



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



PORT STEPHENS
COUNCIL

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 4,000m² (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: 4,000m²

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.

Figure 1 Immediate Site Location

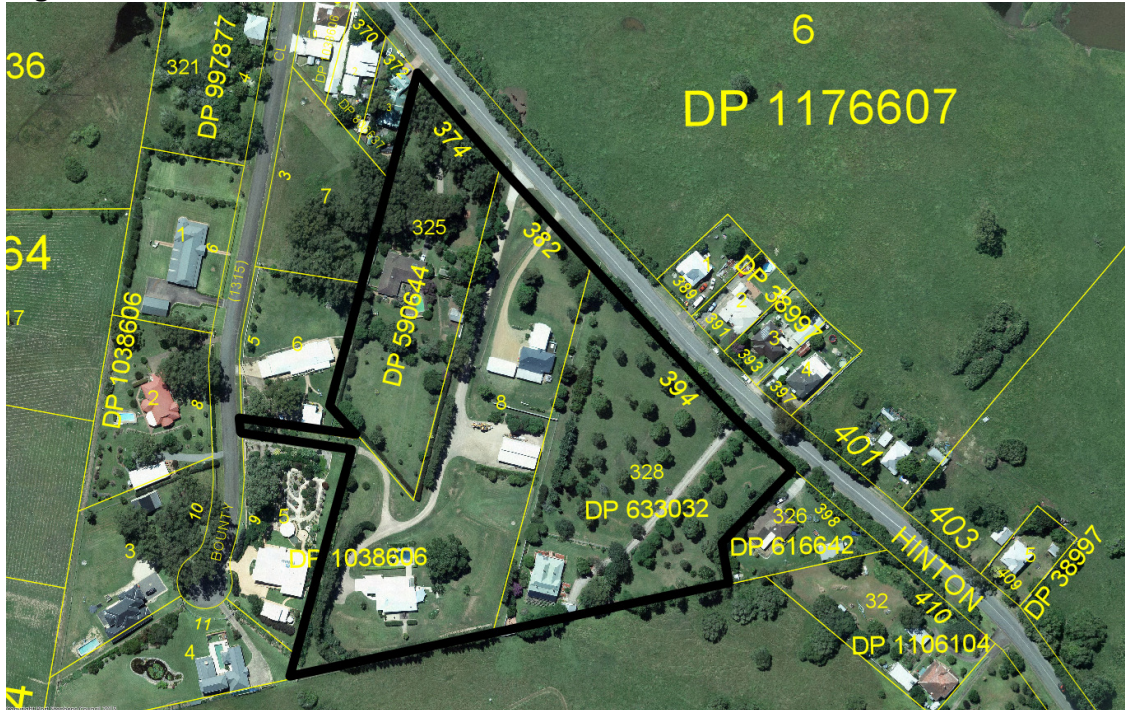


Figure 2 Broader Site Location



PART 1 – Objective of the proposed Local Environmental Plan

The objective of this Planning Proposal is to enable further subdivision of the subject land into allotments with a minimum lot size of 4,000m² for the purpose of permitting additional dwellings (with development consent).

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 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 4,000m².

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 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

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 4,000m².

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

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.

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.*

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'.

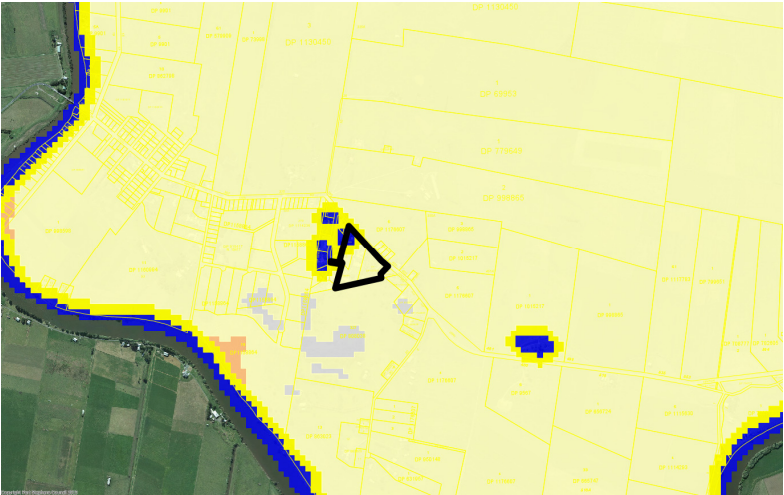
Draft Port Stephens Rural Residential Strategy

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.

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

Table 1 Assessment Against Relevant SEPPs

SEPP	Consistency and Implications
SEPP 44 – Koala Habitat Protection (Port Stephens Comprehensive Koala Plan of Management) The objectives of the CKPOM (relevant to koalas and their habitat): 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 effective public awareness and education programs concerning koala	The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens LGA for the purposes of implementing SEPP 44. 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.  The CKPOM mapping appears erroneous for the site given the absence (aside from one tree) of preferred koala habitat species. 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. No sign of koalas or their presence was noted during an inspection of the site undertaken by the Proponent's environmental consultant. The following are the performance criteria of the CKPOM for planning proposals: <i>a) Not result in development within areas of Preferred Koala</i>

conservation issues Encourage appropriate ecotourism programs Provide a formal approach for the assessment, retrieval, rehabilitation and release of sick, injured, orphaned or distressed koalas Identify potential funding sources for implementation of the CKPOM Facilitate targeted conservation and management-oriented research projects within the Port Stephens LGA Provide for the effective implementation and monitoring of the CKPOM	<i>Habitat or defined Habitat Buffers.</i> <i>b) Allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas.</i> <i>c) Minimise the removal of any individuals of preferred koala food trees, wherever they occur on the site.</i> <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> 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. The consistency of the Planning Proposal with this SEPP can be confirmed following a Gateway Determination.
SEPP 55 Remediation of Land 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.	A site contamination report has not been submitted by the Proponent. 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. It is proposed to seek a conditional Gateway Determination requiring a preliminary contamination report to confirm the land is suitable for further residential development. The consistency of the Planning Proposal with this SEPP is subject to further investigation following a Gateway Determination.
SEPP (Rural Lands) 2008 This SEPP aims to facilitate the orderly and economic use and development of rural lands for rural	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. The site is mapped as Prime Agricultural Land (Class 1 to 3) however it is not used for any primary production purpose.

purposes, identify rural planning principles and rural subdivision principles, reduce land use conflicts and identify State significant agricultural land.	The Draft Hunter Regional Plan Selected Primary Industries Map does not identify the site as 'Biophysical Strategic Agricultural Land'. The Rural Planning Principles of the SEPP are: <i>The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas;</i> 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. <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> 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. <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> 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. <i>In planning for rural lands, to balance the social, economic and environmental interests of the community.</i> The Planning Proposal balances the social, economic and environmental interests of the community because of the limited extent and 'infill' nature of potential development. <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> 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
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	be managed at the development application stage. <i>The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i> There is opportunity to create up to 5 additional allotments as 'infill' development. <i>The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.</i> 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. <i>Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i> 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>. The Subdivision Principles of the SEPP are: <i>The minimisation of rural land fragmentation.</i> 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. <i>The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.</i> 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. <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>
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	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. 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. • <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> The effect of any potential development on local drainage will need to be investigated further if the Planning Proposal proceeds. Any inconsistency of the Planning Proposal with this SEPP is of minor significance. The Planning Proposal will also be referred to the NSW Department of primary Industry (Agriculture) for comment.
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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
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	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. The Planning Proposal will be referred to the NSW Department of Primary Industries (Agriculture) for comment. 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.
1.3 Mining, Petroleum Production and Extractive Industries 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.	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. 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. 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.
1.5 Rural Lands The objective of this direction is to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	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. 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.

2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	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. The subject land is zoned RU1 Primary Production and no environmental protection zone currently applies. 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. 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. 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. 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.
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	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

	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. 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.  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. The Proponent has not investigated any Aboriginal heritage implications at this stage of the Planning Process. The Planning Proposal will be referred to the relevant Local Aboriginal Land Council and the NSW Office of Environment and Heritage for comment. 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.
3.1 Residential	This Direction applies because it seeks to apply a

Zones 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.	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. Any inconsistency of the Planning Proposal with this Direction is of minor significance.
3.4 Integrating Land Use and Transport 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.	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. 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. Any inconsistencies of the Planning Proposal with the objectives of this Direction are justified because subsequent development would be a limited and 'infill'. Any inconsistency of the Planning Proposal with this Direction is of minor significance.
4.1 Acid Sulfate Soils The objective of this	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>

direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	<i>Environmental Plan 2013.</i> The Planning Proposal is consistent with this Direction.
Flood Prone Land 4.3 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.	The site is not prone to flooding however it does become isolated during large flood events along with Hinton generally.  Any inconsistencies of the Planning Proposal with the objectives of this Direction are justified because potential development would be limited and 'infill'. 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.
Planning for Bushfire Protection 4.4 The objectives of this direction are to protect life,	The site is not mapped as bushfire prone land. The Planning Proposal is consistent with this Direction. The Planning Proposal will be referred to the NSW Rural Fire Service for comment.

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.	
Implementation of Regional Strategies 5.1 The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The 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. Any inconsistency of the Planning Proposal with this Direction is of minor significance.

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

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

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*.

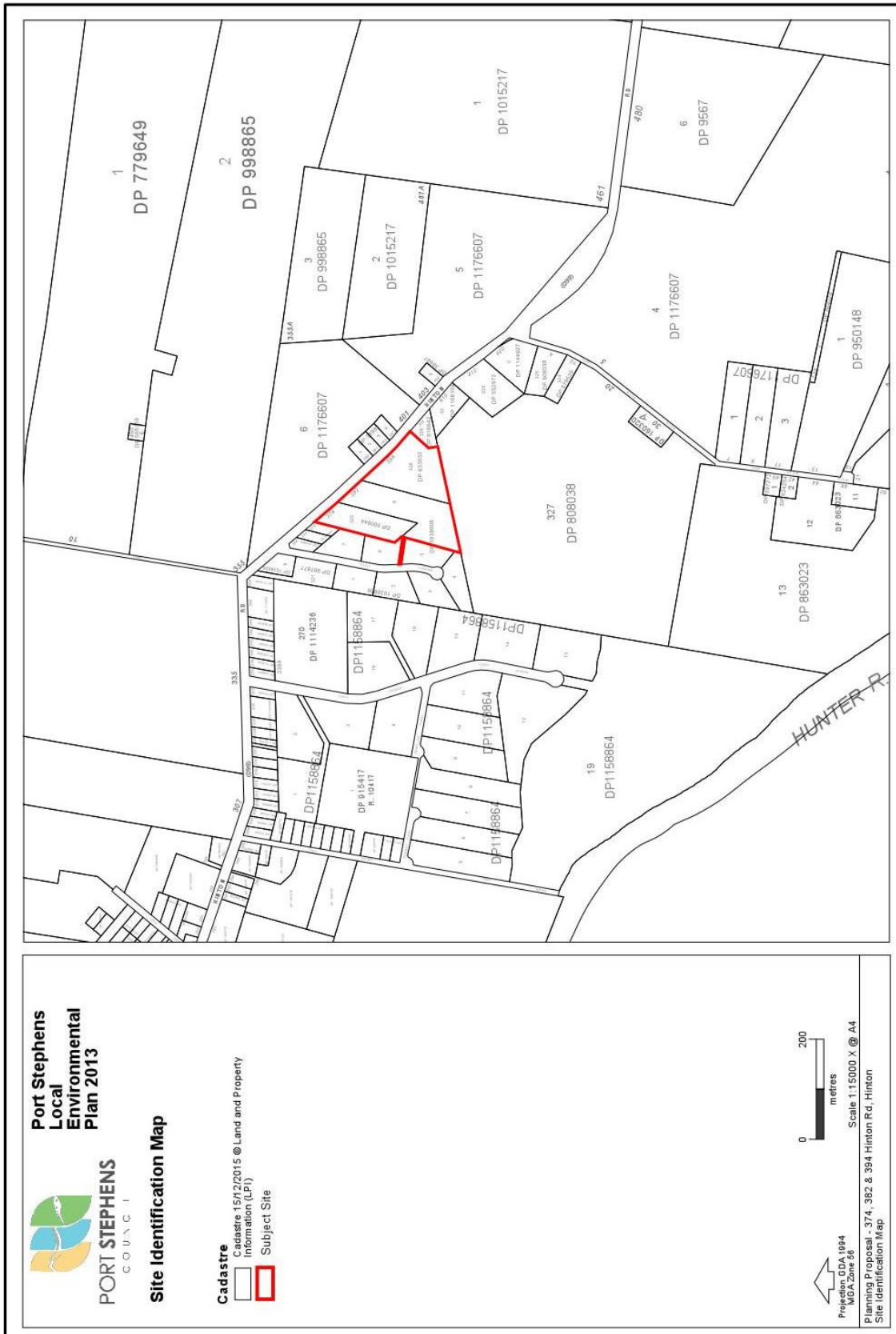
Reticulated sewer is not provided to Hinton and sewage management for any future dwellings will be via on-site disposal.

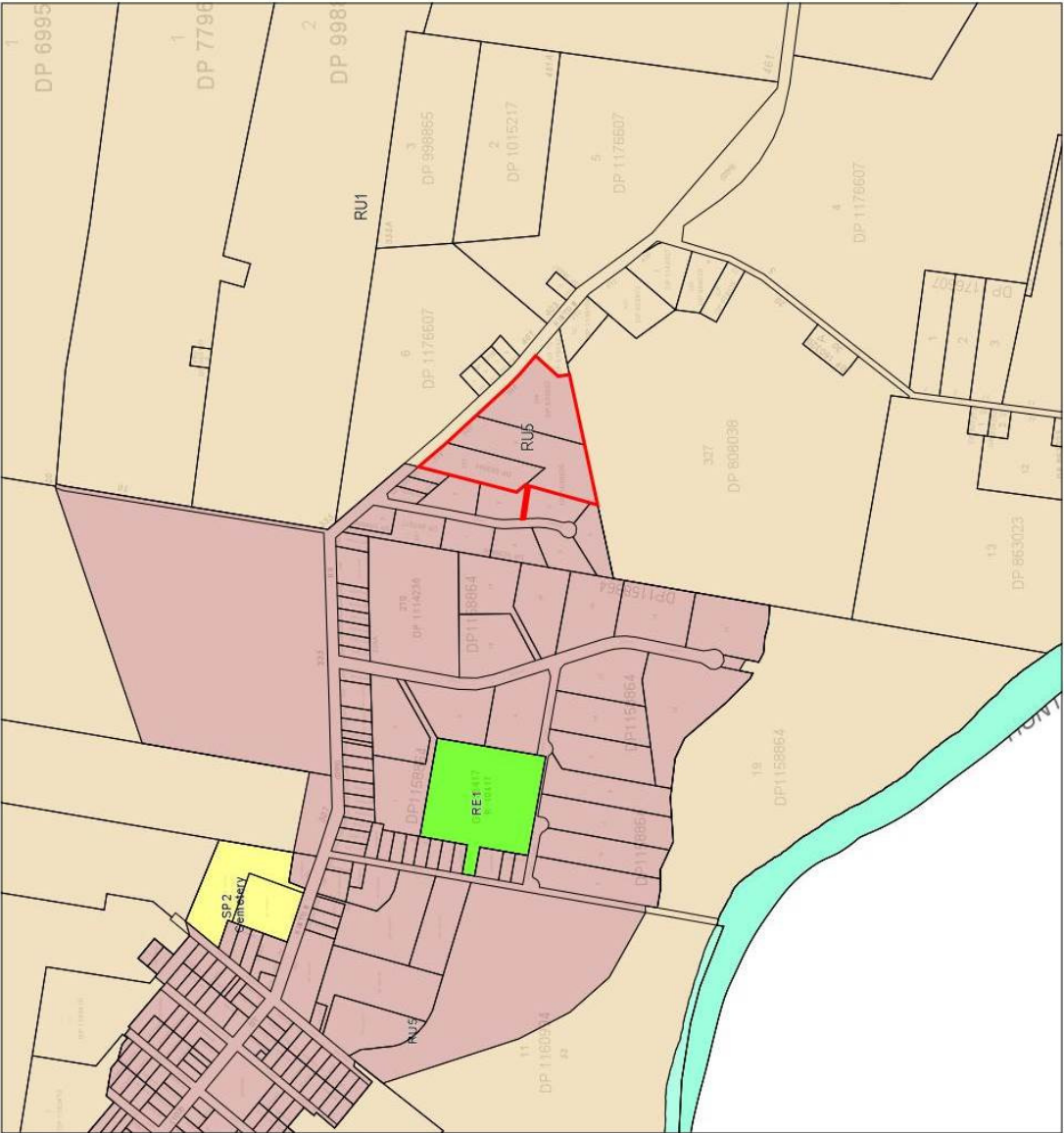
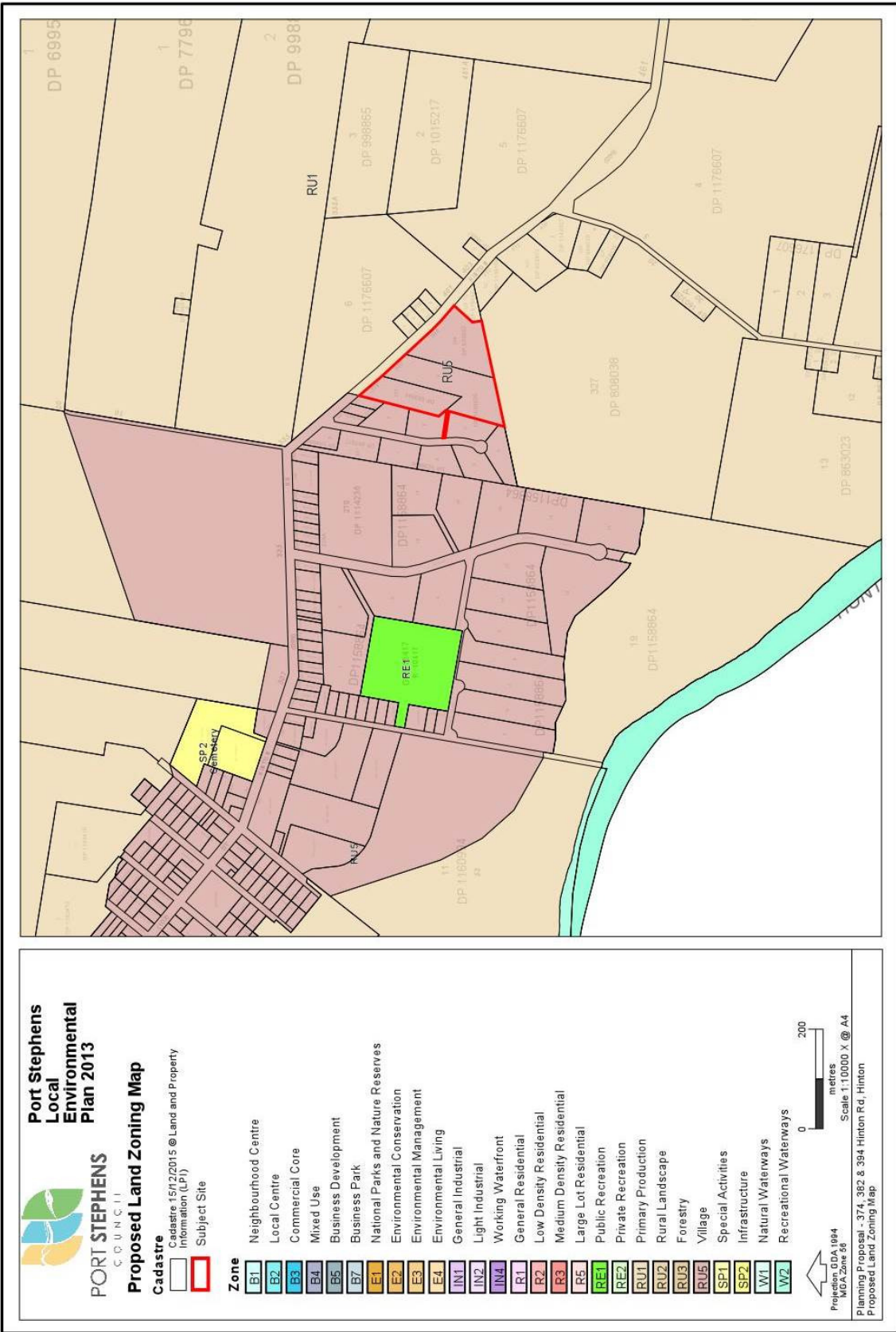
12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

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.

Part 4 - Mapping





Proposed Lot Size Map

Cadastre

☐ Cadastre 15/12/2015 © Land and Property Information (LPI)

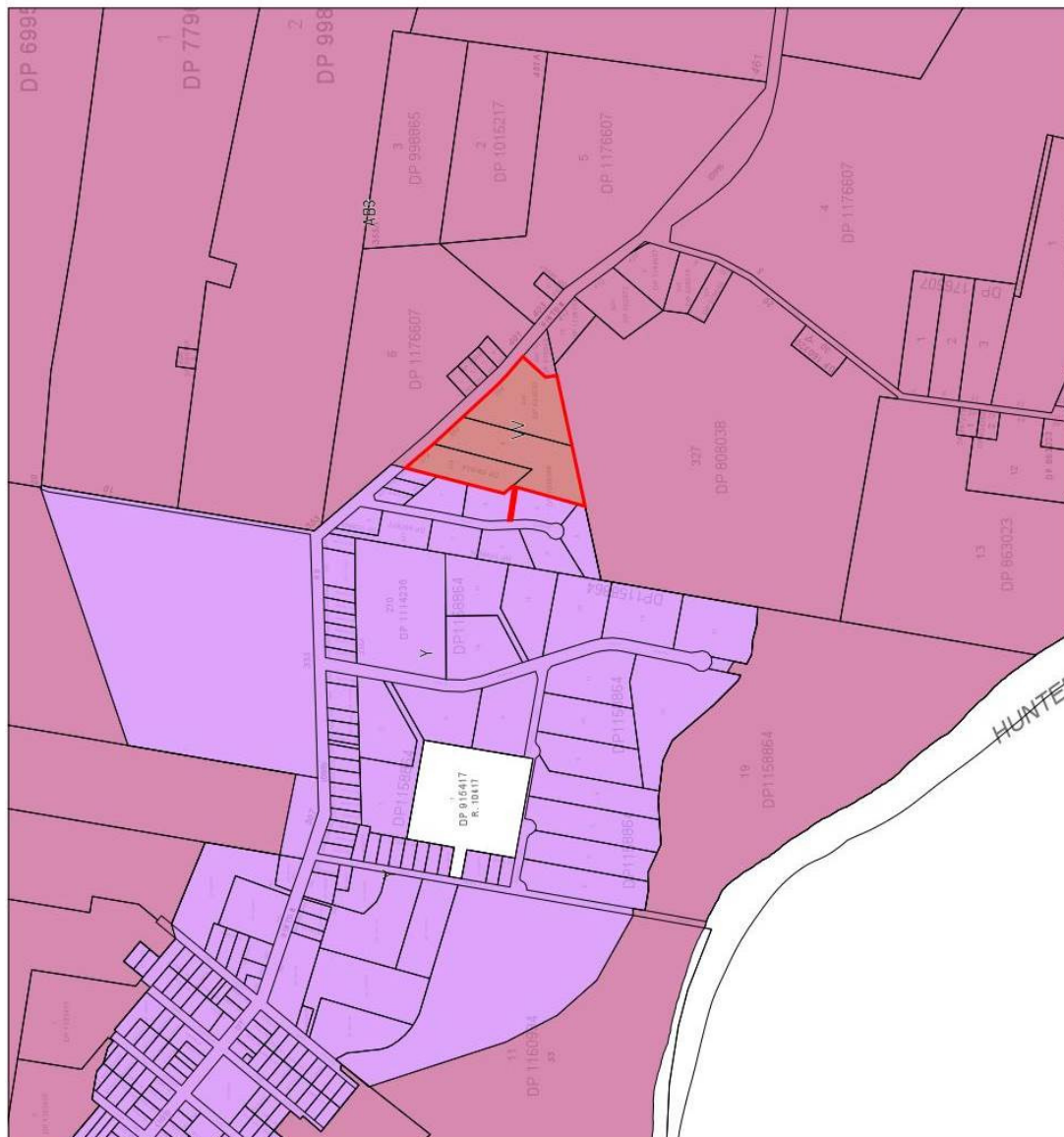
Minimum Lot Size (sq m)

Figure 1 shows a color calibration chart with 18 color patches. Above the patches are numerical values: 200, 400, 450, 500, 600, 700, 900, 1000, 2000, 4000, 1 ha, 2 ha, 4 ha, 10 ha, 20 ha, 40 ha. The patches are labeled B, F, G, I, M, Q, T, U, V, W, Y, Z1, Z2, AB1, AB2, AB3.

Projection GDA 1994
MGA Zone 56

Scale 1:10000 X @ A4

Planning Proposal - 374, 362 & 394 Hinton Rd, Hinton



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
Council Report										
Gateway Determination										
Consultation with State agencies										
Public Exhibition										
Council Report										
Parliamentary Counsel										

Table 4 Assessment Against the Lower Hunter Regional Strategy Sustainability Criteria

Sustainability Criteria Considerations	Comments
1. Infrastructure provisions - Mechanisms in place to ensure utilities, transport, open space, and communication are provided in a timely and efficient way.	
<i>Development is consistent with any regional strategy, subregional strategy, State Infrastructure Strategy, or Section 117 Direction.</i>	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'. Consistency with relevant Section 117 Directions is discussed in an earlier section of this Planning Proposal. The Planning Proposal generally satisfies this criterion.
<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>	Not applicable. The Planning Proposal satisfies this criterion.
<i>Preparedness to enter into a development agreement.</i>	The Proponent has not indicated a willingness to enter into a development agreement, however there is no indication that one is necessary. The Planning Proposal satisfies this criterion.

2. Access - Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	
<i>Accessibility of the area by public transport and/or appropriate road access in terms of:</i> <i>Location/land use – to existing networks and related activity centres.</i> <i>Network – the area's potential to be serviced by economically transport services.</i> <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> <i>No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</i>	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. Any inconsistencies of the Planning Proposal with this criterion are justified because subsequent development would be a limited 'infill' consistent with adjacent development. The Planning Proposal generally satisfies this Criterion.
3. Housing Diversity - Provide a range of housing choices to ensure a broad population can be housed.	
<i>Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</i>	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. The Planning Proposal generally satisfies this criterion.

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

<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>	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. The Planning Proposal satisfies this criterion.
<i>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy – requires demonstration of efficient and sustainable supply solution.</i>	The Planning Proposal is very unlikely to place unacceptable pressure on energy infrastructure capacity to supply energy because of its minor scale. The Planning Proposal satisfies this criterion.
7. Environmental Protection - Protect and enhance biodiversity	
<i>Consistent with Government-approved Regional Conservation Plan.</i>	Hinton is not affected by the Regional Conservation Plan. The Planning Proposal satisfies this criterion.
<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>	It is apparent that there is no Endangered Ecological Community present. 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. The Planning Proposal will be referred to the NSW Office of Environment and Heritage for comment. The Planning Proposal satisfies this criterion.
<i>Maintain or improve existing environmental condition for air quality.</i>	Development under the Planning Proposal will have negligible impact on air quality because it is limited infill. The Planning Proposal satisfies this criterion.

<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>	Development under the Planning Proposal could be required to demonstrate consistency with Council stormwater management requirements following a Gateway Determination. The Planning Proposal satisfies this criterion.
<i>Protect areas of Aboriginal cultural heritage (as agreed by OEH).</i>	The Proponent has not investigated any Aboriginal heritage implications at this stage of the Planning Process. The Planning Proposal will be referred to the relevant Local Aboriginal Land Council and the NSW Office of Environment and Heritage for comment. Satisfying this criterion is subject to consultation with the relevant Local Aboriginal Land Council and OEH.
8. Quality and Equity in Services - Quality health, education, legal, recreational, cultural and community development and other government services are accessible	
<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>	Sufficient community services are available nearby at Raymond Terrace. The Planning Proposal satisfies this criterion.