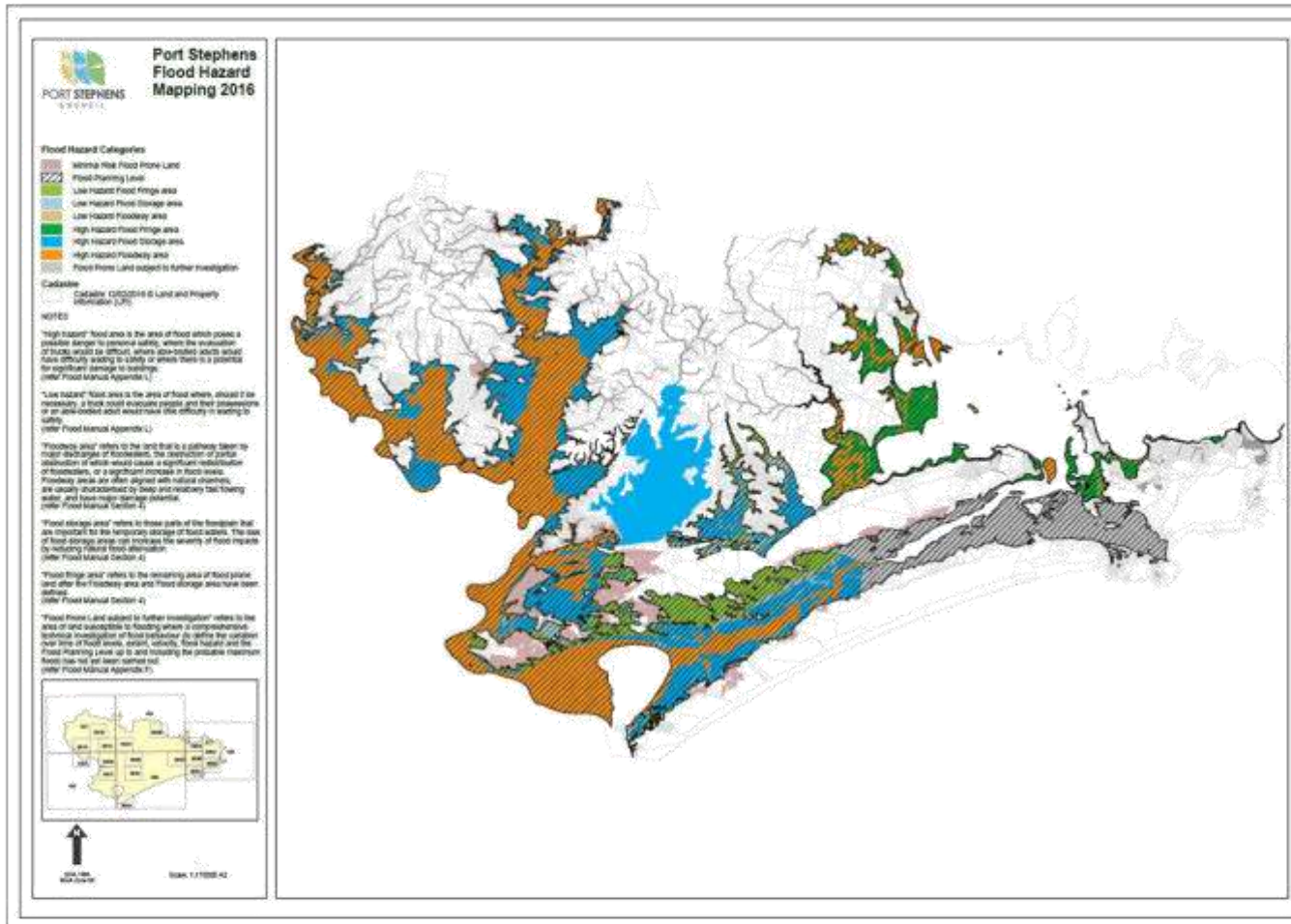
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ATTACHMENT 2 – Port Stephens Flood Hazard Mapping 2016 – LGA Wide

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ITEM 5 - ATTACHMENT 1 374 TO 394 HINTON ROAD, HINTON - PLANNING PROPOSAL.



Planning Proposal  
374 Hinton Road (Lot 325 DP 590644)  
382 Hinton Road (Lot 8 DP 1038606)  
394 Hinton Road (Lot 328 DP 633032)  
May 2016



**ITEM 5 - ATTACHMENT 1 374 TO 394 HINTON ROAD, HINTON - PLANNING PROPOSAL.****SUMMARY AND SITE DESCRIPTION**

This Planning Proposal describes proposed amendments to the *Port Stephens Local Environmental Plan 2013* to rezone certain land in the village of Hinton from RU1 Primary Production to RU5 Village and amend minimum lot size provisions to enable its subdivision into allotments with a minimum area of 4,000m<sup>2</sup> (with development consent).

**Proponent:** Hill Top Planners Pty Ltd (on behalf of the landowners)

**Subject land:** 374 Hinton Road (Lot 325 DP 590644) (0.8162 ha)  
382 Hinton Road (Lot 8 DP 1038606) (1.5373 ha)  
394 Hinton Road (Lot 328 DP 633032) (1.3190 ha)

**Subject land area:** 3.7 hectares (approximate)

**Existing zoning:** RU1 Primary Production

**Existing minimum lot size:** 40 hectares

**Proposed zoning:** RU5 Village

**Proposed minimum lot size:** 4,000m<sup>2</sup>

**Potential lot yield:** 5 additional (estimate only)

**Supporting studies:** *Planning Proposal* (Hill Top Planners, July 2015)  
*Ecological Overview* (Anderson Environment & Planning, 1 Oct 2015)  
*Heritage Appraisal* (Carste Studio Architects and Heritage Consultants, 16 June 2016)

The site is located at the rural village of Hinton and is immediately east of the existing RU5 Village zone boundary and rural residential development at Bounty Close. Its use is rural residential despite its current zoning as RU1 Primary Production.

The character of the immediate area is rural residential however there are also larger primary production lots to the north and south, and surrounding Hinton generally.

The site is not prone to flooding however it does become isolated during large flood events.

Vehicular access is from Hinton Road. A secondary access is also available from Boundary Close to one of the existing allotments.

Vegetation is largely composed of managed gardens and lawns, with some remnant native eucalypt trees present at 374 Hinton Road.

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Figure 1 Immediate Site Location



Figure 2 Broader Site Location



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**PART 1 – Objective of the proposed Local Environmental Plan**

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The objective of this Planning Proposal is to enable further subdivision of the subject land into allotments with a minimum lot size of 4,000m<sup>2</sup> for the purpose of permitting additional dwellings (with development consent).

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

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The objective of the Planning Proposal will be achieved by:

- Amending the *Port Stephens Local Environmental Plan 2013* Land Zoning Map in accordance with the proposed Draft Land Zoning Map at **Part 4 - Mapping** to rezone the subject land from RU1 Primary Production Zone to RU5 Village Zone.
- Amending the *Port Stephens Local Environmental Plan 2013* Lot Size Map in accordance with the proposed Draft Lot Size Map at **Part 4 - Mapping** to change the minimum lot size applying to the subject land from 40 hectares to 4,000m<sup>2</sup>.

**PART 3 – Justification for the Planning Proposal**

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**SECTION A – Need for the Planning Proposal**

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

The Planning Proposal is not the result of any strategic study or report. It is being considered on its own merits consistent with the strategic direction for rural residential development in the *Port Stephens Planning Strategy* as a limited, minor extension of rural residential development as part of the existing 'village' of Hinton where there is no adverse impact on either future land use capabilities or infrastructure.

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

Amending the zoning and minimum lot size provisions of the *Port Stephens Local Environmental Plan 2013* is the only means of enabling the site to be further subdivided.

**SECTION B – Relationship to Strategic Planning Framework**

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

**Lower Hunter Regional Strategy 2006-2031**

Hinton is identified as an 'existing urban area' on the *Lower Hunter Regional Strategy* map.

The broader area surrounding Hinton is surrounded by land mapped as 'rural and resource land' where the objective is to protect agriculture, drinking water aquifers, and mineral and

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timber resources because they provide valuable economic, environmental and social benefits to the region. The Planning Proposal will not impact on maintaining this objective. The primary existing use of the immediate area is for rural residential dwellings.

The *Lower Hunter Regional Strategy* adopts the position that rural residential development is adequately catered for within existing zones and planning strategies on a regional basis. It also identifies that appropriate development of rural lands can contribute to the character, economy and social fabric of the Region and revitalise rural communities, and that these areas are also subject to many competing and potentially conflicting pressures that have the potential to damage some of their most valuable and irreplaceable attributes. Development under the Planning Proposal would be consistent with adjacent rural residential development, 'infill', and is low-yield (approximately 5 additional lots). It is likely to have a negligible effect on the existing character, economy and social fabric of Hinton.

A relevant Action within the *Lower Hunter Regional Strategy* is that the scale of new development within and adjacent to existing villages and rural towns must respect and preserve their character, scale, cultural heritage and social values. The Planning Proposal is consistent with this Action because it facilitates 'infill' development adjacent to and within existing rural residential development. The heritage character of resulting development can be addressed through the development assessment process.

Another relevant Action in the *Lower Hunter Regional Strategy* is that any future rezoning proposal for rural residential development, beyond areas already available or identified, should be:

1. *Consistent with the Sustainability Criteria of the Lower Hunter Regional Strategy.*

The Planning Proposal general complies with this provision. An assessment of the Planning Proposal against the Sustainability Criteria is included with this Planning Proposal.

2. *Consistent with an endorsed local council strategy.*

The Planning Proposal is inconsistent with this provision because Port Stephens Council does not have a relevant local strategy endorsed by the Department of Planning and Environment. In any case, the Planning Proposal is being considered under the *Port Stephens Planning Strategy* provisions for rural residential development and consistent with infill of existing rural residential development.

3. *Maintain the character and role of the existing village centre.*

The Planning Proposal is consistent with this provision. It will facilitate 'infill' development. The site effectively comprises part of the existing village and is located adjacent to the RU5 Village Zone and rural residential development on allotments with an area of approximately 4,000m<sup>2</sup>.

**Draft Plan for Growing Hunter City**

Hinton is shown on the edge of the 'Maitland-New England Highway Corridor District' and the 'Hunter City Landscape'. On the more detailed map for the Maitland-New England



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Highway Corridor District Hinton is shown as a 'Non-Urban Area' surrounded by 'Flood Plains'. The Planning Proposal has a limited relevance to the *Draft Plan for Growing Hunter City*. Its main relevance is to the *Draft Hunter Regional Plan*.

**Draft Hunter Regional Plan**

Hinton is shown within the 'Hunter City's Rural Hinterland' as an 'Urban Area (Indicative)'.

Hinton is shown on the Selected Primary Industries Map as surrounded by 'Biophysical Strategic Agricultural Land' that coincides with land identified as 'Flood Plains'.

Because development on the site is 'infill' and limited in extent it will have negligible impacts and relevance to the Directions and Objectives of the *Draft Hunter Regional Plan* for both agricultural production and provision of housing.

Comment from the NSW Department of Primary Industry (Agriculture) will be sought on issues regarding agriculture. This will provide the opportunity to address any issues raised as part of the planning proposal process.

*Direction 2.1 Promote investment to grow regional rural and resource industries.*

*Action 2.1.2 Support the growth of the region's important primary industries.*

Response: The fragmentation of the site, its location close to (or within) the developed area of Hinton, and Hinton Road acting as a 'barrier' to expansion, limit the future ability of the site to contribute to growth of the region's primary industry. Conversely, these factors also mean that development of the site would be unlikely to affect the growth of other nearby primary industries.

*Action 2.1.3 Develop local strategies to support sustainable agriculture and agribusiness.*

Response: Discussion of the Planning Proposal relative to the *Port Stephens Rural Strategy* is provided in a following part of this Planning Proposal.

*Direction 2.4 Manage competing and conflicting interests in rural and resource areas to provide greater certainty for investment.*

*Action 2.4.2 Avoid urban and rural residential encroachment into identified agricultural and extractive resource lands when preparing long term settlement strategies.*

Response: The extent of development can be limited to the site on the basis that it is already fragmented, comprises rural residential development and adjoins existing rural residential development in the RU5 Village Zone at Bounty Close. The Planning Proposal may raise broader issues about the rezoning of land zoned RU1 Primary Production. Under the circumstances this issue is negated because the site characteristics and location can be used as a reasonable basis that the Planning Proposal will not be used as a precedent for broader rezoning of land within the RU1 Primary Production Zone.

*Action 2.4.3 Protect the region's wellbeing and prosperity through increased biosecurity measures.*



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Response: The nearest poultry production is a single shed 500m to the north and situated north of Hinton Road. The potential biosecurity is considered to be low. The Planning Proposal will be forwarded to NSW Department of Primary Industries (Agriculture).

Direction 4.1 Focus housing and service growth towards Hunter City and the region's existing towns and villages.

*Action 4.1.1 Investigate demand for and options to accommodate long-term housing growth in towns and villages.*

Response: The *Port Stephens Planning Strategy* identifies that there is minimal supply of vacant land for housing in the rural west. Development on the site would make a very minor contribution to supply at Hinton village.

*Action 4.1.2 Manage the supply of housing in rural areas to protect social, environmental and economic values.*

Response: The Planning Proposal will not affect the economic production value of rural land. The site is currently zoned RU1 Primary Production however is fragmented, small in area, and is used for rural residential purposes.

The Planning Proposal will have little or no impact on environmental values and service infrastructure and networks. The site is primarily cleared. There are no sewer services available at Hinton. These services are provided via on-site methods.

Direction 4.3 Build the region's resilience to natural hazards.

*Action 4.3.2 Integrate risk management frameworks for coastal, floodplain and other hazards into local strategies and planning controls, prioritising areas identified to support regional growth.*

Response: A broader increase in the number of people that would become isolated in a flood event requires a strategic position. However in this instance the increase in population is small and limited to the proposed site. The Draft Plan states that new urban development will not be permitted in locations with a high or unmanageable risk of exposure to flooding. The relative small-scale of the proposal is not likely to require any additional demands on emergency services than the existing arrangements. Comments from the State Emergency Service are intended to be sought as a condition of a Gateway Determination.

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

**Port Stephens Community Strategic Plan 2013-2023**

The Planning Proposal is consistent with Sustainable Development Strategic Direction 11.1 *Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations of the Port Stephens Community Strategic Plan.*

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It is likely to have a negligible effect or no effect on the environmental, social and economic needs.

**Port Stephens Planning Strategy 2011-2036**

The Planning Proposal is being considered under the provisions of the *Port Stephens Planning Strategy* for limited, relatively minor extension of existing rural residential development where there is no adverse impact on either future land use capabilities or infrastructure. The Planning Proposal is consistent with these requirements because it is limited to a discrete area ('infill') with limited and minor additional lot yield (5 potential additional allotments).

**Port Stephens Rural Strategy**

The Port Stephens Rural Strategy gives recognition to Hinton as a 'village'. Hinton is described as having a special character which needs to be preserved. Heritage impacts are able to be assessed in detail at the development application stage. It will not compromise current and future agricultural opportunities even though it is within the RU1 Primary Production Zone because development of the site can be limited and is 'infill'.

**Draft Port Stephens Rural Residential Strategy**


Council has exhibited the *Draft Port Stephens Rural Residential Strategy*. It has not been considered for adoption at this time.

The site is not affected by the Strategy's proposed Exclusionary Criteria. The land falls outside the scope of the rural residential strategy because its strategic intent will remain as existing rural residential development. The proposed lot size variation is consistent with the existing character of the adjoining subdivision pattern. Because of the site's proximity to Hinton and existing rural residential development, the 'infill' characteristics of potential future development as a result of any future development, the risk of setting an undesirable precinct for other RU1 Primary Production land is low.

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**6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

**Table 1 Assessment Against Relevant SEPPs**

SEPP	Consistency and Implications
<p><b>SEPP 44 – Koala Habitat Protection (Port Stephens Comprehensive Koala Plan of Management)</b></p> <p>The objectives of the CKPOM (relevant to koalas and their habitat):</p> <p>Evaluate and rank habitat throughout the LGA</p> <p>Identify priority conservation areas and strategies to protect significant habitat and populations</p> <p>Identify threats</p> <p>Provide for the long-term survival of populations by addressing conservation strategies to effectively address each of the threats</p> <p>Provide for the restoration of degraded areas</p> <p>Ensure that adequate detail is provided with development applications in order to assess, minimise and ameliorate likely impacts</p> <p>Provide guidelines and development standards to protect koalas and habitat</p> <p>Provide for effective public awareness and education programs concerning koala</p>	<p>The <i>Port Stephens Comprehensive Koala Plan of Management (CKPOM)</i> is applied in Port Stephens LGA for the purposes of implementing SEPP 44.</p> <p>The Council GIS Koala Habitat Planning mapping indicates the north-west part of the subject land contains areas of Preferred Koala Habitat and associated 50m Buffer Over Cleared Land. This mapping coincides with a stand of mature eucalypts on 374 Hinton Road and other nearby properties.</p>  <p>The CKPOM mapping appears erroneous for the site given the absence (aside from one tree) of preferred koala habitat species.</p> <p>The NSW Atlas of Wildlife has the nearest koala records to the site being at Wallalong (approximately 2.5km to the northwest) and no records within 10km to the south of the site. This suggests that the site is not part of any utilised koala movement corridor.</p> <p>No sign of koalas or their presence was noted during an inspection of the site undertaken by the Proponent's environmental consultant.</p> <p>The following are the performance criteria of the CKPOM for planning proposals:</p> <p>a) <i>Not result in development within areas of Preferred Koala</i></p>

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<p>conservation issues</p> <p>Encourage appropriate ecotourism programs</p> <p>Provide a formal approach for the assessment, retrieval, rehabilitation and release of sick, injured, orphaned or distressed koalas</p> <p>Identify potential funding sources for implementation of the CKPOM</p> <p>Facilitate targeted conservation and management-oriented research projects within the Port Stephens LGA</p> <p>Provide for the effective implementation and monitoring of the CKPOM</p>	<p><i>Habitat or defined Habitat Buffers.</i></p> <p><i>b) Allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas.</i></p> <p><i>c) Minimise the removal of any individuals of preferred koala food trees, wherever they occur on the site.</i></p> <p><i>d) Not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p> <p>The site is unlikely to be of any value to the Port Stephens koala population. This can be confirmed through assessment following a Gateway Determination (if required). There is also provision within the <i>Port Stephens Local Environmental Plan 2013</i> and <i>Port Stephens Development Control Plan 2014</i> to assess any potential impact on vegetation at the development application stage.</p> <p><b>The consistency of the Planning Proposal with this SEPP can be confirmed following a Gateway Determination.</b></p>
<p><b>SEPP 55 Remediation of Land</b></p> <p>This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>A site contamination report has not been submitted by the Proponent.</p> <p>The Proponent's Planning Proposal submits that there is no known contamination of the land and that the current and former uses of the land are unlikely to have caused risk of contamination.</p> <p>It is proposed to seek a conditional Gateway Determination requiring a preliminary contamination report to confirm the land is suitable for further residential development.</p> <p><b>The consistency of the Planning Proposal with this SEPP is subject to further investigation following a Gateway Determination.</b></p>
<p><b>SEPP (Rural Lands) 2008</b></p> <p>This SEPP aims to facilitate the orderly and economic use and development of rural lands for rural</p>	<p>The site is zoned RU1 Primary Production however no primary production occurs. It is adjacent to land zoned RU5 Village and other land zoned RU1 Primary Production.</p> <p>The site is mapped as Prime Agricultural Land (Class 1 to 3) however it is not used for any primary production purpose.</p>

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<p>purposes, identify rural planning principles and rural subdivision principles, reduce land use conflicts and identify State significant agricultural land.</p>	<p>The Draft Hunter Regional Plan Selected Primary Industries Map does not identify the site as 'Biophysical Strategic Agricultural Land'.</p> <p>The Rural Planning Principles of the SEPP are:</p> <ul style="list-style-type: none"> <li><i>The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;</i></li> </ul> <p>The current use of the site is rural residential. The existing lot sizes range from 0.8 ha to 1.5 ha. This current lot arrangement is not large enough to support any primary production. If development is limited to within the site it will not impact on opportunities primary production.</p> <ul style="list-style-type: none"> <li><i>Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.</i></li> </ul> <p>Development of the site would be infill development on land used for rural residential purposes. It is very unlikely to have any impact on any trends, demands and issues in agriculture in the area.</p> <ul style="list-style-type: none"> <li><i>Recognition of the significance of rural land to the State and rural communities, including the social and economic benefits of rural land use and development.</i></li> </ul> <p>The land is used for rural residential purposes and is not identified as Biophysical Strategic Agricultural Land. It doesn't contribute significantly to the State and rural communities' primary production.</p> <ul style="list-style-type: none"> <li><i>In planning for rural lands, to balance the social, economic and environmental interests of the community.</i></li> </ul> <p>The Planning Proposal balances the social, economic and environmental interests of the community because of the limited extent and 'infill' nature of potential development.</p> <ul style="list-style-type: none"> <li><i>The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.</i></li> </ul> <p>It is unlikely there will be any environmental impacts because the land is cleared. The exception is some native vegetation at 374 Hinton Road however any impacts could</p>
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	<p>be managed at the development application stage.</p> <ul style="list-style-type: none"> <li><i>The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i></li> </ul> <p>There is opportunity to create up to 5 additional allotments as 'infill' development.</p> <ul style="list-style-type: none"> <li><i>The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.</i></li> </ul> <p>There could be some impact on emergency services when Hinton becomes isolated during a flood. The impact would be limited because of the 'infill' characteristics of the site. The views of emergency services on flood risk can be sought through a conditional Gateway Determination.</p> <ul style="list-style-type: none"> <li><i>Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i></li> </ul> <p>There is some inconsistency because the Planning Proposal is not endorsed by the NSW Department of Planning and Environment. The Planning Proposal is generally consistent with Sustainability Criteria in the <i>Lower Hunter Regional Strategy</i>.</p> <p>The Subdivision Principles of the SEPP are:</p> <ul style="list-style-type: none"> <li><i>The minimisation of rural land fragmentation.</i></li> </ul> <p>The site is fragmented and potential development would be 'infill' to avoid expansion to the larger primary production lots to the north and south of the site.</p> <ul style="list-style-type: none"> <li><i>The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.</i></li> </ul> <p>The Planning Proposal can minimise any potential for land use conflict if it is limited to within the subject site. There is a single poultry shed located approximately 500m to the north. Any potential risk as a result of further development can be investigated as part of a conditional Gateway Determination.</p> <ul style="list-style-type: none"> <li><i>The consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands.</i></li> </ul>
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	<p>The degree of fragmentation varies between particular areas. In this instance the site is already fragmented and adjoins existing rural residential development at Bounty Close.</p> <p>There is a very low supply of vacant rural residential land in the western part of the LGA. The Planning Proposal will make a very small contribution towards its supply.</p> <ul style="list-style-type: none"><li>• <i>The consideration of the natural and physical constraints and opportunities of land and ensuring that planning for dwelling opportunities takes account of those constraints.</i></li></ul> <p>The effect of any potential development on local drainage will need to be investigated further if the Planning Proposal proceeds.</p> <p><b>Any inconsistency of the Planning Proposal with this SEPP is of minor significance.</b></p> <p><b>The Planning Proposal will also be referred to the NSW Department of primary Industry (Agriculture) for comment.</b></p>
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7. Is the planning proposal consistent with applicable Ministerial Directions?  
 Table 2 Assessment against Relevant Section 117 Directions (EP & A Act 1979)


Ministerial Direction	Consistency and Implications
<p><b>1.2 Rural Zones</b></p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>This Direction does not apply because the land is not capable of agricultural production due to its fragmentation. The site is currently used for rural residential purposes and has very limited or no agricultural production value. Potential development is 'infill' development.</p> <p>The Planning Proposal will be referred to the NSW Department of Primary Industries (Agriculture) for comment.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is of minor significance. The Planning Proposal will be referred to the NSW Department of Primary Industries (Agriculture) for comment.</b></p>
<p><b>1.3 Mining, Petroleum Production and Extractive Industries</b></p> <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>This Direction has limited application because the site is used for rural residential purposes. It is unlikely to place any future restriction on the potential development of mining, petroleum production and extractive resources.</p> <p>A large part of the LGA is identified as a 'Potential Resource Area – Medium Confidence – containing potential energy resources'. The Planning Proposal can be referred to the NSW Department of Primary Industries (Minerals) for further comment.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is of minor significance. The Planning Proposal will be referred to the Department of Industry (Resources and Energy) for comment.</b></p>
<p><b>1.5 Rural Lands</b></p> <p>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.</p>	<p>This Direction does not apply because the Planning Proposal is seeking to amend the current RU1 Primary Production zoning and 40 hectare minimum lot size. It provides that the Planning Proposal must be consistent with the rural planning and subdivision principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>. Assessment of the Planning Proposal against those principles is provided in the preceding table and demonstrates the Planning Proposal is of minor significance.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is of minor significance. The Planning Proposal will be referred to the NSW Department of Primary Industry (Agriculture) for comment.</b></p>



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<p><b>2.1 Environmental Protection Zones</b></p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>This Direction applies whenever a Relevant Planning Authority prepares a planning proposal. Under this Direction a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The subject land is zoned RU1 Primary Production and no environmental protection zone currently applies.</p> <p>Vegetation is largely composed of managed gardens and lawns, with some native eucalypt trees present (remnant and planted). The LHCCREMS depicts Coastal Ranges Open Forest and Hunter Lowland Redgum Forest within 374 Hinton Road. Field inspection undertaken by the Proponent's environmental consultant reveals that the LHCCREMS is incorrect: only one Red Gum tree was noted. Combined with the lack of native shrub and ground cover, it is apparent that there is no Endangered Ecological Community present. The Proponent submits that this is an isolated community with no understorey, and that this vegetation will not be impacted by future development under the Planning Proposal due to its location within the allotment.</p> <p>There is also provision within the <i>Port Stephens Local Environmental Plan 2013</i> and <i>Port Stephens Development Control Plan 2014</i> to assess any potential impact on vegetation at the development application stage.</p> <p>Further detail could be provided (if required) as part of a conditional Gateway Determination and the Planning Proposal will be referred to the NSW Office of Environment and Heritage for comment.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is of minor significance. The Planning Proposal will be referred to the NSW Department of Environment and Heritage for comment.</b></p>
<p><b>2.3 Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>Under this Direction, a planning proposal must contain provisions that facilitate the conservation of: 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; Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i> (NSW); and Aboriginal areas, objects, Aboriginal</p>


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	<p>places or landscapes identifies 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 located within the Hinton Heritage Conservation Area identified in the <i>Port Stephens Local Environmental Plan 2013</i> and is already developed.</p>  <p>The <i>Heritage Appraisal</i> submitted by the Proponent is an adequate assessment for this stage of the planning process for matters of European heritage. While the Planning Proposal will result in impacts, these can be mitigated to protect the existing heritage values of the Hinton Heritage Conservation Area. A Statement of Heritage Impact report, including a more detailed heritage assessment, will be required at the development application stage.</p> <p>The Proponent has not investigated any Aboriginal heritage implications at this stage of the Planning Process.</p> <p>The Planning Proposal will be referred to the relevant Local Aboriginal Land Council and the NSW Office of Environment and Heritage for comment.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is likely to be of minor significance and managed at the development application stage. The Planning Proposal will be referred to the NSW Office of Environment and Heritage and relevant Local Aboriginal Land Council for comment.</b></p>
<p><b>3.1 Residential</b></p>	<p>This Direction applies because it seeks to apply a</p>

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<p><b>Zones</b></p> <p>The objectives of this Direction are: To encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; To minimise the impact of residential development on the environment and resource lands.</p>	<p>residential-type zone to the site (RU5 Village). The Planning Proposal will have a negligible impact on the objectives of this Direction. It is a limited, minor extension of existing rural residential development.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is of minor significance.</b></p>
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>The objective of this direction is to ensure that development achieves the following objectives: Improving access to housing, jobs and services by walking, cycling and public transport; Increasing the choice of available transport and reduce dependence on cars; Reducing travel demand including the number of trips generated by the development and the distances travelled, especially by car; Supporting the efficient and viable operation of public transport services; Providing for the efficient movement of freight.</p>	<p>This Direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land.</p> <p>Hinton is located approximately 10km from the major regional centre of Raymond Terrace. There is minimal provision of public transport in the rural west of Port Stephens and future residents would rely heavily on private vehicle use.</p> <p>Any inconsistencies of the Planning Proposal with the objectives of this Direction are justified because subsequent development would be a limited and 'infill'.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is of minor significance.</b></p>
<p><b>4.1 Acid Sulfate Soils</b></p> <p>The objective of this</p>	<p>The site is within the lowest risk category for acid sulfate soils. Any related issues can be managed at the development application stage by applying the provisions of Clause 7.1 <i>Acid Sulfate Soils</i> of the <i>Port Stephens Local</i></p>

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<p>direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p><i>Environmental Plan 2013.</i></p> <p><b>The Planning Proposal is consistent with this Direction.</b></p>
<p><b>Flood Prone Land 4.3</b></p> <p>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 <i>Floodplain Development Manual 2005</i>, and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p>	<p>The site is not prone to flooding however it does become isolated during large flood events along with Hinton generally.</p>  <p>Any inconsistencies of the Planning Proposal with the objectives of this Direction are justified because potential development would be limited and 'infill'.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is of minor significance. The Planning Proposal can be referred to the State Emergency Service for comment.</b></p>
<p><b>Planning for Bushfire Protection 4.4</b></p> <p>The objectives of this direction are to protect life,</p>	<p>The site is not mapped as bushfire prone land.</p> <p><b>The Planning Proposal is consistent with this Direction. The Planning Proposal will be referred to the NSW Rural Fire Service for comment.</b></p>

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<p>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.</p>	
<p><b>Implementation of Regional Strategies 5.1</b></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>The consistency of the Planning Proposal with the <i>Lower Hunter Regional Strategy</i> is addressed previously. The Planning Proposal is generally consistent with the Sustainability Criteria; there is not an endorsed local council strategy; and is able to maintain the character and role of Hinton.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is of minor significance.</b></p>

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**SECTION C – Environmental, Social and Economic Impact**

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

The following information is based on information provided in the Proponent's *Ecological Overview*.

Vegetation Mapping

The LHCCREMS depicts Coastal Ranges Open Forest and Hunter Lowland Redgum Forest within 374 Hinton Road. Hunter Lowland Redgum Forest is listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995* (NSW). Field inspection undertaken by the Proponent's environmental consultant reveals that the LHCCREMS is incorrect: only one Red Gum tree was noted and not in the area mapped by LHCCREMS as containing Hunter Lowland Redgum Forest. The stand of remnant Eucalypt trees in the northern end of 374 Hinton Road are all *Eucalyptus pilularis* (Blackbutt) which is diagnostic of the Coastal Ranges Open Forest community, which is not an Endangered Ecological Community. Combined with the lack of native shrub and groundcover on the manicured properties, it is apparent that no Endangered Ecological Community vegetation is present on the site.

Threatened Plants

Searches of the NSW Wildlife Atlas reveal no threatened plants have been recorded in the site or the Hinton village area.

One threatened flora species has been previously recorded within 10km of the site, being *Eucalyptus glaucina* (Slaty Red Gum). No sign of this species was noted on the site.

Given the modified nature of the site it is unlikely that any threatened flora species will be present.

Threatened Fauna

Searches of the NSW Wildlife Atlas reveal no threatened plants have been recorded in the site or the Hinton village area.

Within 10km of the site, there have been records of the following groups of threatened species: eight bird species; three non-flying mammals; one mega bat; and eight microbat species.

Given the limited amount of habitat present on site, and the isolation of the remnant habitat within the Hinton area, it is unlikely that most of the threatened species considered are reliant on the site or resources.

The potential for micro-bats to be roosting cannot be discounted, given that several hollows were noted in the Blackbutt trees on 374 Hinton Road. However, it is proposed

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that most or all of these trees would be retained within any future development. Other trees within the site are young to moderate age only and do not support hollows.

It is unlikely that any threatened fauna will be notably impacted by the type of development facilitated by the Planning Proposal.

Appropriate targeted surveys would need to be undertaken for relevant threatened species to clarify their status on site if habitat (ie large tree) removal is proposed.

There is provision within the *Port Stephens Local Environmental Plan 2013* and *Port Stephens Development Control Plan 2014* to assess any potential impact on vegetation at the development application stage. Further information can be provided and assessed at a following stage of the planning proposal process and at the development application stage.

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

**Heritage**

The site is located within the Hinton Heritage Conservation Area under the *Port Stephens Local Environmental Plan 2013*. It is on the eastern and southern boundary of the conservation area and will be the first visible site, within the conservation area, when approaching from the south-east along Hinton Road.

To mitigate future development impact the retention of mature plantings and vegetation at the Hinton Road boundary is paramount.

New development will not be generally visible from Prospect House, being the nearest, locally listed heritage item, which is located some 500m to the west along Hinton Road from the subject site.

The *Heritage Appraisal* submitted by the Proponent is considered to be an adequate heritage appraisal for this stage of the Planning Proposal. In summary, it found that while the Planning Proposal will result in impacts, these are most unlikely to be significant to the existing heritage values of Hinton. A Statement of Heritage Impact and detailed assessment should accompany the subdivision application at the development application stage.

**Drainage**

The majority of the site drains towards Hinton Road as sheet flow and the majority of the area is draining in a westerly direction. There is no drainage system along the road to collect and convey stormwater from this particular area to existing drainage located near Bounty Close. The only available drainage is lay-back kerb and this is insufficient to carry large flows coming from this catchment. With proposed additional development, more water flows towards the road and it could have implications for traffic safety. A drainage system may be needed from the site to the Hinton Road/Bounty Close intersection. Any

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on-site detention system could be problematic because there is no drainage system at the front of the site to collect any additional concentrated water.

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

The Planning Proposal has negligible social and economic effects. It will facilitate the creation of a small number of additional lots (approximately 5) and dwellings and small increase in the local population.

**SECTION D – State and Commonwealth interests**

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

Developer contributions for local infrastructure will apply to the future development of the land in accordance with the *Port Stephens Section 94 Development Contributions Plan 2007*.

Reticulated sewer is not provided to Hinton and sewage management for any future dwellings will be via on-site disposal.

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

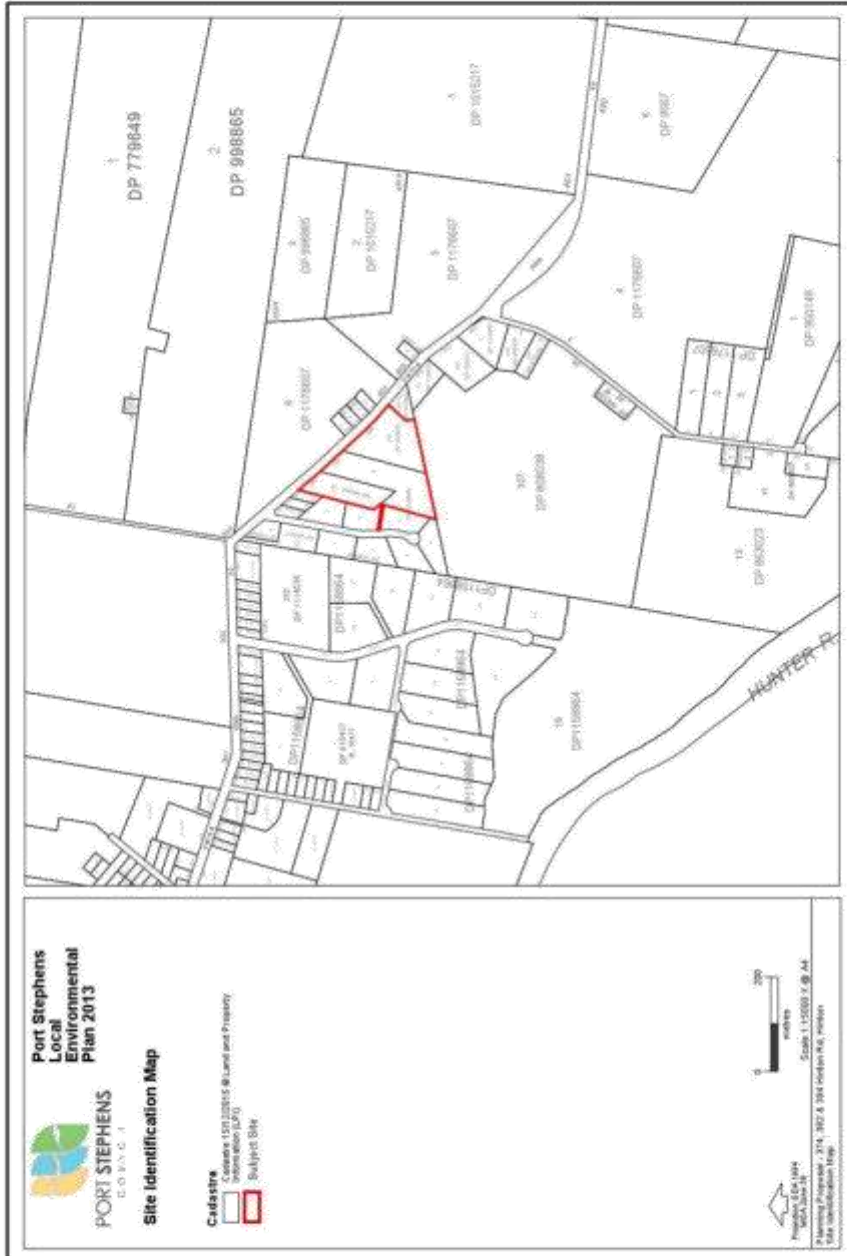
It is proposed to forward the Planning Proposal to the following authorities for comment:

- NSW Office of Environment and Heritage;
- NSW Rural Fire Service;
- NSW Department of Primary Industries (Resources and Energy);
- NSW Department of Primary Industries (Agriculture);
- NSW State Emergency Service; and
- Relevant Local Aboriginal Land Council.

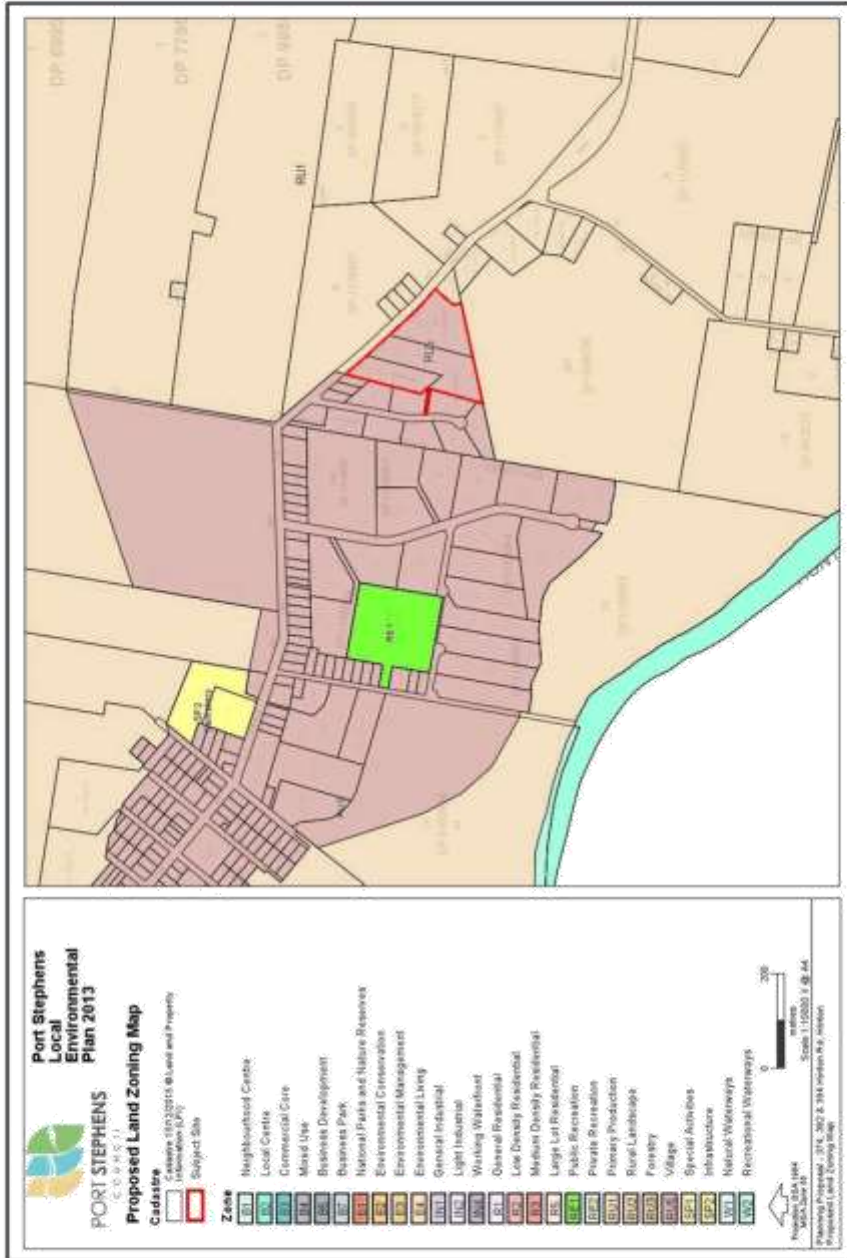


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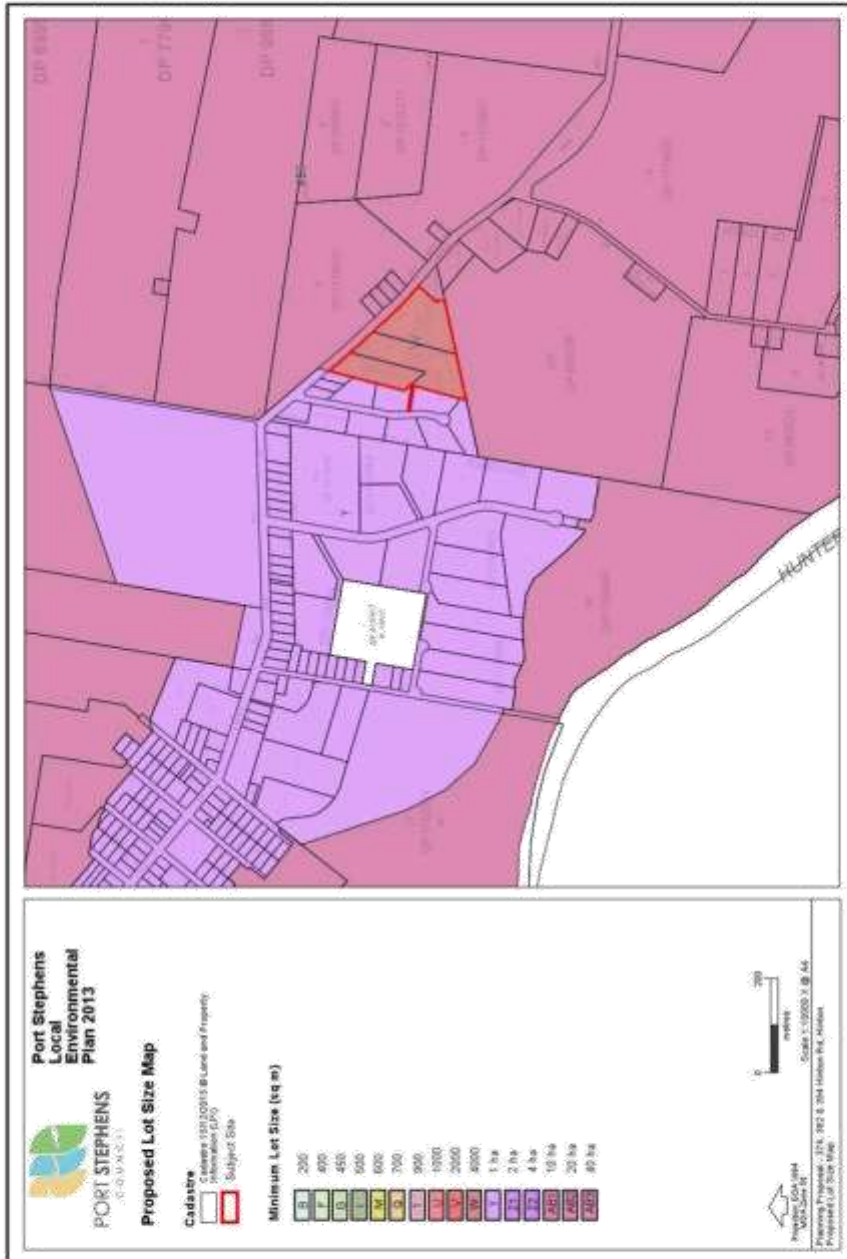
Part 4 - Mapping



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**Part 5 - Details of Community Consultation**

The Planning Proposal is low impact and is recommended to be placed on public exhibition for a period of 14 days. Notice of the public exhibition will be placed in the local newspaper and adjoining landowners notified in writing. Copies of the Planning Proposal and supporting studies will be made available on Council's website (subject to obtaining copyright permission).

**Part 6 – Project Timeline**

A project timeline for the Planning Proposal is set out in the following table:

**Table 3 Project Timeline for Planning Proposal in 2016**

	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
<b>Council Report</b>										
<b>Gateway Determination</b>										
<b>Consultation with State agencies</b>										
<b>Public Exhibition</b>										
<b>Council Report</b>										
<b>Parliamentary Counsel</b>										

**Table 4 Assessment Against the Lower Hunter Regional Strategy Sustainability Criteria**

Sustainability Criteria Considerations	Comments
<b>1. Infrastructure provisions - Mechanisms in place to ensure utilities, transport, open space, and communication are provided in a timely and efficient way.</b>	
<i>Development is consistent with any regional strategy, subregional strategy, State Infrastructure Strategy, or Section 117 Direction.</i>	<p>The Strategy adopts the position that rural residential development is adequately catered for within existing zones and planning strategies on a regional basis. It also identifies that appropriate development of rural lands can contribute to the character, economy and social fabric of the Region and revitalise rural communities, and that these areas are also subject to many competing and potentially conflicting pressures that have the potential to damage some of their most valuable and irreplaceable attributes. Development under the Planning Proposal would be low impact and is minor in scale. It would have a limited effect on the existing character, economy and social fabric of Hinton. The type of development being facilitated by the Planning Proposal is limited 'infill'.</p> <p>Consistency with relevant Section 117 Directions is discussed in an earlier section of this Planning Proposal.</p> <p><b>The Planning Proposal generally satisfies this criterion.</b></p>
<i>The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.</i>	<p>Not applicable.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>
<i>Preparedness to enter into a development agreement.</i>	<p>The Proponent has not indicated a willingness to enter into a development agreement, however there is no indication that one is necessary.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>

<p><b>2. Access - Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.</b></p>	
<p><i>Accessibility of the area by public transport and/or appropriate road access in terms of:</i></p> <p><i>Location/land use – to existing networks and related activity centres.</i></p> <p><i>Network – the area's potential to be serviced by economically transport services.</i></p> <p><i>Catchment – the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to the achievement of travel and vehicle use goals.</i></p> <p><i>No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</i></p>	<p>Hinton is located approximately 10km from the major regional centre of Raymond Terrace. There is minimal provision of public transport in the rural west of Port Stephens. Future residents would rely heavily on private vehicle use. Because of the minor scale of any development it will have a negligible impact on the road network.</p> <p>Any inconsistencies of the Planning Proposal with this criterion are justified because subsequent development would be a limited 'infill' consistent with adjacent development.</p> <p><b>The Planning Proposal generally satisfies this Criterion.</b></p>
<p><b>3. Housing Diversity - Provide a range of housing choices to ensure a broad population can be housed.</b></p>	
<p><i>Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</i></p>	<p>The Planning Proposals will make a negligible contribution towards the supply of land for housing does not seek to contribute towards the geographic market spread of housing supply, including any Government targets established for aged, disabled or affordable housing.</p> <p><b>The Planning Proposal generally satisfies this criterion.</b></p>

<b>4. Employment Lands - Provide regional/local employment opportunities to support the Hunter's expanding role in the wider regional and NSW economies.</b>	
Maintain or improve the existing level of subregional employment self-containment and meets subregional employment projections.	Not applicable. <b>The Planning Proposal satisfies this criterion.</b>
<b>5. Avoidance of Risk - Land Use conflicts, and risk to human health and life, avoided</b>	
No residential development within 1:100 floodplain.	The site is not located within the 1:100 year floodplain. <b>The Planning Proposal satisfies this criterion.</b>
Avoidance of physically constrained land e.g. high slope, highly erodible.	The site is not physically constrained. <b>The Planning Proposal satisfies this criterion.</b>
Avoidance of land use conflict with adjacent existing or future land use as planned under relevant subregional or regional strategy.	Development under the Planning Proposal is unlikely to create conflict with adjacent or future land use because it is limited 'infill'. Any risk of land use conflict can be investigated further during the planning proposal process for example to the farm to the south and poultry farm approximately 500m to the north. <b>The Planning Proposal satisfies this criterion.</b>
Where relevant available safe evacuation route (flood and bushfire).	The site is not bushfire prone.  The site becomes isolated during large flood events, along with Hinton generally. <b>Consistency of the Planning Proposal with this criterion regarding flood isolation can be confirmed through referral to the SES (if required).</b>
<b>6. Natural Resources - Natural resource limits not exceeded/environmental footprint minimised.</b>	
Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.	The Planning Proposal will not place any demand on water infrastructure capacity because Hinton is not connected to the reticulated water system. It will also not place any unacceptable pressure on environmental flows. <b>The Planning Proposal satisfies this criterion.</b>

<p><i>Demonstrates most efficient/suitable use of land: (avoids identified significant agricultural land, avoids productive resource lands - extractive industries, coal, gas and other mining, and quarrying).</i></p>	<p>The Planning Proposal avoids significant agricultural land and productive resource lands. This can be confirmed through referral to the NSW Department of Primary Industries (Mineral Resources) and (Agriculture) if required.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>
<p><i>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.</i></p>	<p>The Planning Proposal is very unlikely to place unacceptable pressure on energy infrastructure capacity to supply energy because of its minor scale.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>
<p><b>7. Environmental Protection - Protect and enhance biodiversity</b></p>	
<p><i>Consistent with Government-approved Regional Conservation Plan.</i></p>	<p>Hinton is not affected by the Regional Conservation Plan.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>
<p><i>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity. This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.</i></p>	<p>It is apparent that there is no Endangered Ecological Community present.</p> <p>There is provision within the <i>Port Stephens Local Environmental Plan 2013</i> and <i>Port Stephens Development Control Plan 2014</i> to assess any potential impact on vegetation at the development application stage. Alternatively, further information can be provided and assessed at a following stage of the planning proposal process.</p> <p>The Planning Proposal will be referred to the NSW Office of Environment and Heritage for comment.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>
<p><i>Maintain or improve existing environmental condition for air quality.</i></p>	<p>Development under the Planning Proposal will have negligible impact on air quality because it is limited infill.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>



<p><i>Maintain existing environmental condition for water quality (consistent with community water quality objectives for recreational water use and river health (DEC and CMA) and consistent with catchment and stormwater management planning (CMA and Council).</i></p>	<p>Development under the Planning Proposal could be required to demonstrate consistency with Council stormwater management requirements following a Gateway Determination.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>
<p><i>Protect areas of Aboriginal cultural heritage (as agreed by OEH).</i></p>	<p>The Proponent has not investigated any Aboriginal heritage implications at this stage of the Planning Process.</p> <p>The Planning Proposal will be referred to the relevant Local Aboriginal Land Council and the NSW Office of Environment and Heritage for comment.</p> <p><b>Satisfying this criterion is subject to consultation with the relevant Local Aboriginal Land Council and OEH.</b></p>
<p><b>8. Quality and Equity in Services - Quality health, education, legal, recreational, cultural and community development and other government services are accessible</b></p>	
<p><i>Available and accessible services (do adequate services exist? Are they at capacity or is some capacity available? Has government planned and budgeted for further service provision? Developer funding for required service upgrade/access is available.</i></p>	<p>Sufficient community services are available nearby at Raymond Terrace.</p> <p><b>The Planning Proposal satisfies this criterion.</b></p>

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PLANNING PROPOSAL.

PLANNING PROPOSAL  
LARGE LOT RESIDENTIAL

Lot 328 DP 633032, Lot 8 DP 1038606 and Lot 325 DP 590644

374 – 394 HINTON ROAD  
HINTON



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July 2015

**ITEM 5 - ATTACHMENT 3 374 TO 394 HINTON ROAD, HINTON - PROPONENT PLANNING PROPOSAL.***Planning Proposal – Hinton Road Hinton***Planning Proposal****374 – 394 Hinton Road Hinton****Contents**

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**Background**

The planning proposal seeks to amend Port Stephens LEP 2013 so as to allow the site to be divided into allotments with a minimum area of 4000 square metres. The site currently comprises three allotments and four dwellings. If approved the potential number of allotments will increase by five and the potential number of dwellings by four. In order to achieve this outcome the zoning of the site needs to be amended from RU1 Primary Production to RU5 Village with a minimum lot size of 4000 square metres.

The site is located within the village of Hinton. Adjoining the site are properties with areas ranging from 1000 to 4000 square metres. The proposal will result in the village zone being expanded to the east incorporating existing land with urban services. The proposal would not alter the character of the village but would assist in providing a modest increase in housing and improve sustainability of the social fabric of Hinton.

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*Planning Proposal – Hinton Road Hinton*

**The Site**

The village of Hinton comprises 140 dwellings and houses a population of some 360 residents. The proposal involves a parcel of land at 374 to 394 Hinton Road Hinton, described as Lot 328 DP 633032; Lot 8 DP 1038606 and Lot 325 DP 590644. The site has a combined area of 3.7 hectares.

The site is located immediately east of the Village zone boundary and has direct access to Hinton Road. A secondary access is available off Bounty Close to one of the allotments.



Figure 1: Local Context of Site

The site is currently zoned RU1 Primary Production and comprises four dwellings on three allotments. The site is gently sloping towards Hinton Road (<5% grade) with limited vegetation. The site is bounded to the west by the eight lot Bounty Close Rural Residential Estate (4000m<sup>2</sup> lots). To the north and south lie large agricultural properties. There are scattered smaller allotments with direct access off Hinton Road located both opposite the site (north) and towards the east.

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*Planning Proposal – Hinton Road Hinton*



**Photo 1** – *View of entrance to #382 Hinton Road*



**Photo 2** – *Looking down Hinton Road opposite #382*



**Photo 3**– *Looking down Hinton Road opposite #382*



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*Planning Proposal – Hinton Road Hinton*



**Photo 4 – View of entrance to #394 Hinton Road**



**Photo 5 – Hinton Road beside the site**

### Part 1 - Objectives or Intended Outcomes

The proposal is to allow for an extension of the Village of Hinton so as to create an additional five allotments. This will allow for the construction of four additional dwellings and consolidate the pattern of development between dwellings in Bounty Close and those located on smaller sized allotments on Hinton Road. The proposed change to the land use pattern is not considered to be significant in physical terms and due to existing vegetation and the positioning of existing dwellings, the visual impact of the proposal will be minor.

A likely subdivision layout with future dwelling sites shown is provided as **Figure 2**. The proposed density of development is comparable the size of lots in Bounty Close (4000m<sup>2</sup>).



**Figure 2:** Possible development outcome – new boundaries shown in yellow.

### Part 2 - Explanation of Provisions

The objective of this planning proposal will be achieved by amending Port Stephens LEP 2013 as follows:

1. Amending the zoning map from RU1 to RU5 over the three lots, and
2. Amending the Lot Size Map from 40ha to 4000m<sup>2</sup> over the three lots.

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**Part 3 – Justification**

**Section A - Need for the planning proposal**

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

The planning proposal is not inconsistent with Council's Planning Strategy or Rural Strategy that both support the expansion of existing village communities where there is good road access and an adequate supply of urban facilities and services. There is no detailed strategy for the village of Hinton.

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

Yes, a change in the Port Stephens LEP 2013 is considered the most appropriate means of enabling the site to be further subdivided so as to provide opportunity for an additional four dwellings in Hinton.

**Section B - Relationship to strategic planning framework**

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

The Lower Hunter Regional Strategy applies to the land.

**Lower Hunter Regional Strategy (2006 - 2031)**

The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years. The Strategy, among other things, aims to: -

- Accommodate significant accommodation growth
- Provide sufficient land and development opportunities to provide housing for the future growth of the population
- Protect, manage and improve biodiversity and conservation areas
- Protect the rural character and viable agricultural lands in the region, and
- Protect the mineral and coal resources of the region

The Strategy identifies that appropriate development of rural lands can contribute to the character, economy and social fabric of the Region and revitalize local communities. However development needs to be balanced against potential conflict with existing agricultural activities. "The scale of new development within and adjacent to existing vilages and rural towns must respect and preserve their character, scale, cultural heritage and social values."<sup>1</sup>

The site is adjacent to land, mapped as 'existing urban area'. The existing urban area' is surrounded by land mapped as 'rural and resource land' where the objective is to protect agriculture, drinking water aquifers, and mineral and timber resources because they provide valuable economic, environmental and social benefits to the region.

<sup>1</sup> Lower Hunter Regional Strategy, DoP, 2006, p. 37  
1441



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However, the site :-

- Is already established for residential use
- Is both floristically and faunistically depauperate of native species and disconnected from continuous stands of native vegetation so that it contains limited biodiversity or conservation value
- Is both fragmented and too small in area to contribute as either an agricultural or a mineral resource
- Lies well above the floodplain
- Is provided with urban services, and
- Located between a large number of smaller residential allotments

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

#### **Port Stephens Rural Strategy 2011**

The Port Stephens Rural Lands Strategy provides directions for the development of rural land in the LGA. The growth management philosophy for the rural lands is as follows:

- Limit expansion to the towns which have the capacity for growth;
- Encourage a wide range of agricultural and other complementary rural uses such as tourism having regard to environmental impact.
- Ensure that communities have an adequate level of facilities and services to ensure a good quality of life for all residents
- Embody the concepts of Ecologically Sustainable Development

The Strategy provides for the growth and future development of the towns and villages, and gives recognition to Hinton as a 'village'. In respect to housing the Strategy states:

- Provide for rural residential development only in areas that have adequate access to services and facilities.
- Provide a mix of housing opportunities which includes urban, rural residential and farm housing.
- Ensure that any rural residential development is located as close as possible to the nearest urban area.
- Ensure that any rural residential development is not located on land that is subject to flood inundation in the 1% AEP flood, or bush fire threat.<sup>2</sup>

The characteristics of rural residential development have been well stated by Sinclair and Bunker:-

*Rural residential development can be divided into two main categories: rural fringe and rural living. Rural fringe development is characterised by single detached houses and dual occupancies on lot sizes of approximately 4000 square metres to 1 hectare laid out in an estate. This estate usually joins or is in close proximity to an urban area. Rural living, on the other hand, features single detached houses and dual occupancies on lot sizes between 1 hectare and 40 to 100 hectares and can adjoin farmland or vegetated areas. People living on these lots use the land primarily for residential*

<sup>2</sup> Port Stephens Rural Lands Strategy 2011 – Sections 3.3 – 3.6

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*purposes, although they may graze some cattle or have horses. This requires lot sizes of more than 2 hectares if land degradation is to be avoided. The lots do not adjoin townships or villages and are scattered throughout the rural landscape.”<sup>3</sup>*

The proposal falls within the category of ‘rural fringe’ due to the site being well serviced and forming part of the village environs and located between small lot development on two sides.

The village of Hinton was assessed as part of the Strategy as follows:

1. *Village*

*The village of Hinton is has a special character which needs to be preserved. The designation of it as village will help to preserve its heritage character.*

*A set of desired future character statements (which will ultimately become the zone objectives) should be prepared for the designation and it should include the following matters:*

- o To provide for a range of land uses, services and facilities that are associated with a rural village.*
- o To restrict development to small scale developments which are compatible with the general residential character of village areas and which are unlikely to prejudice the viability of established shopping and commercial centres.*
- o To ensure that development has proper regard to the environmental constraints of land and minimises any off and on site impacts on biodiversity, water resources and natural landforms.<sup>4</sup>*

The proposal is consistent with the aims and objectives of the *Port Stephens Rural Strategy*.

**Port Stephens Strategy 2011**

The Port Stephens Planning Strategy 2011 (PSPS) is Council’s adopted comprehensive planning strategy that guides the direction of future growth and sustainability of the LGA. It responds to the principles of the *Lower Hunter Regional Strategy* and Council’s *Community Settlement and Infrastructure Strategy 2007* and *Rural Lands Strategy 2011*. The PSPS provides for growth around existing urban centres, and provides strategic direction for the Rural West catchment.

The PSPS identifies Hinton as a ‘village’ which may experience small growth over the planning period through organic growth of the urban footprint of the village.

Due to the small size of the site, the PSPS did not make specific recommendations of future landuse options. However the strategy did make provision for up to 70 additional dwellings being provided in the Rural West catchment over the planning period. In recognition that the strategy provided direction for larger scale development, the PSPS at 7.5 provided for proposals of a minor nature which were not identified:-

**7.5 Land Not Identified For Development PSPS**

Land not identified for development in either the LHR, PSPS or identified in the Green Corridor is unlikely to be supported by Council. It is acknowledged that minor rezoning proposals, which on an LGA wide scale, are considered inconsequential may be considered in the context of minimal/nil

<sup>3</sup> Sinclair, I and Bunker, R (2007) *Planning for Rural Landscapes*, in Thompson S (ed) *Planning Australia – An Overview of Urban and Regional Planning*, Cambridge University Press, Melbourne, p52

<sup>4</sup> *Port Stephens Rural Lands Study 2011*, Edge Land Planning P.141  
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impact to the establish commercial hierachy, residential and employment land supply and growth foot prints.

The proposal provides for four additional dwellings which is inconsequential in the land supply provision for the LGA. The proposal is considered to be not antipathetic to the aims, objectives and principles of the PSPS as follows:

- The site adjoins an urban area (Bounty Close) and visually forms part of the village.
- the site lies within the Hinton Heritage Conservation Area which defines the urban form of the village centred on Hinton Road on urban characteristic grounds.
- is well serviced and will give further support to the local community, particularly Hinton Public School.
- will comfortably fit within the fabric of the village as smaller allotments adjoin on three sides
- will not impact on agricultural production due to its small size
- lies well above the floodplain and is not impacted by natural hazards

The proposal is consistent with the aims and objectives of the Port Stephens Strategy.

*5. Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below:

*Table 1 - Consideration of State Environmental Planning Policies*

SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	
State Environmental Planning Policy No 14—Coastal Wetlands	No	
State Environmental Planning Policy No 15—Rural Landsharing communities	No	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	
State Environmental Planning Policy No 21—Caravan Parks	No	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	
State Environmental Planning Policy No 26—Littoral Rainforests	No	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	
State Environmental Planning Policy No 30—Intensive Agriculture	No	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No	

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State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	
State Environmental Planning Policy No 36—Manufactured Home Estates	No	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	
State Environmental Planning Policy No 44—Koala Habitat Protection	No	See comments at Section 7 below.
State Environmental Planning Policy No 47—Moore Park Showground	No	
State Environmental Planning Policy No 50—Canal Estate Development	No	

State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	
State Environmental Planning Policy No 55—Remediation of Land	No	There is no known contamination of the land and the current and former uses of the land are unlikely to have caused risk of contamination.
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	
State Environmental Planning Policy No 64—Advertising and Signage	No	The planning proposal does not contain any proposals for advertising or signage
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	
State Environmental Planning Policy No 71—Coastal Protection	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	
State Environmental Planning Policy (Kosciuszko National Park—Alpine	No	

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Resorts) 2007		
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	Yes	The SEPP provides a set of planning principles for the development of rural land and aims to protect prime agricultural land from fragmentation which could lead to lower production. Provisions also provide for increased settlement in rural areas that will contribute to the social and economic welfare of rural communities. The proposal is not inconsistent with the provisions of the SEPP as the development will not result in a reduction in agricultural production but will strengthen the social and economic welfare of the Hinton village community.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

*Table 2 - Consideration of Section 117 Directions*

<b>Section 117 Directions</b>	<b>Applicable</b>	<b>Consistent</b>
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	No	
1.2 Rural Zones	Yes	The proposal is not inconsistent with the Direction as the land is not used for agricultural production. The land adjoins land zoned for urban development and gives support to the social and economic future of an established rural community of some 350 residents. The proposal is not inconsistent with the objectives of the Lower Hunter Strategy and is considered to be of minor significance in the context of rural land in the LGA.
1.3 Mining, Petroleum Production and Extractive Industries	No	

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1.4 Oyster Aquaculture	No	
1.5 Rural Lands	Yes	As the site comprises three small parcel of land which are not used for agricultural production, there will be no detrimental impact on agricultural production.
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	No	
2.2 Coastal Protection	No	
2.3 Heritage Conservation	Yes	The site is located within the Hinton Conservation Area. The provisions of PSLEP 2013 provides provisions which facilitate the conservation of heritage items and places. Neither of the existing buildings on the site are listed heritage items. A preliminary heritage impact assessment concluded that the proposal will not material affect to heritage character of Hinton, with any likely impact being able to be mitigated through landscape treatment. See Attachment 1.
2.4 Recreation Vehicle Areas	No	
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	No	
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	Yes	Home Occupation is exempt development under SEPP (Exempt and Complying Development Codes) 2008. Home businesses are not impacted by the proposal.
3.4 Integrating Land Use and Transport	No	
3.5 Development Near Licensed Aerodromes	No	
3.6 Shooting Ranges	No	
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	No	
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	No	The site lies well above the 1% flood contour of 6.8m AHD.
4.4 Planning for Bushfire Protection	No	
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	Yes	Yes, the Planning Proposal is not inconsistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development	No	

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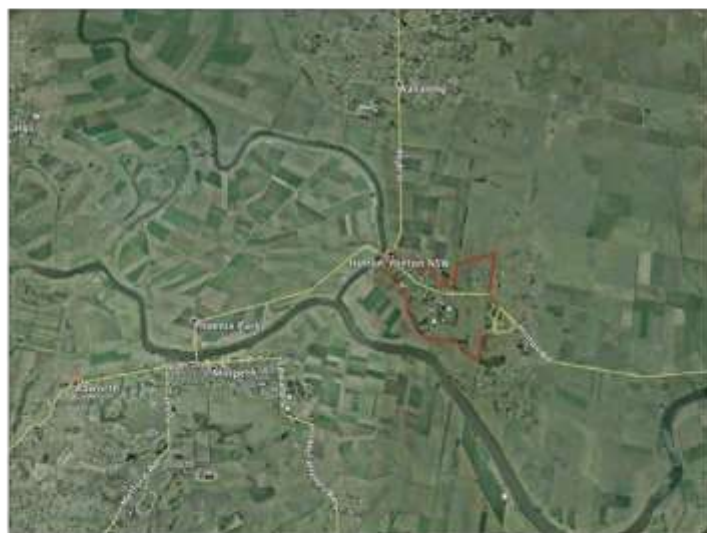
along the Pacific Highway, North Coast		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	NA	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	NA	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	NA	
5.8 Second Sydney Airport: Badgerys Creek	No	
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	The planning proposal is consistent with Direction 6.1
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

**Section C - Environmental, social, and economic impact**

*7. 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?*

Located on the northern boundary of #374 Hinton Road is a stand of mature eucalypts which have been mapped a *Hunter Lowland Redgum Forrest* (EEC). This is an isolated community with no understory. This vegetation will not be impacted by the proposal due to its location on the allotment. It is very unlikely that this community will be impacted by the proposed development.

Hinton lies above the floodplain and is surrounded by wide open agricultural lands and well removed from areas of native vegetation. The nearest large stand of vegetation which may support a koala population is located some 3.4 kilometres to the north. While tree species known to be feed trees for koala exist on the site, there have been no recorded sittings of koala in or around Hinton. A preliminary assessment has concluded that the site does not support habitat for koala due to the lack of connectivity to other areas of preferred habitat.



**Figure 3:** *Hinton lies within a landscape devoid of native vegetation.*

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

#### **Heritage**

The site lies within the Hinton Heritage Conservation Area. There are no listed items of environmental heritage on site. Any future development proposals will be controlled via the existing template heritage provisions contained within the PSLEP 2013. *Coste studio* were commissioned to undertake a preliminary assessment of the likely heritage impact of the site and concluded that the proposal would not have a detrimental impact on the heritage character of the village. Fencing and landscape treatments would be recommended via a heritage impact assessment when proposals for subdivision and dwellings are being considered. See **Attachment 1**.

#### **Contamination**

There is no known contamination of the land and the current and former uses of the land are unlikely to have caused risk of contamination.

#### **Traffic Impacts and Vehicular and Pedestrian Access**

Hinton Road is speed limited to 50kph past the site. This road carries relatively low volumes of traffic and has the capacity to accommodate additional traffic movements generated by an additional four dwellings. Recent roadworks along Hinton road have extended kerb and guttering along the northern side of the road finishing to the west of the site. A concrete kerb and drainage swale extends along the full frontage of the site.

#### **Bushfire**

The site does not lie within a mapped bushfire risk area.

#### **Effluent disposal**

Local soil conditions are supportive of on-site effluent disposal systems (aerated) and the use of on site disposal systems in the adjoining Bounty Close subdivision has been shown to operate efficiently with no detrimental impact on lots with areas of 4000m<sup>2</sup> or less.

#### **Flooding**

While the village of Hinton lies generally above the 1% flood contour, the village becomes isolated during major flood events. This situation is well understood and accepted by Hinton residents. The proposal has the potential to increase the population by about 10 persons and increase the population of the village from 360 to 370 persons. This is considered to be a negligible increase in likely demand for assistance from SES during a flood event. It is not considered that the increase in population generated by the development will result in an unacceptable risk or place an unreasonable burden on emergency services.



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**Odour**

Located on a rural property to the north is a poultry farm. The single shed is located 420 metres from the nearest potential dwelling to be created by the proposal. There have been no recorded complaints from residents of Hinton of noxious odours from this facility even though there are several dwellings located within 350 metres of the facility. The poultry sheds are located so as they benefit from prevailing north westerly winds which would effectively push odour away from the subject site and onto lands with a lower elevation.

It is concluded that the subject site is not unduly affected by odour emanating from the poultry shed to the north.

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

The proposal has the potential to:-

- consolidate the effective use of a small parcel of land that adjoins the village of Hinton and represents a natural extension to the pattern of development established in Bounty Close.
- Consolidate the effective use of a small land parcel without diminishing the localities existing level of agricultural production.
- Providing for the expansion of the village.
- Make effective use of existing urban infrastructure.
- Protect the viability of public bus services established for Hinton.
- Give increased support to Hinton Public School, Hinton School of Arts and Stuart Park as community assets.
- Protecting the current levels of patronage of Hinton's Hotel; and
- Slightly increase the population of Hinton.

**Section D - State and Commonwealth interests**

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

Yes, the site is adequately serviced by public utilities. Reticulated water, electricity and telephone services are located in Hinton Road while local soil conditions have proven to adequately support on-site effluent disposal on lots with areas of less than 4000 square metres on adjoining lands. The existing road, being kerbed and guttered along the full frontage to the site, displays the sites urban character.

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

No State or Commonwealth public authorities have been consulted at this stage, but this consultation will be carried out in accordance with the requirements of the gateway determination.

**Part 4 – Mapping**

The planning proposal seeks to amend the PSLEP maps by extending the RU5 zoning on Land Zoning Map - Sheet LZN\_002A to include the subject lands. Changes to Lot Size Map – Sheet LSZ\_002A from AB3 to W over the subject site.

**ITEM 5 - ATTACHMENT 3 374 TO 394 HINTON ROAD, HINTON - PROPONENT PLANNING PROPOSAL.**

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**Part 5 – Community Consultation**

The planning proposal is considered as low impact in accordance with the Department of Planning guidelines. The level of community consultation will be determined by the Council. All relevant agencies will be consulted in accordance with the requirements of the gateway determination.

**Part 6 – Project Timeline**

The Council will determine the timeline for the proposal.

**Part 7 – Sustainability Criteria**

As Hinton is too small a locality to be specifically identified in the Lower Hunter Regional Strategy 2006 a sustainability criteria assessment was undertaken.

Threshold sustainability criteria for any proposed development site outside designated area in regional strategy	Measurable explanation of criteria	Comment
<p><b>1. Infrastructure Provision</b></p> <p>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way</p>	<ul style="list-style-type: none"> <li>• Development is consistent with any regional strategy, subregional strategy, State Infrastructure Strategy, or section 117 direction.</li> <li>• The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on Government methodology for determining infrastructure development contributions.</li> <li>• Preparedness to enter into development agreement.</li> </ul>	<p>The site is currently serviced with urban utilities and has good road access. The proposed development can occur without the need for augmentation of these facilities.</p>
<p><b>2. Access</b></p> <p>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided</p>	<ul style="list-style-type: none"> <li>• Accessibility of the area by public transport and/or appropriate road access in terms of:                             <ul style="list-style-type: none"> <li>&gt; Location/land use – to existing networks and related activity centres.</li> <li>&gt; Network – the area’s potential to be serviced by economically efficient transport services.</li> <li>&gt; Catchment – the area’s ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/ transport patterns to make a positive contribution to achievement of travel</li> </ul> </li> </ul>	<p>The village is located within close proximity to Morpeth ( 4 kms)which provides a range of commercial services.</p>

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	<p>and vehicle use goals.</p> <ul style="list-style-type: none"> <li>No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</li> </ul>	
<p>3. Housing Diversity</p> <p>Provide a range of housing choices to ensure a broad population can be housed</p>	<ul style="list-style-type: none"> <li>Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</li> </ul>	<p>Four additional dwellings would result from the proposal and these would be located in a rural village environment.</p>
<p>4. Employment Lands</p> <p>Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies</p>	<ul style="list-style-type: none"> <li>Maintain or improve the existing level of subregional employment self-containment.</li> <li>Meets subregional employment projections.</li> </ul> <p>&gt; Employment-related land is provided in appropriately zoned areas.</p>	<p>Not Applicable</p>
<p>5. Avoidance of Risk</p> <p>Land use conflicts, and risk to human health and life, avoided</p>	<ul style="list-style-type: none"> <li>No residential development within 1:100 floodplain.</li> <li>Avoidance of physically constrained land, e.g.                     <ul style="list-style-type: none"> <li>&gt; high slope</li> <li>&gt; highly erodible.</li> </ul> </li> <li>Avoidance of land use conflicts with adjacent existing or future land use as planned under relevant subregional or regional strategy.</li> <li>Where relevant available safe evacuation route (flood and bushfire).</li> </ul>	<p>The site lies above the 1:100 year floodplain, is gently sloping and not subject to bushfire risk. The development will not impact adjoining agricultural activity as there are currently dwellings located to the rear of the site and the agricultural activity is not impacted by these existing residential uses.</p> <p>During times of flooding residents have several hours to safely evacuate to Morpeth if so required. Over the last 20 years the community has safely lived with being isolated for extended periods by floodwaters and there is a acceptance that this inconvenience is both understandable and a means for the making of an inclusive community.</p>
<p>6. Natural Resources</p> <p>Natural resource limits not exceeded/environmental footprint minimised</p>	<ul style="list-style-type: none"> <li>Demand for water within infrastructure capacity to supply water and does not place unacceptable pressure on environmental flows.</li> <li>Demonstrates most efficient/suitable use of land:                     <ul style="list-style-type: none"> <li>&gt; avoids identified significant agricultural land</li> <li>&gt; Avoids productive resource lands – extractive industries, coal, gas and other mining, and quarrying.</li> </ul> </li> <li>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.</li> </ul>	<p>The proposal does not result in impacts on agricultural production or water resources.</p>

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<p>7. Environmental Protection</p> <p>Protect and enhance biodiversity, air quality, heritage and waterway health</p>	<ul style="list-style-type: none"> <li>• Consistent with Government-approved Regional Conservation Plan (if available).</li> <li>• Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC). This includes regionally significant vegetation communities, critical habitat, threatened species, populations, ecological communities and their habitats.</li> <li>• Maintain or improve existing environmental condition for air quality.</li> <li>• Maintain or improve existing environmental condition for water quality:             <ul style="list-style-type: none"> <li>&gt; consistent with community water quality objectives for recreational water use and river health (DEC and CMA)</li> <li>&gt; consistent with catchment and stormwater management planning (CMA and council).</li> </ul> </li> <li>• Protects areas of Aboriginal cultural heritage value (as agreed by DEC).</li> </ul>	<p>No native vegetation is required to be removed to support the proposal while any impact on water quality can be effectively managed due to the large size of each of the proposed allotments.</p>
<p>8. Quality and Equity in Services</p> <p>Quality health, education, legal, recreational, cultural and community development and other Government services are accessible</p>	<p>Available and accessible services:</p> <ul style="list-style-type: none"> <li>&gt; Do adequate services exist?</li> <li>&gt; Are they at capacity or is some capacity available?</li> <li>&gt; Has Government planned and budgeted for further service provision?</li> <li>&gt; Developer funding for required service upgrade/access is available.</li> </ul>	<p>The development would assist in improving the viability of existing services in Hinton.</p>

*Planning Proposal – Hinton Road Hinton*

## Attachment 1 – Preliminary Heritage Assessment

ITEM 6 - ATTACHMENT 1  
PLANNING PROPOSAL.

FERODALE AND FAIRLANDS ROAD MEDOWIE -



**Planning Proposal**  
17 Fairlands Road (Lot 100 DP 583216)  
2 Ferodale Road (Lot 101 DP 583216)  
Medowie  
May 2016



ITEM 6 - ATTACHMENT 1 FERODALE AND FAIRLANDS ROAD MEDOWIE -  
PLANNING PROPOSAL.

**SUMMARY**

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**Subject land:** 17 Fairlands Road (Lot 100 DP 583216) (0.8 ha)  
2 Ferodale Road (Lot 101 DP 583216) (7.5 ha)

**Total land area:** 8.3 ha (approximate)

**Existing zoning and minimum lot size:** RU2 Rural Landscape and 20 ha

**Proposed zoning and minimum lot size:** R5 Large Lot Residential and 1 ha

**Potential lot yield:** 6 (preliminary estimate subject to development consent)

The site is located at the western end of Ferodale Road Medowie. It consists of two allotments under separate private ownership each with an existing dwelling. The 'main lot' is Lot 100 DP 583216. It has an area of 7.5 ha and is under agricultural production. The 'remaining lot' is Lot 101 DP 583216 and has an area of 0.8 ha and would not gain additional subdivision potential. The site is shown in Figure 1 *Immediate Site Location* and Figure 2 *Broad Site Location*.

The site has very gentle topography and is effectively cleared of native vegetation. A large part of the site drains to the west and directly to Grahamstown Dam (refer to Figure 3 *Site Sub-catchment Boundary*). This increases the risk of any potential development impacting negatively on the regional drinking water supply. Alternatively, there is a portion of the site that fronts Fairlands Road and drains in the opposite direction and indirectly to Grahamstown Dam via the Campvale Drain.

Future rural residential development under the Planning Proposal is consistent with existing and planned future character of the immediate and broader area. The average lot size along Fairlands Road is approximately 1.5 hectares (refer to Figure 4 *Fairlands Road Lot Sizes*). Potential future development of the site would be consistent with existing lots located on the opposite side of Fairlands Road.



ITEM 6 - ATTACHMENT 1 FERODALE AND FAIRLANDS ROAD MEDOWIE - PLANNING PROPOSAL.

Figure 1 Immediate Site Location



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**ITEM 6 - ATTACHMENT 1      FERODALE AND FAIRLANDS ROAD MEDOWIE -  
PLANNING PROPOSAL.**

Figure 2 Broad Site Location



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**ITEM 6 - ATTACHMENT 1      FERODALE AND FAIRLANDS ROAD MEDOWIE -  
PLANNING PROPOSAL.**

Figure 3 Site Sub-catchment Boundary (approximate)



ITEM 6 - ATTACHMENT 1 FERODALE AND FAIRLANDS ROAD MEDOWIE - PLANNING PROPOSAL.

Figure 4 Fairlands Road Lot Sizes



**ITEM 6 - ATTACHMENT 1 FERODALE AND FAIRLANDS ROAD MEDOWIE - PLANNING PROPOSAL.**

**PART 1 – Objective of the Planning Proposal**

The objective of the Planning Proposal is to enable further subdivision of the site for rural residential development consistent with the *Draft Revised Medowie Planning Strategy*.

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

The objective of the Planning Proposal will be achieved by:

- Amending the *Port Stephens Local Environmental Plan 2013* Land Zoning Map to zone the site R5 Large Lot Residential in accordance with the Draft Land Zoning Map.
- Amending the *Port Stephens Local Environmental Plan 2013* Lot Size Map to change the minimum lot size for the site to 1.0 hectare (10,000m<sup>2</sup>) in accordance with the Draft Lot Size Map.

The proposed maps are included in this Planning Proposal.

**PART 3 – Justification for the Planning Proposal**

**SECTION A – Need for the Planning Proposal**

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

The Planning Proposal is the result of the identification of Medowie as a proposed urban area in the *Lower Hunter Regional Strategy*; *Draft Plan for Growing Hunter City*; *Port Stephens Planning Strategy*; *Medowie Strategy*; and the *Draft Revised Medowie Planning Strategy*.

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

The objective of the Planning Proposal can only be achieved by an amendment to the zoning and minimum lot size provisions of the *Port Stephens Local Environmental Plan 2013*. The site requires amendment to zoning and minimum lots size provisions to permit further subdivision (with development consent).

It is proposed to proceed with the Planning Proposal rather than wait for a general review of the *Port Stephens Local Environmental Plan 2013* or the adoption of a *Draft Revised Medowie Planning Strategy*. This will enable the Planning Proposal to be considered in a timely manner and consistent with the identification of the land for potential development in planning strategies.



**ITEM 6 - ATTACHMENT 1      FERODALE AND FAIRLANDS ROAD MEDOWIE -  
PLANNING PROPOSAL.**

**SECTION B – Relationship to Strategic Planning Framework**

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

**Lower Hunter Regional Strategy**

Medowie is identified in the *Lower Hunter Regional Strategy* as a proposed urban area with boundaries to be defined through local planning. The Planning Proposal is consistent with the objectives and actions of the *Lower Hunter Regional Strategy* with particular reference to the delivery of additional housing in suitable locations.

**Draft Hunter Regional Plan and Draft Plan for Growing Hunter City**

Medowie is located in the 'Northern Gateways District' in the *Draft Plan for Growing Hunter City*. The revised Planning Proposal is consistent with Direction 7.2 *Manage growth to protect strategic assets* and is consistent with the relevant Action 7.2.1 *To investigate long term opportunities for housing growth including to identify opportunities for sustainable development in Medowie that do not affect water quality*. Development under the Planning Proposal addresses water quality concerns and sets out a process for their resolution.

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

**Port Stephens Community Strategic Plan**

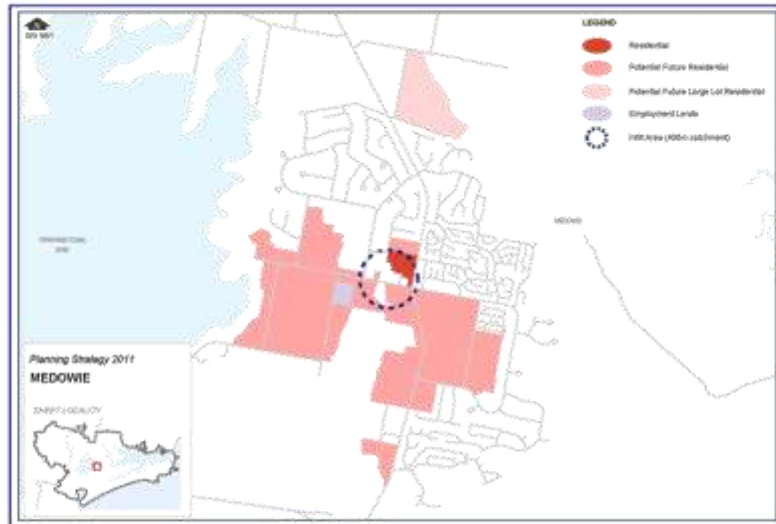
The Planning Proposal is consistent with the *Port Stephens Community Strategic Plan* strategic direction to balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations. It is also consistent with the delivery program to provide strategic land use planning services.

**Port Stephens Planning Strategy**

The *Port Stephens Planning Strategy* identifies Medowie for future growth as a Priority 1 Infill and New Release Area. The site is identified for potential future residential development (refer to Figure 5 *Port Stephens Planning Strategy - Medowie Future Growth Area*).

ITEM 6 - ATTACHMENT 1 FERODALE AND FAIRLANDS ROAD MEDOWIE - PLANNING PROPOSAL.

Figure 5 Port Stephens Planning Strategy – Medowie Future Growth Area



**Medowie Strategy**

Council adopted the *Medowie Strategy* in 2009 to manage urban growth. It is currently under review. It identifies the site for large lot residential development with a minimum lot size of 1,000m<sup>2</sup> to 1,500m<sup>2</sup> (refer to Figure 6 *Medowie Strategy*). Development of this density is not appropriate for the site because of its proximity to Grahamstown Dam and associated risk to drinking water quality.

Figure 6 Medowie Strategy



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**Draft Revised Medowie Planning Strategy**

The *Draft Revised Medowie Planning Strategy* was endorsed for exhibition by Council in November 2015 and commencing February 2016 to April 2016 (it has not been considered for adoption at the time of writing). The Draft Strategy places a much higher emphasis on improving or maintaining water quality within the Medowie drinking water catchment. This is critical to delivering the development of land in Medowie, including on the site. It recommends a larger minimum lot size of 1.0 hectare for the site to address potential risk to water quality and reduce infrastructure requirements. It is proposed to demonstrate satisfaction of water quality concerns through water quality modelling as part of a conditional Gateway Determination.

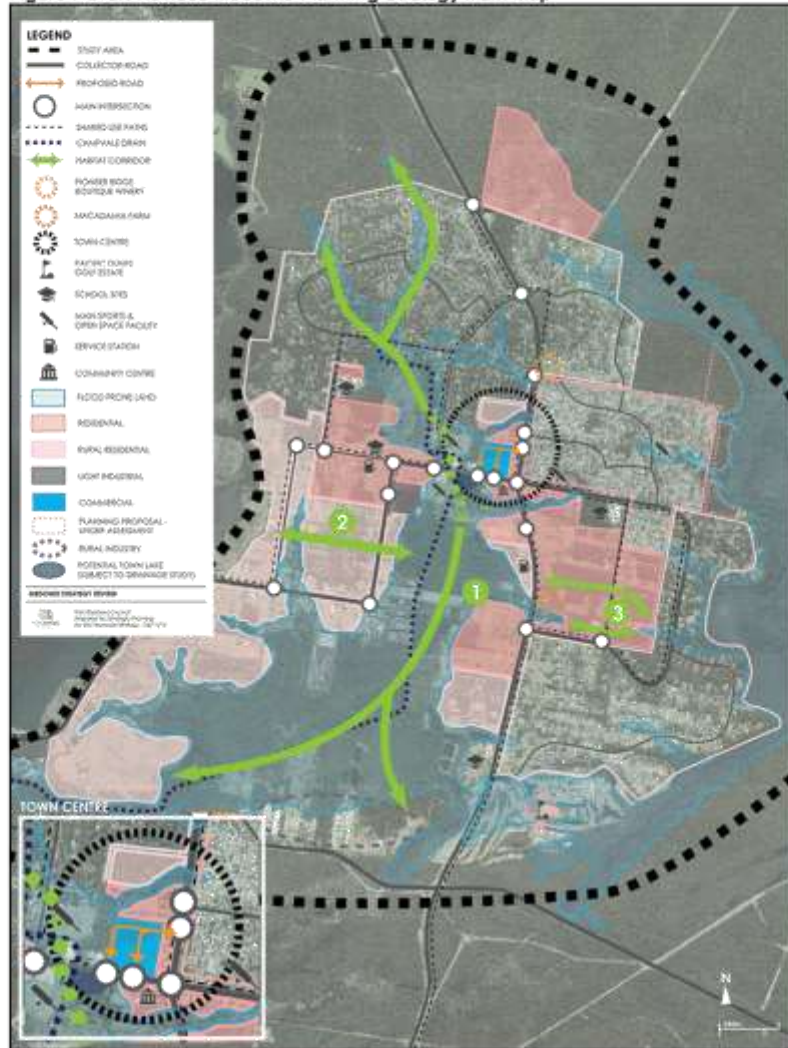
The Draft Strategy requires planning proposals to demonstrate a 'neutral or beneficial effect' on water quality following a Gateway Determination for land that drains indirectly to Grahamstown Dam. In this instance the part of the site proposed for development drains indirectly to the Dam.

Figure 7 *Draft Revised Medowie Planning Strategy Main Map* is shown on the following page.

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Figure 7 Draft Revised Medowie Planning Strategy Main Map



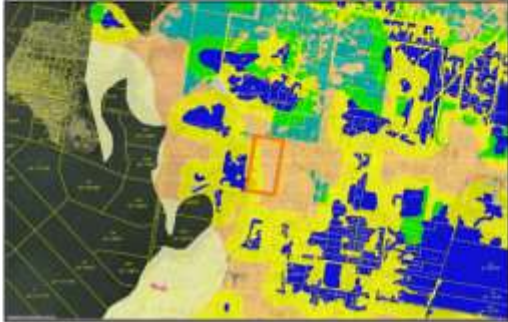


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**6. Is the planning proposal consistent with applicable State environmental planning policies?**

Assessment of the Planning Proposal against the relevant State Environmental Planning Policies is provided in the following Table.

**Table A: Relevant State Environmental Planning Policies**

SEPP	Consistency and Implications
<p><b>SEPP 44 – Koala Habitat Protection (Port Stephens Comprehensive Koala Plan of Management)</b></p> <p>The relevant objectives of the CKPOM are to: Evaluate and rank habitat throughout the LGA; Identify priority conservation areas and strategies to protect significant habitat and populations; Identify threats; Provide for the long-term survival of populations by addressing conservation strategies to effectively address each of the threats; Provide for the restoration of degraded areas; Ensure that adequate detail is provided with development applications in order to assess, minimise and ameliorate likely impacts; Provide guidelines and development standards to protect koalas and habitat; Provide for the effective implementation and monitoring of the CKPOM.</p>	<p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens LGA for the purposes of implementing SEPP 44.</p> <p>The site is effectively cleared (refer to Figure 1 <i>Immediate Site Location</i>). It is very unlikely that there will be a need to remove any native vegetation because future development is to be restricted to the Fairlands Road frontage.</p> <p>Council koala habitat planning mapping indicates the south-west corner of the site may comprise a minor area of Preferred Koala Habitat with a further Associated 50m Buffer (shown as blue and yellow respectively) and Link Over Cleared Land (shown light-brown) associated with vegetation on land to the west of the site.</p>  <p>Preliminary review is that the Planning Proposal meets the performance criteria for rezoning proposals of the CKPOM which are that development will:</p> <ul style="list-style-type: none"> <li>a) <i>Not result in development within areas of Preferred Koala Habitat;</i></li> <li>b) <i>Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;</i></li> </ul>

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	<p>c) <i>Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;</i></p> <p>d) <i>Not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p> <p>The Planning Proposal: will not result in development within areas of Preferred Koala Habitat; is low impact; will minimise the removal of any individual preferred koala food trees; and will not sever koala movement across the site.</p> <p><b>The Planning Proposal is consistent with this SEPP.</b></p>
<p><b>SEPP 55 – Remediation of Land</b></p> <p>This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>This SEPP is relevant because the Planning Proposal seeks to rezone land for residential use.</p> <p>The site has a history of agricultural use. A site contamination study will be required after a Gateway Determination to demonstrate the suitability of the site for residential use.</p> <p><b>The consistency of the Planning Proposal with this SEPP is to be established as part of a conditional Gateway Determination.</b></p>
<p><b>SEPP (Rural Lands) 2008</b></p> <p>This SEPP aims to facilitate the orderly and economic use and development of rural lands for rural purposes, identify rural planning principles and rural subdivision principles, reduce land use conflicts and identify State significant agricultural land.</p>	<p>This SEPP is relevant because the site is zoned RU2 Rural Landscape and used for agricultural production.</p> <p>The Planning Proposal is appropriate when considered against the Rural Planning Principles of the SEPP which are:</p> <ul style="list-style-type: none"> <li>• <i>The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;</i></li> <li>• <i>Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.</i></li> <li>• <i>Recognition of the significance of rural land to the State and rural communities, including the social and economic benefits of rural land use and development.</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• <i>In planning for rural lands, to balance the social, economic and environmental interests of the community.</i></li> <li>• <i>The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land.</i></li> <li>• <i>The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i></li> <li>• <i>The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.</i></li> <li>• <i>Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i></li> </ul> <p>The Planning Proposal is appropriate when considered against the Subdivision Principles of the SEPP as follows:</p> <ul style="list-style-type: none"> <li>• <i>The minimisation of rural land fragmentation.</i></li> <li>• <i>The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.</i></li> <li>• <i>The consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands.</i></li> <li>• <i>The consideration of the natural and physical constraints and opportunities of land and ensuring that planning for dwelling opportunities takes account of those constraints.</i></li> </ul> <p>The following are the reasons why the Planning Proposal is consistent with these principles, or why any inconsistency is minor or justified:</p> <ul style="list-style-type: none"> <li>• <i>Medowie is not identified as 'biophysical strategic agricultural land' in the Draft Hunter Regional Plan (refer to on Figure 9 Selected Primary Industries of the Draft Plan);</i></li> </ul>
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	<ul style="list-style-type: none"><li>• It is consistent with the long-term future for Medowie set out in strategic plans and with the existing rural residential character of the area. The strategic plans balance the social, economic and environmental interests of the community in planning for rural lands.</li><li>• The site is small-scale restricting viable agricultural production.</li><li>• The site is effectively cleared of native vegetation and will have little or no impact on maintaining biodiversity.</li><li>• Any risk of rural land use conflicts relates to an inactive poultry shed located 100m north of Ferodale Road, locate on land that is also identified in strategic plans for future development (this matter can be investigated further by referral to the NSW Department of Primary Industries (Agriculture) and consultation with relevant landowner).</li></ul> <p><b>Any inconsistency of the Planning Proposal with this SEPP is justified or of minor significance. The Planning Proposal will be referred to the NSW Department of Primary Industries (Agriculture) and the landowner of the nearby inactive poultry shed for comment.</b></p>
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**7. Is the planning proposal consistent with applicable Ministerial Directions?**

An assessment of the Planning Proposal against the relevant Section 117 Directions is provided in the following table.

**Table A. Relevant s.117 Ministerial Directions (EP & A Act 1979)**

<b>Ministerial Direction</b>	<b>Consistency and Implications</b>
<p><b>1.1 Business and Industrial Zones</b></p> <p>The objectives of this Direction are to: encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified strategic centres.</p>	<p>This Direction applies because the Planning Proposal may indirectly affect land within an existing or proposed business or industrial zone.</p> <p>The Planning Proposal will have a positive impact. Future residents will support local businesses consistent with future planning for the area.</p> <p><b>The Planning Proposal is consistent with this Direction.</b></p>
<p><b>1.2 Rural Zones</b></p> <p>The objective of this Direction is to protect the agricultural production value of rural land.</p>	<p>This Direction applies because the Planning Proposal seeks to rezone land from a rural zone to a residential zone and to increase permissible development density.</p> <p>Any inconsistency of the planning proposal with this Direction is justified for the reasons set out in the preceding Table regarding the <i>SEPP (Rural Lands) 2008</i>.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is justified or of minor significance. The Planning Proposal will also be referred to the NSW Department of Primary Industries (Agriculture) and the landowner of the nearby inactive poultry shed for comment.</b></p>
<p><b>1.3 Mining, Petroleum Production and Extractive Industries</b></p> <p>The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p>This Direction applies because the Planning Proposal will have the effect of restricting the potential development of coal, minerals, petroleum or extractive materials because of future subdivision for rural residential development.</p> <p>Medowie and large areas of the LGA including the site are located within 'Potential Resource Area – Medium Confidence (refer) - containing potential energy resources' as advised by the Department of Industry (Resources and Energy). The Department advises that any</p>

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	<p>proposed zoning changes that may prohibit or restrict future operations in the RU2 Rural Landscape Zone should be referred to the Department for comment because development could adversely affect, or be affected by, future resource development operations. Any inconsistency with this Direction is minor or justified because it is very unlikely the site will be used for resource extraction because of its location next to Grahamstown Dam and existing residential development.</p> <p><b>Any inconsistency with this Direction is justified or of minor significance. The Planning Proposal can be referred to the NSW Department of Primary Industry (Resources and Energy) for comment on this Direction (if required).</b></p>
<p><b>1.5 Rural Lands</b></p> <p>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.</p>	<p>This Direction applies because the Planning Proposal will affect land within the RU2 Rural Landscape Zone. It provides that a planning proposal must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>The consistency of the Planning Proposal with Rural Planning Principles of the SEPP has already been addressed in the previous table.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is justified or of minor significance. The Planning Proposal will also be referred to the NSW Department of Primary Industries (Agriculture) and the landowner of the nearby inactive poultry shed for comment.</b></p>
<p><b>2.1 Environment Protection Zones</b></p> <p>The objective of this Direction is to protect and conserve environmentally sensitive areas.</p>	<p>This Direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>The site is effectively cleared of vegetation. Environmental matters (if any) can be addressed at the development application stage.</p> <p><b>The Planning Proposal is consistent with this Direction.</b></p>

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<p><b>2.3 Heritage Conservation</b></p> <p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>This Direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a planning proposal must contain provisions that facilitate the conservation of environmental heritage and Aboriginal heritage.</p> <p>A planning proposal may be inconsistent with this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer nominated by the Director-General) that the environmental and indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation or regulations that apply to the land; or the provisions of the planning proposal that are inconsistent are of minor significance.</p> <p>There are no items of European heritage significance on the site or listed in the <i>Port Stephens Local Environmental Plan 2013</i>.</p> <p>The Proponent has not undertaken investigations into Aboriginal heritage at this stage. Referral to the relevant local Aboriginal land council for advice on Aboriginal heritage has not been undertaken at this stage and could be addressed following a Gateway Determination.</p> <p>Future development on the site will be subject to the existing heritage provisions of the <i>Port Stephens Local Environmental Plan 2013</i> and the <i>National Parks and Wildlife Act 1974</i> (NSW). This could potentially address the protection of heritage, given the agricultural use of the site.</p> <p><b>The consistency of the Planning Proposal with this Direction can be confirmed by referral to the NSW Office of Environment and Heritage and the Worimi Local Aboriginal Land Council.</b></p>
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<p><b>3.1 Residential Zones</b></p> <p>The objectives of this Direction are: To encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; To minimise the impact of residential development on the environment and resource lands.</p>	<p>This Direction applies because the Planning Proposal seeks to apply the R5 Large Lot Residential Zone and increase residential density on the site.</p> <p>The Planning Proposal is consistent with this Direction because it will provide rural residential housing in accordance with planning strategies for the area.</p> <p><b>The Planning Proposal is consistent with this Direction.</b></p>
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>The objective of this Direction is to ensure that development achieves the following objectives: Improving access to housing, jobs and services by walking, cycling and public transport; Increasing the choice of available transport and reduce dependence on cars; Reducing travel demand including the number of trips generated by the development and the distances travelled, especially by car; Supporting the efficient and viable operation of public transport services; Providing for the efficient movement of freight.</p>	<p>This Direction applies because the Planning Proposal seeks to apply the R5 Large Lot Residential Zone and increase residential density on the site.</p> <p>The site is located 1.5km from the town centre and directly linked by a shared-use path. It is also close to schools. The site facilitates the use of alternative modes of transport and gives effect to, and is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p><b>The Planning Proposal is consistent with this Direction.</b></p>



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<p><b>3.5 Development Near Licensed Aerodromes</b></p> <p>The objectives of this Direction are: to ensure the effective and safe operation of aerodromes; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development for residential purposes of human occupation, if situated within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p>This Direction applies because Medowie is in proximity to RAAF Base Williamtown and Newcastle Airport. The site is not affected by the Australian Noise Exposure Forecast (ANEF) 2012 or 2025 maps – however land outside of ANEF contours can still be affected by aircraft noise and activity. Any inconsistency with this Direction is justified or of minor significance.</p> <p><b>Any inconsistency of the Planning Proposal with this Direction is justified or of minor significance. The Planning Proposal will be referred to the Department of Defence for comment.</b></p>
<p><b>4.1 Acid Sulfate Soils</b></p> <p>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</p>	<p>Acid sulfate soils planning maps identify most of the site as containing Class 5 soils requiring consent for works within 500m of adjacent soil classes. This is the lowest risk classification. This issue can be managed through the existing provisions of the <i>Port Stephens Local Environmental Plan 2013</i>.</p> <p><b>The Planning Proposal is consistent with this Direction.</b></p>
<p><b>4.3 Flood Prone Land</b></p> <p>The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Policy and the <i>Floodplain Development Manual 2005</i>, and that the provisions of an LEP on flood prone land are commensurate with hazard and include consideration of the potential flood impacts both on and off the land.</p>	<p>This site is not flood prone.</p> <p>Flooding and drainage are general issues in Medowie however the low-density development facilitated by the Planning Proposal minimises any risk associated with off-site impacts.</p> <p><b>The Planning Proposal is consistent with this Direction.</b></p>

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<p><b>4.4 Planning for Bushfire Protection</b></p> <p>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.</p>	<p>This Direction applies because part of the site is mapped as bushfire prone as shown below.</p>  <p>Any dwellings and ancillary structures under the Planning Proposal will front Fairlands Road and are outside that part of the site identified as bushfire prone land. This will limit any direct risk of future dwellings to bushfire. It is very likely this issue is able to be adequately addressed at the development application stage.</p> <p><b>Consistency of the Planning Proposal with this Direction can be confirmed by referral to the NSW Rural Fire Service.</b></p>
<p><b>5.1 Implementation of Regional Strategies</b></p> <p>The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>Medowie is identified in the <i>Lower Hunter Regional Strategy</i> as a proposed urban area with boundaries to be identified through local panning. The site is identified in the <i>Draft Revised Medowie Planning Strategy</i> as a rural residential area with a minimum lot size of 1.0 hectare.</p> <p><b>The Planning Proposal is consistent with this Direction.</b></p>

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**SECTION C – Environmental, Social and Economic Impact**

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

The subject land is effectively cleared of native vegetation. No ecological studies have been undertaken at this stage. The Planning Proposal is very unlikely to result in any adverse impacts in regard to critical habitat or threatened species, populations or ecological communities, or their habitats.

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

**Stormwater Management**

Stormwater management is a concern for rezoning and development in Medowie because of its proximity and drainage to Grahamstown Dam and potential for impact on drinking water quality. This is particularly relevant to the Planning Proposal because part of the site drains to the west and directly to Grahamstown Dam. No building footprint is proposed to be located on land that drains directly to Grahamstown Dam.

Part of the site fronts Fairlands Road and eventually drains indirectly to Grahamstown Dam via the Campvale Drain. It is this area (only) that is proposed to accommodate building footprints under the revised Planning Proposal. This should maintain (or could potentially demonstrate reduction of) the existing level of direct risk to drinking water quality. Site investigations including survey demonstrate that there is sufficient land area to provide rural residential dwellings and avoid land that drains directly to Grahamstown Dam. If required, minor re-grading earthworks can also be undertaken to reinforce sub-catchment boundaries and development footprints in a practical and reasonable manner.

A site-specific development control plan is proposed to be prepared. This can include: drainage and stormwater management; building footprints; subdivision design; and potential guidance for revision and updating of the existing restrictive covenant (to the benefit of Hunter Water Corporation). This is in addition to the existing general water quality controls in the *Port Stephens Development Control Plan 2014 Chapter B4 Drainage and Water Quality*.

Water quality modelling demonstrating neutral or beneficial effect on water quality is proposed post-Gateway Determination.

There is additional surety that future development will meet water quality requirements at the development application stage through addressing the provisions of clause 7.8 *Drinking water catchments* of the *Port Stephens Local Environmental Plan 2013* being:

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**"7.8 Drinking water catchments**

- (1) *The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*
- (2) *This clause applies to land identified as "Drinking Water Catchment" on the [Drinking Water Catchment Map](#).*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:*
  - (a) *whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:*
    - (i) *the distance between the development and any waterway that feeds into the drinking water storage,*
    - (ii) *the on-site use, storage and disposal of any chemicals on the land,*
    - (iii) *the treatment, storage and disposal of waste water and solid waste generated or used by the development,*
  - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) *the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows,*  
*or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact,*  
*or*
  - (c) *If that impact cannot be minimised—the development will be managed to mitigate that impact.*

The location of the site in relation to the Drinking Water Catchment is shown at Figure 8 *Drinking Water Catchment*.

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Figure 8 Drinking Water Catchment



**Traffic and Transport**

The Planning Proposal minimises requirements for additional traffic infrastructure. Each lot that could be created as a result of the Planning Proposal can be accessed directly from Fairlands Road. There will be no need for internal site traffic and transport infrastructure.

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

The Planning Proposal will have positive social and economic effects through the provision of land for rural residential development consistent with the existing and desired future character of the area.

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**SECTION D – State and Commonwealth interests**

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

It is proposed to refer the planning proposal to the Hunter Water Corporation for comment on the provision of adequate sewer and water infrastructure. The *Draft Revised Medowie Planning Strategy* provides that future urban development in the Grahamstown Dam Drinking Water Catchment should be connected to a reticulated sewer and water system.

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

It is intended to consult with the following organisations after a Gateway Determination:

- Hunter Water Corporation
- Worimi Local Aboriginal Land Council
- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- NSW Roads and Maritime Services
- Department of Defence

**Part 4 - Mapping**

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The proposed mapping amendments to the *Port Stephens Local Environmental Plan 2013* are included as attachments to this Planning Proposal.

**Part 5 - Details of Community Consultation**

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Community consultation will be undertaken in accordance with a Gateway Determination.

It is proposed to exhibit the Planning Proposal for 28 days and notify adjoining and subject landowners in writing.

Notice of the exhibition will be placed in the local newspaper.

Exhibition material will be available on Council's website and during normal business hours at Council's Administration Building. It will also be made available at the Medowie Community Centre.

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**Part 6 – Project timeline**

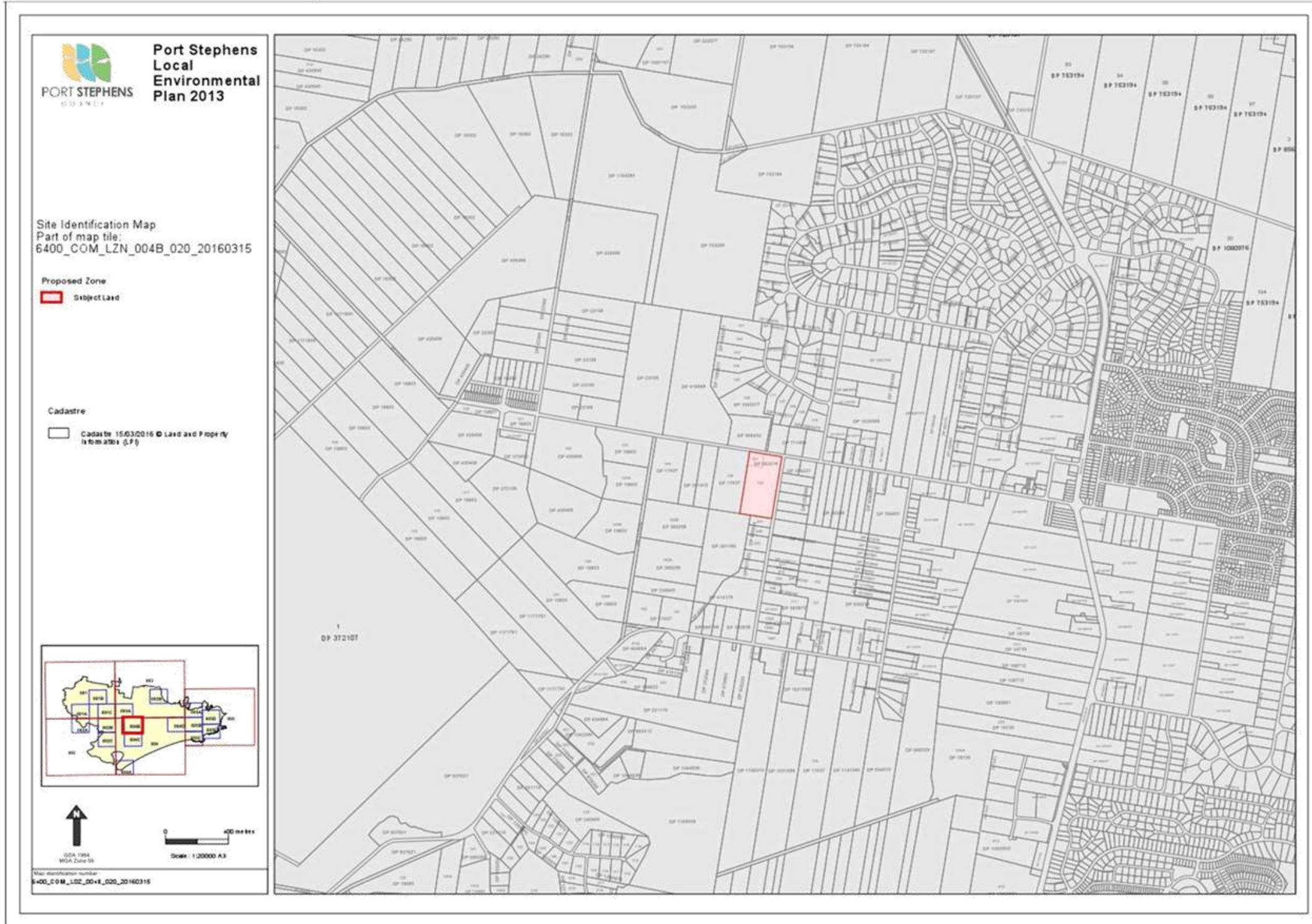
The following timetable is proposed for completing the Planning Proposal:

	MAY 2016	JUN 2016	JUL 2016	AUG 2016	SEP 2016	OCT 2016	NOV 2016	DEC 2016	JAN 2017	FEB 2017	MAR 2017	APR 2017	MAY 2017
<i>Council Report</i>													
<i>Gateway Determination</i>													
<i>Additional Information</i>													
<i>Agency Consultation</i>													
<i>Public Exhibition</i>													
<i>Review Submissions</i>													
<i>Council Report</i>													
<i>Parliamentary Counsel</i>													





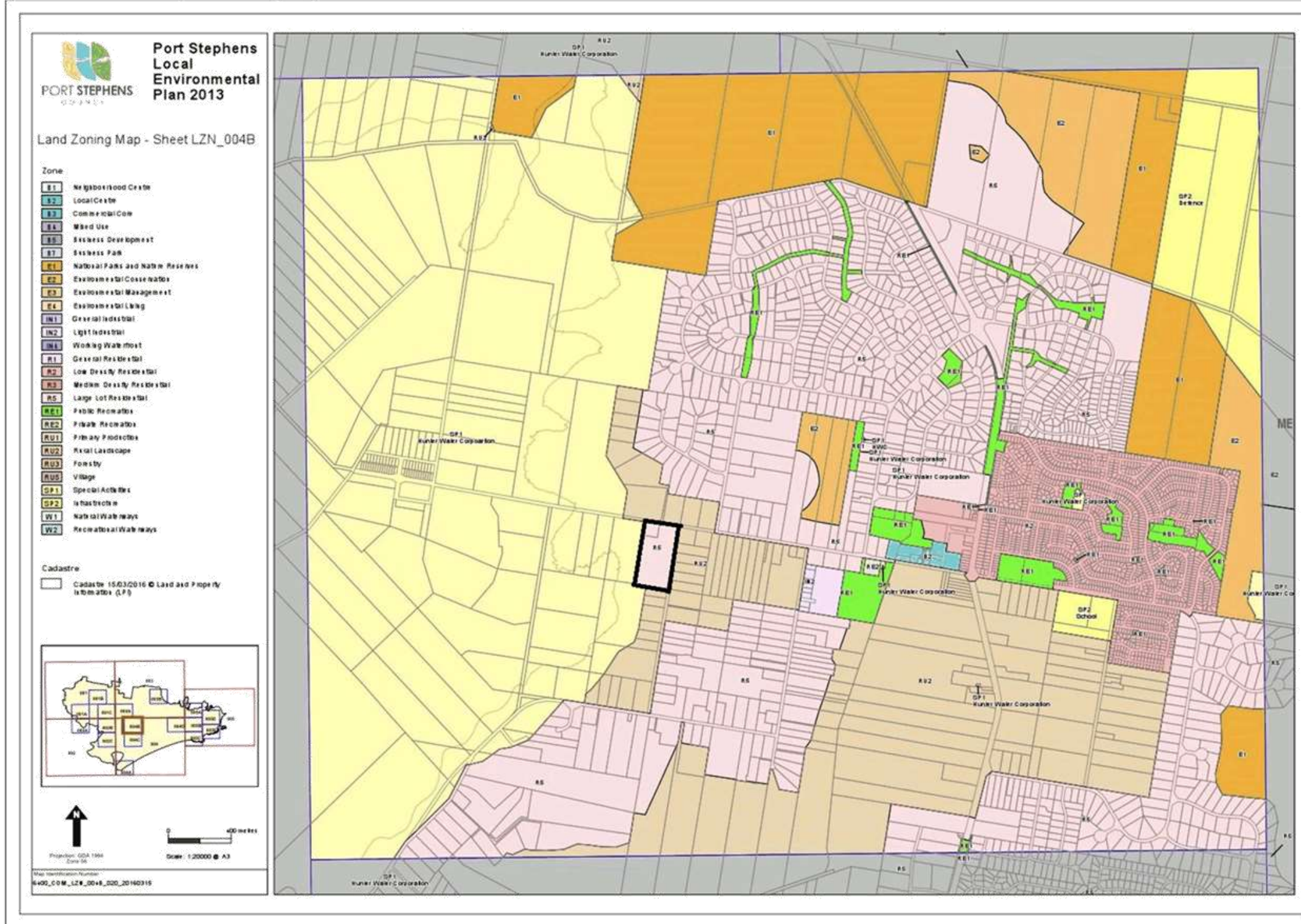
Attachment One – Site identification Map







Attachment Two – Proposed Zoning Map







Attachment Three – Proposed Minimum Lot Size Map

