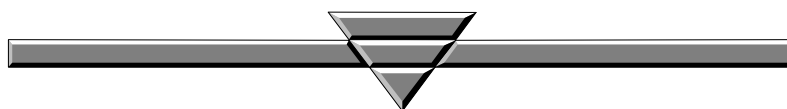


Minutes 5 May 2009



Port Stephens

C.O.U.N.C.I.L

... a community partnership

Minutes of Extra-Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 05th May 2009, commencing at 7.30pm.

PRESENT:

Councillors B. MacKenzie (Mayor); R. Westbury (Deputy Mayor); K. Jordan, G. Dingle; S. Dover, G. Francis; P. Kafer; D. Maher, J. Nell; S. O'Brien; S. Tucker, F. Ward; General Manager; Corporate Excellence Group Manager, Facilities and Services Group Manager; Sustainable Planning Group Manager; Commercial Services Group Manager & Executive Officer.

Cr Ken Jordan was not present at the commencement of the meeting as he declared a non pecuniary conflict of interest.

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1. DEVELOPMENT CONTROL PLAN, DRAFT LOCAL ENVIRONMENTAL PLAN AND
MEDOWIE STRATEGY ISSUES FOR MEDOWIE TOWN CENTRE. 7

MAYORAL MINUTES

MAYORAL MINUTE

ITEM NO. 1

FILE NO: A2004-0667

COUNCIL RESOLUTION – SUBMISSION OF MOTIONS TO 2009 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

THAT COUNCIL:

Resolve to submit the following motions to the Australian Local Government Association for inclusion in the business paper for the 2009 National General Assembly of Local Government to be held in Canberra between 21 and 24 June, 2009.

EXTRA-ORDINARY COUNCIL – 05TH MAY 2009

136	Councillor Bruce MacKenzie	There being no objection the Mayoral Minute was adopted.
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BACKGROUND

The 2009 National General Assembly of Local Government (NGA) theme is *Rising to the Challenge – Infrastructure, Financing, Climate Change*. The NGA is Council's opportunity to contribute to the development of the national local government policy.

The Australian Government is increasingly looking to local government to play a role as a partner in tackling the major issues facing the nation and the NGA is an opportunity to make sure that Council's views are represented. Australian Local Government Association has called for motions to be submitted for the business paper to be presented in Canberra in June. The following are proposed:

Climate Change:

That the Commonwealth Government establishes a National scientifically based Policy regarding prediction of sea level rise impacts for years 2050 and 2100 to enable a National approach to Planning for Coastal Development and Management in a consistent manner.

Infrastructure:

That the Federal Government continue to provide significant funding towards Infrastructure Programmes that directly benefit Local Government through the provision of Community Infrastructure that have efficiencies in service delivery and beneficial, social and economic outcomes. This Infrastructure programme should become more integrated with an enhanced role by the Federal Government in

MINUTES OF EXTRA-ORDINARY MEETING – 5 MAY 2009

planning for the development expansion and development management of the major metropolitan and regional centres.

Local Government Financing:

That the Commonwealth, through Council of Australian Governments, review funding constraints applied by the State Governments to Local Governments where these restrict community's discretion. That penalties be applied by the Federal Government to State financial grants.

RESCISSION MOTIONS

RECISSION MOTION

ITEM NO. 1

FILE NO: PSC2008-2238

DEVELOPMENT CONTROL PLAN, DRAFT LOCAL ENVIRONMENTAL PLAN AND MEDOWIE STRATEGY ISSUES FOR MEDOWIE TOWN CENTRE.

COUNCILLORS: JOHN NELL, GEOFF DINGLE & FRANK WARD

That Council rescind its decision of 28 April 2009 on Item 3 of the General Manager's Report, namely Development Control Plan, Draft Local Environmental Plan and Medowie Strategy Issues for Medowie Town Centre.

EXTRA-ORDINARY COUNCIL – 05TH MAY 2009

	Councillor John Nell Councillor Geoff Dingle	That Council rescind its decision of 28 April 2009 on Item 3 of the General Manager's Report, namely Development Control Plan, Draft Local Environmental Plan and Medowie Strategy Issues for Medowie Town Centre.
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137		The Rescission Motion on being put was lost.
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In accordance with the Local Government Act 1993, a division is required for this item.

Those for the Motion: Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

Those against the Motion: Daniel Maher, Steve Tucker, Shirley O'Brien, Bob Westbury, Shirley O'Brien and Bruce MacKenzie.

ITEM NO. 3	FILE NO: PSC2008-2238
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DEVELOPMENT CONTROL PLAN, DRAFT LOCAL ENVIRONMENTAL PLAN AND MEDOWIE STRATEGY ISSUES FOR MEDOWIE TOWN CENTRE.

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Confirm its resolution dated 27th May 2008 (**Attachment 1**) to prepare a Development Control Plan over land on the corner of Ferodale and Peppertree Roads for a supermarket and the surrounding town centre in the form of a site specific chapter of the Port Stephens Development Control Plan 2007 (DCP);
- 2) Note that Council funds have been allocated to prepare a DCP and that a consultant will be appointed in the near future to undertake the required work and that this will occur parallel to the processing of the draft LEP;
- 3) Resolve that the concept proposal for a supermarket on the corner of Ferodale and Peppertree Roads (**Attachment 2**) and the rationale submitted by the proponent (**Attachment 3**) is not consistent with the principles and intended outcomes of the Medowie Strategy and does not provide a compelling argument to depart from this and other relevant planning policies;
- 4) Pursuant to Section 54 of the Environmental Planning and Assessment Act (1979) resolve to prepare a draft LEP to rezone council owned land Lot 4 DP 813A, Lot 5 DP 809A; Lot 240 DP 1027965; and privately owned land Lot 2 DP 632334; Lot 32 DP 1045148; Lot 31 DP 1045148; Lot 1 DP 553784; Lot A DP 404939; Lot 1 DP 260883; Lot 2 DP 260883; Lot: 3 DP 260883; and Lot 195 DP 17437 in the Medowie town centre (**Attachment 4**) to facilitate development of this land, provide flexibility to resolving pedestrian and vehicular access design issues raised by the super market site and devise a traffic solution to the town centre as required by the Department of Planning prior to finalising the supermarket site draft LEP; and
- 5) Consult with land owners affected by Recommendation 4 prior to the draft LEP being forwarded to the LEP Review Panel.
- 6) Through Council's Integrated Planning Section, engage an independent consultant to peer review the assessment of the proposed rezoning of land under Recommendation 4 that is in council ownership.

ORDINARY COUNCIL – 24 APRIL 2009

	Councillor Dingle Councillor Francis	That the recommendation be adopted.
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AMENDMENT:		
124	Councillor Steve Tucker Councillor Shirley O'Brien	<p>It was resolved that Council:-</p> <ol style="list-style-type: none"> 1. Confirm its resolution dated 27th May 2008 (Attachment 1) to prepare a Development Control Plan over land on the corner of Ferodale and Peppertree Roads for a supermarket and the surrounding town centre in the form of a site specific chapter of the Port Stephens Development Control Plan 2007 (DCP); 2. Note that Council funds have been allocated to prepare a DCP and that a consultant will be appointed in the near future to undertake the required work and that this will occur parallel to the processing of the draft LEP; 3. Resolve that the concept proposal for a supermarket on the corner of Ferodale and Peppertree Roads (Attachment 2) and the rationale submitted by the proponent (Attachment 3) be approved in principle subject to appropriate conditions. <ol style="list-style-type: none"> 4. Pursuant to Section 54 of the Environmental Planning and Assessment Act (1979) resolve to prepare a draft LEP to rezone council owned land Lot 4 DP 813A, Lot 5 DP 809A; Lot 240 DP 1027965; and privately owned land Lot 2 DP 632334; Lot 32 DP 1045148; Lot 31 DP 1045148; Lot 1 DP 553784; Lot A DP 404939; Lot 1 DP 260883; Lot 2 DP 260883; Lot: 3 DP 260883; and Lot 195 DP 17437 in the Medowie town centre (Attachment 4) to facilitate development of this land, provide flexibility to resolving pedestrian and vehicular access design issues raised by the super market site and devise a traffic solution to the town centre as required by the Department of Planning prior to finalising the supermarket site draft LEP; and 5. Consult with land owners affected by Recommendation 4 prior to the draft LEP

		<p>being forwarded to the LEP Review Panel.</p> <p>6. Through Council's Integrated Planning Section, engage an independent consultant to peer review the assessment of the proposed rezoning of land under Recommendation 4 that is in council ownership.</p>
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In accordance with the Local Government Act 1993, a division is required.

Those for the motion: Councillors Daniel Maher, Steve Tucker, Shirley O'Brien, Sally Dover, Bob Westbury and Bruce MacKenzie.

Those against the motion: Councillors Peter Kafer, Glenys Francis, Geoff Dingle, John Nell and Frank Ward.

The amendment on being put became the Motion, which was put and carried.

PURPOSE OF THE REPORT

Buildev and Woolworths have asserted to the Mayor and Council staff that the project for a second supermarket in the town centre may be discontinued unless Council gives a favourable and prompt answer to planning and design issues raised by the proposed supermarket. This has lead to the submission of this report with the purpose of seeking resolution of the following:

1. Council to consider if a Development Control Plan is still required in conjunction with the proposed rezoning of land for a supermarket on the corner of Ferodale and Peppertree Roads.
2. Council to consider if the concept proposal for a supermarket in the town centre is acceptable given the inconsistency with the recently adopted Medowie Strategy.
3. Council to resolve to prepare a draft Local Environmental Plan for other town centre lands, including council owned land, to facilitate the development of the town centre as the social and economic centre for the Medowie community and to assist in resolving the constraints of the proposed supermarket site on the corner of Peppertree and Medowie Roads and achieve better public outcomes.

BACKGROUND

Upon receipt of a rezoning request from Buildev Development NSW CM Pty Ltd on the 9th April 2008 (in the form of a letter only that stated that the request is consistent with the outcomes of the Medowie Strategy) a report was promptly submitted to Council in May 2008 recommending that Council resolve to prepare a draft LEP for

the supermarket site and prepare a DCP for the site and the surrounding town centre. On the 27th May 2008 Council supported these recommendations. The draft LEP was supported by the LEP Review Panel on 18th February 2009 and approved Council to treat the rezoning as a separate draft LEP to expedite its processing. The LEP Review Panel has advised Council that the LEP is not to be finalised until Council has determined a strategic traffic solution for the town centre. Council staff are currently consulting with relevant government agencies on the draft LEP.

Buildev and Woolworths have asserted in meetings with the Mayor and Council staff that they will “walk away” if Council does not support the design proposal put forward by Buildev (**Attachment 2**) as part of the draft LEP that Council staff are currently processing.

Background to Recommendation 1

The proponent tabled a concept plan on the 28th January 2009 (**Attachment 2**) and requested that they not be required to prepare a DCP if agreement could be reached on a concept plan that achieves all the requirements and outcomes of a DCP. This request was agreed in principle. In the three subsequent meetings with the proponent, the Mayor and Council staff, no other concept plans have been tabled indicating options that are available to achieve a better built form and public outcome for the town centre. Issues that require resolution through design are: addressing Peppertree Roads and Ferodale Roads as public streets and spaces that accommodate the needs for pedestrians and motor vehicles, the width of Peppertree Road to accommodate two travel lanes and two parking lanes and allow the street to evolve into a main street; how to accommodate slope issues on the subject site from the public street through the site to eastern boundary of the site; how development of the site facilitates future development of adjoining land; the location of loading bays and their screening from public streets and spaces and how trucks access the loading bays without creating undesirable conflicts with pedestrians and pedestrian amenity.

The proponent has sought not to prepare a DCP. This report recommends confirmation of its resolution of 27th May 2008 and that a DCP is required to guide the develop of the site and the town centre.

Background to Recommendation 2

The cost of preparing a DCP is approximately \$30,000. Funds from within Integrated Planning budget have been allocated for the engagement of a consultant to prepare a DCP. If Council endorses Recommendation 1, a consultant will be engaged in early May 2009 with a draft document prepared within 8 weeks for submission to Council.

Background to Recommendation 3

For the town centre, the Medowie Strategy states on page 35:

“..... the objective is to co-ordinate car parking, enabling easy circulation throughout. To achieve this Peppertree Road would be widened to allow on street parking and 2 travel

lanes. This would also connect with the street network north of the existing supermarket to provide links to Medowie Road and Wilga Road. Pepper Tree Road could be transformed into a low speed Main Street with pedestrian cycling and public transport having priority over private vehicles. The main street could be themed to local colouring, textures landscaping with footpaths suitable for footway dining.

The creation of the main street will require development to build to the street boundary and use rear lanes running parallel with Peppertree Road to access unsightly loading docks and vehicle parking areas which would otherwise detract from the amenity and character of a vibrant town centre."

The Strategy is clear in establishing desired outcomes for the town centre.

Background to Recommendations 4 and 5

The proponent has indicated that the proposal does not accommodate specialty stores and that design options are limited as the size of the site is such that it can only accommodate a supermarket in the north east corner and associated on site car parking. Now that the Medowie Strategy has been adopted by Council, it is prudent for all the lands in the town centre be rezoned and allow more flexibility to address the issues raised by the proponent and by this report.

FINANCIAL/RESOURCE IMPLICATIONS

\$30,000 has been allocated to engage an urban design/planning consultant to prepare the DCP and undertake the associated consultation.

The proposed rezoning attracts the prescribed rezoning fees in accordance with Council's Fees and Charges Schedule. These fees will be recouped from the affected land owners through the rezoning process. Should Council adopt this recommendation, Strategic Planning will invest staff time to prepare and submit the standard Section 54 information to the Department of Planning's LEP Review Panel.

LEGAL AND POLICY IMPLICATIONS

The DCP would be consistent with, and implement the principles of the Medowie Strategy and the State government's *Integrating Land Use and Transport - Improving Transport Choice — Guidelines for planning and development*.

The location of the proposed supermarket is consistent with the above mentioned policies. However, the design of the proposed development is not consistent with these policies. Furthermore, it is not consistent with the requirements of Port Stephens DCP 2007 in particular B3 Parking, Traffic and Transport in terms of loading bays and B4 Commercial and Mixed Use Development in terms of building to the street property boundary and addressing a street corner.

SUSTAINABILITY IMPLICATIONS

SOCIAL/ ECONOMIC/ENVIRONMENTAL IMPLICATIONS

Recommendations 1 and 2

The DCP will establish how development in the town centre can be achieved that gives the best public built form outcomes. This includes integrating issues such as; slope relative to street levels and property boundaries; drainage in terms of water quality and quantity; street dimensions; on street parking; off street parking ratios relative to peak and off peak parking needs; pedestrian movements between the larger stores, footpaths and street furniture; the location of loading bays and their screening from public streets and spaces; and, service truck access.

If the town centre is well designed to be pedestrian friendly then residents are more likely to use the centre more and stay longer, creating a sense of community and place and delivering increased patronage for businesses. Furthermore, as Medowie is the closest town to RAAF Base Williamstown and Newcastle Airport it has the most potential to attract off base business activities in terms of convenience and co-location – e.g. main street cafes with attractive urban amenity can be an important business setting for visitors and workers alike as well as socially for local residents.

Recommendation 3

The proposal illustrated in Attachment 2 is primarily a car oriented development with a loading dock fronting onto Peppertree Road and setback from Peppertree and Ferodale Roads. As a consequence, the proposal provides poor pedestrian and public amenity outcomes for Peppertree and Ferodale Roads and for the town centre. The development model illustrated in Attachment 2 is more appropriate for a highway service centre than a town centre.

In the state governments Draft Centres Policy – Planning for Retail and Commercial Development (April 2009) the following extract is provided for Council's information:

"The centres, and major retail and commercial development in those centres, play an increasingly important role in the daily life of the community. This warrants a strong focus at both the planning stage and the development design stage to ensure their functions and appearance appropriately consider public, civic and sustainability values, as well as their economic role.

The quality of design of the buildings and the public and private spaces play an important role in how people experience these centres. The public spaces include the streets, squares and parks associated with the centre and 'private' spaces include walkways, mezzanines and atriums within the centres and spaces within shops. These are the areas where people meet and mix and where local community events take place. Centres with safe, attractive and vibrant spaces are likely to be more valued and used by the community and more commercially successful.

Given the importance of retail as the catalyst for visits to centres, it is important that the design of these components of centres contribute to the public domain and provide effective linkages to the wider centre and surrounding community. Safe and efficient access to the centre by foot, public transport or car is vital for a successful centre. In addition, new buildings and other structures should make a positive contribution to an area's character

(either existing or preferred future character) by protecting or contributing to the valued natural, built or community qualities. An understanding and appreciation of the local character, public setting and strategic planning issues relating to the area must be considered at the outset".

The May 2008 rezoning report highlighted the importance of development design to Council stating;

"..... conventional retail development generally has a large box and supporting specialty stores surrounded by car parking. This model has shaped the current layout, operation and physical appearance of the town centre. There has been much comment by Medowie residents that future development should not repeat past practises and "repair" the current town centre. These are the key issues that the recommended DCP will address".

Design Alternatives

The most appropriate method of incorporating "big box" retailing in a town centre is to sleeve the building frontage with specialty shops. Pedestrian access to the supermarket can either be between shops fronting the street or via the car park at the rear. If specialty shops are not proposed then the supermarket could be setback from the main street at a depth that allows specialty shops to be added in the future.

By resolving to include more town centre land to be rezoned as per Recommendation 4, this will provide more flexibility to achieve more integrated and better quality outcomes for the supermarket site and for the town centre overall.

It should be noted that a rezoning request by the proponent for the corner of Kerrang and Peppertree Road included data that demonstrated a requirement for a second supermarket and associated specialty shops and professional services with a total floor space of 4000-6000m². The lone supermarket now proposed for the town centre is 3800m² in area. No specialty shops have been included within the proposal that would have enabled the "big box" to be sleeved from the street and therefore, creating a more social and economically attractive place.

Recommendations 4 and 5

The implications of rezoning this land for urban development has been addressed in the Medowie Strategy.

CONSULTATION

The preparation of the DCP will include consultation with landowners, councillors and council staff prior to formally being submitted to Council seeking the draft document be placed on public exhibition.

The proponent did not make a submission to the Medowie Strategy prior to its adoption by Council indicating that developing the site would not be consistent with the Strategy. This is despite the policy directions of the *Port Stephens Community Settlement and Infrastructure Strategy 2007*, Section 117 Directions requiring draft LEPs for retail development to address the principles of the state government's

MINUTES OF EXTRA-ORDINARY MEETING – 5 MAY 2009

Integrating Land Use and Transport Policy package, and the planning controls in Section B3 Parking, Traffic and Transport and B4 Commercial and Mixed Use Development of the Port Stephens DCP 2007.

The proponent has now made a submission (Attachment 3) asserting the rationale for the proposal and how it relates to the Medowie Strategy. The issues raised and a response to them is as follows:

Issue raised by Proponent	Response
Our concept design adheres to the principle of drawing traffic movements away from Ferodale Road by locating the primary entry to the supermarket and the loading facilities off Peppertree Road.	Ferodale Rd is the only east west road connecting these respective areas of the town. Creating Peppertree Road as an "off line" main street that extends northwards and connects with future cross streets from Medowie Rd across to Wilga Rd, will create an alternate parallel route across and into the town centre and reduce the need for traffic to concentrate onto Ferodale Rd.
One of the reasons we have located the supermarket in the proposed position is the cross fall of the site. If the supermarket was located on the north western corner, as suggested in the Strategy, then the site would require a massive cut to obtain the required grades for a Supermarket car park. If this were to occur the height of the retaining wall in the north eastern corner would be over 5 m. This is not a good outcome.	Cross fall of the site is recognised. The amount of cut and fill undertaken on the site is dependent upon desired end grades at street boundary, through site to the rear boundary. Desired end grade at the street boundary is crucial to determining visual and pedestrian access between the site and across Peppertree Road to rest of the town centre. Sufficient data has not been provided to conclude that a 5m retaining would occur.
....locating the supermarket in the north eastern corner of the Site achieves one of the stated guidelines of the Strategy by providing "centralised parking" between the two supermarkets and existing specialties.	It is not the intention of the Medowie Strategy to create a town centre predominantly consisting of car parks. Such an outcome is not pedestrian friendly and does not encourage people to stay in the town centre and subsequent social and economic exchange and development that in turn supports businesses.
Locating it where it is proposed in the Strategy effectively alienates the parking to the east and south of the new supermarket from the existing supermarket and specialties.	The amount and location of parking proposed in Attachment 2 is calculated for the proposed supermarket only. It is not a public car park.
On balance, and with the benefit of understanding the levels on the subject site, we believe the better location for the supermarket is the north eastern corner of the subject site which allows for efficient, convenient and centralised parking.	This is a private issue that does not address public issues about public streets and spaces in the town centre.

MINUTES OF EXTRA-ORDINARY MEETING – 5 MAY 2009

<p>We propose that Peppertree Road be utilised as two travel lanes. This will facilitate better transport and cycling circulation and, with an improved footpath on the western side of Peppertree Road, pedestrian amenity will be enhanced.</p>	<p>The Medowie Strategy identifies this street to become the future main street for the town. This requires a departure from previous planning and development practices that have lead to the current town centre. The orientation of buildings to the street, integrating on and off street car parking with buildings and the needs of pedestrian should be paramount.</p> <p>The proposal is a "box" surrounded by car parking and is therefore, a car dependent/oriented development. It is unclear how pedestrian amenity would be enhanced by the proposal.</p>
<p>Peppertree Road is currently wide enough to accommodate two travel lanes without on-street parking. We do not see the utility of Council resuming private land to widen Peppertree Road to create on-street parking when the private land itself is proposed to be parking.</p>	<p>On street and on site car parking in any town centre act together to provide short and long term parking, convenience parking and parking for peak periods either during the day, week or year.</p> <p>A town centre with many public streets provides more on street parking, slower street speeds, more pedestrian activity, and more street frontage for businesses. This makes for more efficient use of private land for development.</p>
<p>..creating on-street parking will detract from the stated aim of encouraging "easy circulation" of traffic in the locality as cars parallel parking provide an impediment to traffic circulation</p>	<p>Such an outcome is desired. On street parking slows traffic down and in doing so is more pedestrian and cycle friendly.</p>
<p>Further, it is not consistent with the principle of creating an "off-line" main street by drawing traffic away from Ferodale Road. In our view, if the offline main street approach is to be adopted it should be consistently applied and the traffic corridors separated from parking where possible.</p>	<p>Traffic corridors separated from parking in a town centre is an engineering/planning and development design approach that has been superseded by a more integrated pedestrian oriented approach that is reflected in many planning policies across Australia and has been implemented in town centre developments such as Budgewoi, Belmont and new towns at Tullimbar (Albion Park), Sovereign Hill (Port Macquarie) Shellharbour, Warnervale and Kings Hill.</p>
<p>Creating on-street parking would have the added disadvantage to Council of becoming an asset for Council to maintain.</p>	<p>This is an accepted outcome and responsibility for the town centre.</p>

MINUTES OF EXTRA-ORDINARY MEETING – 5 MAY 2009

<p>This requirement was not in the Draft Strategy that was exhibited. It was inserted into the Strategy after exhibition.</p> <p>Further this is not an amendment that was drawn to the attention of Councillor the public in the report prepared in response to the exhibition.</p> <p>It appears to have been inserted into the Strategy as a direct response to the supermarket concept plan we tabled for consideration at our December and January meetings with Council staff and the Mayor</p> <p>On this basis, we question whether this requirement has been properly inserted into the Strategy.</p>	<p>The second version of the Medowie Strategy that was publicly exhibited clearly stated that Peppertree Road should become the main street for the town. In the final version submitted to Council, clarification was provided on what this means in terms of infrastructure and building orientation.</p> <p>This advice is consistent with the Transect, Figure 30 of the <i>Port Stephens Community Settlement and Infrastructure Strategy 2007</i>. The transect guides land uses and development design relating to LEP amendments and the preparation of DCPs. It provides guidance on treatment of main streets, parking and pedestrian requirements, frontage to streets, façade treatment and appropriate setbacks. The CSIS is consistent with the state government's Integrating Land Use and Transport Policy Package. Therefore, there are sufficient planning policies to provide the basis for professional advice and input into preparing and refining the Medowie Strategy.</p>
<p>We also question the wisdom of creating a second intersection with Ferodale Road that would be utilised by delivery trucks. It would require significant work on Ferodale Road to allow the turning circle for delivery trucks and could potentially impact on community uses located on the southern side of Ferodale Road.</p>	<p>Such an outcome is not automatic or necessarily desired. It is subject to consideration and integration of a range of design issues that this report has raised but the proposal has not addressed.</p>
<p>... our concept plan can be developed over time to relocate the loading dock to the north eastern corner of the supermarket when the Council land to the north of the site is developed. This adopts a similar approach to that which has been accepted for the Bi-Lo site which relies on the loading dock being relocated over time to achieve the aim of the Strategy in relation to this point.</p>	<p>Once the development has been completed, it would be unlikely for the land owner or lease holder to move the loading dock to another location.</p>
<p>OPTIONS</p> <ol style="list-style-type: none"> 1) Support the recommendations 2) Reject the recommendations 3) Make amendments to the recommendations 	

ATTACHMENTS

- 1) Copy of May 2008 Strategic Committee Report and Ordinary Council Resolution 28th May 2008.
- 2) Copy of proposed supermarket for corner of Ferodale and Peppertree Roads
- 3) Copy of submission from proponent to Council.
- 4) Land affected by Recommendations 4 and 5 to be included in a draft LEP.

COUNCILLORS ROOM

Copy of Powerpoint Presentation – Potential Building Designs for Medowie – Medowie Strategy Submission Review Panel Meeting – Wednesday 5 December 2007.

TABLED DOCUMENTS

Nil

ATTACHMENT 1

MAY 2008 STRATEGIC COMMITTEE REPORT AND ORDINARY COUNCIL
RESOLUTION 28 MAY 2008

ITEM NO. 1

FILE NO: PSC2008-2238

**PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL
PLAN 2000 TO REZONE LAND TO FACILITATE
ADDITIONAL COMMERCIAL LAND IN THE MEDOWIE
TOWN CENTRE**

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to prepare a Draft Local Environmental Plan to amend the zoning of Lot 7 DP 19101, Lot 8 DP 19101, Lot 9 DP 19101, Lot 10 DP 19101, Lot 11 DP 19101 Ferodale Road, Medowie to 3(a) General Business (**Attachment 1**);
- 2) Resolve to prepare a development control plan over the subject land and the surrounding town centre in the form of a site specific chapter of the Port Stephens Development Control Plan 2007 (DCP)

BACKGROUND

The purpose of this report is to recommend that Council support the rezoning request for land identified in the draft Medowie Strategy for commercial development under Section 54 of the Environmental Planning and Assessment Act 1979.

PROPOSAL DETAILS

Owner Lot 7 DP 19101 Ferodale Road Mr David Barton and Mrs Glenys Margaret Barton.

Lot 8 and Lot 11 DP 19101 Ferodale Road Mr Ronald Arthur West and Mrs Joan Margaret West.

Lot 9 and Lot 10 DP 19101 Ferodale Road Mr Kenneth Leslie Taaffe, Mrs Carol Anne Taaffe

Proponent Buildev Development NSW CM Pty Ltd

Date of Submission 9 April 2008

Subject Land Lot 7 DP 19101 Known as, 47 Ferodale Road, Medowie
Lot 8 DP 19101 Known as, 45 Ferodale Road, Medowie
Lot 9 DP 19101 Known as, 43 Ferodale Road, Medowie
Lot 10 DP 19101 Known as, 41 Ferodale Road, Medowie
Lot 11 DP 19101 Known as, 39 Ferodale Road, Medowie

Current Land Use Zone 2(a) Residential
Proposed Land Use Zone 3(a) General Business

BACKGROUND

The request is consistent with the revised draft Medowie Strategy now on exhibition and therefore, it is appropriate to report this request to Council. The proponent has an interest in all the subject land and the landowners have given authorisation to the proponent.

The draft Medowie Strategy is consistent with the Port Stephens Community Settlement and Infrastructure Strategy 2007(CSIS) and hence is consistent with the Lower Hunter Regional Strategy 2006 (LHRS). Both strategies identify Medowie for future urban growth.

A development application (16-2008-202-1) has recently been lodged with Council on the adjoining commercial premises. This development application involves an extension of the existing supermarket and proposes a two storey car park. This development application and the subject draft LEP have been considered when forming the recommendations of this report in particular, the need for a site specific DCP chapter for the Medowie Town Centre.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

- | | |
|---------------------------------------|---|
| SOCIAL SUSTAINABILITY – | <i>Council will preserve and strengthen the fabric of the community, building on community strengths.</i> |
| CULTURAL SUSTAINABILITY – | <i>Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.</i> |
| ECONOMIC SUSTAINABILITY – | <i>Council will support the economic sustainability of its communities while not compromising its environmental and social well being.</i> |
| ENVIRONMENTAL SUSTAINABILITY – | <i>Council will protect and enhance the environment while considering the social and economic ramifications of decisions.</i> |
| BUSINESS EXCELLENCE – | <i>Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey</i> |

FINANCIAL/RESOURCE IMPLICATIONS

The rezoning request attracts the prescribed rezoning fees in accordance with Council's Fees and Charges Schedule. Should Council adopt the recommendations of this report, Strategic Planning will invest staff time to prepare and submit the standard Section 54 information to the Department of Planning's LEP Review Panel.

LEGAL AND POLICY IMPLICATIONS

Legal – *There are no legal requirements should Council adopt or reject the recommendations of this report.*

Policy – *The recommendations are consistent with the Lower Hunter Regional Strategy 2006 (LHRS). The Port Stephens Community Settlement and Infrastructure Strategy (CSIS) provides the policy framework for managing urban growth and building communities in Port*

Stephens. The CSIS recognises Medowie as one of only two significant new release areas for development for the next 25 years based on the LHRS Map as noted above. The draft Medowie Strategy has been prepared in accordance with the principles and strategic directions of the CSIS.

The rezoning request is consistent with the Draft Medowie Strategy and will implement the strategic directions contained therein. Supporting the recommendations will facilitate a coordinated approach to development of the subject land within the town centre that will service existing and future residents.

The design and layout for developing the subject land, particularly relationships to public streets will be addressed through the completion of a Medowie Town Centre Development Control Plan to be prepared in conjunction with this draft LEP. A site specific DCP will cover the subject draft LEP and adjoining lands within the Medowie Town Centre.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 5) **CONTINUOUS IMPROVEMENT** – Develop agility, adaptability and responsiveness based on a culture of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL/ ECONOMIC/ENVIRONMENTAL IMPLICATIONS

The sustainability implications of rezoning the subject land have been addressed in the preparation of the draft Medowie Strategy and the strategic directions for the subject land contained therein.

The proponent has indicated that it will be soon submitting a DA for a supermarket and specialty stores that would be permissible with consent on the subject land under the proposed rezoning.

The current Draft Strategy has identified a larger area of the town centre for future mixed use development including another supermarket and specialty stores. This is in recognition of the multiple land holdings in the town centre and the need to provide flexibility and opportunity for competition in revitalising and further developing the town centre.

The Draft Medowie Strategy proposes the future growth of the town centre to “consolidate into a main street based on a typical NSW coastal town” with Peppertree Road functioning as the main street. Locating competing supermarkets close together will facilitate social and economic exchange in the town centre and promote more efficient carparking and land use, walking and cycling.

The subject land is located on the corner of Ferodale and Peppertree Roads. Having land that fronts both streets creates opportunities and challenges for developing the subject land and hence the development of the town centre.

It should be noted that conventional retail development generally has a large box and supporting specialty stores surrounded by car parking. This model has shaped the current layout, operation and physical appearance of the town centre. There has been much comment by Medowie residents that future development should not repeat past practises and “repair” the current town centre. These are the key issues that the recommended DCP will address. The DCP will also address more specific design matters for the area including town centre character, active street frontages, safety issues, on and off street parking, public transport and pedestrian networks needs and the need and location for public amenities.

CONSULTATION

There has been extensive community consultation through the preparation of the draft Medowie Strategy. Should Council support the proposed amendment and, subject to support from the LEP Review Panel, there would be further consultation with relevant state government agencies under Section 62 of the Environmental Planning and Assessment Act and further community consultation through exhibition of the proposed amendment.

Through the investigation and creation stage of the site specific DCP it would be required to follow the regular policy framework.

OPTIONS

- 4) *Support the recommendations*
- 5) *Reject the recommendations*
- 6) *Make amendments to the recommendations*

ATTACHMENTS

- 1) *Recommended draft LEP Boundaries.*

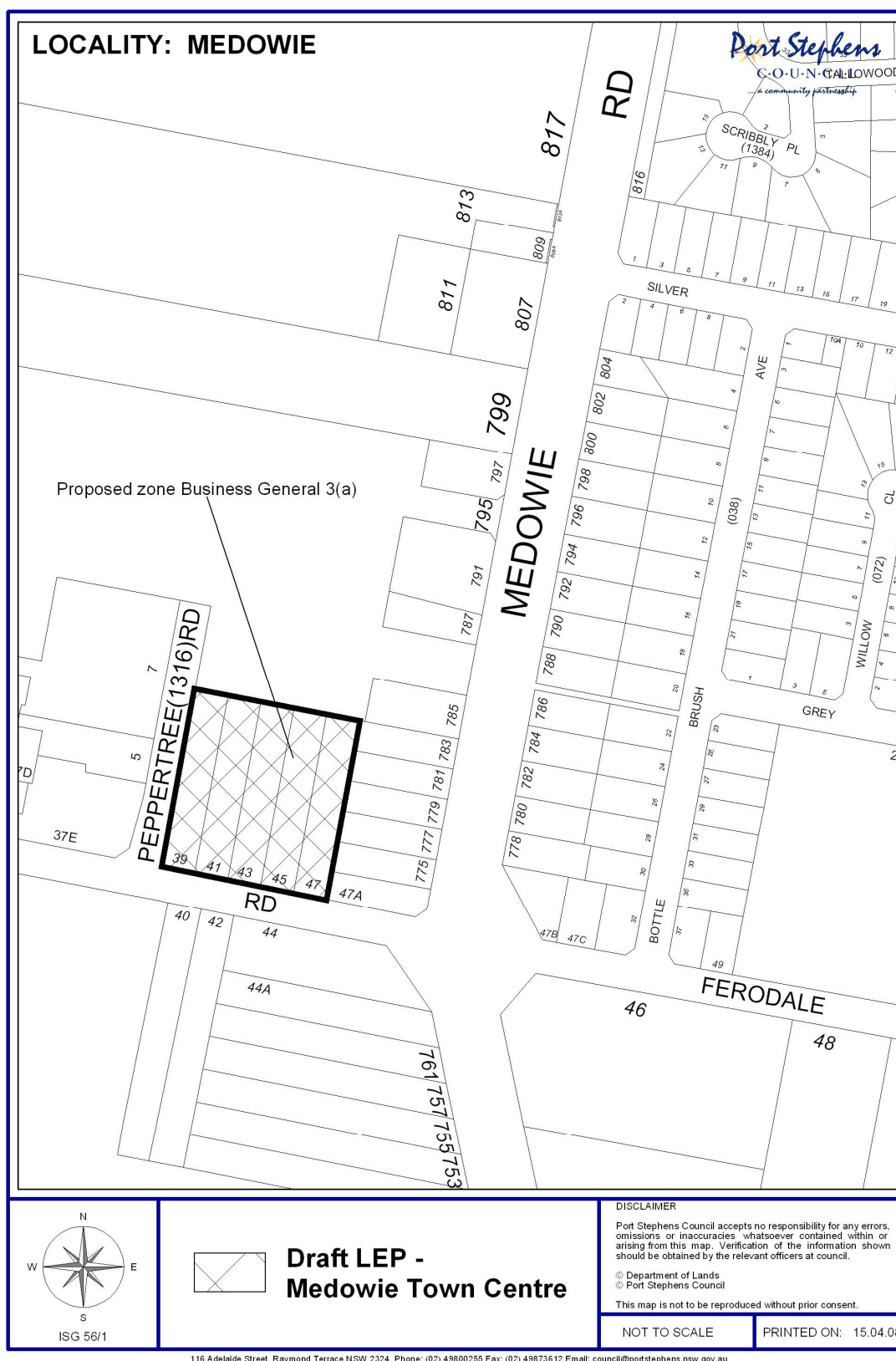
COUNCILLORS ROOM

- 1) *Rezoning boundaries and aerial photo.*

TABLED DOCUMENTS

- 1) *Nil*

ATTACHMENT 1 RECOMMENDED DRAFT LEP BOUNDARIES



ATTACHMENT 1

ITEM NO. 1

FILE NO: PSC2008-2238

PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2000 TO REZONE LAND TO FACILITATE ADDITIONAL COMMERCIAL LAND IN THE MEDOWIE TOWN CENTRE

REPORT OF: TREVOR ALLEN – MANAGER, INTEGRATED PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Pursuant to Section 54 of the Environmental Planning and Assessment Act, Council resolve to prepare a Draft Local Environmental Plan to amend the zoning of Lot 7 DP 19101, Lot 8 DP 19101, Lot 9 DP 19101, Lot 10 DP 19101, Lot 11 DP 19101 Ferodale Road, Medowie to 3(a) General Business (**Attachment 1**);
- 2) Resolve to prepare a development control plan over the subject land and the surrounding town centre in the form of a site specific chapter of the Port Stephens Development Control Plan 2007 (DCP)

STRATEGIC COMMITTEE MEETING – 06 May 2008

RECOMMENDATION: That the recommendation be adopted.

MATTER ARISING:

RECOMMENDATION: That Council request the Group Manager Sustainable Planning bring forward a report to the Ordinary Council Meeting on the potential rezoning of the existing hardware business in Medowie from Rural 1(a) to 3a business.

ORDINARY MEETING – 27 May 2008

RESOLUTION:

114

Councillor Dingle
Councillor Tucker

It was resolved that the Strategic Committee recommendation be adopted.

Note: Matter Arising completed and included in report dated 27/5/08.

**ATTACHMENT 2
PLAN OF PROPOSED MEDOWIE SUPERMARKET**

PLAN IS AVAILABLE UPON REQUEST

ATTACHMENT 3
SUBMISSION FROM PROPONENT TO COUNCIL



7 April 2009

The General Manager
Attn: Trevor Allen
Port Stephens Council
PO Box 42
RAYMOND TERRACE 2324

RE: Supermarket Concept Plan
Lots 7, 8, 9, 10, 11 of DP 19101
Ferodale Road, Medowie

Dear Trevor,

Following our recent meetings, we wish to confirm the rationale underpinning various design aspects of our proposed Woolworths Supermarket on the subject site and how it relates to the Medowie Strategy.

Background

We lodged a rezoning request in relation to the subject land in April 2008. The request was consistent with the Draft Medowie Strategy and, as such, has progressed to s.62 consultation stage. At the time of lodging the request we did not have a tenant secured for the Site.

On 12 June 2008 the third and final exhibition of the Medowie Strategy concluded.

In December 2008 the Woolworths board approved a proposal for the Site.

On 16 December 2008 we had a meeting with the Mayor and staff to discuss how to best progress the project.

On 28 January 2009 a meeting was held with staff where the concept plan was discussed in detail.

On 25 February 2009 Council staff issued a letter which outlined a list of concerns with the concept plan. Following discussions in relation to this letter it was agreed we would prepare a concept master plan for the entire underdeveloped commercial precinct to show how it could develop over time.

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Property Development
& Investment

On 17 March 2009 a meeting was held with the Mayor and staff to discuss the concept plan and the concept master plan where it was agreed that a further meeting with representatives of Woolworths should be arranged so that Council could discuss potential design changes with the tenant directly. For your convenience a further copy of the master plan is attached with some additional notes in relation to staging.

On 24 March 2009 the Draft Medowie Strategy was adopted after Council considered a report outlining the submissions received in response to the exhibition and recommending minor changes to the exhibited strategy.

On 31 March 2009 a meeting was held with the Mayor, staff, Buildex and Woolworths to discuss the plans. Woolworths confirmed that there was no store configuration for the site that was acceptable to them that involved locating the supermarket directly to the street boundary of Peppertree Road. They further confirmed that implementing the proposed long term master plan, which involved relocating the loading dock, is a possibility in the future.

It was agreed that the matter would now be referred to Council for direction on whether to prepare a DCP prior to considering a DA for the Site and direction on the overall concept design and how it conforms to the Medowie Strategy.

To assist the preparation of this report we have prepared the following analysis of the concept plan and the Medowie Strategy.

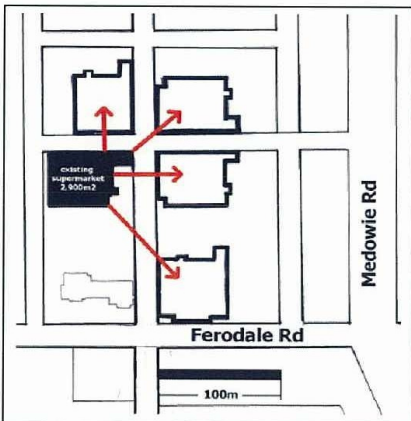
Medowie Strategy – how does the proposed development fit?

Part A2.4 Centre Hierarchy and Associated Land Use Activities and Part A2.5.1 Medowie Town Centre – North specifically relates to the Medowie Town Centre and the subject land.

In general land use terms the Strategy recommends that the subject land be zoned Commercial 3(a). This is consistent with our proposal.

The Strategy also contains a number of design comments. In this regard we have extracted the relevant points within these Parts in the following table and provided analysis in the context of our supermarket concept plan and master plan.

Part A2.4 Centre Hierarchy and Associated Land Use Activities

Extract from Strategy	Comments
<p>Medowie Road will form the eastern limit of the town centre and Ferodale Road will be the primary access route. Peppertree Road will fulfil the main street function, acting as an 'off-line' main street, drawing traffic movements away from Ferodale Road.</p>	<p>Our concept design adheres to the principle of drawing traffic movements away from Ferodale Road by locating the primary entry to the supermarket and the loading facilities off Peppertree Road.</p>
<p>Due to population increase, it is expected that the existing supermarkets will expand on its present site in the near future. Commercial indicators show that a second supermarket may occur simultaneously. Two competing supermarket providers in a sustainable configuration that will not adversely impact on the existing town centre's economic sustainability are encouraged. It is desirable that the two supermarkets be located as close as possible to encourage centralised parking, walking and convenience as shown in <i>Figure 2.4</i>.</p>  <p>Figure A2.4: Possible locations of proposed second supermarket in comparison to the existing supermarket based on new streets proposed through the Structure Plan.</p>	<p>The Strategy clearly anticipates that a second Supermarket will be located on the subject land.</p> <p>Our concept design varies marginally from one of the conceptual options as we propose to locate the supermarket in the north eastern corner of site.</p> <p>One of the reasons we have located the supermarket in the proposed position is the cross fall of the site. If the supermarket was located on the north western corner, as suggested in the Strategy, then the site would require a massive cut to obtain the required grades for a Supermarket car park. If this were to occur the height of the retaining wall in the north eastern corner would be over 5m. This is not a good outcome.</p> <p>Notwithstanding this point, locating the supermarket in the north eastern corner of the Site achieves one of the stated guidelines of the Strategy by providing "centralised parking" between the two supermarkets and existing specialties.</p> <p>Locating it where it is proposed in the Strategy effectively alienates the parking to the east and south of the new supermarket from the existing supermarket and specialties.</p> <p>On balance, and with the benefit of understanding the levels on the subject site, we believe the better location for the supermarket is the north eastern corner of the subject site which allows for efficient, convenient and centralised parking.</p>

Part A2.5.1 Medowie Town Centre – North	
Extract from Strategy	Comments
The first objective of development of the town centre is an improved street network to support transport circulation, provide for public transport infrastructure and facilitate cycling and walking into and across the town centre.	We propose that Peppertree Road be utilised as two travel lanes. This will facilitate better transport and cycling circulation and, with an improved footpath on the western side of Peppertree Road, pedestrian amenity will be enhanced.
The second objective is to co-ordinate carparking, enabling easy circulation throughout. To achieve this Peppertree Road would be widened to allow on street parking and 2 travel lanes. This would also connect with the street network north of the existing supermarket to provide interconnecting links to Medowie Road and Wilga Road. Peppertree Road could be transformed into a low speed Main Street with pedestrian cycling having priority over private vehicles. The main street could be themed to local colouring, textures landscaping with footpaths suitable for footway dining.	<p>Peppertree Road is currently wide enough to accommodate two travel lanes without on-street parking. We do not see the utility of Council resuming private land to widen Peppertree Road to create on-street parking when the private land itself is proposed to be parking.</p> <p>In addition, creating on-street parking will detract from the stated aim of encouraging “easy circulation” of traffic in the locality as cars parallel parking provide an impediment to traffic circulation.</p> <p>Further, it is not consistent with the principle of creating an “off-line” main street by drawing traffic away from Ferodale Road. In our view, if the off-line main street approach is to be adopted it should be consistently applied and the traffic corridors separated from parking where possible.</p> <p>Creating on-street parking would have the added disadvantage to Council of becoming an asset for Council to maintain.</p>

The creation of the main street will require development to build to the street boundary and use rear lanes running parallel with Peppertree Road to access unsightly loading docks and vehicle parking areas which would otherwise detract from the amenity and character of a vibrant town centre.

This requirement was not in the Draft Strategy that was exhibited. It was inserted into the Strategy after exhibition.

Further this is not an amendment that was drawn to the attention of Council or the public in the report prepared in response to the exhibition.

It appears to have been inserted into the Strategy as a direct response to the supermarket concept plan we tabled for consideration at our December and January meetings with Council staff and the Mayor.

On this basis, we question whether this requirement has been properly inserted into the Strategy.

Notwithstanding this point, the requirement does not take into account the topography of the subject site. As discussed above, in order to have commercial development at grade from Peppertree Road a significant cut is required for the site which would result in a retaining wall in the north eastern corner of the site of over 5m.

We also question the wisdom of creating a second intersection with Ferodale Road that would be utilised by delivery trucks. It would require significant work on Ferodale Road to allow the turning circle for delivery trucks and could potentially impact on community uses located on the southern side of Ferodale Road.

We have demonstrated that our concept plan can be developed over time to relocate the loading dock to the north eastern corner of the supermarket when the Council land to the north of the site is developed. This adopts a similar approach to that which has been accepted for the Bi-Lo site which relies on the loading dock being relocated over time to achieve the aim of the Strategy in relation to this point.

Proximity, convenience and security are element required when providing public transport to the town centre. Public transport is likely to skirt around Peppertree Road utilising Ferodale Road, Medowie road and possibly the interconnecting link roads between Medowie Road and Wilga Road. This bypassing of Peppertree Road will potentially allow special events such as festivals and the like to temporarily occupy the road whilst not disrupting public transport.	Our concept plan is not inconsistent with this potential outcome.
The use of Peppertree Road provides an opportunity for the commercial centre to expand to the north, north-east, east or south-east. All these options are	Our concept plan is not inconsistent with this potential outcome as the proposed master plan demonstrates.

The Strategy is intended as a guide for the general future land use of Medowie and not a detailed design document. It is apparent when the site is considered in detail and in light of topographic information not previously available, that some of the design commentary within the Strategy cannot be practically achieved.

Notwithstanding this point, we have effectively demonstrated how the concept plan currently achieves many of the design elements in the Strategy and how, over time, can be amended to further satisfy the Medowie Strategy.

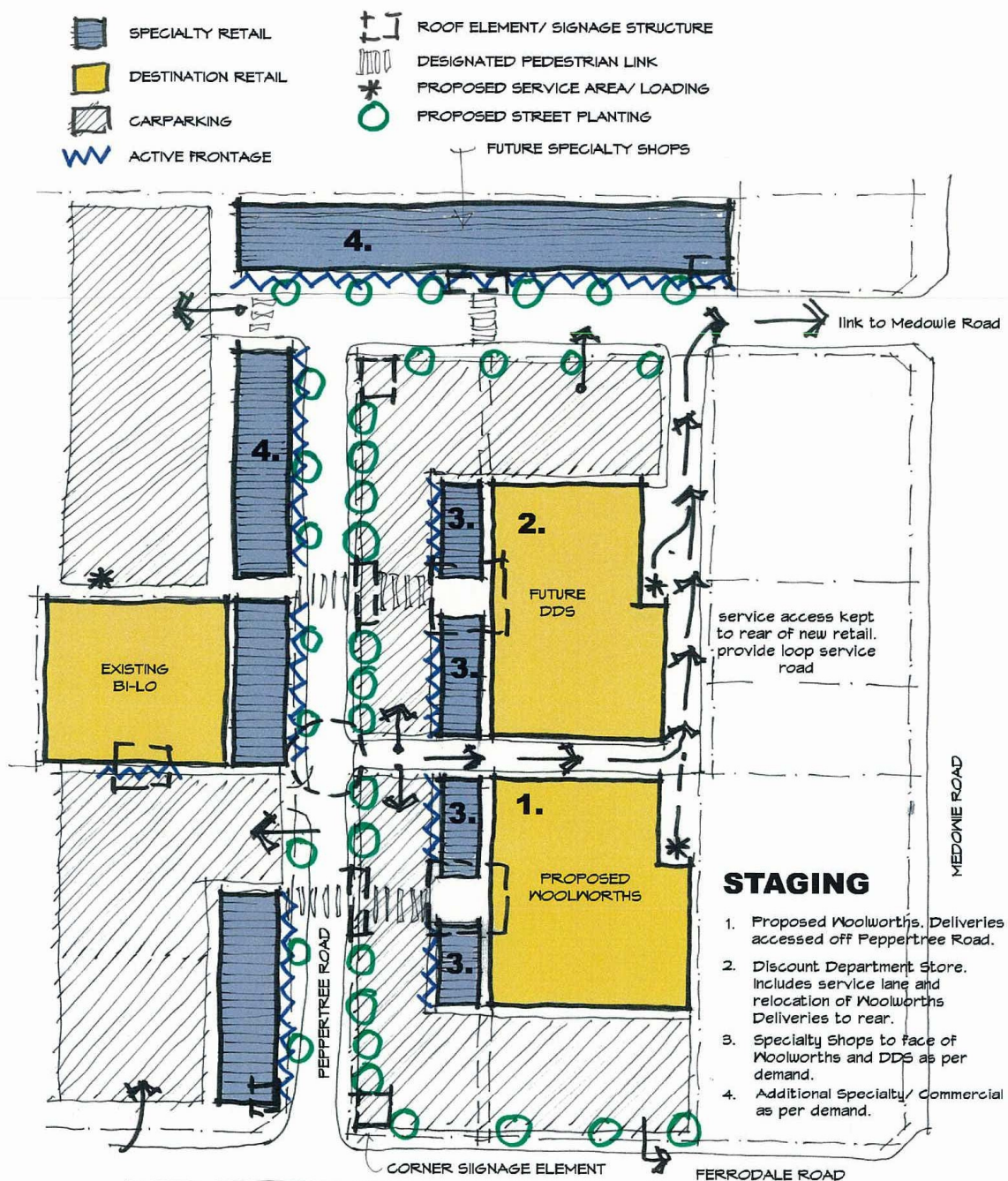
If you require any further information, please contact Craig McGaffin.

Yours sincerely,

BUILDEX DEVELOPMENT NSW (CM) PTY LTD



Craig McGaffin
Development Partner



MEDOWIE TOWN CENTRE

CONCEPT MASTERPLAN 01

JOB NO. 6723 09 MARCH 2009

EVE architecture

**ATTACHMENT 4
LAND AFFECTED BY RECOMMENDATIONS 4 AND 5
TO BE INCLUDED IN A DRAFT LEP**



There being no further business the meeting closed at 7.45pm.

I certify that pages 1 to 34 of the Extra Ordinary Minutes of Council 05 May 2009 were confirmed by Council at its meeting held on 19 May 2009.

.....
Cr Bruce MacKenzie
MAYOR