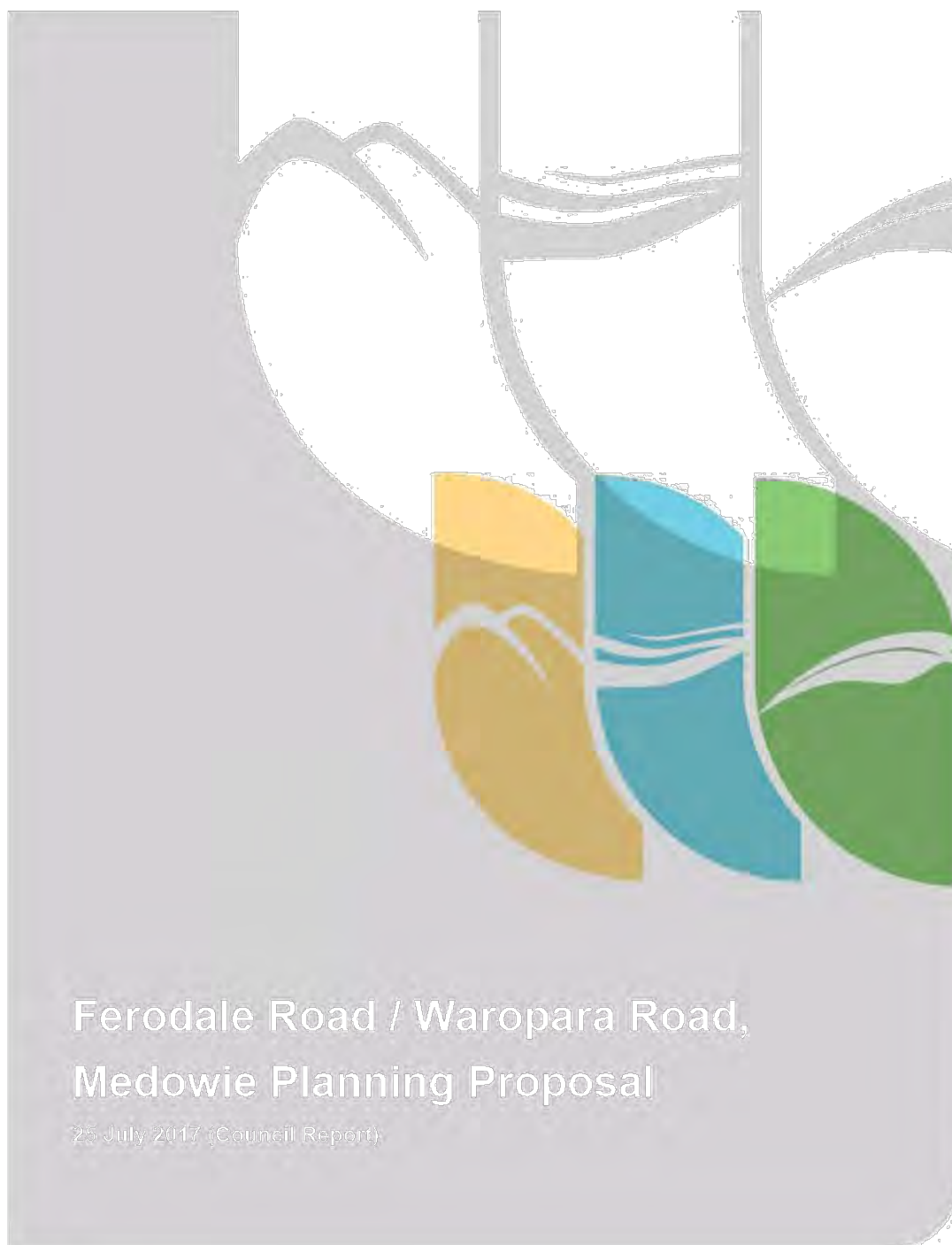


**ITEM 12 - ATTACHMENT 1 PLANNING PROPOSAL - 5A AND 5B FERODALE ROAD AND 9 WAROPARA ROAD MEDOWIE.**



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

Rezoning of Lot 110, DP 1082077 (9 Waropara Road)  
Lot 1, DP 1711455 (5B Ferodale Road)  
Lot 2, DP 1711455 (5A Ferodale Road)



**ITEM 12 - ATTACHMENT 1 PLANNING PROPOSAL - 5A AND 5B FERODALE ROAD AND 9 WAROPARA ROAD MEDOWIE.****FILE NUMBERS**

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**Council:** PSC2014-02874  
**Department:** To be provided at Gateway Determination.

**SUMMARY**

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**Proponent:** Le Mottee Group (on behalf of landowners)  
**Subject land:** Lot 110, DP 1082077(9 Waropara Road)  
Lot 1, DP 1711455 (5B Ferodale Road)  
Lot 2, DP 1711455 (5A Ferodale Road)  
**Current Zoning:** Lot 1 & 2, DP 1711455 – RU2 Rural Landscape  
Lot 110, DP 1082077 – No change  
**Proposed Zoning:** Lots 1 & 2, DP 1711455 – R5 Large Lot Residential  
**Current MLS:** Lot 1 & 2, DP 1711455 – 20ha  
Lot 110, DP 108207 – 1ha  
**Proposed MLS:** 8,000m<sup>2</sup>

**Site Description**

The site is located on the corner of Waropara Road and Ferodale Road, on the fringe of the existing Medowie rural-residential area. The site is within walking distance to the town centre, public transport and local schools.

The site is included as a 'precinct' within the Medowie Strategy and earmarked for future rural residential development, extending on from the existing rural residential development north of the site (**ATTACHMENT 1**).

Under the Port Stephens Local Environmental Plan 2013 (the LEP), the site is currently split into both RU2 Rural Landscape and R5 Large Lot Residential and has a minimum lot size requirement of 20 ha and 1 ha respectively.

In order to facilitate the future subdivision of the site, enabling the creation of four additional allotments, the minimum lot size map over the site needs to be amended to reflect a minimum lot size of 8000m<sup>2</sup>.

The proposed lot size amendment and subsequent subdivision of the site is consistent with the Medowie Strategy objectives for future development on the site, which is appropriate to the characteristics of the site and its location.

The future subdivision of the site shall create lots capable of supporting a dwelling each and will be in keeping with the character of the area. As identified in this proposal, the following additional investigations may be required post Department of Planning Gateway determination, including:

- Further ecological studies, field based surveys and assessments shall be undertaken as required;

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- Investigations to upgrade works to connect the lots to water and sewer infrastructure;
- Bushfire protection and mitigation; and
- Archaeological assessment report.

It is considered that the proposal has sufficient merit to proceed to the council and to seek a gateway determination on the basis that additional information will be submitted post-gateway.

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

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The proposal seeks to enable subdivision for the purpose of residential accommodation in accordance with the Medowie Strategy.

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

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The objective of this proposal will be achieved by:

- Amending the Port Stephens LEP 2013 for Lots 1 and 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from RU2 Rural Landscape to R5 Large Lot Residential in accordance (**ATTACHMENT 3**);
- Amending the Port Stephens LEP 2013 Lot Size Map for Lot 110, DP 1082077 (9 Waropara Road, Medowie) and Lots 1 & 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from 20ha and 1ha to 8,000m2 in accordance (**ATTACHMENT 4**).

**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 site is identified within the Medowie Planning Strategy as a small 'precinct' suited for rural residential development with a minimum lot size of 8000m2.

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

This planning proposal is the only means to amend the Port Stephens Local Environmental Plan 2013 to rezone the subject site.

**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)?**

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**FIGURE 1: Existing Land Zoning Map**



**FIGURE 2: Proposed Land Zoning Map**



**FIGURE 3: Existing Land Size Map**



**FIGURE 4: Proposed Land Size Map**



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Hunter Regional Plan 2036

A key direction of the Hunter Regional Plan 2036 (HRP) relates to the promotion of housing diversity. This includes guidance in local land use strategies for expanding rural villages and rural-residential development so that such developments will:

- Not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;
- Not impact on drinking water catchments;
- Not result in greater natural hazard risk;
- Occur on land that is unlikely to be needed for future development; and
- Contribute to the conservation values or the establishment of important corridor linkages.

The proposal will enable the development of the site for residential purposes, which are consistent with the HRP policies which encourage residential infill development and increased housing choice. The proposal is consistent with the HRP of providing housing opportunities near essential services and in an area with sufficient infrastructure already in place.

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

Integrated Strategic Plan (Port Stephens 2022)

The proposal is consistent with Council's Integrated Strategic Plan (Port Stephens 2022), which states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability.

Port Stephens Planning Strategy 2011-2036 (PSPS)

The proposal is consistent with the directions adopted by the PSPS. The PSPS identifies that additional housing is required for the expected population growth of the area.

Medowie Planning Strategy

The site is identified within the Medowie Planning Strategy as a small 'Precinct R' rural residential with an 8,000m<sup>2</sup> minimum lot size (**FIGURE 5**).

The vision statement that is used to guide the Strategy is:

*Medowie is a place of tall trees besides the waters of Grahamstown Dam with a rural residential character, with a plan to accommodate and coordinate future growth with quality community and recreation facilities, good transport infrastructure, and involves the community in its implementation.*

The proposal is generally consistent with the vision, objectives and principles of the Medowie Planning Strategy.



**LEGEND**

- Solid black line: City Boundary
- Dashed black line: Subdivision Boundary
- Red solid fill: Single-Family Residential
- Blue solid fill: Commercial
- Green solid fill: Light Industrial
- Brown solid fill: Medium-Density Residential
- Pink solid fill: Heavy Industrial
- Yellow solid fill: Office/Business
- Light blue solid fill: Community Center
- Dark green solid fill: Forest/Open Space
- White solid fill: Undeveloped Land
- Black dashed outline: Flood Zone
- Grey dashed outline: Airport Runway/Taxiway

The map shows several labeled areas:

- A: Red area in the north.
- B: Blue area labeled "COMMERCIAL".
- C: Green area labeled "LIGHT INDUSTRIAL".
- D: Yellow area.
- E, F: Pink areas.
- G, H: Pink areas.
- I, J, K: Red areas.
- L: Green area.
- M (LT), N (LT): Grey areas labeled "(LT)".
- O: White area.
- P, Q: Large red areas in the southwest.
- R: Red area near the center.
- S: Yellow area.
- T: Small pink area at the bottom.

Major roads shown include Richardson Road and Highway 69.

[illegible]

## ITEM 12 - ATTACHMENT 1 PLANNING PROPOSAL - 5A AND 5B FERODALE ROAD AND 9 WAROPARA ROAD MEDOWIE.

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

There are no existing or draft State Environmental Planning Policies that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant State Environmental Planning Policies against the planning proposal is provided below.

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

<b>SEPP 44 Koala Habitat Protection</b>
<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 relevant objectives of the CKPOM are to:</p> <ul style="list-style-type: none"> <li>• evaluate and rank habitat throughout the LGA;</li> <li>• identify priority conservation areas and strategies to protect significant habitat and populations;</li> <li>• identify threats;</li> <li>• provide for the long-term survival of populations by addressing conservation strategies to effectively address each of the threats;</li> <li>• provide for the restoration of degraded areas;</li> <li>• ensure that adequate detail is provided with development applications in order to assess, minimise and ameliorate likely impacts;</li> <li>• Provide guidelines and development standards to protect koalas and habitat; Provide for the effective implementation and monitoring of the CKPOM.</li> </ul> <p><b>Assessment</b></p> <p>Council koala habitat planning mapping indicates that the site is shown as Preferred Koala Habitat, Preferred Habitat Buffer and Preferred Habitat Linking Area over Marginal Habitat and Cleared Land. <b>(ATTACHMENT 7)</b></p> <p>The site is cleared of under-scrub vegetation however, native vegetation does exist. There is an indicative area of Preferred Koala Habitat along Medowie Road surrounded by residential development. Koala surveys in accordance with the CKPoM are required to ascertain how this site is utilised as a fauna corridor particularly for koalas. At this stage there does not appear to be any targeted koala surveys undertaken.</p> <p>No details have been provided on the future subdivision concept plan and how this will impact on the existing koala corridor and linking local stepping stone vegetation to the south.</p> <p>Any development on the site if approved, should ensure:</p> <ul style="list-style-type: none"> <li>• a design to conserve any Habitat Buffer areas at the rear of the site and be designed in an environmentally sensitive way.</li> </ul>

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- no Koala food trees would be removed.
- any subsequent developments could be designed to maximise native vegetation retention (particularly at the rear of the site).

**The proposal is inconsistent with the majority of the Rezoning performance criterion contained in the Port Stephens Comprehensive Koala Plan of Management. A concept plan of the proposed subdivision as well as further targeted koala surveys will be required post gateway determination.**

**SEPP 55 Remediation of Land**

The Policy 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 by:

- a. specifying when consent is required, and when it is not required, for a remediation work;
- b. specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and
- c. requiring that remediation work meet certain standards and notification requirements.

**Assessment**

The proponent has not identified or raised any evidence of contamination at the site however; a preliminary assessment will be required post gateway determination to support this assumption.

**The consistency of the proposal with this SEPP is subject to confirmation following a Gateway Determination.**

**Rural Lands SEPP (2008)**

The aims of this Policy are:

- a. to facilitate the orderly and economic use and development of rural lands for rural and related purposes;
- b. to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State;
- c. to implement measures designed to reduce land use conflicts;
- d. to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations; and
- e. to amend provisions of other environmental planning instruments

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relating to concessional lots in rural subdivisions.

**Assessment**

Two of the lots within the site are proposed to be rezoned from RU2 Rural Landscape to R5 Large Lot Residential. These lots serve no agricultural purpose. It is important that the site conforms to the Principles of this SEPP by maintaining biodiversity, ensuring the protection of native vegetation as well as balancing the social, economic and environmental interest of the community.

**Any inconsistency is justified by inclusion in the Medowie Planning Strategy.**

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

**TABLE B: Relevant Section 117 Ministerial Directions**

**Direction 1.2 Rural Zone**

**Objectives**

The objectives of this direction are to protect the agricultural production value of rural land.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

**What a relevant planning authority must do if this direction applies**

A planning proposal must:

- not rezone land from a rural zone to residential, business, industrial, and village or tourist zone.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

Justified by a strategy which:

- gives consideration to the objective of this direction;
- identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites);
- is approved by the Director-General of the Department of Planning;
- justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction; and

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- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction; and
- is of minor significance.

**Assessment**

This Direction applies because the proposal seeks to rezone two parcels of the site from RU2 Rural Landscape to R5 Large Lot Residential. This zoning is in keeping with the Medowie Planning Strategy. The site is surrounded by residential and large lot residential development and is not large enough to facilitate productive rural land.

**Any inconsistencies of this direction are of minor significance.**

**Direction 1.5 Rural Lands****Objectives**

The objective of this direction is to:

- protect the agricultural production value of rural land, and to facilitate the orderly and economic development of rural lands for rural and related purposes.

**When this direction applies**

This direction applies when:

- a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or

A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.

**What a relevant planning authority must do if this direction applies**

- A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
- A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environmental protection zone.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

Justified by a strategy which:

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- gives consideration to the objective of this direction, and
- is of minor significance.

**Assessment**

This Direction applies because the proposal seeks to rezone two parcels of the site from RU2 Rural Landscape to R5 Large Lot Residential. This zoning is in keeping with the Medowie Planning Strategy. The Planning Proposal also seeks to change the existing minimum lot size for subdivision of the land.

**Justification of this direction is consistent with the Medowie Planning Strategy and any inconsistencies are of minor significance.**

**Direction 3.1 Residential Zones****Objectives**

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.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- any other zone in which significant residential development is permitted or proposed to be permitted.

**What a relevant planning authority must do if this direction applies**

A planning proposal must include provisions that encourage the provision of housing that will:

- broaden the choice of building types and locations available in the housing market, and
- make more efficient use of existing infrastructure and services, and
- reduce the consumption of land for housing and associated urban development on the urban fringe, and
- be of good design.

A planning proposal must, in relation to land to which this direction applies:

- contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- not contain provisions which will reduce the permissible residential density

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of land.

## Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- Justified by a strategy which:
  - gives consideration to the objective of this direction, and
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
- is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

## Assessment

This Direction applies because the Planning Proposal seeks to rezone land from RU2 Rural Landscape to R5 Large Lot Residential. This planning proposal facilitates additional rural residential lots consistent with the Medowie Planning Strategy. Additional environmental impacts will be further addressed following a gateway determination.

## The proposal is consistent with this Direction

### Direction 3.4 Integrating Land Use and Transport

## Objectives

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; or
- providing for the efficient movement of freight.

## When this direction applies

This direction applies when a relevant planning authority prepares a planning



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proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

**What a relevant planning authority must do if this direction applies**

A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy which:
  - gives consideration to the objective of this direction, and
  - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - is approved by the Director-General of the Department of Planning, or
- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- of minor significance.

**Assessment**

This Direction applies because the proposal relates to land zoned for residential purposes. The subject land is located within walking distance to the town centre. There is an existing cycle/pedestrian path that connects to the town centre. The site is located on the bus route with two bus stops located close to the site.

**The proposal satisfies this direction by facilitating additional development that is located close to town centre, transport and cycle/pedestrian paths.**

**Direction 4.4 Planning for Bushfire Protection****Objectives**

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.

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**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

**What a relevant planning authority must do if this direction applies**

In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

A planning proposal must:

- have regard to Planning for Bushfire Protection 2006,
- introduce controls that avoid placing inappropriate developments in hazardous areas, and
- ensure that bushfire hazard reduction is not prohibited within the APZ.

A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- provide an Asset Protection Zone (APZ) incorporating at a minimum:
- an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
- an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
- contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- contain provisions for adequate water supply for firefighting purposes,
- minimise the perimeter of the area of land interfacing the hazard which may be developed,
- introduce controls on the placement of combustible materials in the Inner Protection Area.

**Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the

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Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

## Assessment

This Direction applies because part of the site is mapped as bushfire prone.

A Bushfire Threat Assessment has been prepared demonstrating that the site is capable of providing for development that complies with Planning for Bushfire Protection 2006.

**Consistency of the proposal with this Direction can be confirmed by referral to the NSW Rural Fire Service following a Gateway Determination.**

## Direction 5.1 Implementation of Regional Strategies

The objective of this Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

### When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal.

### What a relevant planning authority must do if this direction applies

Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

### Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:

- is of minor significance, and
- the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

### Assessment

Medowie is identified in the *Hunter Regional Plan 2036* as a proposed urban area with boundaries to be identified through local planning. The site is identified for rural residential use in the current *Medowie Planning Strategy*.

This planning proposal is consistent with both regional and local strategies, by providing further residential development with an earmarked growth corridor.

**The Planning Proposal is consistent with this Direction.**

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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?**

Due to the lack of consolidated information, it is difficult to ascertain as to whether the proposal will adversely affect critical habitats, threatened species, populations or ecological communities or their habitats. The site forms part of a fauna movement corridor with evidence of koalas identified in the 9 Waropara Road lot in 2014. There has been no evidence of koalas since this sighting.

Further information will be required including:

- Koala surveys in accordance with the CKPoM
- a combined ecological assessment to consider the cumulative impacts of the entire proposal.
- A concept would be required to define likely clearing impacts associated with the future proposed development of the site and how native vegetation including hollow bearing trees on site will be protected and the provision of fauna movement, particularly koala's post development.

Conditional gateway is being sort. Further consultation with State Agencies and a consolidated report will be required prior to exhibition.

**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 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.

It is essential that future development will be considered at this stage and 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*. The location of the site in relation to the Drinking Water Catchment is shown as (ATTACHMENT 6).

Amending the minimum lot size of the subject land is not expected to result in any adverse environmental impacts however, future subdivision and subsequent development has the potential to result in environmental impacts if not managed properly. These environmental impacts include waste and stormwater management.

Preliminary service advice addressing waste management has been sort from Hunter Water Corporation with indications that some upgrade works may be required to connect the subject land to water and sewer infrastructure.

A preliminary stormwater plan has been prepared to demonstrate Neutral or Beneficial Effect (NorBE). Best practice management techniques, consistent

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with Council requirements and current industry standards have been appropriately used within the stormwater design. Water quality modelling demonstrating neutral or beneficial effect on water quality will be required to be undertaken post-Gateway Determination.

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

The proposal will have positive economic and social implications through the provision of an estimated six rural residential lots in proximity to existing services, roadways, public transport and pedestrian access to the Medowie Town Centre.

**SECTION D – State and Commonwealth interests****11. Is there adequate public infrastructure for the planning proposal?**

A future subdivision from three lots into seven would require minor upgrades to Hunter Water Corporation (HWC) infrastructure to supply the additional four lots with reticulated water and sewer supply. Electricity is readily available in the Medowie area and to the site. Ausgrid have confirmed in writing that both low and high voltage lines run adjacent to the site and any minor upgrade to the existing network to support the future subdivision can be determined after Development Approval through their normal contestability application process.

The existing drainage system along Waropara Road and Ferodale Road is well under capacity and some cases, there is no existing infrastructure at all. Ferodale Road drainage system from the corner of Waropara Road to the Ferodale Road culvert is under capacity. The area around Ferodale Road and Waropara Road intersection is regularly floods and water enters in to properties No 6,8,10 Ferodale Road.

Details on lot size and how the newly created lots are located in terms of 10m wide drainage easement which is currently running through No 9 Waropara Road are required. A drainage structure (channel or piped drainage) should be installed within 10m wide easement to collect stormwater from upstream properties and run through the existing easement within No9 Waropara Road and then discharge into the Waropara Road drainage system. Additional detailed information is required.

Appropriate drainage software must be used to size the detention basin and all durations of storm events must be considered to size the basin.

Design for the sizing the basin must be carried out for whole subdivision and then apportion the volume to individual lot sizes in accordance with the area.

Water quality matters will be addressed post-gateway and as such, it is not checked at present. Further consultation with State Agencies and a consolidated report will be required prior to exhibition.



## ITEM 12 - ATTACHMENT 1 PLANNING PROPOSAL - 5A AND 5B FERODALE ROAD AND 9 WAROPARA ROAD MEDOWIE.

### 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 including:

- Hunter Water Corporation;
- NSW Office of Environment and Heritage; and
- NSW Rural Fire Service.

### Part 4 - Mapping

The proposed map layer amendments are included as attachments to the planning proposal.

### Part 5 - Details of Community Consultation

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;
- Tomaree Library, Town Centre Circuit, Salamander Bay; and
- Medowie Community Centre, Cnr of Medowie and Ferodale Streets, Medowie.

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

### Part 6 – Project timeline

The proposed indicative timeframe is outlined by **FIGURE 7** (below).

**FIGURE – Indicative Timeframe**

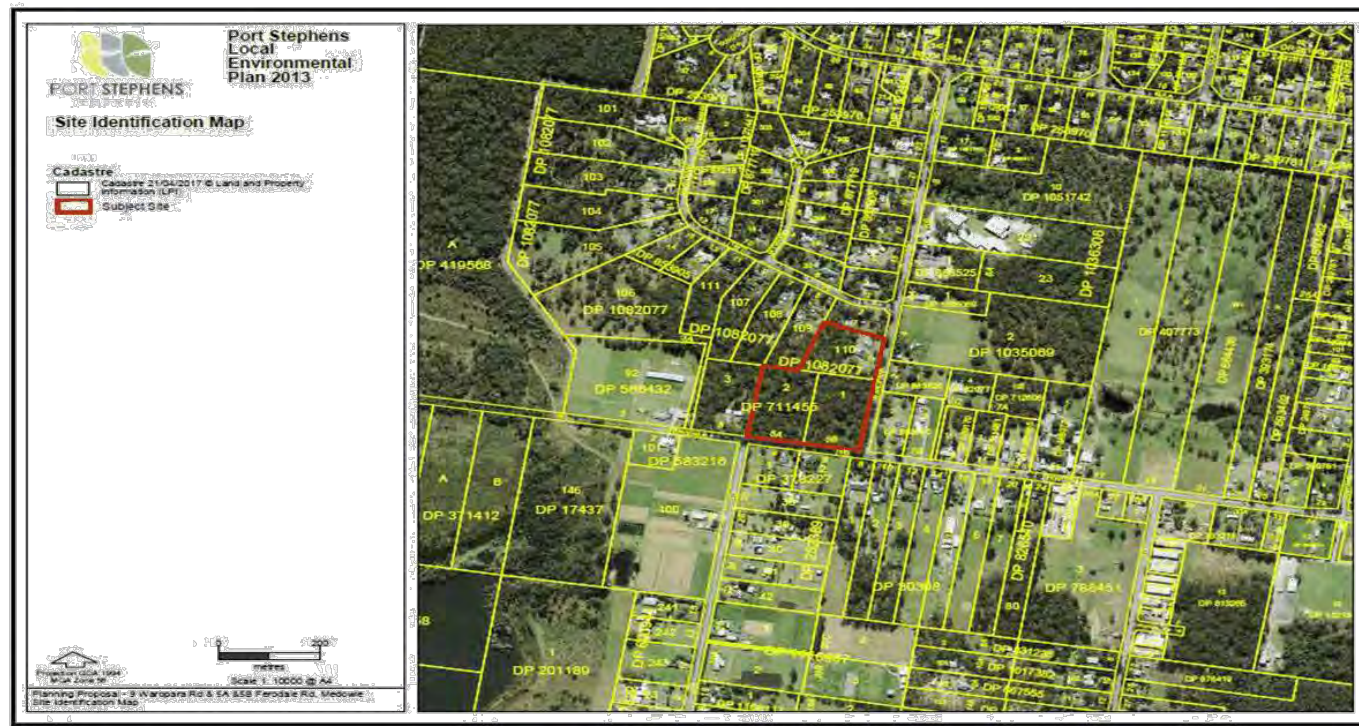
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<b>Council Report</b>											
<b>Gateway Determination</b>											
<b>Agency Consultation</b>											
<b>Public Exhibition</b>											
<b>Notification of Public Hearing</b>											
<b>Public Hearing</b>											

**ORDINARY COUNCIL - 1 AUGUST 2017 - ATTACHMENTS**

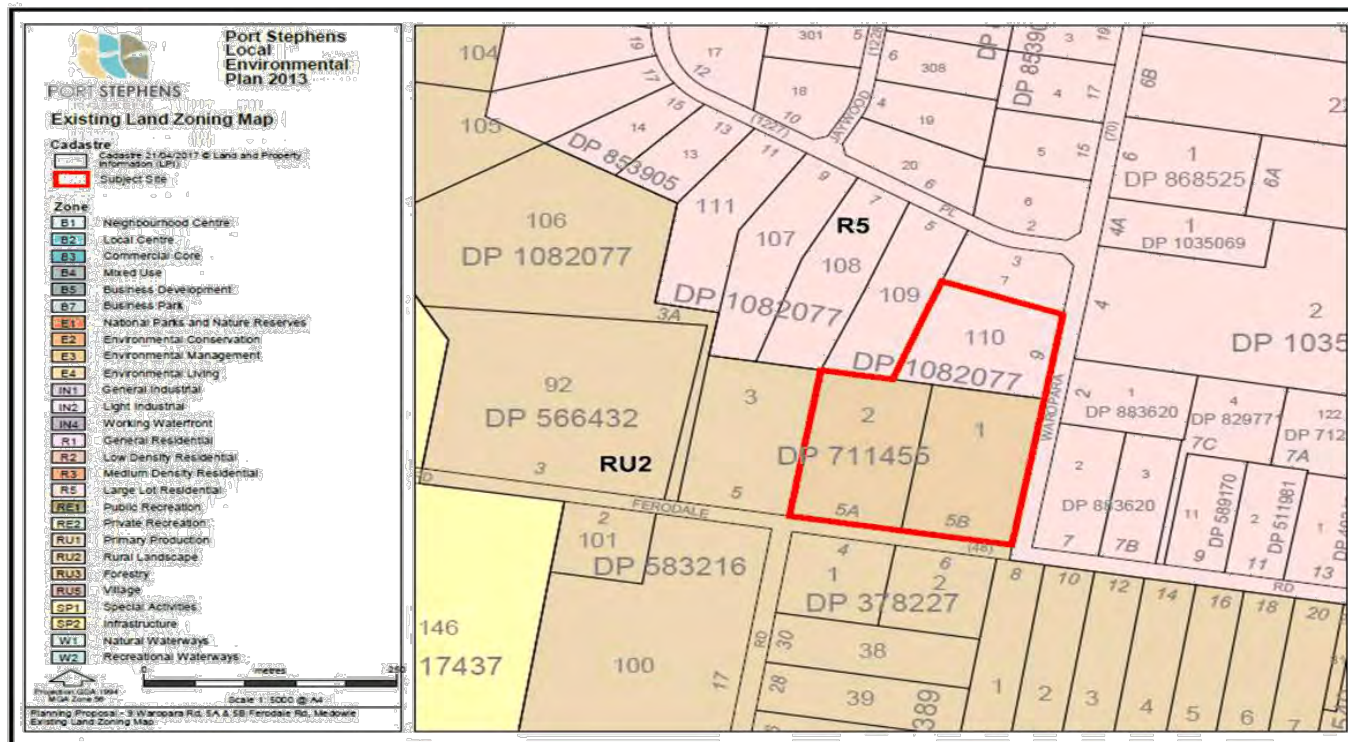
**ITEM 12 - ATTACHMENT 1 PLANNING PROPOSAL - 5A AND 5B FERODALE ROAD AND 9 WAROPARA ROAD MEDOWIE.**

<i>Council Report</i>											
<i>Parl. Counsel</i>											

ATTACHMENT 1 – Locality Plan

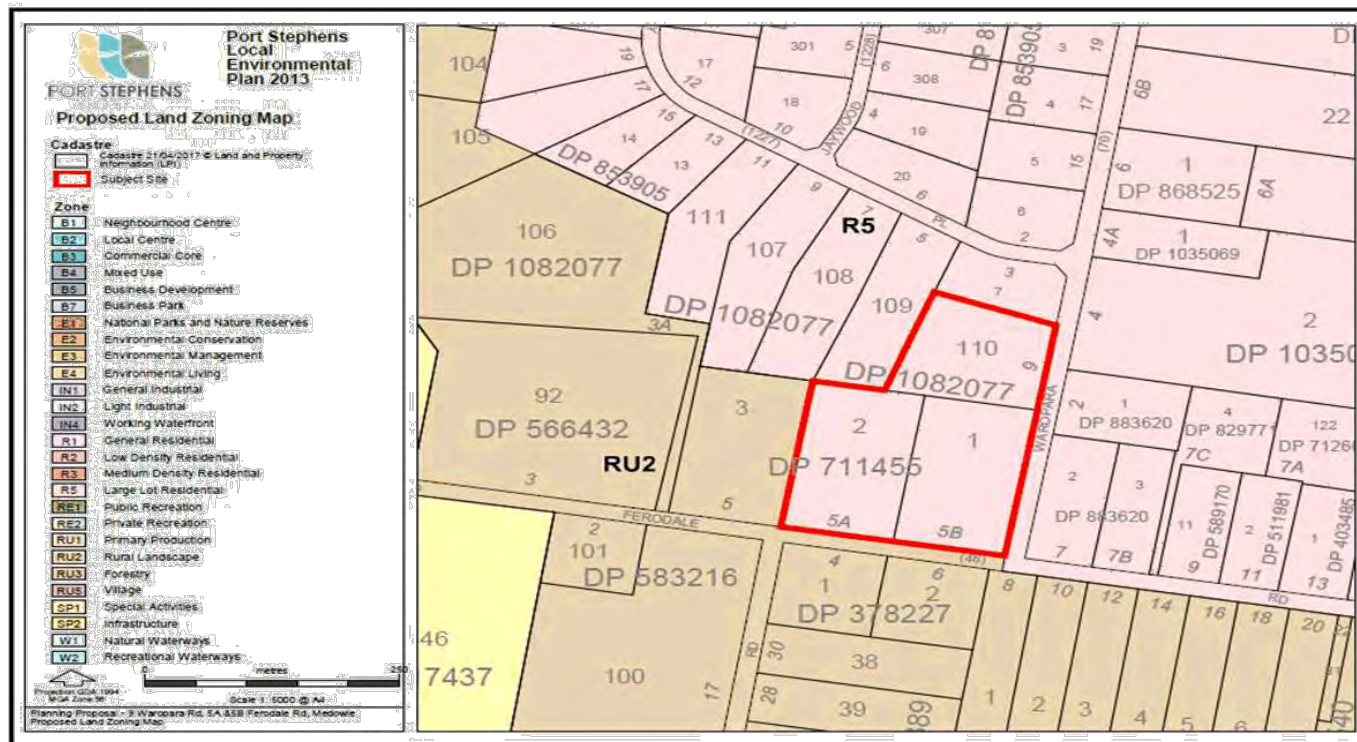


ATTACHMENT 2 – Existing Land Zoning Plan





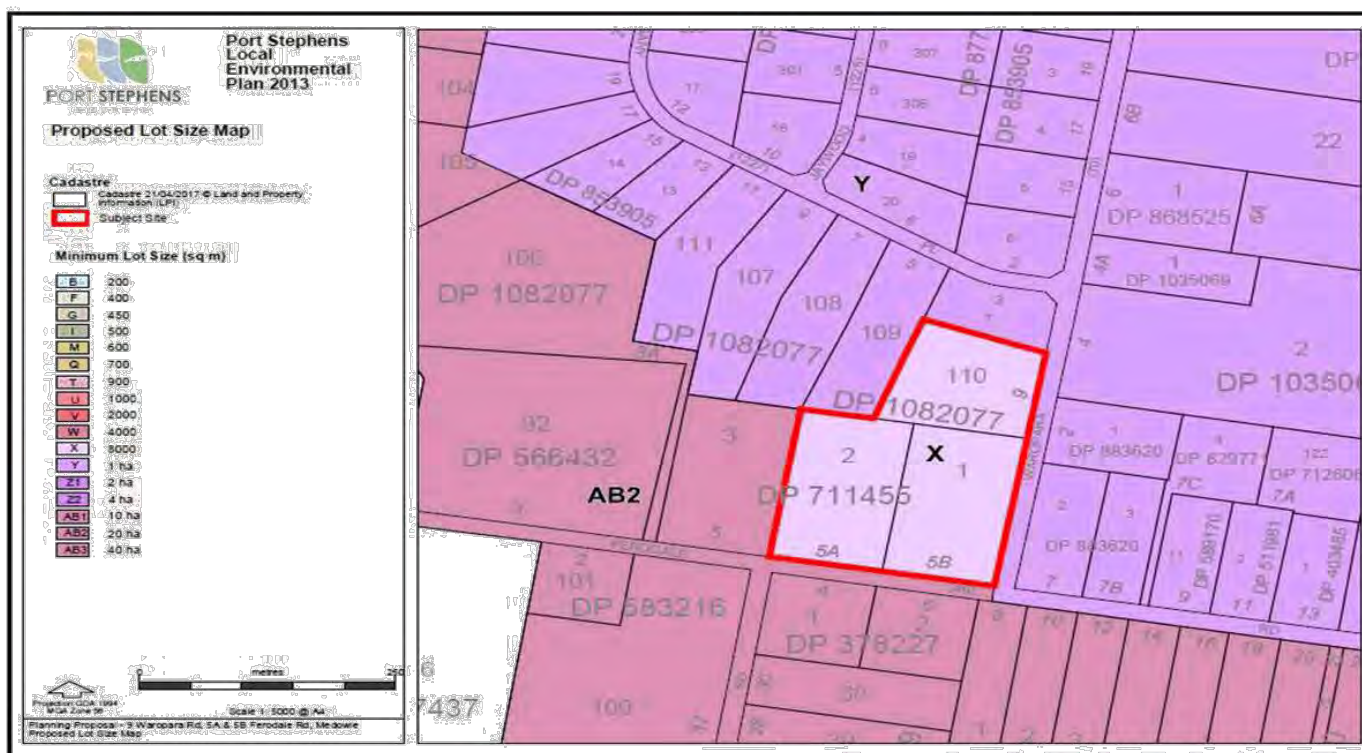
ATTACHMENT 3 – Proposed Land Zoning Map



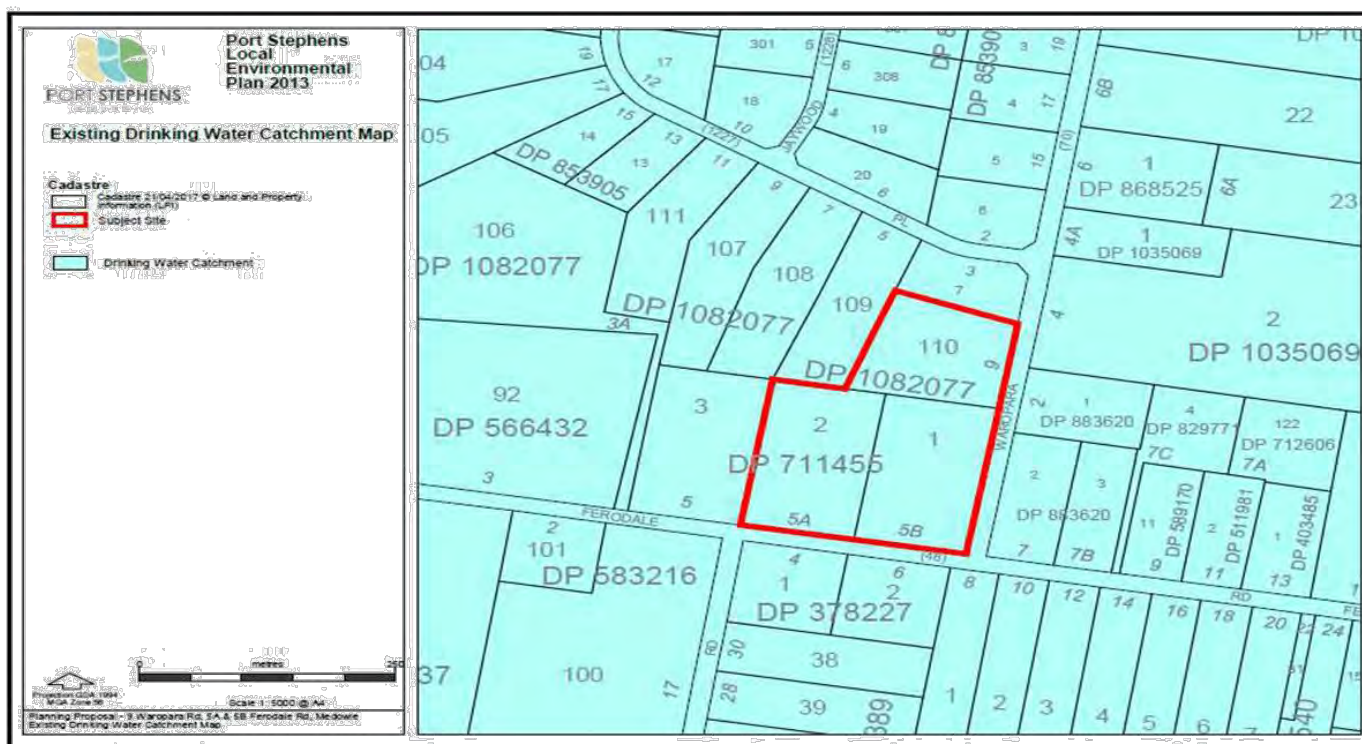




ATTACHMENT 5 – Proposed Lot Size Plan

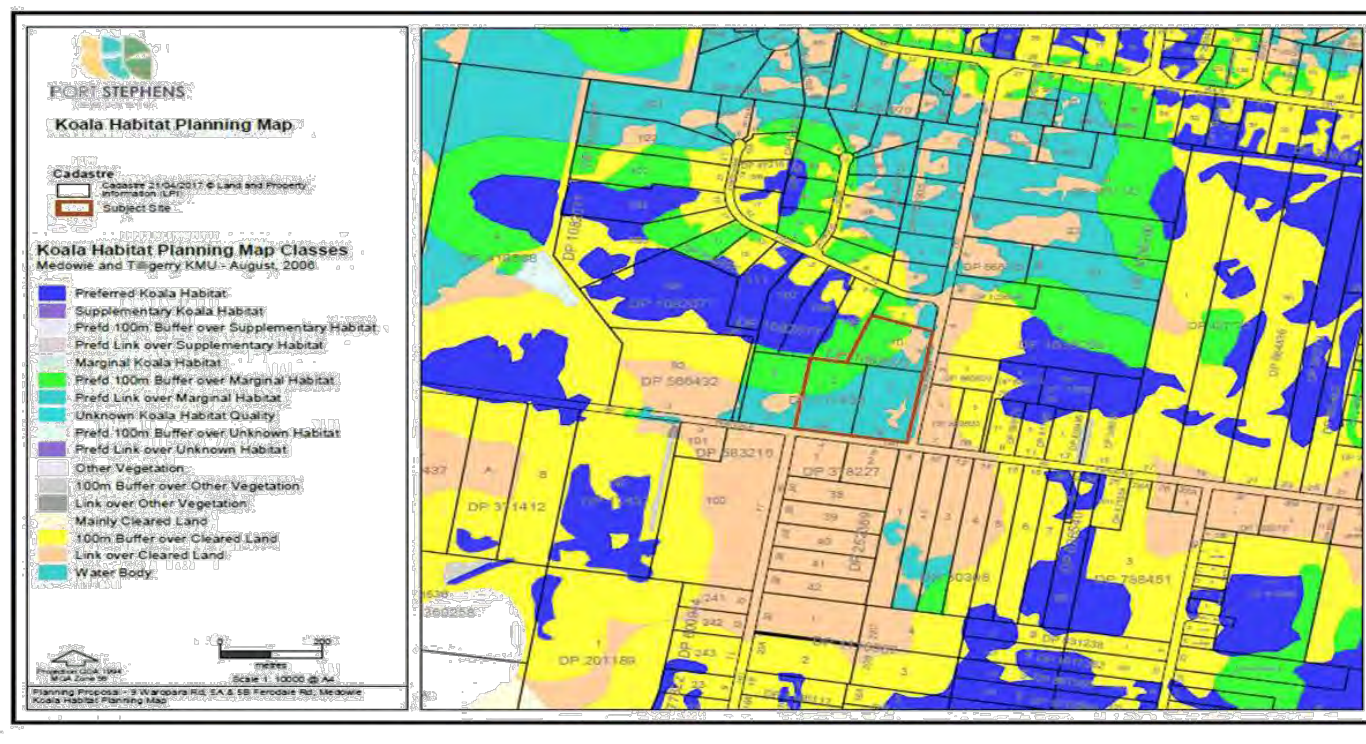


ATTACHMENT 6 – Drinking Water Catchment





ATTACHMENT 7 – Koala Habitat Planning Map







## ITEM 13 - ATTACHMENT 2 PLANNING PROPOSAL EXHIBITED VERSION.

**SUMMARY**

This planning proposal sets out the justification for proposed changes to planning controls to allow additional development on land at 74 South Street, Medowie. It also seeks to undertake an administrative mapping amendment for adjoining land to the east.

<b>Subject land:</b>	74 South Street (Lot 712 DP 1077195)
<b>Subject land area:</b>	2070m <sup>2</sup>
<b>Existing zoning and min. lot size:</b>	R5 Large Lot Residential & 2,000m <sup>2</sup>
<b>Proposed zoning and min. lot size:</b>	R2 Low Density Residential & 900m <sup>2</sup>
<b>Potential lot yield:</b>	One additional (with development consent)
<b>Additional administrative component:</b>	Amend lot size map from 2,000m <sup>2</sup> to 900m <sup>2</sup> 66 South Street (Lot 5 DP 280007) 68 South Street (Lot 4 DP 280007) 70 South Street (Lot 3 DP 280007) 72 South Street (Lot 2 DP 280007)

The principal subject land is 74 South Street, a vacant and mostly cleared site of 2070m<sup>2</sup>. It is surrounded residential development with 900m<sup>2</sup> lots at the eastern boundary. The aim is to facilitate infill low density residential development on the subject land (one into two lots). The proposal is low impact and consistent with the existing character of the immediate area. Environmental and drainage issues are suitable to be resolved at the development application stage. Streetscape character will be retained with the width of future lots consistent with the existing development directly opposite and adjoining to the east (see Figure 1 *Site Location*).

A further minor administrative component of the planning proposal is to amend the lot size map to 900m<sup>2</sup> for the adjoining land to the east (66, 68, 70 and 72 South St) to address an existing anomaly. These sites are already developed to a minimum area of 900m<sup>2</sup> however the lot size map shows a minimum lot size of 2,000m<sup>2</sup>. No additional subdivision will be facilitated by the change (it is administrative only).

The location of the land is shown in Figure 1 *Site Location* and Figure 2 *Strategic Site Location*.

Any impacts (vegetation, drainage, bushfire) are suitable to address at the development application stage.

Figure 1 Site Location



Figure 2 Strategic Site Location



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

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The objectives of the planning proposal are to permit a two-lot subdivision in order to facilitate low density residential development at 74 South Street and to apply consistent minimum lot size provisions in the immediate area.

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

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The objectives of this planning proposal will be achieved by the following amendments to LEP the mapping:

- Amending the Land Zoning Map to rezone 74 South Street (only) from R5 Large Lot Residential (**ATTACHMENT 2**) to R2 Low Density Residential in accordance with the Proposed Land Zoning Map (**ATTACHMENT 3**);
- Amending the Lot Size Map to change the minimum lot size for 74 South Street from 2,000m<sup>2</sup> (**ATTACHMENT 4**) to 900m<sup>2</sup> for 74 South Street (and additionally for 66, 68, 70, 72 South Street) in accordance with the Proposed Lot Size Map (**ATTACHMENT 5**); and
- Amending the Port Stephens Local Environmental Plan 2013 Height of Building Map (**ATTACHMENT 6**) to 9m for 74 South Street (only) in accordance with the Proposed Height of Building Map (**ATTACHMENT 7**).

**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 direct result of any strategic study or report. The planning proposal is a minor infill site located within an urban growth area identified by the Medowie Planning Strategy.

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

The planning proposal is the only means to facilitate additional subdivision of 74 South Street at this time. Addressing the lot size anomaly of the adjoining land could potentially be deferred for a general amendment to the LEP.

**Is there a community benefit?**

There is minor community benefit from the planning proposal by the future provision of one additional allotment.

**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?****Hunter Regional Plan**

The Hunter Regional Plan was released in late 2016. Although very minor in scale, the proposal is consistent with Goal 4 to create greater housing choice and jobs, including for new housing to be focused in established areas through infill development. It is consistent with Direction 21 to create a compact settlement including the following associated actions:

- Action 21.1 - Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages (the proposal is consistent with lots size immediately to the east);
- Action 21.2 - Focus development to create compact settlements in locations with established services and infrastructure (the proposal is for infill development with access to existing services);
- Action 21.4 - Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values (the site is not within the drinking water catchment and does not have high environmental values);
- Action 21.6 - Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations (the proposal is for infill development that maintains the character of the area); and
- Action 21.7 - Promote new housing opportunities in urban areas to maximise the use of existing infrastructure (the proposal balances existing character with better use of existing infrastructure).

**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 Port Stephens Community Strategic Plan direction to balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations and the delivery program to provide strategic land use planning services.

**Port Stephens Planning Strategy**

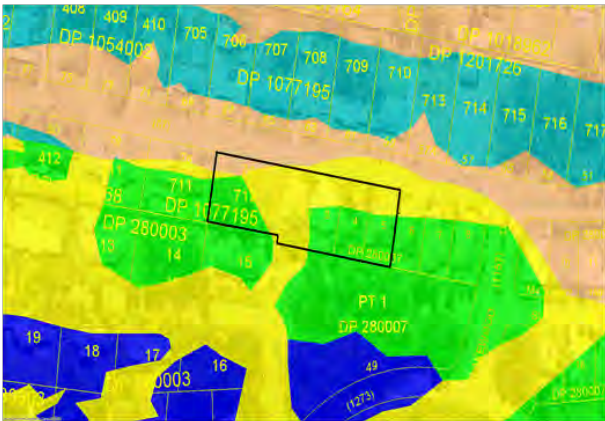
The planning proposal is consistent with the Port Stephens Planning Strategy which identifies Medowie as a priority infill and new release area. The planning proposal facilitates minor infill development.

**Medowie Planning Strategy**

The site is within an urban growth area for the purposes of the Medowie Planning Strategy. It is not specifically identified. Planning proposals for minor infill development are suitable for consideration on their own merit.

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

Table 1 Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
<p><b>SEPP 44 – Koala Habitat Protection</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 restoration of degraded areas; ensure that adequate detail is provided with development applications in order to assess, minimise and ameliorate</p>	<p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens for the purposes of implementing SEPP 44.</p> <p>Assessment is that the CKPOM performance criteria for rezoning have limited practical application because of the infill location of the site and minimal vegetation on site and surrounding development. In any case, indicative Council koala habitat mapping from 2006 shows 'Preferred 100m Buffer over Marginal Habitat' (green) and '100m Buffer over Cleared Land' (yellow).</p>  <p>Preliminary assessment based is:</p> <ol style="list-style-type: none"> <li><i>Not result in development within areas of preferred koala habitat;</i> No impact.</li> <li><i>Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;</i> No impact.</li> <li><i>Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;</i> The type of trees on site has not been confirmed.</li> </ol>

ITEM 13 - ATTACHMENT 2 PLANNING PROPOSAL EXHIBITED VERSION.

likely impacts; provide guidelines and development standards to protect koalas and habitat; provide for the effective implementation and monitoring of the CKPOM.	<p>d. <i>Not result in development which would sever koala movement across the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i></p> <p>The site is already surrounded by residential development.</p> <p>Under the above circumstances and the characteristics of the site and surrounding development, any inconsistency with the CKPOM performance criteria for rezoning is minor.</p> <p><b>Any inconsistency of the planning proposal with the CKPOM performance criteria for rezoning is minor.</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 identify land for minor additional development.</p> <p>The use of the site will remain consistent with the current zoning (i.e. residential). A single additional allotment (only) will be facilitated and the site is not identified on Council's contaminated land register.</p> <p><b>The planning proposal satisfies the provisions of this SEPP.</b></p>



## ITEM 13 - ATTACHMENT 2 PLANNING PROPOSAL EXHIBITED VERSION.

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

Table 2 Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
<b>2.1 Environment Protection Zones</b>  The objective of this direction is to conserve environmentally sensitive areas.	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.  The planning proposal satisfies this direction because the site is not environmentally sensitive.  <b>The planning proposal is consistent with this direction.</b>
<b>2.3 Heritage Conservation</b>  The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	This direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a proposal must contain provisions that facilitate the conservation of environmental heritage and Aboriginal heritage.  There are no items of European heritage on the site or listed in the LEP. Investigations into potential for indigenous heritage have not been undertaken by the proponent.  Heritage can be managed through the existing planning instruments, legislation and regulations that apply to the land.  <b>The planning proposal is consistent with this direction.</b>
<b>3.1 Residential Zones</b>  The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs; make efficient use of infrastructure and services and ensure housing has access to infrastructure and services; minimise impact of residential development on the environment and resource lands.	This direction applies because the planning proposal affects land within an existing residential zone. The planning proposal is consistent with this direction because it will facilitate provision of a single additional lot on an infill site. It will make use of existing infrastructure and minimises impact on the environment.  <b>The planning proposal is consistent with this direction.</b>



## ITEM 13 - ATTACHMENT 2 PLANNING PROPOSAL EXHIBITED VERSION.

<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 trips generated by the development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services.</p>	<p>This direction applies because the planning proposal will create a zone relating to urban land.</p> <p>The planning proposal is consistent with this direction because it seeks to provide infill development within an existing urban area. It will add to the use of existing transport infrastructure in the area and build upon its.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<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, Newcastle Airport and the Salt Ash Air Weapons Range. The site is not affected by the ANEF 2012 or 2025 maps – however land outside of ANEF contours can still be affected by aircraft noise and activities.</p> <p>Any inconsistency with this direction is minor and is suitable to be addressed at the development application stage because of the minor infill extent of additional development.</p> <p><b>Any inconsistency with this direction is minor.</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>The site is nominated as Class 5 soils, requiring consent for works within 500m of adjacent soil classes. This is the lowest risk classification. The issue will be managed through existing provisions of the LEP.</p> <p><b>The planning proposal is consistent with this direction.</b></p>

## ITEM 13 - ATTACHMENT 2 PLANNING PROPOSAL EXHIBITED VERSION.

<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. The direction provides that, in the preparation of a planning proposal, the relevant planning authority must consult with the Commissioner of the RFS following receipt of a Gateway Determination, and prior to undertaking community consultation, and take into consideration any comments so made.</p> <p>A bushfire threat assessment has not been undertaken. This issue is appropriately addressed subdivision and dwelling application stages.</p> <p>The RFS have been consulted and has no objection to the planning proposal subject to a requirement that the future subdivision of the land complies with <i>Planning for Bushfire Protection 2006</i>.</p> <p><b>The planning proposal is consistent with this direction.</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>This direction refers to the Lower Hunter Regional Strategy. The site is located within the existing urban area shown by the strategy main map. The Lower Hunter Regional Strategy has recently been replaced by the Hunter Regional Plan.</p> <p><b>The planning proposal is consistent with this direction.</b></p>
<p><b>5.10 Implementation of Regional Plans</b></p> <p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p><b>Hunter Regional Plan</b></p> <p>The Hunter Regional Plan was released in late 2016. Although very minor in scale, the proposal is consistent with Goal 4 to create greater housing choice and jobs, including for new housing to be focused in established areas through infill development. It is consistent with Direction 21 to create a compact settlement including the following associated actions:</p> <ul style="list-style-type: none"> <li>• Action 21.1 - Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages (the proposal is consistent with lots size immediately to the east);</li> </ul>

**ITEM 13 - ATTACHMENT 2 PLANNING PROPOSAL EXHIBITED VERSION.**

	<ul style="list-style-type: none"><li>• Action 21.2 - Focus development to create compact settlements in locations with established services and infrastructure (the proposal is for infill development with access to existing services);</li><li>• Action 21.4 - Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values (the site is not within the drinking water catchment and does not have high environmental values);</li><li>• Action 21.6 - Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations (the proposal is for infill development that maintains the character of the area); and</li><li>• Action 21.7 - Promote new housing opportunities in urban areas to maximise the use of existing infrastructure (the proposal balances existing character with better use of existing infrastructure).</li></ul> <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?**

There is little or no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. There are a small number of native trees on site.

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

There are no other likely environmental effects as a result of the planning proposal.

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

There are limited or no social and economic effects because of the single additional lot yield.

**SECTION D – State and Commonwealth interests**

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

Reticulated sewer and water infrastructure is available consistent with existing surrounding urban development. This issue is appropriately addressed at the development application stage.

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

The Rural Fire Service has been consulted and has no objection to the planning proposal subject to a requirement that the future subdivision of the land complies with *Planning for Bushfire Protection 2006*.

**Part 4 - Mapping**

The following mapping is attached

- Site Identification Map (**ATTACHMENT 1**)
- Existing Land Zoning Map (**ATTACHMENT 2**)
- Proposed Land Zoning Map (**ATTACHMENT 3**)
- Existing Lot Size Map (**ATTACHMENT 4**)
- Proposed Lot Size Map (**ATTACHMENT 5**)
- Existing Height of Building Map (**ATTACHMENT 6**)
- Proposed Height of Building Map (**ATTACHMENT 7**).

**Part 5 - Details of Community Consultation**

The planning proposal is on public exhibition from 8<sup>th</sup> June to 6<sup>th</sup> July 2017. Adjacent owners and those landowners affected by the administrative component (66, 68, 70, 72 South St) have been notified in writing.

Notice of the public exhibition has been placed in the local newspaper and exhibition material will be made available on Council's website and during

normal business hours at Council's Administration Building in Raymond Terrace. A copy is also available at the Medowie Community Centre.

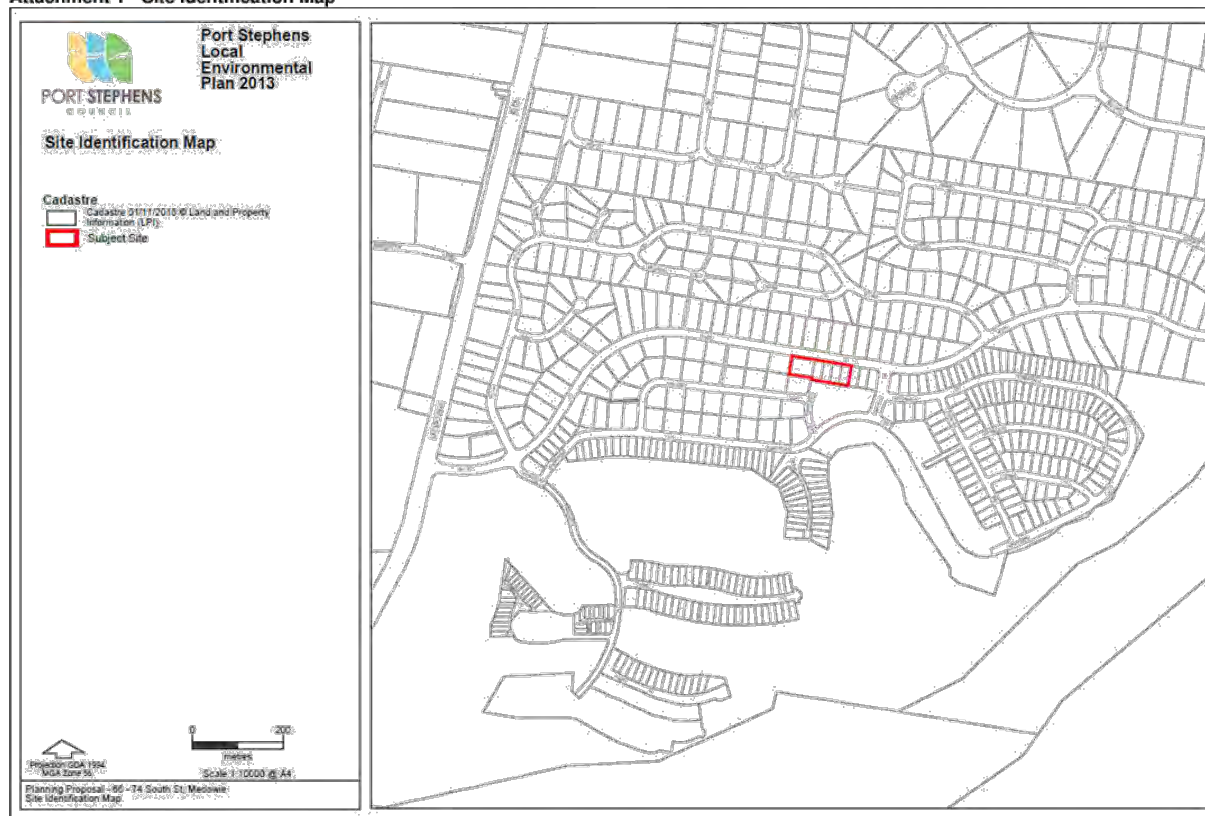
## ITEM 13 - ATTACHMENT 2 PLANNING PROPOSAL EXHIBITED VERSION.

## Part 6 – Project timeline

The following timetable is proposed:

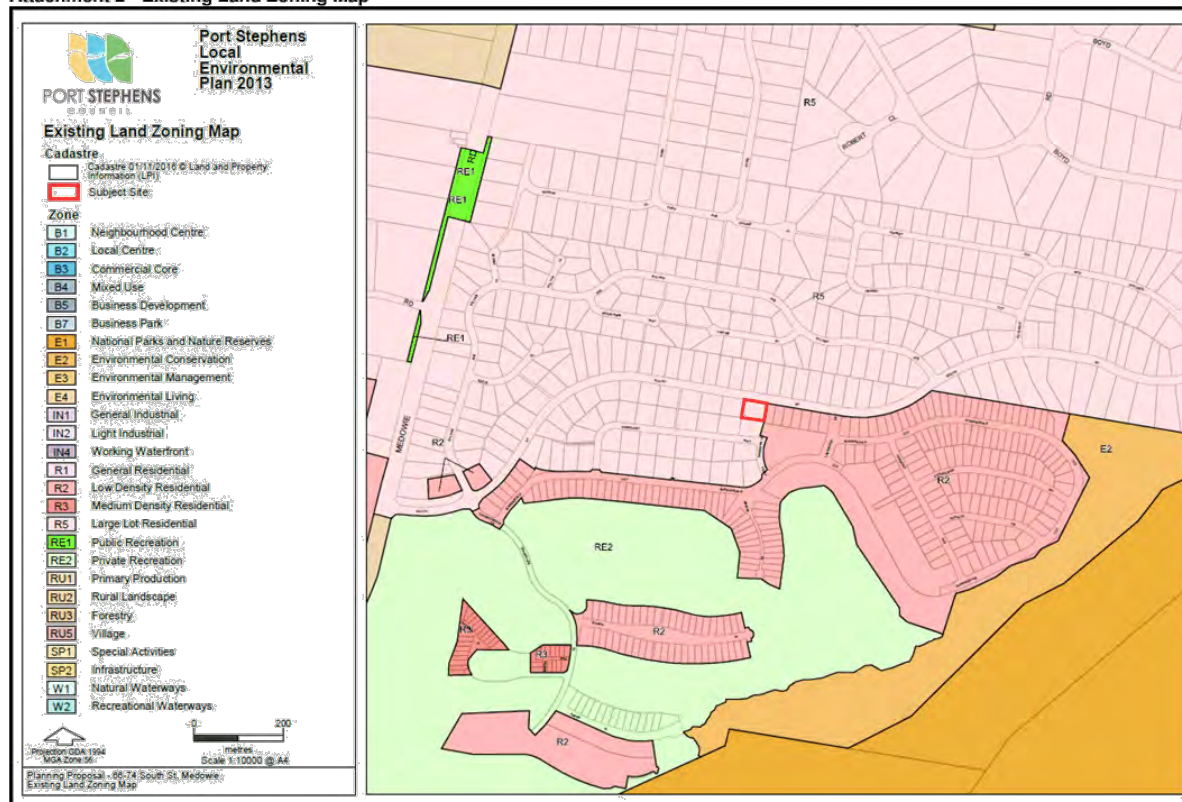
	Dec 2016	Jan 2017	Feb 2017	Mar 2017	April 2017	May 2017	June 2017	July 2017	Aug 2017
<i>Council report</i>									
<i>Gateway determination</i>									
<i>Agency consultation</i>									
<i>Pre-exhibition period</i>									
<i>Public exhibition (8<sup>th</sup> June to 6<sup>th</sup> July)</i>									
<i>Review submissions</i>									
<i>Post-exhibition Council report</i>									
<i>Anticipated date Council will make the Plan and forward to the Department of Planning and Environment for notification</i>									

Attachment 1 - Site Identification Map

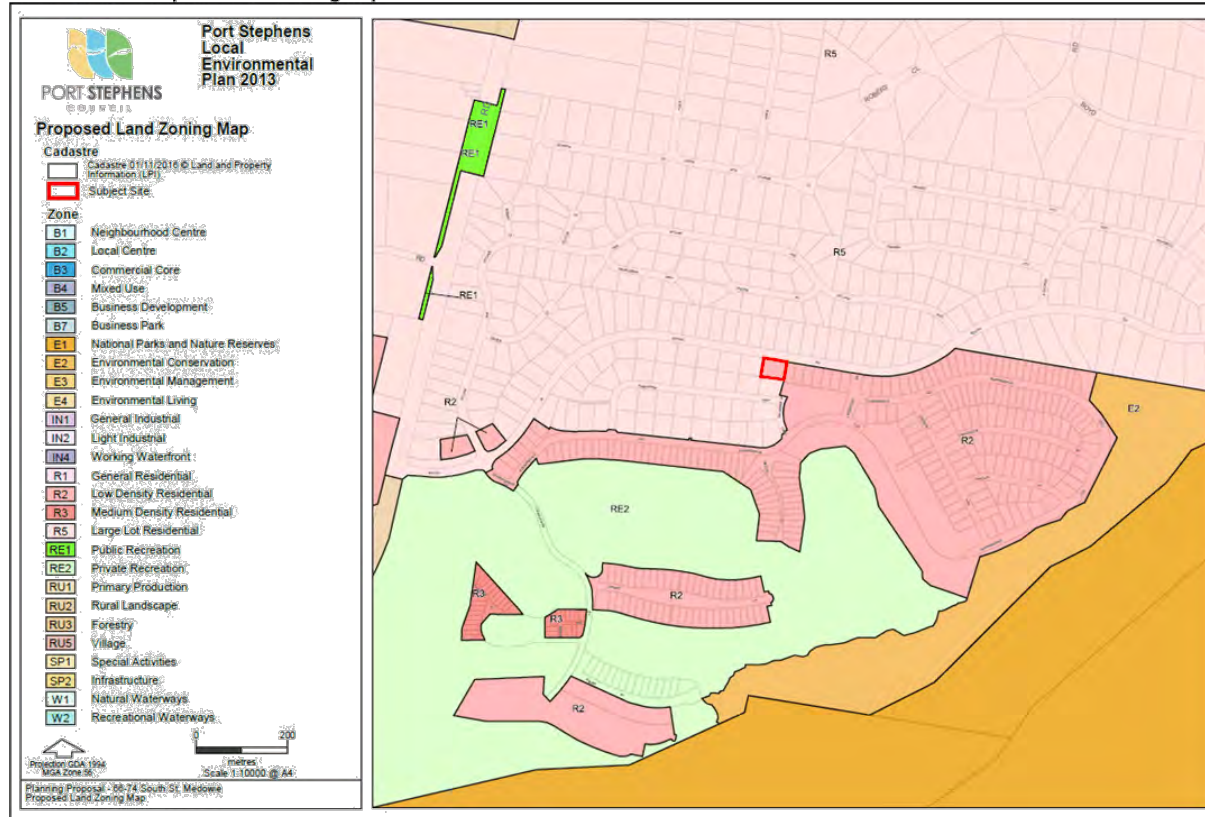




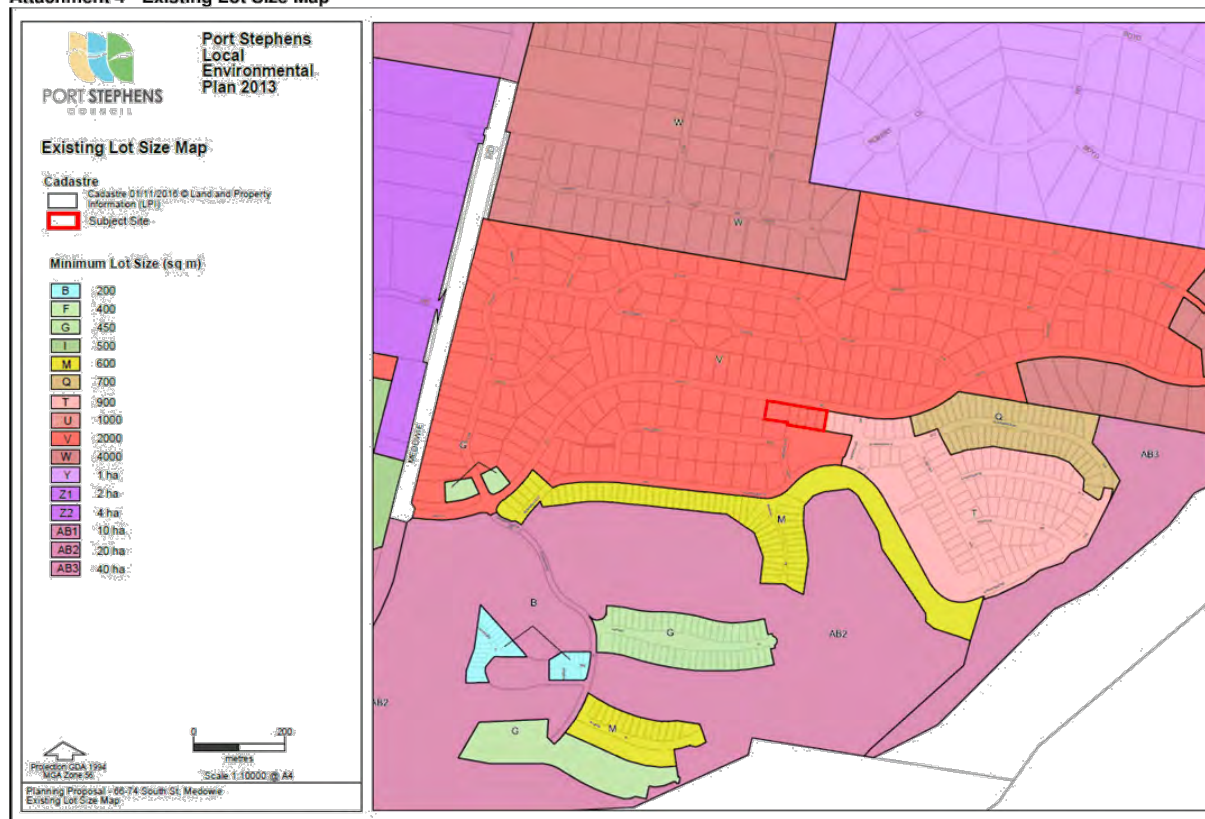
Attachment 2 - Existing Land Zoning Map



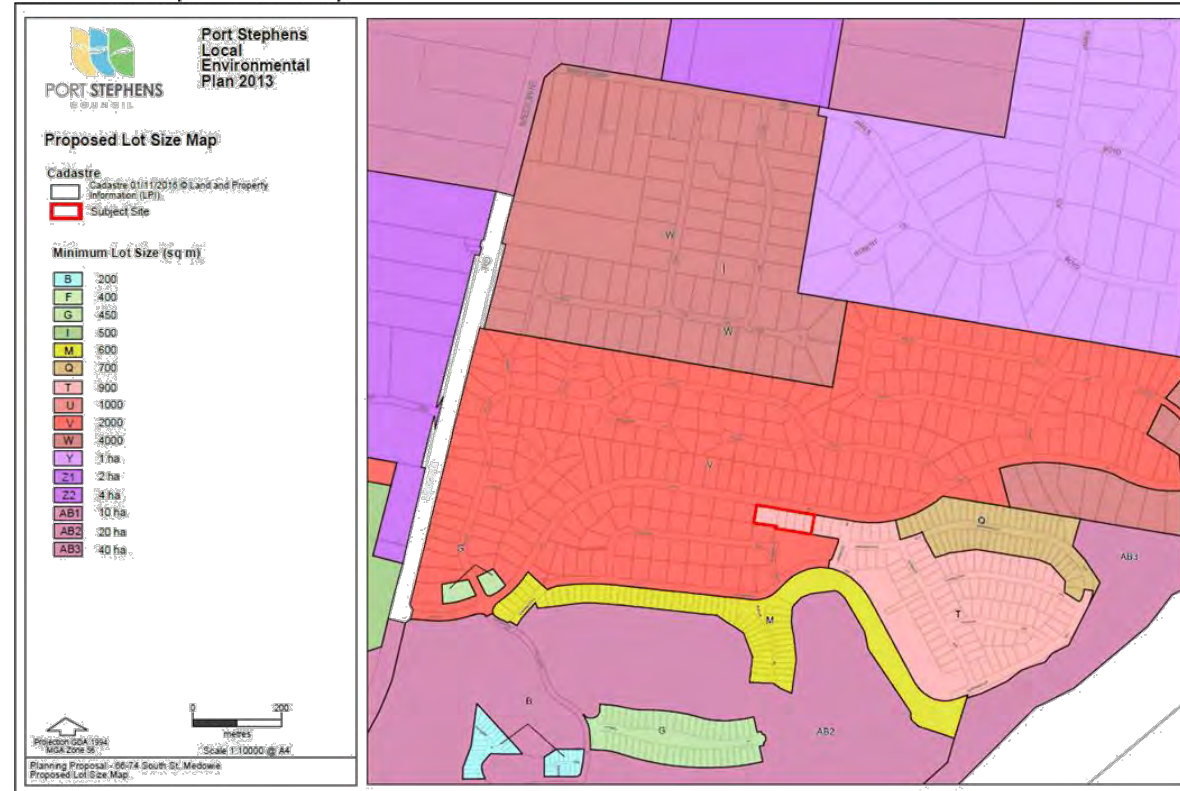
Attachment 3 - Proposed Land Zoning Map



Attachment 4 - Existing Lot Size Map



Attachment 5 - Proposed Lot Size Map





Attachment 6 – Existing Height of Building Map



Attachment 7 - Proposed Height of Building Map

