

ATTACHMENTS UNDER SEPARATE  
COVER

ORDINARY COUNCIL MEETING  
27 SEPTEMBER 2016



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



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PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.



# Planning Proposal

## Kindlebark Drive, Medowie

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

Lot 10 DP 1154803, 142 Kindlebark Drive; Lot 3 DP 270731, 140 Kindlebark Drive; Lot 2 DP 270731, 140A Kindlebark Drive; Lot 6 DP 270731, 140B Kindlebark Drive; Lot 1 DP 270731, 140C Kindlebark Drive; Lot 61 DP 1106425, 1A Heritage Avenue; Lot 4 DP 270731, 1/1 Heritage Avenue; Lot 5 DP 270731, 2/1 Heritage Avenue

Version – Post Exhibition (25 August 2016)

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## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

**FILE NUMBERS**

Council:	PSC2014-00920
Department of Planning and Environment:	PP_2015_PORTS_006_00

**SUMMARY**

**Subject land in Medowie:** 142 Kindlebark Drive (Lot 10 DP 1154803) (Pioneer Ridge Boutique Winery)  
 140 Kindlebark Drive (Lot 3 DP 270731)  
 140A Kindlebark Drive (Lot 2 DP 270731)  
 140B Kindlebark Drive (Lot 6 DP 270731)  
 140C Kindlebark Drive (Lot 1 DP 270731)  
 1A Heritage Avenue (Lot 61 DP 1106425)  
 1/1 Heritage Avenue (Lot 4 DP 270731)  
 2/1 Heritage Avenue (Lot 5 DP 270731)  
**(refer to Figure 1: Site Identification Map and Figure 2: Site Maps)**

**Proponent:** Untapped Planning (on behalf of landowners)

**Total Area:** 1.06 Hectares

**Existing Zoning:** R5 Large Lot Residential

**Proposed Amendment:**

1. Rezone the subject land to R2 Low Density Residential (including an amendment to the Lot Size Map to 500m<sup>2</sup> and Height of Building Map to 9m).
2. Introduce additional permitted uses to Schedule 1 *Additional permitted uses of Port Stephens Local Environmental Plan 2013* to permit with development consent on Lot 10 DP 1154803: hotel or motel accommodation; function centre; restaurant or café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises.
3. Restrict the additional permitted uses by limiting the retail floor space of individual tenancies to 100m<sup>2</sup> and restrict the combined commercial premises to 15% of the land to which the provision applies on Lot 10 DP 1154803 (only).

**Potential Lot Yield:** Approximately 15 residential allotments and 1 lot with additional permitted uses.

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- Supporting Studies:**
- Economic Assessment (Jenny Rand, 2016)
  - Preliminary Contaminated Site Investigation (Forum Consulting Engineers, 2015)
  - Traffic Impact Statement (Better Transport Futures, 2016)
  - Addendum (Untapped Planning, 2016)
  - Council Report, Resolution and Attachments – 28 July 2015 (including the Proponents Planning Proposal, Untapped Planning, April 2015)

**BACKGROUND**

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In February 2013 Council received a Planning Proposal from the Proponent to amend the *Port Stephens Local Environmental Plan 2013* (PS LEP 2013). Following discussions the planning proposal was resubmitted in February 2015 to rezone the subject lands from R5 Large Lot Residential to R2 Low Density Residential (including an amendment to the Lot Size Map and Height of Building Map) and to permit additional permitted uses on 142 Kindlebark Drive (Lot 10 DP 1154803) (currently occupied by the Pioneer Ridge Boutique Winery).

On the 28 July 2015 Council resolved to support the Planning Proposal and forward it to the Department of Planning and Environment for a Gateway Determination. The Council report stated the following additional information will be required post-Gateway Determination:

- A traffic impact assessment to demonstrate management of any intensification of the site; and
- Further economic advice from a suitably qualified economist to demonstrate the economic merit and any implications on the existing town centre.

A Gateway Determination was received on the 15 September 2015 (**Attachment 7**). It required further information to satisfy the clause 6 of *State Environmental Planning Policy No. 55 – Remediation of Land*; further consideration of S117 Directions in relation to 3.4 *Integrating Land Use and Transport*, 5.1 *Implementation of Regional Strategies* and 6.3 *Site Specific Provisions* and the performance criteria for rezoning requests in the *Port Stephens Comprehensive Koala Plan of Management* (*State Environmental Planning Policy No. 44 Koala Habitat Protection*).

An Addendum (Untapped Planning 2016) was submitted in January 2016 which satisfied the request for additional information prior to consultation with public authorities and undertaking community consultation. Agency consultation was undertaken in April 2016 and a summary of the responses is detailed in Section D of this Planning Proposal.

The proposal was placed on public exhibition from 2 June to 16 June 2016. No submissions were received.

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THE SITE

142 Kindlebark Drive (Lot 10 DP 1154803)	Pioneer Ridge Boutique Winery with cellar door sales, restaurant and function centre, garden centre and gift gallery.
140 Kindlebark Drive (Lot 3 DP 270731)	A single dwelling on Lot 61 DP 1106425 and seniors housing complex on Lot 1-6 DP 270731 (with four of the approved 17 units constructed or under construction). Lot 1 DP 270731 is also known as Middleby Road and is an open access way.
140A Kindlebark Drive (Lot 2 DP 270731)	
140B Kindlebark Drive (Lot 6 DP 270731)	
140C Kindlebark Drive (Lot 1 DP 270731)	
1A Heritage Avenue (Lot 61 DP 1106425)	
1/1 Heritage Avenue (Lot 4 DP 270731)	
2/1 Heritage Avenue (Lot 5 DP 270731)	

Part of the site has operated since 1991 as a Rural Industry (winery) with refreshment room and gallery as ancillary uses. Several development applications and modifications have been lodged over time including restaurant, wine tasting and ancillary/minor components. The current owner envisages a boutique winery similar to a small-scale version of the Hunter Valley Gardens village shops; accommodation and restaurant on the Pioneer Ridge Boutique Winery site facilitated by the Planning Proposal.

The site is bound on three sides by the street network. It is adjacent to R2 Low Density Residential zoned land to the south. It is located approximately 1,200m from the Medowie town centre. The proposal makes efficient use of existing infrastructure and services by being located in a developed and serviced area. The site is primarily cleared of native vegetation with some individual trees present.

**Figure 1 – Aerial Map of Site** (p. 4), **Figure 2 – Aerial Map with Distance to Medowie Town Centre** and **Figure 3 Cadastral Map** (p.5) provide site context.

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Figure 1 – Aerial Map of Site



Figure 2 – Aerial Map with Distance to Medowie Town Centre



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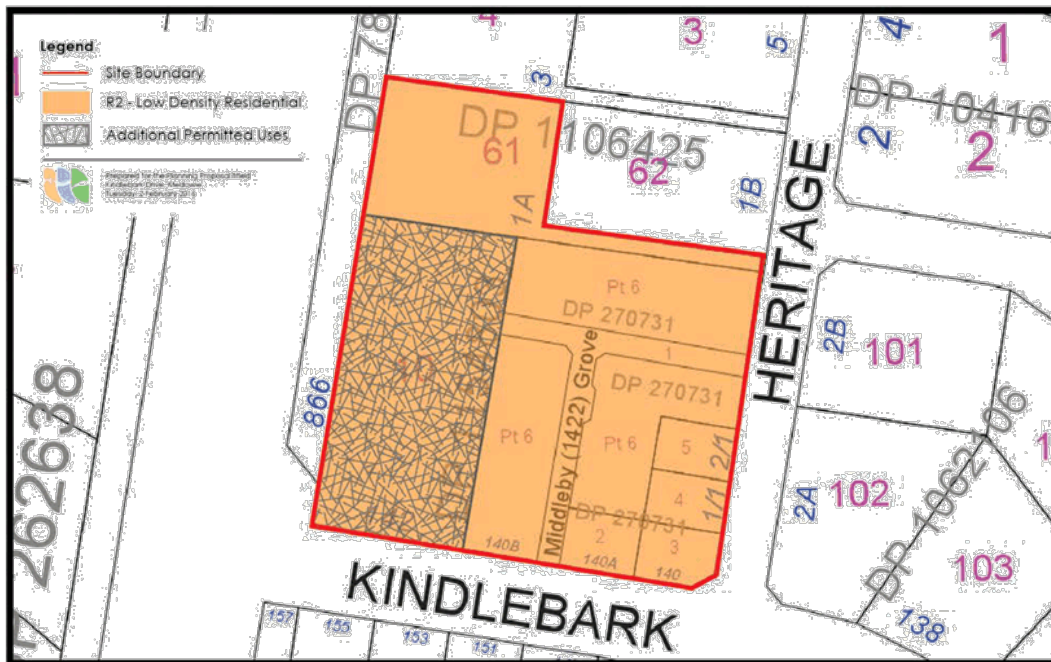


Figure 3 - Cadastral Map

### **PART 1 – Objectives of the proposed Local Environmental Plan**

The objective of this Planning Proposal is to enable the development for residential purposes on; Lot 10 DP 1154803; Lot 3 DP 270731; Lot 2 DP 270731; Lot 6 DP 270731; Lot 1 DP 270731; Lot 61 DP 1106425; Lot 4 DP 270731 and Lot 5 DP 270731 (142 Kindiebark Drive; 140 Kindiebark Drive; 140A Kindiebark Drive; 140B Kindiebark Drive; 140C Kindiebark Drive; 1A Heritage Avenue; 1/1 Heritage Avenue and 2/1 Heritage Avenue, Medowie).

The Planning Proposal also seeks to formalise and provide limited expansion of the existing uses on Lot 10 DP 1154803 (142 Kindiebark Drive, Medowie) by introducing *Additional permitted uses* to Schedule 1 Additional permitted uses of *Port Stephens Local Environmental Plan 2013* to permit with development consent: hotel or motel accommodation; function centre; restaurant or café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises. This includes a restriction the additional permitted uses by limiting the retail floor space of individual tenancies to 100m<sup>2</sup>; restrict the combined commercial premises to 15% of the land to which the provision applies.

### **PART 2 – Explanation of Provisions to be included in proposed LEP**

The objectives of the Planning Proposal will be achieved by:

- Amending the *Port Stephens Local Environmental Plan 2013* Land Zoning Map relating to Lot 10 DP 1154803, 142 Kindiebark Drive; Lot 3 DP 270731, 140

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Kindlebark Drive; Lot 2 DP 270731, 140A Kindlebark Drive; Lot 6 DP 270731, 140B Kindlebark Drive; Lot 1 DP 270731, 140C Kindlebark Drive; Lot 61 DP 1106425, 1A Heritage Avenue; Lot 4 DP 270731, 1/1 Heritage Avenue; Lot 5 DP 270731, 2/1 Heritage Avenue, Medowie. The Planning Proposal seeks to rezone the lots from R5 Large Lot Residential to R2 Low Density Residential (**Attachments 1 & 2**)

- Amending the *Port Stephens Local Environmental Plan 2013* Lot Size Map relating to Lot 10 DP 1154803, 142 Kindlebark Drive; Lot 3 DP 270731, 140 Kindlebark Drive; Lot 2 DP 270731, 140A Kindlebark Drive; Lot 6 DP 270731, 140B Kindlebark Drive; Lot 1 DP 270731, 140C Kindlebark Drive; Lot 61 DP 1106425, 1A Heritage Avenue; Lot 4 DP 270731, 1/1 Heritage Avenue; Lot 5 DP 270731, 2/1 Heritage Avenue, Medowie. The Planning Proposal seeks to amend the lot size map to reflect a lot size of 500m<sup>2</sup> (**Attachments 3 & 4**)
- Amending the *Port Stephens Local Environmental Plan 2013* Height of Building Map relating to Lot 10 DP 1154803, 142 Kindlebark Drive; Lot 3 DP 270731, 140 Kindlebark Drive; Lot 2 DP 270731, 140A Kindlebark Drive; Lot 6 DP 270731, 140B Kindlebark Drive; Lot 1 DP 270731, 140C Kindlebark Drive; Lot 61 DP 1106425, 1A Heritage Avenue; Lot 4 DP 270731, 1/1 Heritage Avenue; Lot 5 DP 270731, 2/1 Heritage Avenue, Medowie. The Planning Proposal seeks to amend the height of building map to reflect a height of 9m (**Attachments 5 & 6**)
- Amending the *Port Stephens Local Environmental Plan 2013* Schedule 1 *Additional permitted uses* as follows:

8. Use of certain land at 142 Kindlebark Drive, Medowie  
 (1) This clause applies to land at 142 Kindlebark Drive, Medowie being Lot 10 DP 1154803.  
 (2) Development for the following purposes is permitted with development consent:  
     (a) hotel or motel accommodation,  
     (b) function centre,  
     (c) restaurant or café,  
     (d) small bar,  
     (e) cellar door premises,  
     (f) commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises'.  
 (3) Development consent for commercial premises under subclause (2f) must only be granted to development that has:  
     (a) tenancies which have a retail floor area that does not exceed 100 square metres, and  
     (b) the combined commercial premises not exceeding 15% of the land to which this clause applies.

The proposed additional uses on site, as defined by PS LEP 2013 are:

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

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- (a) *comprises rooms or self-contained suites, and*
- (b) *may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

**function centre** *means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

**restaurant or café** *means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.*

**small bar** *means a small bar within the meaning of the Liquor Act 2007.*

*Note. Small bars are a type of food and drink premises—see the definition of that term in this Dictionary.*

**cellar door premises** *means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.*

**business premises** *means a building or place at or on which:*

- (a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) *a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.*

**shops** *means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.*

**takeaway food and drink premises** *means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.*

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

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

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

a) Rezoning to R2 Low Density Residential

The Planning Proposal is not the result of a strategic study or report. It seeks to rezone the land from R5 Large Lot Residential to R2 Low Density Residential to facilitate infill development of existing large lot residential land. The proposed R2 Low Density Residential zone is consistent with the adjoining land use zone to the south and is compatible with existing residential development to the north and to the east. The site is also bound on three sides by the street network facilitating the increased development of a discrete and limited area (see Figure 1 and Figure 2).

Rezoning the subject lands is consistent with neighbourhood planning principles and maximises infill development opportunities for housing within walking distance to the town centre. The Planning Proposal will facilitate development that is compatible with the existing streetscape and subdivision layout in the immediate area.

b) Additional Permitted Uses

The Planning Proposal seeks additional permitted uses on the land comprising the existing Pioneer Ridge Boutique Winery to allow limited future development and expansion. Rather than rezoning the site to a commercial zone, the Schedule 1 *Additional permitted uses* clause allows specific uses on the site within the proposed R2 Low Density Residential zone. This approach limits the range of permissible uses on the site and ensures the scale of potential development will not detract from the existing town centre. It will facilitate small-scale commercial premises that are supportive of the dominant use of the site, being a restaurant, cellar door premises and function centre with accommodation.

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

The proposal can only be achieved through an amendment to the *Port Stephens Local Environmental Plan 2013*.

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

***3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?***

Lower Hunter Regional Strategy



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The *Lower Hunter Regional Strategy* identifies Medowie as a proposed urban area with boundaries to be defined through local planning. This local planning was undertaken by Council through the Medowie Strategy.

a) Rezoning to R2 Low Density Residential

The Planning Proposal is consistent with the *Lower Hunter Regional Strategy*. The *Lower Hunter Regional Strategy* seeks to maximise redevelopment and infill opportunities for medium and high density housing within walking distance of centres. The Site is a walkable 1,200m distance from the Medowie town centre. The Planning Proposal facilitates increasing housing density in an existing urban area in close proximity to the town centre and near public transport. This allows for better use of existing infrastructure, reduced travel by car and encourages resource efficiency. It is consistent with the *Lower Hunter Regional Strategy* neighbourhood planning principles.

a) Additional Permitted Uses

The *Lower Hunter Regional Strategy* aims to facilitate the concentration of activities along transport routes and within and adjacent to centres. The proposed additional permitted uses complement the existing land uses on the site and allow the landowner to evolve and diversify them in the future without compromising the Medowie town centre. The Planning Proposal also concentrates development on the main transport route Medowie Road.

Draft Plan for Growing Hunter City

The *Draft Plan for Growing Hunter City* identifies Medowie in the Northern Gateway District.

The Planning Proposal is consistent with *Action 1.2.1 Identify new opportunities for housing in the existing urban area to increase supply and improve housing choice* because it seeks to provide housing within an existing urban footprint with good access to jobs and services.

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

Port Stephens Integrated Strategic Plan

The Planning Proposal is consistent. The *Port Stephens Integrated Strategic Plan* states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability. The Planning Proposal will potentially add approximately 15 residential allotments within an existing town.

Port Stephens Planning Strategy

The *Port Stephens Planning Strategy* identifies Medowie as a Priority 1 Infill and New Release Area. Urban growth is ongoing as the *Medowie Strategy* is implemented. The Planning Proposal will contribute towards infill development in Medowie.

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Commercial and Industrial Lands Study

The Study identifies Medowie as a 'town centre' in the proposed retail hierarchy and defines it as a "*Shopping and business centre for the district, including health and professional services mixed with medium and higher density residential*". It includes a gap analysis summarised in the following table which indicate a shortfall of supply in Medowie.

	2009 Occupied Floorspace (sqm)	2016 Floorspace Demand (sqm)	2031 Floorspace
Medowie centre precinct	7,257	8,117	9,493

A gap analysis with two supply scenarios concluded the following:

			Low scenario		High Scenario	
	2016 Floorspace Demand (sqm)	2031 Floorspace Demand (sqm)	2016 Supply Gap (sqm)	2031 Supply Gap (sqm)	2016 Supply Gap (sqm)	2031 Supply Gap (sqm)
Medowie	8,117	9,493	330	-1,045	8,129	6,753

The gap analysis highlights under a low supply scenario there will be insufficient capacity to accommodate this demand and that more commercial-zoned land will be required for the town centre. Since 2009 an additional supermarket has been constructed in the town centre and assisted in meeting the predicted occupied floor space demand referenced in the Study. The Planning Proposal does not seek to facilitate uses or additional floorspace to impact the existing centre and commercial hierarchy through the application of an amendment to Schedule 1 Additional permitted uses of the *Port Stephens Local Environmental Plan 2013*.

Draft Revised Medowie Planning Strategy

The Site is not identified for a change in land use in the *Draft Revised Medowie Planning Strategy*. The *Draft Revised Medowie Planning Strategy* encourages consolidation of commercial uses within the existing town centre; however the Strategy does acknowledge site-specific in locations outside of the town centre to cater for existing uses and attractions along the main transport routes (including the Pioneer Ridge Boutique Winery). The introduction of a Schedule 1 *Additional permitted uses* clause would allow the expansion of an established existing use to encompass specific limited additional uses. This approach permits limited future growth of the business on the subject land and does not impact on existing commercially zoned land in the town centre.

The *Draft Revised Medowie Planning Strategy* facilitates consideration of the Planning Proposal because it is an expansion of existing urban areas and is located along a main transport route. The subject land is located on the fringe of the R5 Large Lot Residential Zone and is adjacent to land zoned R2 Low Density Residential to the south. The subject land is a large holding close to the town centre, providing opportunity for infill development and urban consolidation to help achieve additional housing in Medowie.

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

An assessment of the Planning Proposal against the relevant State environmental planning policies is provided in the table below.

**Table 1: Relevant State Environmental Planning Policies**

SEPP	Relevance	Consistency and Implications
<b>SEPP 44 – Koala Habitat Protection</b>	Provides consideration to the protection of koalas.	<p><b>Consistent.</b></p> <p>The <i>Port Stephens Comprehensive Koala Plan of Management</i> has updated maps for Medowie (updated in 2006). The site is identified as 'mainly cleared land', 'link over cleared land' and '100m buffer over cleared land'. This is consistent with the cleared nature of the majority of the site (refer to Figure 1).</p> <p>An Addendum (<b>Attachment 9</b>) provides a review of the performance criteria of the <i>Port Stephens Comprehensive Koala Plan of Management</i> based on superseded and outdated koala habitat mapping.</p> <p>Council's Natural Resources Team reviewed the submitted performance criteria assessment and advised that the Planning Proposal is unlikely to have major ecological impact as the existing environment is largely cleared.</p>
<b>SEPP 55 – Remediation of Land</b>	Provides consideration to the suitability based on contamination.	<p><b>Consistent.</b></p> <p>The site has a history of use as farmland requiring investigation under the <i>NSW Managing Land Contamination Planning Guidelines 1999</i>.</p> <p>A Phase 1 Potential Contamination Report (Forum Consulting Engineers, 26 November 2015) was carried out on the site. The report examined the site description, history, geology, review of environmental licenses, notices and a review of historical aerial</p>

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		<p>photographs. There was no indication or evidence of contamination on the site.</p> <p>The report concludes that the site contains minimal risk to human health or environment due to contamination and as such the Investigation Area is suitable for the purposes of R2 Low Density Residential land uses.</p> <p>Council's Natural Resources Team reviewed the report and their recommendations are outlined in Section C of this Planning Proposal.</p>
<b>SEPP Housing for Seniors or people with a Disability 2004</b>	Provides consideration to the suitability of housing for seniors	<p><b>Consistent.</b></p> <p>Part of the subject lands are occupied by an approved seniors housing complex (with four of the approved 17 units constructed or under construction on Lot 1-6 DP 270731). These allotments range in size from approximately 260m<sup>2</sup> to 350m<sup>2</sup>.</p> <p>Rezoning from R5 Large Lot Residential to R2 Low Density Residential will facilitate more flexible use of the site.</p>

**Section 117 Ministerial Directions****6. Is the planning proposal consistent with applicable Ministerial Directions?**

An assessment of the Planning Proposal against the relevant s.117 Directions is provided in the table below. Further investigations may be required to establish consistency in some instances.

**Table 2: Relevant s.117 Ministerial Directions**

Ministerial Direction	Aim of Direction	Consistency and Implications
<b>1. EMPLOYMENT AND RESOURCES</b>		
<b>1.1 Business and Industrial Zones</b>	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified	<p><b>Consistent.</b></p> <p>This direction applies because the Planning Proposal may affect land within an existing or proposed business or</p>

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	strategic centres.	<p>industrial zone. The proposal seeks to include additional permitted uses for one site (142 Kindlebark Drive, Lot 10 DP 1154803) to facilitate the limited future expansion.</p> <p>The Planning Proposal will not reduce or alter existing business and industrial zones.</p> <p>The Planning Proposal limits the range and floor space of the proposed additional use to be compatible with the existing town centre. The site is also a walkable distance to the town centre.</p>
<b>2. ENVIRONMENT AND HERITAGE</b>		
<b>2.2 Heritage Conservation</b>	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p><b>Consistent.</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>There are no known items of environmental heritage significance and indigenous heritage significance on the subject sites. The Proponent submits that given the historical use of the site and its cleared nature it is not anticipated that there are any heritage items that will be adversely impacted.</p> <p>The existing heritage provisions in the <i>Port Stephens Local Environmental Plan 2013</i> provide adequate provision for the</p>

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		<p>protection of any heritage matters related to the development of the site.</p> <p>An archaeological report and consultation with Worimi Local Aboriginal Land Council can be undertaken at the development application stage if required.</p>
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
<b>3.1 Residential Zones</b>	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	<p><b>Consistent.</b></p> <p>The Planning Proposal is consistent with this direction because it seeks to provide increased residential housing to provide for the existing and future housing needs.</p> <p>The rezoning of the site will allow for additional housing opportunities without consuming rural or undeveloped land on the rural fringe. It also makes efficient use of existing infrastructure and services by being located in a developed and serviced area.</p>
<b>3.4 Integrating Land Use and Transport</b>	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	<p><b>Consistent.</b></p> <p>The Planning Proposal is consistent with <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) and the aims of <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). The Planning Proposal is justified and supported by an Economic Impact Assessment (Jenny Rand, 2016), Addendum (Untapped Planning, 2016) and Traffic Impact</p>

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		<p>Assessment (Better Transport Futures, 2016). The Economic Impact Assessment and Traffic Impact Assessment are summarised in Section C.</p> <p>The Planning Proposal is an evolution of an existing business on the site; is located within an existing urban area; approximately 100 metres from the edge of the town centre precinct; and located on a primary transport route (Medowie Road). There is also an existing nearby shared pathway and bus stop on Medowie Road.</p> <p>The Planning Proposal may be inconsistent with this Direction if it is justified by a strategy which gives consideration to the objective to this direction.</p> <p>The subject land is not identified for a change in land use in the <i>Medowie Strategy</i>. However, the <i>Medowie Strategy</i> is currently under review and encourages consolidation of commercial uses within the town centre, and at the same time acknowledges existing unique commercial uses on prominent sites (such as Pioneer Ridge Boutique Winery) as important local attractions.</p>
<b>4. HAZARD AND RISK</b>		
<b>4.4 Planning for Bushfire</b>	The objectives of this direction are to protect life,	<b>Consistent.</b> The site is identified

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<b>Protection</b>	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.	within a buffer on Councils bushfire prone land maps. The land mapped as bushfire hazard to the south is mostly developed resulting in a decrease in vegetation and fuel loads.  Consultation occurred with the Rural Fire Service and raised no objection subject to the requirement that the future subdivision of the land complies with <i>Planning for Bushfire Protection 2006</i> .
<b>5. REGIONAL PLANNING</b>		
<b>5.1 Implementation of Regional Strategies</b>	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	<b>Consistent.</b> The <i>Lower Hunter Regional Strategy</i> identifies Medowie as a proposed urban area with boundaries to be defined by local planning. It seeks to maximise redevelopment and infill opportunities for medium and high density housing within walking distance of centres.  The Planning Proposal is consistent with the overall intent of the <i>Regional Strategy</i> and does not undermine the achievement of its vision, or of the local planning strategy (i.e. the <i>Medowie Strategy</i> ). The Planning Proposal is consistent with the Strategy because it facilitates increased housing in an existing urban area, in close proximity to the town centre and adjacent to a main transport route.



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		<p>The subject land is not identified for a change in land use in the <i>Medowie Strategy</i>. However, the <i>Medowie Strategy</i> is currently under review and encourages consolidation of commercial uses within the town centre, and at the same time acknowledges existing unique commercial uses on prominent sites (such as Pioneer Ridge Boutique Winery) as important local attractions.</p>
<b>6. LOCAL PLAN MAKING</b>		
<b>6.3 Site Specific Provisions</b>	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p><b>Consistent.</b> This direction applies because the Planning Proposal seeks to permit site specific uses via Schedule 1 <i>Additional permitted uses</i> of the <i>Port Stephens Local Environmental Plan 2013</i>.</p> <p>The proposed Schedule 1 <i>Additional permitted uses</i> clause has merit compared to rezoning the site to a commercial zone. A commercial zone would have the potential to introduce undesirable land uses and excess floorspace that would detract from, and compete with, the existing town centre.</p> <p>The introduction of a Schedule 1 clause would allow limited expansion of the established existing use to include specific complementary uses</p>

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		<p>contained within the clause. This approach permits the future growth of the business without impacting on existing commercially zoned land in the town centre. The proposed limitations will ensure the activities on the site will not fragment the commercial hierarchy of the LGA or the Medowie town centre, but will allow a modest expansion of the subject land as a specific local attraction. This is supported by the findings of the Economic Impact Assessment (Jenny Rand, 2016).</p> <p>The inconsistency with this direction is considered to be of minor significance. The delegate of the Secretary of the Department of Planning and Environment determined on the 22 August 2016 that this inconsistency is of minor significance (<b>Attachment 13</b>).</p>
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**SECTION C – Environmental, Social and Economic Impact*****7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

NSW Office of Environment and Heritage (OEH) records for threatened species within 300m of the site identified five records for the Koala which is listed under the *Threatened Species Conservation Act 1995* (TSC Act) and *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The five records are more than 20 years old (from 1988 to 1992) and are likely associated with vegetation present in the area prior to subdivision and development.

The *Port Stephens Comprehensive Koala Plan of Management* has revised maps for Medowie (updated in 2006). The site is located within an area mapped as

ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

'mainly cleared land', 'link over cleared land' and '100m buffer over cleared land'. This is consistent with the cleared nature of the majority of the site.

The vegetation present on site is not identified as part of a wildlife corridor is unlikely to comprise any significant vegetation, habitat or ecological communities. Any further development on the site would result in minimal, if any impact, or changes to the existing impacts on koala populations. The vegetation currently remaining within the site would be adequately protected by existing development controls relating to boundary and street setbacks.

Council has reviewed the Proponent's *Port Stephens Comprehensive Koala Plan of Management* performance criteria assessment, details of the existing environment and the Planning Proposal. The potential impacts on koalas and their habitat have been adequately considered and no further consideration is required for the Planning Proposal. It is unlikely the Planning Proposal will have an ecological impact as the existing environment is largely cleared.

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

Drinking Water Catchment

The site is partly located in the Grahamstown Dam Water Catchment. Any future development will have to ensure consideration on water quality and adequate water quality measures. Hunter Water raised no objection to the Planning Proposal.

Preliminary Contamination Site Investigation

A Preliminary Contamination Site Investigation has been prepared to assess any potential contamination in accordance with the *State Environmental Planning Policy No. 55 Remediation of Land* (refer to Forum Consulting Engineers, 2015). It concludes that the site contains minimal risk to human health or environment due to contamination and the site is suitable for the purposes of a R2 Low Density Residential land use.

Council reviewed the Preliminary Contamination Site Investigation, and recommends for any future developments on the site, appropriate environmental management measures be in place for any unexpected contaminated soil encountered during construction activities (particularly excavations). Any potential contaminated soil should be appropriately classified and disposed of at an appropriately licensed landfill in accordance with *Waste Classification Guidelines* (NSW EPA 2014).

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

The Planning Proposal will have a positive social and economic effect through the provision of a lot yield of 15 residential allotments in a town identified for urban growth in strategic plans, in a location close to services, public transport and town centre.

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.**

From a net increase of 15 dwellings, it is estimated that the additional housing capacity could support an increase of 38 persons. Based on the typical employment profile for people residing in Port Stephens, 14 people would be in the workforce across industry sectors. It is estimated that 8 of these jobs would remain in Port Stephens, with the remainder working outside of the region.

'Remplan' economic modelling predicts Gross Region Product could increase by \$1.392 million (0.04%) to \$3,827.355 million. Contributing to this is: a direct increase in output of \$2.167 million; 8 jobs; \$0.625 million more in wages; and salaries and a boost in value-added of \$0.868 million. From this direct expansion in the economy, flow-on industrial and consumption effects result in: total output expected to rise by \$3.284 million; a total of 12 jobs; and \$0.867 million in wages and salaries.

The economic impacts in the construction phase include: total effects on output of \$4.727 million; total employment 12 jobs; total contribution to wages and salaries of \$0.849 million; and total value added \$1.65 million from 5 construction jobs.

The Schedule 1 *Additional permissible uses* clause is considered the most acceptable and appropriate approach to deliver the desired outcomes on the site. The alternative to rezone the land to a commercial zone was not a desirable option because it could give a wide range of uses that would conflict and detract from the town centre and create excess commercial floor space.

The figures above are based on Council 'Remplan' economic modelling and planning system, which are generally consistent with the analysis in the Economic Impact Assessment (Jenny Rand, 2016) undertaken by the Proponent.

**SECTION D – State and Commonwealth interests*****10. Is there adequate public infrastructure for the planning proposal?*****Traffic**

The Traffic Impact Statement (Better Transport Futures, 2016) indicates that the additional daily traffic generated by the Planning Proposal is within the capacity of both Medowie Road and Kindlebark Drive. It concludes no specific capacity improvements are warranted for Medowie Road or Kindlebark Drive as a result of the Planning Proposal.

Additional works which require further consideration at the development application stage are:

- Parking supply;
- Site access (site access from the public reserve to Medowie Road is not allowable and any access and egress to the site will be required via Kindlebark Drive or Heritage Avenue);
- The existing road reserves (Middleby Grove) will need to be widened to meet the requirements of Council's Infrastructure Specifications and to allow safe and efficient access for residents;

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.**

- Footpath connections will be required to existing bus facilities on Medowie Road and an extension of the shared path along the property frontage of Medowie Road.

Stormwater

Impacts relating to stormwater and drainage are to be investigated at development application stage. Lot 1-6 DP 270731 have an existing consent for the purpose of 'seniors living'. During that process issues relating to stormwater and drainage were resolved, indicating that this issue is also able to be resolved at the development application stage for the potential future development.

Water Delivery and Wastewater Transport

Part of the subject site currently has consent for 'seniors living', which has a similar density to the proposed R2 Low Density Residential zone and is serviced by reticulated water and sewer.

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

The following is an overview of the consultation that has been undertaken, in April 2016, in accordance with the Gateway Determination:

<b>Public Authority</b>	<b>Summary of Advice Received</b>
Hunter Water Corporation	<p>No objections to the Planning Proposal. The developer will have to continue to liaise with Hunter Water as additional information will be required at development application stage.</p> <p><u>Water Supply</u> The development site has frontage to a 200mm UPVC water main in Medowie Road. There is currently sufficient capacity available in this main to serve the proposed development.</p> <p><u>Wastewater Transportation</u> The nearest point of connection to the existing sewer system is to manhole. The developer should confirm by field survey the ability of all land within the development site to drain to this point. There is currently sufficient capacity available in this main to serve the proposed development.</p> <p><u>Water Resources</u> The majority of the development site falls within Hunter Water's Grahamstown Dam Drinking Water Special Area as gazetted in the NSW <i>Hunter Water Regulation 2015</i>. The site falls entirely within the Campvale Canal catchment, which drains to Grahamstown Dam. Hunter Water expects that all development in drinking water catchments will demonstrate Neutral or Beneficial Effect on Water Quality (NorBE). The development application</p>

## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

	should demonstrate how the stormwater and drainage systems will meet NorBE.
NSW Rural Fire Service	<p>No objection to the proposal.</p> <p>The future subdivision of the land must comply with the <i>Planning for Bushfire Protection 2006</i>. This includes:</p> <ul style="list-style-type: none"> <li>• Provision of Asset Protection Zones within the proposed lots in accordance with Table A2.4 and Table A2.6; and</li> <li>• Access and services to be provided in accordance with the design specification set out in 4.1.3 Standards for Bush Fire Protection Measures for Residential and Rural Residential Subdivision.</li> </ul>

**Part 4 - Mapping**

The relevant mapping is listed under Part 2 – Explanation of the Provisions and included under Attachments.

**Part 5 – Community Consultation**

The Planning Proposal was exhibited from 2 June to 16 June 2016 (14 days) at the following locations:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace (during normal business hours);
- Council's website at [www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au) under "What's on Exhibition";
- Medowie Community Centre;

Notification in writing was provided to affected and adjoining landowners.

No submissions were received during the exhibition period.

**Part 6 – Project Timeline**

Pending Council's resolution to exercise its delegation and make the Plan the proposal will be forwarded to the Parliamentary Counsel to make the plan.

The proposal is following this timetable:

	Task Description	Estimated Timeline
1.	Gateway Determination	September 2015
2.	Completion of required technical information	October – February 2016
3.	Government agency consultation	April 2016
4.	Community consultation period	June 2016
5.	Consideration of submissions and finalise the draft Plan	July 2016
7.	Submission to Department with request to make the Plan.	October 2016
8.	Legal drafting and making of the Plan	November 2016

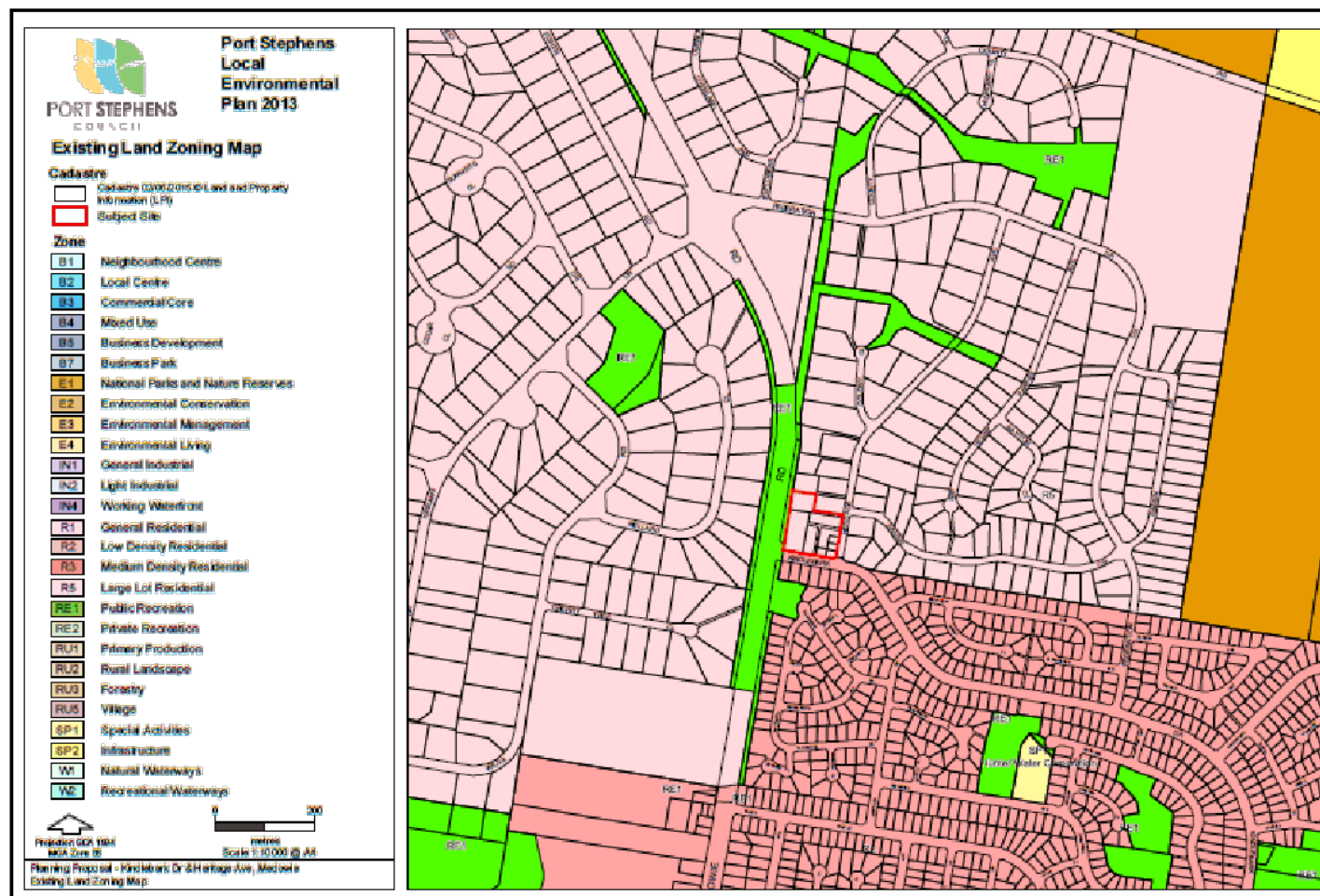
**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.**

**Attachments**

The following attachments are provided with this Planning Proposal:

- 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: Gateway Determination – 15 September 2015
- ATTACHMENT 8: Council Report, Resolution and Attachments – 28 July 2015
- ATTACHMENT 9: Post-Gateway – Addendum (Untapped Planning, 2016)
- ATTACHMENT 10: Post-Gateway – Economic Assessment (Jenny Rand, 2016)
- ATTACHMENT 11: Post-Gateway – Preliminary Contaminated Site Investigation (Forum Consulting Engineers, 2015)
- ATTACHMENT 12: Post-Gateway – Traffic Impact Statement (Better Transport Futures, 2016)
- ATTACHMENT 13: Public Authority Submissions

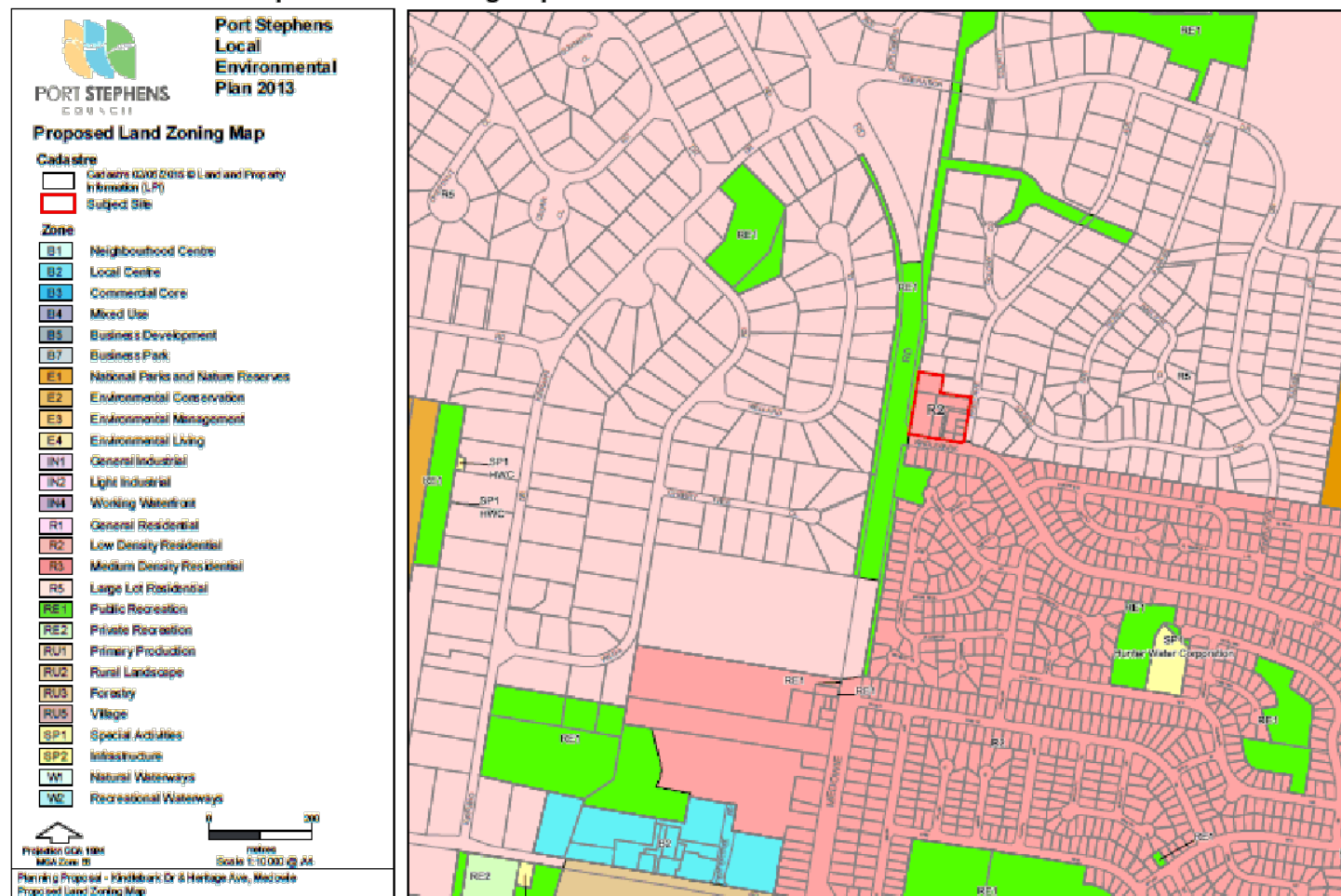
Attachment 1 – Existing Land Zoning Map



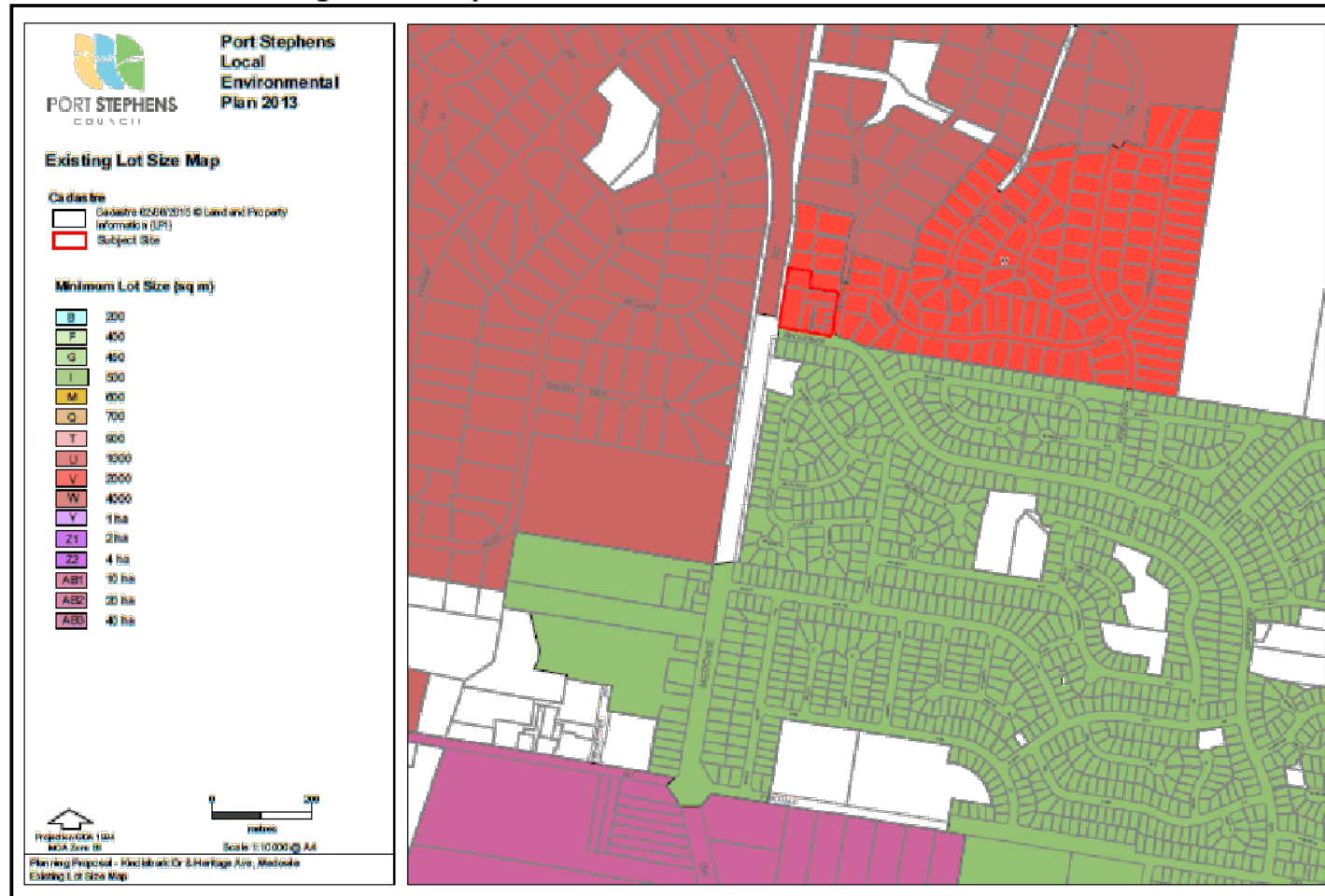


ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

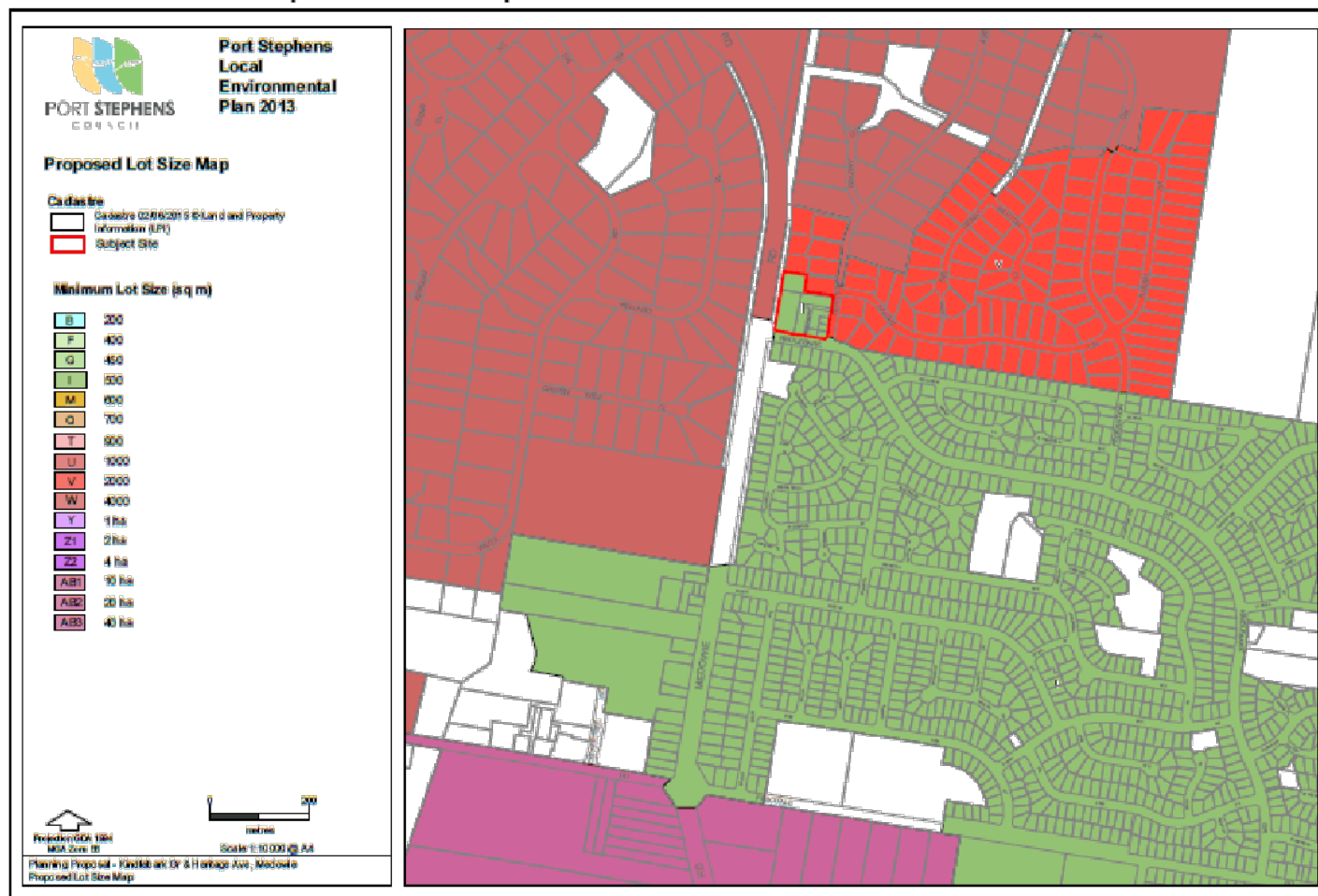
Attachment 2 - Proposed Land Zoning Map



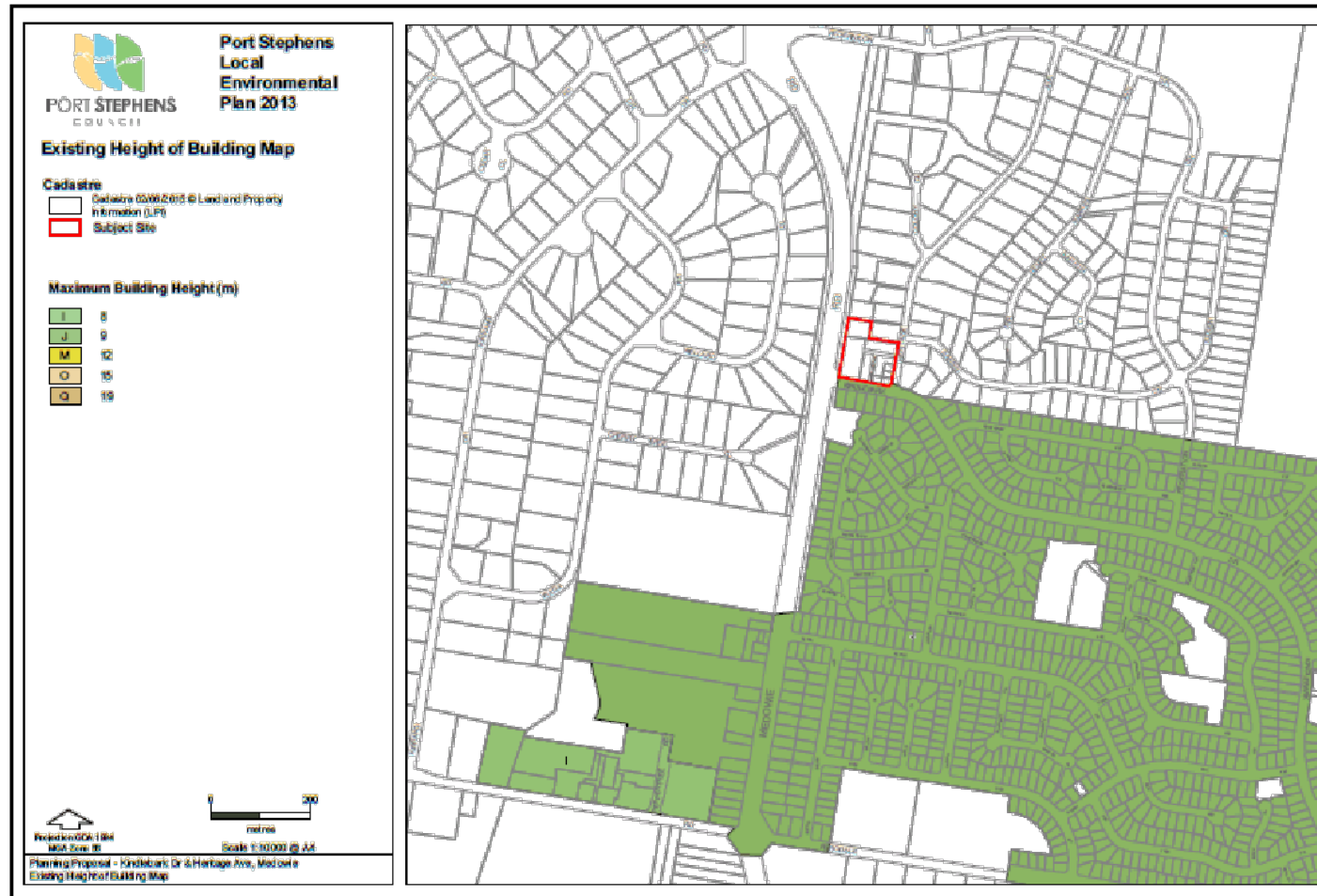
Attachment 3 - Existing Lot Size Map



Attachment 4 – Proposed Lot Size Map

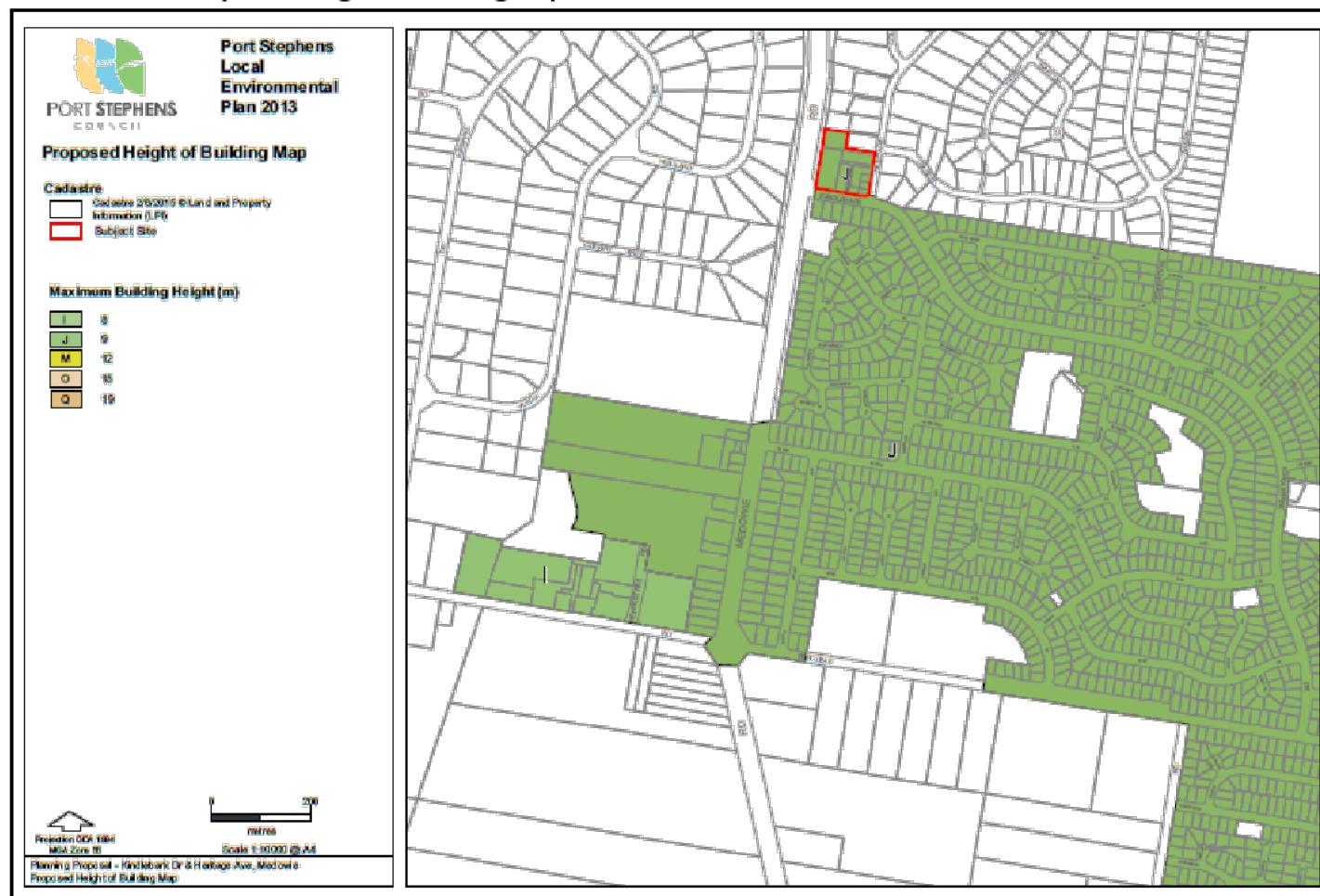


Attachment 5 – Existing Height of Building Map





Attachment 6 - Proposed Height of Building Map



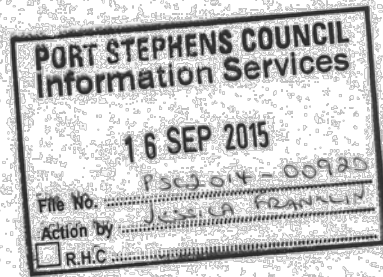
**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.**

**Attachment 7: Gateway Determination – 15 September 2015**

ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.



Planning &  
Environment



Mr Wayne Wallace  
General Manager  
Port Stephens Council  
PO Box 42  
Raymond Terrace NSW 2324

Our ref: PP\_2015\_PORTS\_006\_00 (15/11885)  
Your ref: PSC2014-00920

Att: Ms Jessica Franklin

Dear Mr Wallace,

**Planning Proposal to amend Port Stephens Local Environmental Plan 2013**

I am writing in response to your Council's letter dated 31 July 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land from R5 Large Lot Residential to R2 Low Density Residential and to allow additional permitted uses on land at Kindiebark Drive and Heritage Avenue, Medowie.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulfate Soils. No further approval is required in relation to this Direction. Further consideration of S117 Directions is required in relation to 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions following Council's proposed economic impact assessment and consideration of net community benefit as required by the Department's guide *Right Place for Business and Services* for existing isolated commercial developments. The Secretary's agreement to the planning proposal's inconsistency with the relevant S117 Directions will be required before the plan may be made.

I note Council is currently preparing a revised Medowie Strategy. Should the draft strategy be exhibited or adopted before this planning proposal is exhibited, Council should update the proposal to detail how it aligns with the revised strategy's directions. A copy of the strategy (either exhibited draft or adopted, depending on timing) should be included in the exhibition package for this planning proposal, if available.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

Hunter and Central Coast Region - Hunter Office - Level 2 26 Honeysuckle Drive (PO Box 1226) Newcastle NSW 2300  
Phone 02 4904 2700 Fax 02 4904 2701 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.**

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Ben Holmes from the Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely,

15 September 2015

**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**



## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.



Planning &  
Environment

### Gateway Determination

*Planning Proposal (Department Ref: PP\_2015\_PORTS\_006\_00): to rezone land from R5 Large Lot Residential to R2 Low Density Residential and to allow additional permitted uses on land at Kindlebark Drive and Heritage Avenue, Medowie.*

I, the General Manager Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to rezone land from R5 Large Lot Residential to R2 Low Density Residential and to allow additional permitted uses on land at Kindlebark Drive and Heritage Avenue, Medowie should proceed subject to the following conditions:

1. Council is to update the Explanation of Provisions section in the planning proposal to refer to the correct lot size map LSZ\_004B and amend the Objectives section to refer to the full list of additional permitted uses proposed for the site.
2. Council is to confirm whether the proposal satisfies the requirements of clause 6 of SEPP 55 Remediation of Land and the performance criteria for rezoning requests in its Comprehensive Koala Plan of Management (SEPP 44 Koala Habitat Protection).
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of 14 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - NSW Rural Fire Service
  - Hunter Water Corporation

The public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Direction 4.4 Planning for Bushfire Protection.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.**

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 15<sup>th</sup> day of September 2015

David Rowland  
General Manager  
Hunter and Central Coast Region  
Planning Services  
Department of Planning and Environment  
  
Delegate of the Minister for Planning

**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.****Planning & Environment****WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Port Stephens Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_PORTS_006_00	Planning proposal to rezone land from R5 Large Lot Residential to R2 Low Density Residential and to allow additional permitted uses on land at Kindlebark Drive and Heritage Avenue, Medowie

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 15 September 2015

**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**  
**Department of Planning and Environment**

**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.**

**Attachment 8: Council Report, Resolution and Attachments – 28 July 2015**

ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

MINUTES ORDINARY COUNCIL - 28 JULY 2015

ITEM NO. 6

FILE NO: PSC2015-01000/559  
TRIM REF NO: PSC2014-00920

PLANNING PROPOSAL - KINDLEBARK DRIVE MEDOWIE

REPORT OF: TIMOTHY CROSDALE - STRATEGY AND ENVIRONMENT  
SECTION MANAGER  
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal at (**ATTACHMENT 1**) for the purposes of Section 55 of the *Environmental Planning and Assessment Act 1979* seeking to amend the *Port Stephens Local Environmental Plan 2013* to:
  - a) Rezone land 142 Kindlebark Drive (Lot 10, DP1154803); 1A Heritage Avenue (Lot 61, DP 1106425); 140A Kindlebark Drive (Lot 2, DP 270731); 140 Kindlebark Drive (Lot 3, DP 270731); 1/1 Heritage Avenue (Lot 4, DP 270731); 2/1 Heritage Avenue (Lot 5, DP 270731); and 140B Kindlebark Drive (Lot 6, DP 270731) from R5 Large Lot Residential to R2 Low Density Residential;
  - b) Amend Schedule 1 'Additional permitted uses' in respect of land at 142 Kindlebark Drive (Lot 10, DP 1154803) to permit:
    - hotel or motel accommodation;
    - function centre;
    - restaurant or café;
    - small bar;
    - cellar door premises;
    - commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises'.
- 2) Forward the Planning Proposal (**ATTACHMENT 1**) to the NSW Department of Planning and Environment for a Gateway Determination and request delegated authority to make the Plan.

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.**

**MINUTES ORDINARY COUNCIL - 28 JULY 2015**

**ORDINARY COUNCIL MEETING - 28 JULY 2015  
COMMITTEE OF THE WHOLE RECOMMENDATION**

Mayor Bruce MacKenzie  
Councillor Chris Doohan

That the recommendation be adopted.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

**ORDINARY COUNCIL MEETING - 28 JULY 2015  
MOTION**

214	<p><b>Councillor Geoff Dingle Councillor Paul Le Mottee</b></p> <p>1) Adopt the Planning Proposal at <b>(ATTACHMENT 1)</b> for the purposes of Section 55 of the <i>Environmental Planning and Assessment Act 1979</i> seeking to amend the <i>Port Stephens Local Environmental Plan 2013</i> to:</p> <p>a) Rezone land 142 Kindiebark Drive (Lot 10, DP1154803); 1A Heritage Avenue (Lot 61, DP 1106425); 140A Kindiebark Drive (Lot 2, DP 270731); 140 Kindiebark Drive (Lot 3, DP 270731); 1/1 Heritage Avenue (Lot 4, DP 270731); 2/1 Heritage Avenue (Lot 5, DP 270731); and 140B Kindiebark Drive (Lot 6, DP 270731) from R5 Large Lot Residential to R2 Low Density Residential;</p> <p>b) Amend Schedule 1 'Additional permitted uses' in respect of land at 142 Kindiebark Drive (Lot 10, DP 1154803) to permit:</p> <ul style="list-style-type: none"> <li>- hotel or motel accommodation;</li> <li>- function centre;</li> <li>- restaurant or café;</li> <li>- small bar;</li> <li>- cellar door premises;</li> <li>- commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises'.</li> </ul> <p>2) Forward the Planning Proposal <b>(ATTACHMENT 1)</b> to the NSW Department of Planning and Environment for a Gateway Determination and request delegated authority to make the Plan.</p>
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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.****MINUTES ORDINARY COUNCIL - 28 JULY 2015**

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Geoff Dingle, Chris Doohan , Sally Dover, Ken Jordan , Peter Kafer, Paul Le Mottee , Bruce MacKenzie and Steve Tucker

Those against the Motion: Nil

**BACKGROUND**

In February 2013, Council received a request to amend the *Port Stephens Local Environmental Plan 2013* (PS LEP2013) for land at the corner of Medowie Road and Kindlebark Drive to part B4 Mixed Use and part R2 Low Density Residential.

This request was revised in July 2014 to rezone the subject land to part B1 Neighbourhood Centre and part R2 Low Density Residential through consultation with the Proponent and landowners. The Proposal was resubmitted in April 2015 to rezone the subject lands to R2 Low Density Residential and request additional permitted uses on part of the subject land comprising of Pioneer Ridge Boutique Winery (142 Kindlebark Drive, Lot 10, DP 1154803) (**ATTACHMENT 2**).

This Report recommends that Council proceeds with a planning proposal for the subject land contained within (**ATTACHMENT 1**).

**Subject Land:** 142 Kindlebark Drive (Lot 10 DP 1154803) (Pioneer Ridge Boutique Winery)  
140 Kindlebark Drive (Lot 3 DP 270731)  
140A Kindlebark Drive (Lot 2 DP 270731)  
140B Kindlebark Drive (Lot 6 DP 270731)  
140C Kindlebark Drive (Lot 1 DP 270731)  
1A Heritage Avenue (Lot 61 DP 1106425)  
1/1 Heritage Avenue (Lot 4 DP 270731)  
2/1 Heritage Avenue (Lot 5 DP 270731)  
(**ATTACHMENT 3**)

**Proponent:** Untapped Planning (on behalf of the landowners)

**Total Area:** 1.06 Hectares

**Existing Zoning:** R5 Large Lot Residential

**Proposed Amendment:**

1. Rezone from R5 Large Lot Residential to R2 Low Density Residential (including an amendment to the lot size map and height of building map).
2. Additional permitted uses (Schedule 1) within 142 Kindlebark Drive including hotel or motel accommodation; function centre; restaurant or café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises.

## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

## MINUTES ORDINARY COUNCIL - 28 JULY 2015

3. Restriction of size of additional permitted use clause on 142 Kindlebark Drive by limiting the retail floor space of individual tenancies to 100sqm; and restrict the combined commercial premises to 15% of the land to which the provision applies.

**Potential Lot Yield:** Approximately 15 residential allotments and 1 lot with an additional permitted uses provision to allow development as specified in the proposed amendment statement.

Location Map and Site Maps are included at **(ATTACHMENT 3)** and **(ATTACHMENT 4)** respectively.

The subject lands are currently zoned R5 Large Lot Residential and occupied by a boutique winery with cellar door sales; restaurant and function centre; garden centre and gift gallery (Lot 10, DP 1154803); a dwelling (Lot 61, DP 1106425); and an approved seniors housing complex approved under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The seniors housing complex has four of the approved 17 units constructed or under construction (Lot 1-6, DP 270731).

Part of the site has operated since 1991 as a Rural Industry (winery) with refreshment room and gallery as ancillary uses. Several development applications and modifications have been lodged over time, the table below outlines existing approved land uses on 142 Kindlebark Drive and land uses the Proponent is requesting:

Existing approved land uses	Requested land uses
Rural Industry (winery), refreshment room (restaurant) (ancillary to the Rural Industry), gallery (ancillary to the Rural Industry)	hotel or motel accommodation, function centre, restaurant or café, small bar, cellar door premises, business premises, shops, takeaway food and drink premises. (As per the definitions in the Planning Proposal).

The Planning Proposal seeks to rezone the subject lands to R2 Low Density Residential to increase the opportunity for infill residential development consistent with the adjoining land use to the south. The subject site is also bound on three sides by the street network: Medowie Road to the west, Kindlebark Drive to the south, and Heritage Drive to the east, creating a discrete and appropriate area for residential development.

The Planning Proposal also seeks an amendment to Schedule 1 Additional Permitted Uses of the PS LEP2013 to formalise and reflect the existing development consents



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.****MINUTES ORDINARY COUNCIL - 28 JULY 2015**

on part of the subject land at 142 Kindlebark Drive (Pioneer Ridge Boutique Winery). This will allow the landowner to expand and intensify uses on the site (with development consent) which cannot be done through the current limitations of 'existing use rights' under the *Environmental Planning & Assessment Act 1979*.

Rather than rezoning the site to a commercial zone, the Additional Permitted Uses clause permits specific uses on the site, which will enable and facilitate controlled growth and commercial development, and ensures the types and scale of development does not detract from the existing Medowie town centre.

The following additional information will be required post-Gateway Determination if the Planning Proposal is to be supported:

- A Traffic Impact Assessment to demonstrate management of any intensification of the sites; and
- Further economic advice to be undertaken by a suitably qualified economist to demonstrate the economic merit and any implications on the existing town centre.

**COMMUNITY STRATEGIC PLAN**

<b>Strategic Direction</b>	<b>Delivery Program 2013-2017</b>
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide strategic land use planning services.

**FINANCIAL/RESOURCE IMPLICATIONS**

The Planning Proposal has been assessed within Council's existing resources. There are no direct financial implications if Council adopts the recommendation of this Report.

<b>Source of Funds</b>	<b>Yes/No</b>	<b>Funding (\$)</b>	<b>Comment</b>
Existing budget	No		
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	Yes	2,000	Stage 1 Planning Proposal fees.

**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.****MINUTES ORDINARY COUNCIL - 28 JULY 2015****LEGAL, POLICY AND RISK IMPLICATIONS****Environmental Planning and Assessment Act 1979**

Under Part 3 of the *Environmental Planning & Assessment Act 1979*, only the Minister or Council as a delegate can initiate a local environmental plan. If Council resolves to proceed with the recommendation of this Report and prepare a Planning Proposal, it will be forwarded to the NSW Department of Planning and Environment for a Gateway Determination.

**Lower Hunter Regional Strategy**

The Lower Hunter Regional Strategy identifies Medowie as a proposed urban area with boundaries to be defined through local planning. This local planning was undertaken by Council through the preparation and adoption of the Medowie Strategy.

**Port Stephens Planning Strategy 2011-2036**

Limited infill will occur through the further subdivision and additional dwellings on rural residential lots. The Port Stephens Planning Strategy identifies Medowie as a Priority 1 Infill and New Release Area. The Planning Proposal is generally consistent with the Port Stephens Planning Strategy.

The Port Stephens Commercial and Industrial Lands Study (SGS, July 2010) informs the Port Stephens Planning Strategy and outlines sufficient existing occupied floor space in Medowie. Furthermore, the recent supermarket development on Peppertree Road has assisted in meeting the predicted occupied floor space demand.

The Planning Proposal does not seek to impact on floor space demand in the town centre by limiting the permitted land uses and floor space through Schedule 1 Additional Permitted Uses of LEP2013.

**Medowie Strategy 2009**

The subject land is not identified for a change in land use in the Medowie Strategy. However, the Medowie Strategy is currently under review and is likely to encourage consolidation of commercial uses within the town centre, and acknowledge existing unique commercial uses on prominent sites (such as Pioneer Ridge Boutique Winery).

The subject land is located on the fringe of the R5 Large Lot Residential Zone, adjacent to land zoned R2 – Low Density Residential with potential for infill development. The proposed rezoning is consistent with the existing adjacent land zoning to the south. The subject land is a large land holding close to the town centre, providing opportunity for infill development and urban consolidation to help achieve housing targets in Medowie.

The existing Medowie Strategy does not identify commercial land uses on the subject land. However, the introduction of a Schedule 1 clause would allow the established existing use to expand to encompass specific complementary uses contained within

## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

## MINUTES ORDINARY COUNCIL - 28 JULY 2015

the clause. This approach permits the future growth of the business and does not impact on existing commercially zoned land in the town centre. The proposed limitations will ensure the activities on the site will not jeopardize or fragment the commercial hierarchy of the LGA or the Medowie town centre, but will allow a modest expansion of the subject land.

**Port Stephens Local Environmental Plan 2013**

The Planning Proposal seeks to rezone the subject land from R5 Large Lot Residential to R2 Low Density Residential and to permit (with consent) additional land uses which complement the existing development at 142 Kindlebark Drive (Lot 10, DP 1154803) including: hotel or motel accommodation; café; small bar; business premises; shops; and takeaway food and drink premises.

<b>Risk</b>	<b><u>Risk Ranking</u></b>	<b>Proposed Treatments</b>	<b>Within Existing Resources?</b>
There is a risk that the expansion of the commercial uses could negatively impact on other centres.	Medium	Limited the range of permitted land uses via Schedule 1 Additional Permitted Uses of the PS LEP2013.	Yes

**SUSTAINABILITY IMPLICATIONS**

Includes Social, Economic and Environmental Implications

The Planning Proposal will have a positive social and economic effect through the estimated provision of 15 residential allotments in close proximity to services, public transport, pedestrian and cycle linkages. The additional population will support local businesses in Medowie and Raymond Terrace.

The additional uses on the site will facilitate job creation and an increase in the local economy. The Proponent submits the inclusion of a Schedule 1 – Additional Permissible Uses provision for a portion of the subject site will ensure the ongoing viability, and allow for the growth of the existing business, which includes the winery and restaurant.

The Proponent submits that given the proximity of the site to the major access road to Medowie and siting that there would be minimal additional impacts by allowing additional uses in comparison to the existing and ongoing activities on the site. There is some potential that the proposed additional uses could create amenity impacts for existing nearby residents. Consultation with adjoining landowners will be undertaken post-Gateway Determination during public exhibition.

Any environmental impacts can be managed at the development application stage. The subject land is largely cleared, with only a few remnant trees remaining. The Port Stephens Comprehensive Koala Plan of Management has part of the site as buffer to Preferred Koala Habitat, and the remnant trees could be feed or refuge trees. Future

**ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.**

**MINUTES ORDINARY COUNCIL - 28 JULY 2015**

development would need to ensure connectivity is maintained and preferably enhanced.

**CONSULTATION**

Subject to a Gateway Determination, the Planning Proposal will be placed on public exhibition for comment from State agencies and the community for a minimum period of 28 days.

**OPTIONS**

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

**ATTACHMENTS**

- 1) Planning Proposal - Port Stephens Council. (Provided under separate cover)
- 2) Locality Map. (Provided under separate cover)
- 3) Site Maps. (Provided under separate cover)
- 4) Planning Proposal - Untapped Planning (April 2015). (Provided under separate cover)

**COUNCILLORS ROOM**

Nil.

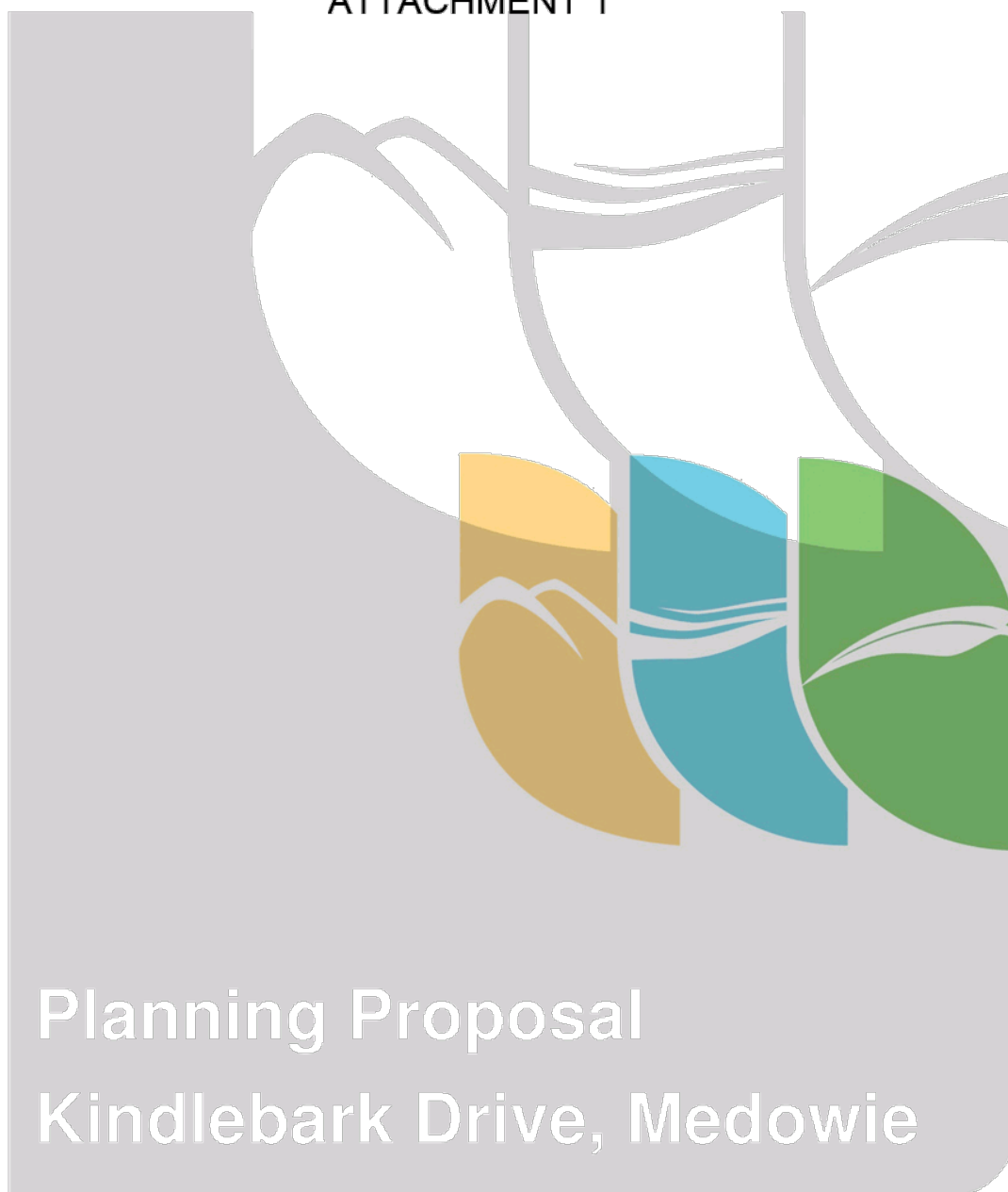
**TABLED DOCUMENTS**

Nil.

ITEM 3 - ATTACHMENT 1

PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.

ATTACHMENT 1



**Proposed Amendment to Port Stephens Local  
Environmental Plan 2013:**

142 Kindlebark Drive (Lot 10 DP 1154803)  
140 Kindlebark Drive (Lot 3 DP 270731)  
140A Kindlebark Drive (Lot 2 DP 270731)  
140B Kindlebark Drive (Lot 6 DP 270731)  
140C Kindlebark Drive (Lot 1 DP 270731)  
1A Heritage Avenue (Lot 61 DP 1106425)  
1/1 Heritage Avenue (Lot 4 DP 270731)  
2/1 Heritage Avenue (Lot 5 DP 270731)



## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

**SUMMARY**


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<b>Subject lands in Medowie:</b>	142 Kindlebark Drive (Lot 10 DP 1154803) (Pioneer Ridge Boutique Winery) 140 Kindlebark Drive (Lot 3 DP 270731) 140A Kindlebark Drive (Lot 2 DP 270731) 140B Kindlebark Drive (Lot 6 DP 270731) 140C Kindlebark Drive (Lot 1 DP 270731) 1A Heritage Avenue (Lot 61 DP 1106425) 1/1 Heritage Avenue (Lot 4 DP 270731) 2/1 Heritage Avenue (Lot 5 DP 270731) <b>(refer to Figure 1: Site Identification Map and Figure 2: Site Maps)</b>
<b>Proponent:</b>	Untapped Planning (on behalf of landowners)
<b>Total Area:</b>	1.06 Hectares
<b>Existing Zoning:</b>	R5 Large Lot Residential
<b>Proposed Amendment:</b>	<ol style="list-style-type: none"> <li>1. Rezone the subject land to R2 Low Density Residential (including an amendment to the lot size map and height of building map).</li> <li>2. Introduce additional permitted uses to Schedule 1 of LEP 2013 to permit with development consent: hotel or motel accommodation; function centre; restaurant or café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises on Lot 10, DP 1154803 (only).</li> <li>3. Restrict the additional permitted uses by limiting the retail floor space of individual tenancies to 100sqm; restrict the combined commercial premises to 15% of the land to which the provision applies on Lot 10, DP 1154803 (only).</li> </ol>
<b>Potential Lot Yield:</b>	Approximately 15 residential allotments, and 1 lot with an additional permitted uses.

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**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.****BACKGROUND**

In February 2013 Council received a Planning Proposal to amend the *Port Stephens Local Environmental Plan 2013* (PS LEP 2013). Following discussions the Planning Proposal was resubmitted in February 2015 to rezone the subject lands from R5 Large Lot Residential to R2 Low Density Residential (including an amendment to the lot size map and height of building map) and to permit additional permitted uses on 142 Kindlebark Drive (Lot 10 DP 1154803) (Pioneer Ridge Boutique Winery).

The site is currently zoned R5 Large Lot Residential. Part of the site has operated since 1991 as a Rural Industry (winery) with refreshment room and gallery as activities ancillary to the Rural Industry. Several development applications and modifications have been lodged over time, including restaurant and wine tasting ancillary/minor components of the Rural Industry. The current owner envisages a boutique winery similar to a small scale version of the Hunter Valley Gardens village shops; accommodation and restaurant on the Pioneer Ridge Boutique Winery site.

The site is bound on three sides by the street network and is adjacent to R2 Low Density Residential zoned land to the south. The proposal makes efficient use of existing infrastructure and services by being located in a developed and serviced area and is located approximately 800m from the Medowie town centre.

a) Rezoning to R2 Low Density Residential

The Planning Proposal seeks to amend the PS LEP2013 by rezoning the subject lands to R2 Low Density Residential and introducing additional permitted commercial land uses on part of the site.

b) Additional Permitted Uses Provision

Permit additional permitted uses on part of the subject land at Lot 10, DP 1154803 to facilitate redevelopment of the existing boutique winery with cellar door sales, restaurant and function centre, garden centre and gift gallery to include hotel or motel accommodation, café, small bar, business premises, shops and takeaway food and drink premises. The additional permitted uses provision will allow the site to continue as a niche activity but limit the future uses for the site. The provision limits inappropriate uses on the site and ensures the scale of development does not have the potential to detract for the existing town centre.

The proposed additional permitted uses clause under Schedule 1 will give more certainty to the future development and expansion of the site, without allowing undesirable uses for the site. It will also provide a clause which aligns with the retail hierarchy and not undermine the Medowie neighbourhood town centre, and/or surrounding residential areas.

The provision includes a restriction on the retail floor space of tenancies to 100sqm and limits the combined commercial premises to 15% of the land to which the provision applies. These provisions are another way in which to control the future development of the site and ensure it does not compromise the Medowie town centre. These limitations will discourage large scale commercial development and

## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

development will result in small scale commercial premises that are supportive of the dominant use of the site being a restaurant, cellar door premises and function centre with accommodation.

#### CURRENT USES

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142 Kindlebark Drive (Lot 10, DP 1154803)	The site is currently occupied by a boutique winery (Pioneer Ridge Boutique Winery with cellar door sales, restaurant and function centre, garden centre and gift gallery).
140 Kindlebark Drive (Lot 3, DP 270731)	The sites are currently occupied by a dwelling (Lot 61, DP 1106425) and an approved seniors housing complex with four of the approved 17 units constructed or under construction (Lot 1-6, DP 270731). <i>Note:</i> 140C Kindlebark Drive (Lot 1, DP 270731) is also known as Middleby Road and is identified as an open access way.
140A Kindlebark Drive (Lot 2, DP 270731)	
140B Kindlebark Drive (Lot 6, DP 270731)	
140C Kindlebark Drive (Lot 1, DP 270731)	
1A Heritage Avenue (Lot 61, DP 1106425)	
1/1 Heritage Avenue (Lot 4, DP 270731)	
2/1 Heritage Avenue (Lot 5, DP 270731)	

Figure 1 – Site Identification Map (p. 5) and Figure 2 – Site Maps (p.6)



ITEM 3 - ATTACHMENT 1

PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.



Figure 1 - Site Identification Map

ITEM 3 - ATTACHMENT 1      PLANNING PROPOSAL - KINDLEBARK DRIVE,  
MEDOWIE.



Figure 2(a) Site Map – subject land to R2 Low Density Residential



Figure 2(b) Site Map - subject land to include additional permitted uses



## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

**PART 1 – Objectives or Intended Outcomes**

1. Rezone the subject sites from R5 Large Lot Residential to R2 Low Density Residential on the Land Zoning Map (LZN\_004B) (and include an amendment to the lot size map and height of building map). The subject sites being:

142 Kindlebark Drive (Lot 10 DP 1154803);  
 140 Kindlebark Drive (Lot 3 DP 270731);  
 140A Kindlebark Drive (Lot 2 DP 270731);  
 140B Kindlebark Drive (Lot 6 DP 270731);  
 140C Kindlebark Drive (Lot 1 DP 270731);  
 1A Heritage Avenue (Lot 61 DP 1106425);  
 1/1 Heritage Avenue (Lot 4 DP 270731);  
 2/1 Heritage Avenue (Lot 5 DP 270731).

2. Formalise the existing uses of the site on 142 Kindlebark Drive (Lot 10, DP 1154803) to facilitate the future development of the site to include hotel or motel accommodation; café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises.
3. Restrict the floor space provisions for commercial premises 142 Kindlebark Drive (Lot 10, DP 1154803) under the additional permitted uses provision by limiting tenancy floor space to not exceed 100sqm, and restrict the combined commercial premises development to 15% of the land to which the additional permitted uses provision applies.

**PART 2 – Explanation of Provisions**

The objectives of this Planning Proposal are intended to be achieved by the following amendments to the PS LEP 2013:

Amendment Applies to	Explanation of Provision
Land Zoning Map (LZN_004B)	142 Kindlebark Drive (Lot 10, DP 1154803); 140 Kindlebark Drive (Lot 3, DP 270731); 140A Kindlebark Drive (Lot 2, DP 270731); 140B Kindlebark Drive (Lot 6, DP 270731); 140C Kindlebark Drive (Lot 1, DP 270731); 1A Heritage Avenue (Lot 61, DP 1106425); 1/1 Heritage Avenue (Lot 4, DP 270731); 2/1 Heritage Avenue (Lot 5, DP 270731) to R2 Low Density Residential Zone.
Lot Size Map (LSZ_003B)	142 Kindlebark Drive (Lot 10, DP 1154803); 140 Kindlebark Drive (Lot 3, DP 270731); 140A Kindlebark Drive (Lot 2, DP 270731); 140B Kindlebark Drive (Lot 6, DP 270731); 140C Kindlebark Drive (Lot 1, DP 270731); 1A Heritage Avenue (Lot 61, DP 1106425); 1/1 Heritage Avenue (Lot 4, DP 270731);

## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

Height of Building Map (HOB_003B)	2/1 Heritage Avenue (Lot 5, DP 270731) to 500sqm. 142 Kindlebark Drive (Lot 10, DP 1154803); 140 Kindlebark Drive (Lot 3, DP 270731); 140A Kindlebark Drive (Lot 2, DP 270731); 140B Kindlebark Drive (Lot 6, DP 270731); 140C Kindlebark Drive (Lot 1, DP 270731); 1A Heritage Avenue (Lot 61, DP 1106425); 1/1 Heritage Avenue (Lot 4, DP 270731); 2/1 Heritage Avenue (Lot 5, DP 270731) to 9m.
Schedule 1 Additional permitted uses	8. Use of certain land at 142 Kindlebark Drive, Medowie (1) This clause applies to land at 142 Kindlebark Drive, Medowie being Lot 10, DP 1154803. (2) Development for the following purposes is permitted with development consent: (a) hotel or motel accommodation, (b) function centre, (c) restaurant or café, (d) small bar, (e) cellar door premises (f) commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises'. (3) Development consent for commercial premises under subclause (2f) must only be granted to development that has: (a) tenancies which have a retail floor area that does not exceed 100 square metres, and (b) the combined commercial premises not exceeding 15% of the land to which this clause applies.

The proposed additional uses on site, as defined by PS LEP 2013 are:

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

**restaurant or café** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

**small bar** means a small bar within the meaning of the *Liquor Act 2007*.

Note. Small bars are a type of food and drink premises—see the definition of that term in this Dictionary.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**shops** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

**takeaway food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

### PART 3 – Justification

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

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

- a) Rezoning to R2 Low Density Residential

This Planning Proposal is not the result of a strategic study or report. It seeks to rezone the land to R2 Low Density Residential to increase infill density. The proposed R2 Low Density Residential zone is consistent with the adjoining land use zone to the south and is compatible with existing residential development to the north and to the east. The site is also bound on three sides by the street network facilitating the development of a discrete and limited area. (see Figure 1 and Figure 2).

ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

Rezoning the subject lands to R2 Low Density Residential is consistent with Neighbourhood Planning Principles and maximises redevelopment and infill opportunities for increased housing densities within walking distance to town centres. The Planning Proposal will facilitate development that is compatible with the existing streetscape and subdivision layout in the immediate vicinity of the subject lands.

b) Additional Permitted Uses Provision

The Planning Proposal also seeks additional permitted uses on the land comprising the existing Pioneer Ridge Boutique Winery development to allow limited future development and expansion. Rather than rezoning the site to a commercial zone, the Additional Permitted Uses clause allows specific uses on the site.

This approach limits the range of permissible uses on the site and ensures the scale of development will not detract for the existing town centre. It will result in small scale commercial premises that is supportive of the dominant use of the site being a restaurant, cellar door premises and function centre with accommodation.

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

a) Rezoning to R2 Low Density Residential

Amending the zoning and minimum lot size provisions of the subject sites from R5 Large Lot Residential to R2 Low Density Residential, 2000sqm to 500sqm via this Planning Proposal is the most appropriate way to facilitate increased residential development on the site.

b) Additional Permitted Uses Provision

The Schedule 1 – Additional Permissible Uses clause is considered the most acceptable and appropriate approach to deliver the desired outcomes on the site. The alternative to rezone the land to a commercial zone is not desirable as it would permit a wide range of uses that would risk undermining the existing nearby town centre.

The proposed clause further restricts the development on the site by including maximum floor space for tenancies and limits the combined floor space of any commercial premises to a percentage of site/lot area. These restrictions are proposed to not conflict with the existing commercial centre hierarchy.

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

***3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?***

Lower Hunter Regional Strategy

The *Lower Hunter Regional Strategy* identifies Medowie as a proposed urban area with boundaries to be defined through local planning. This local planning was undertaken by Council through the Medowie Strategy.

a) Rezoning to R2 Low Density Residential

The Planning Proposal is considered consistent with the *Lower Hunter Regional Strategy*.

The *Lower Hunter Regional Strategy* seeks to maximise redevelopment and infill opportunities for medium and high density housing within walking distance of centres. The subject lands are a walkable 800m distance from the Medowie town centre. The Planning Proposal is considered consistent with the Strategy as the Planning Proposal facilitates increasing housing density in an existing urban area, in close proximity to the town centre and adjacent to public transport. This allows for better use of existing infrastructure, reduced travel by car and encourages resource efficiency and is consistent with the *Lower Hunter Regional Strategy's* Neighbourhood Planning Principles.

a) Additional Permitted Uses Provision

The *Lower Hunter Regional Strategy* aims to facilitate the concentration of activities along transport routes and within and adjacent to centres.

The additional permitted uses on 142 Kindlebark Drive complements the existing land uses on the site and allows the landowner to evolve and diversify these uses in the future without compromising the Medowie town centre and concentrates development on the main transport route, Medowie Road.

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

Port Stephens Integrated Strategic Plan

The proposal is consistent. The *Port Stephens Integrated Strategic Plan* states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability. The proposal will potentially add approximately 15 residential allotments within an existing town.

Port Stephens Planning Strategy 2011-2036

The *Port Stephens Planning Strategy* identifies Medowie as a Priority 1 Infill and New Release Area. High growth is projected to continue as the *Medowie Strategy* is implemented. Limited infill will also occur through the further subdivision. The Planning Proposal will contribute towards infill development in Medowie.

### ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

#### Commercial and Industrial Lands Study 2010

The Study identifies Medowie as a 'town centre' in the proposed retail hierarchy and defines it as a "*Shopping and business centre for the district, including health and professional services mixed with medium and higher density residential*".

The Study includes a Gap Analysis summarised in the following tables; indicating a shortfall of supply in Medowie.

	2009 Occupied Floorspace (sqm)	2016 Floorspace Demand (sqm)	2031 Floorspace
Medowie centre precinct	7,257	8,117	9,493

A gap analysis with two supply scenarios concluded the following:

			Low scenario		High Scenario	
	2016 Floorspace Demand (sqm)	2031 Floorspace Demand (sqm)	2016 Supply Gap (sqm)	2031 Supply Gap (sqm)	2016 Supply Gap (sqm)	2031 Supply Gap (sqm)
Medowie	8,117	9,493	330	-1,045	8,129	6,753

The Gap Analysis highlighted under the low supply scenario there will be insufficient capacity to accommodate this demand. It demonstrates more commercial zoned land will be required for the Medowie town centre. Since 2009, an additional supermarket has been constructed at Peppertree Road and assisted in meeting the predicted occupied floor space demand referenced in the Study.

The Planning Proposal does not seek to facilitate uses or additional floorspace to impact the existing centre and commercial hierarchy through the application of an amendment to Schedule 1 Additional Permitted Uses.

#### Medowie Strategy 2009

The subject land is not identified for a change in land use in the Medowie Strategy. However, the Medowie Strategy is currently under review and is likely to encourage consolidation of commercial uses within the town centre, and acknowledge existing unique commercial uses on prominent sites (such as Pioneer Ridge Boutique Winery).

The subject land is located on the fringe of the R5 Large Lot Residential Zone, adjacent to land zoned R2 – Low Density Residential and largely undeveloped. The proposed rezoning is consistent with the existing adjacent land zoning to the south. The subject land is a large land holding close to the town centre, providing opportunity for infill development and urban consolidation to help achieve housing targets in Medowie.

The existing Medowie Strategy does not identify commercial land uses on the subject land. However, the introduction of a Schedule 1 clause would allow the established existing use expansion to encompass specific complementary uses contained within the proposed clause. This approach permits the future growth of the business and does not impact on existing commercially zoned land in the town



### ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

centre. The proposed limitations will ensure the activities on the site will not jeopardize or fragment the commercial hierarchy of the LGA or the Medowie town centre, but will allow a modest expansion of the subject land.

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

An assessment of relevant State Environmental Planning Policies against the Planning Proposal is provided in the table below.

**Table 1: Relevant State Environmental Planning Policies**

SEPP	Relevance	Consistency and Implications
<b>SEPP 44 – Koala Habitat Protection</b>	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	<p>The site is largely cleared with a small number of remnant trees remaining. The <i>Port Stephens Comprehensive Koala Plan of Management</i> has part of the site as buffer to Preferred Koala Habitat. The remnant trees could be feed or refuge trees. The Planning Proposal does not address this however it is an issue that could be addressed at DA stage.</p> <p>Recommendations are outlined in Section C.</p> <p><b>The Planning Proposal is consistent with this SEPP.</b></p>
<b>SEPP 55 – Remediation of Land</b>	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	<p>The site has a history of use as farmland.</p> <p><i>NSW Managing Land Contamination Planning Guidelines 1999</i> state agriculture and horticultural activities may cause contamination and trigger a report specifying the findings of a preliminary investigation of the land carried out.</p> <p>A Site Contamination Study can be prepared (if required) following Gateway Determination to demonstrate residential suitability.</p> <p><b>The consistency of the Planning Proposal with this SEPP is to be further investigated and established.</b></p>

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<b>SEPP Housing for Seniors or people with a Disability 2004</b>	The SEPP aims to encourage provision of housing for seniors, including residential care facilities.	<p>Part of the subject lands are currently occupied by an approved Seniors Housing complex with four of the approved 17 units constructed or under construction (Lot 1-6, DP 270731). These allotments range in size from approximately 260m<sup>2</sup> to 350m<sup>2</sup>.</p> <p>Rezoning from R5 Large Lot Residential to R2 Low Density Residential will facilitate a greater and more flexible use of the site in providing for affordable housing.</p> <p><b>The Planning Proposal is consistent with this SEPP.</b></p>
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**Section 117 Ministerial Directions****6. Is the planning proposal consistent with applicable Ministerial Directions?**

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below. Further investigations may be required to establish consistency with some of the directions below.

**Table 2: Relevant s.117 Ministerial Directions**

Ministerial Direction	Aim of Direction	Consistency and Implications
<b>1. EMPLOYMENT AND RESOURCES</b>		
<b>1.1 Business and Employment Zones</b>	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	<p>This direction applies because the Planning Proposal may affect land within an existing or proposed business or industrial zone. The proposal seeks to include additional permitted uses for one site (142 Kindlebark Drive, Lot 10 DP 1154803) to facilitate the future development of the site.</p> <p>The Planning Proposal however will not reduce nor alter existing business and industrial zones.</p> <p>The Planning Proposal</p>

## ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

		<p>will be compatible with the existing town centre and future residents will support businesses in the area. The subject lands are also a walkable distance (800m) to the town centre.</p> <p><b>The Planning Proposal is consistent with this direction.</b></p>
<b>2. ENVIRONMENT AND HERITAGE</b>		
<b>2.2 Heritage Conservation</b>	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>This direction applies when a relevant planning authority prepares a planning proposal.</p> <p>There are no known items of environmental heritage significance and indigenous heritage significance on the subject sites. The Proponent submits that given the historical use of the site and its cleared nature it is not anticipated that there are any heritage items that will be adversely impacted.</p> <p>An Archaeological Report and consultation with Worimi Local Aboriginal Land Council can be undertaken following a Gateway Determination to ensure due diligence if required.</p> <p><b>The consistency of the Planning Proposal with this direction is to be further investigated and established.</b></p>
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
<b>3.1 Residential Zones</b>	<p>Encourage a variety and choice of housing types to provide for existing and</p>	<p>The Planning Proposal is consistent with this direction because it seeks</p>

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	<p>future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p>	<p>to provide increased residential housing to provide for the existing and future housing needs.</p> <p>The subject lands are immediately adjacent to land zoned R2 Low Density Residential to the south.</p> <p>The rezoning of the site will allow for additional housing opportunities without consuming rural or undeveloped land on the rural fringe. It also makes efficient use of existing infrastructure and services by being located in a developed and serviced area.</p> <p><b>The Planning Proposal is consistent with this direction.</b></p>
<b>3.4 Integrating Land Use and Transport</b>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>The Planning Proposal is consistent with <i>Improving Transport Choice – Guidelines</i> for planning and development (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) aims as the site is located in a walkable distance (800m) to the town centre. A bike path is located at the front of the site and links the site to the town centre. A bus stop is located 150m from the subject lands. The site is also located on a primary transport route, Medowie Road. All of these factors facilitate the use of alternative modes of transport.</p>

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		<p>The Planning Proposal is consistent with the Neighbourhood Planning Principles of the Lower Hunter Regional Strategy.</p> <p><b>The Planning Proposal is consistent with the objectives of this direction.</b></p>
<b>3.5 Development Near Licensed Aerodromes</b>	<p>The objectives of this direction to ensure the efficient and safe operation of aerodromes ensure their operation is not compromised by incompatible future adjoining land uses.</p>	<p>The subject land is not affected by the Australian Noise Exposure Forecast 2025 maps or former ANEF 2012 map. However, land outside of ANEF contours can still be affected by aircraft noise and activity.</p> <p>The Planning Proposal is likely to satisfy this direction as the subject land is located within an existing urban area and any additional development is relatively minor. However consultation can occur with the Department of Defence to clarify any impact (if required by Gateway Determination).</p> <p><b>The Planning Proposal is consistent with this direction.</b></p>
<b>4. HAZARD AND RISK</b>		
<b>4.1 Acid Sulfate Soils</b>	<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 Planning Proposal is unlikely to create significant environmental impacts as a result of acid sulphate soils.</p> <p>The Port Stephens Acid Sulfate Soils Planning Map, identifies the site as containing class 5 soils (requiring consent for works within 500m of adjacent soil classes).</p>

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		<p>This represents a low risk from acid sulfate soils.</p> <p>Any further assessment of Acid Sulfate Soils can occur at the development application stage.</p> <p><b>The Planning Proposal is consistent with this direction.</b></p>
<b>4.3 Flood Prone Land</b>	<p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.</p>	<p>The site is not mapped as flood prone on Councils Flood Planning Map under the PS LEP2013.</p> <p><b>The Planning Proposal is consistent with this direction.</b></p>
<b>4.4 Planning for Bushfire Protection</b>	<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>The subject lands are identified within a buffer on Councils bushfire prone land maps. The Proponent submits the lands mapped as bushfire hazard to the south has mostly been developed resulting in a decrease in vegetation and fuel loads.</p> <p>A <i>Bushfire Threat Assessment</i> (Firebird, January 2014) has been undertaken for a development application on 142 Kindlebark Drive. This report showed the Bushfire Attack Level for the site as BAL-LOW - No Requirement. While the report was written specifically for extensions</p>

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		<p>to the Cellar Door it demonstrates that bushfire is not an impediment to development of the site.</p> <p>The Planning Proposal is likely to satisfy this direction however consultation can occur with the Rural Fire Service to clarify any impact.</p> <p><b>The Planning Proposal is consistent with this direction.</b></p>
<b>5. REGIONAL PLANNING</b>		
<b>5.1 Implementation of Regional Strategies</b>	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	<p>The <i>Lower Hunter Regional Strategy</i> identifies Medowie as a proposed urban area with boundaries to be defined by local planning. It seeks to maximise redevelopment and infill opportunities for medium and high density housing within walking distance of centres.</p> <p>The Planning Proposal is consistent with the Strategy because it facilitates planning proposal requests an amendment to facilitate increased housing density on land which is in an existing urban area, in close proximity to the town centre and adjacent to a public transport route.</p> <p>The <i>Lower Hunter Regional Strategy</i> aims to facilitate the concentration of activities along transport routes and within and adjacent to</p>

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		centres. Development of the site is consistent because it is located on a main transport route Medowie Road.  <b>The Planning Proposal is considered consistent with this direction.</b>
<b>6. LOCAL PLAN MAKING</b>		
<b>6.3 Site Specific Provisions</b>	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<p>This direction applies because the Planning Proposal seeks to amend the existing LEP to permit site specific uses via Schedule 1 of the PS LEP 2013.</p> <p>The introduction of a Schedule 1 has planning merit compared to rezoning of the site to a commercial zone. A commercial zone would have the potential to introduce undesirable land uses and excess floorspace that would detract from and compete with the existing Medowie town centre.</p> <p>Introducing a Schedule 1 Additional Permitted Uses clause, as described in Part 2 of this Planning Proposal, provides certainty to the potential future development of the land and expansion of the existing uses on site without compromising the viability of the existing town centre.</p> <p><b>The Planning Proposal is considered consistent with this direction.</b></p>



**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.****SECTION C – Environmental, Social and Economic Impact*****7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

Given the past uses of the site and current site condition of the subject land, it is unlikely to comprise any significant vegetation, habitat or ecological communities.

Environmental impacts can be managed at the development application stage. The subject sites are predominantly cleared with only a few remnant trees. The *Port Stephens Comprehensive Koala Plan of Management* identifies part of the site as buffer to Preferred Koala Habitat and the remnant trees could be feed or refuge trees. This issue can be addressed through further assessment at the development application stage.

Any future development application would need to ensure connectivity is maintained and preferably enhanced. Potential development controls may include the following:

- The requirement of a pre-clearing protocol to be written that will detail felling techniques that are sensitive to arboreal mammals and bird species;
- A covenant to ensure the safe movement of Koala through the site including Koala friendly fencing, ropes for pools and restriction on the ownership of dogs;
- The requirement for the planting of Koala feed trees of a substantial size; and
- A mechanism to protect the remaining vegetation on site outside of the nominated building envelopes.

Upon Gateway Determination approval a report shall be prepared if necessary, however the planning proposal is not considered to result in any adverse environmental impacts.

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

The subject lands are partly located in the Grahamstown Dam Water Catchment (refer to Drinking Water Catchment Map of LEP 2013). Any future development will have to ensure consideration on water quality and adequate water quality measures. It is recommended that the Planning Proposal be referred to the Hunter Water Corporation for comment.

***9. Has the planning proposal adequately addressed any social and economic effects?*****a) Rezoning to R2 Low Density Residential**

The Planning Proposal will have a positive social and economic effect through the provision of a lot yield of 15 residential allotments in a town identified for urban growth in strategic plans, in a location close to services, public transport and

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pedestrian linkages. The additional population will also support local businesses in Medowie.

**b) Additional Permitted Uses Provision**

The inclusion of a Schedule 1 – Additional Permissible Uses clause for a portion of the subject site will ensure the ongoing viability, and allow for the growth of, the existing Pioneer Ridge Boutique Winery business. The increase in uses on the site will correspond with job creation and an increase in the local economy. The proximity to Medowie Road, the corner allotment siting, coupled with the existing commercial use of the land is expected to create minimal or manageable amenity impacts.

The Schedule 1 – Additional Permissible Uses clause is considered the most acceptable and appropriate approach to deliver the desired outcomes on the site. The alternative to rezone the land to a commercial zone was not a desirable option as it could give a wide range of uses that would conflict and detract from the town centre and create excess commercial floor space.

Further economic advice will be required post-Gateway Determination if the Planning Proposal is to be supported. The advice should be undertaken by a suitably qualified economist to demonstrate the economic merit and demand for facilities outside of the existing town centre.

**SECTION D – State and Commonwealth interests**

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

Traffic

The proposal is likely to contribute to additional vehicular traffic by intensifying commercial and residential land use on site. However, it is noted the site is located on a primary transport axis (the corner of Medowie Road and Kindlebark Drive) and is bound on three sides by the road network. The site will be primarily accessed from the west generating minimal additional through-traffic to existing residential areas. The site's location on Medowie Road also makes the tourist component of the site ideally placed for future growth.

A traffic report will be required to demonstrate management of any intensification of the sites (particularly in relation to the Schedule 1 Additional Permitted Uses clause) having specific regard to current access, parking and current road network constraints. Consideration should also be given on the impact of potential intensification on traffic movements to Kindlebark Drive due to the location of traffic islands which restrict turning movement to and from the subject land.

A traffic impact assessment will be required post-Gateway Determination if the Planning Proposal is to be supported. The assessment will be required to demonstrate management of any intensification of the sites having specific regard to current access, parking and current road network constraints.

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Stormwater

Impacts relating to stormwater and drainage are to be investigated. The proponent submits through appropriate development controls the site will have no adverse impact on the catchment and downstream properties.

The sites Lot 1-6 DP 270731 have previously gained consent for the purpose of a Seniors Living development. The proponent states during this process issues relating to stormwater and drainage were resolved, indicating that this issue is able to be resolved.

Water Delivery and Wastewater Transport

Part of the subject site currently has consent for seniors living, which has a similar density to the proposed R2 Low Density Residential zone. The subject lands are currently serviced by reticulated water and reticulated sewer.

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

No formal consultation with public authorities has been undertaken at this time.

Following a Gateway Determination the following public authorities/groups will be consulted with:

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

**Part 4 - Mapping**

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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

**Part 5 – Community Consultation**

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It is recommended to place the Planning Proposal on public exhibition for 28 days.

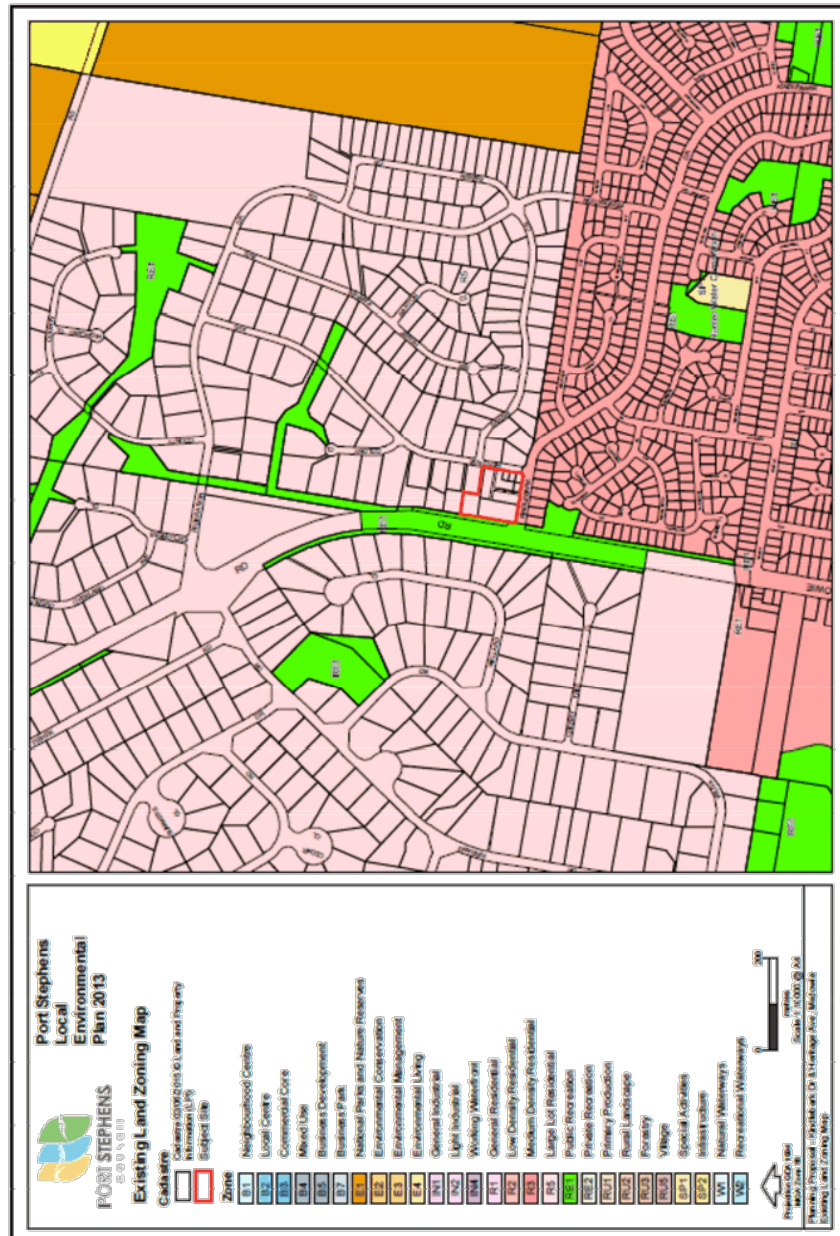
**ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.****Part 6 – Project Timeline**

The following timetable is proposed:

	<b>Task Description</b>	<b>Estimated Timeline</b>
1.	Gateway Determination	September 2015
2.	Completion of required technical information	October – December 2015
3.	Government agency consultation	January 2015
4.	Community consultation period	February 2015
5.	Consideration of submissions and finalise the draft Plan	April 2015
7.	Submission to Department with request to make the Plan.	May 2015
8.	Legal drafting and making of the Plan	June – July 2015

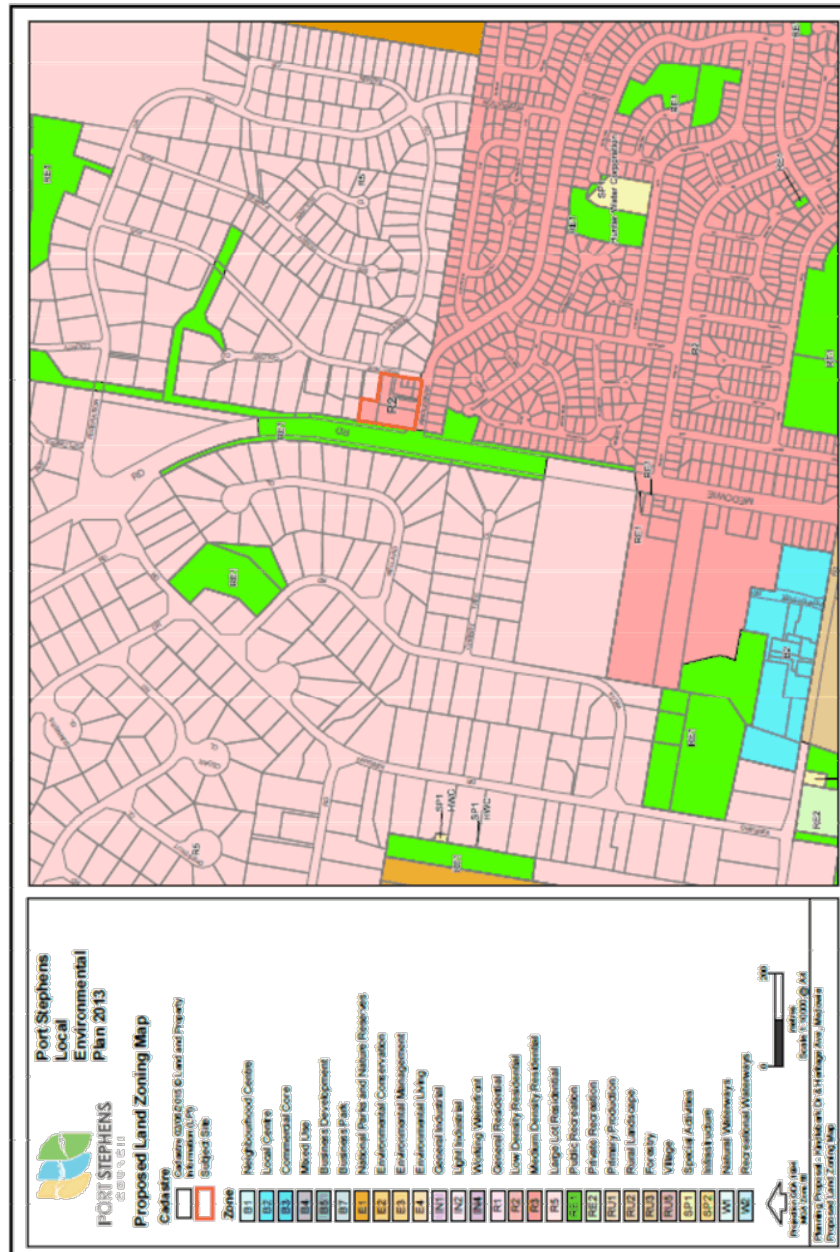
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Attachment 1 – Existing Land Zoning Map



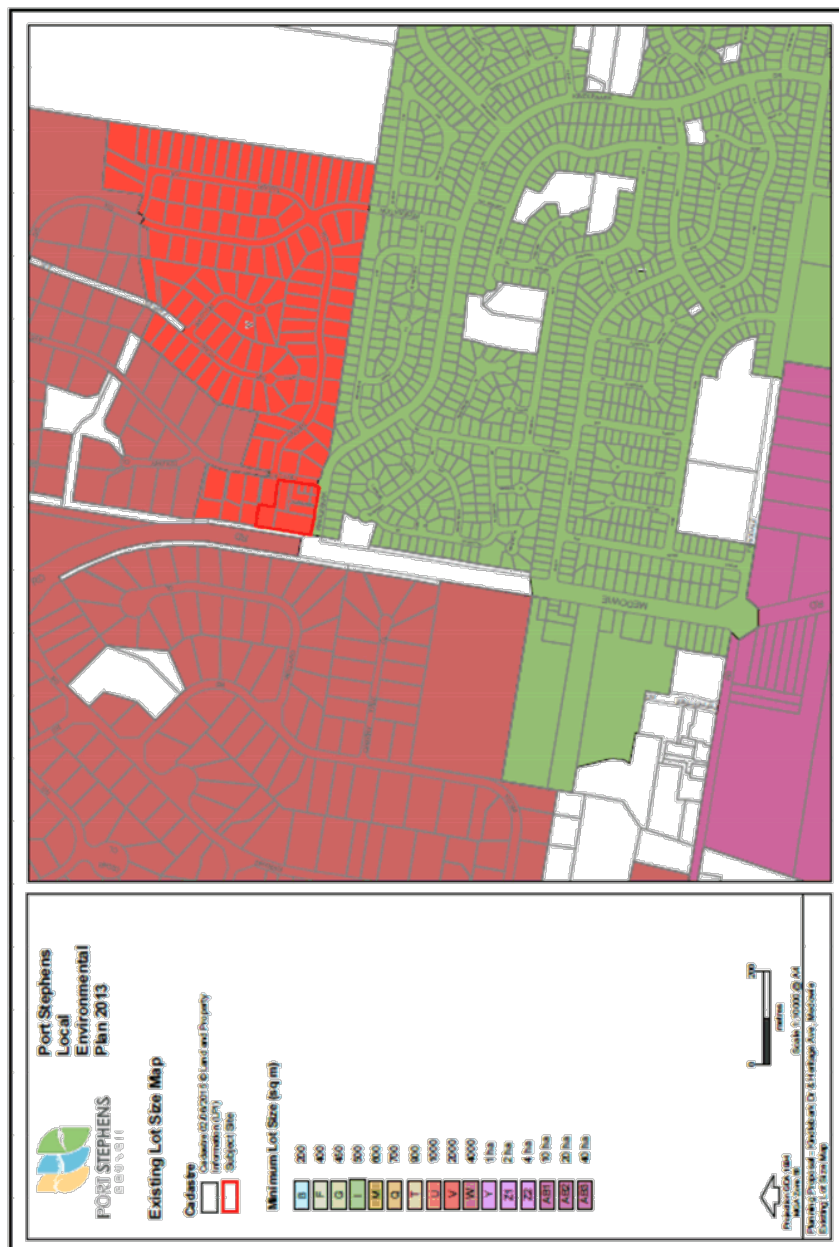
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Attachment 2 - Proposed Land Zoning Map



ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

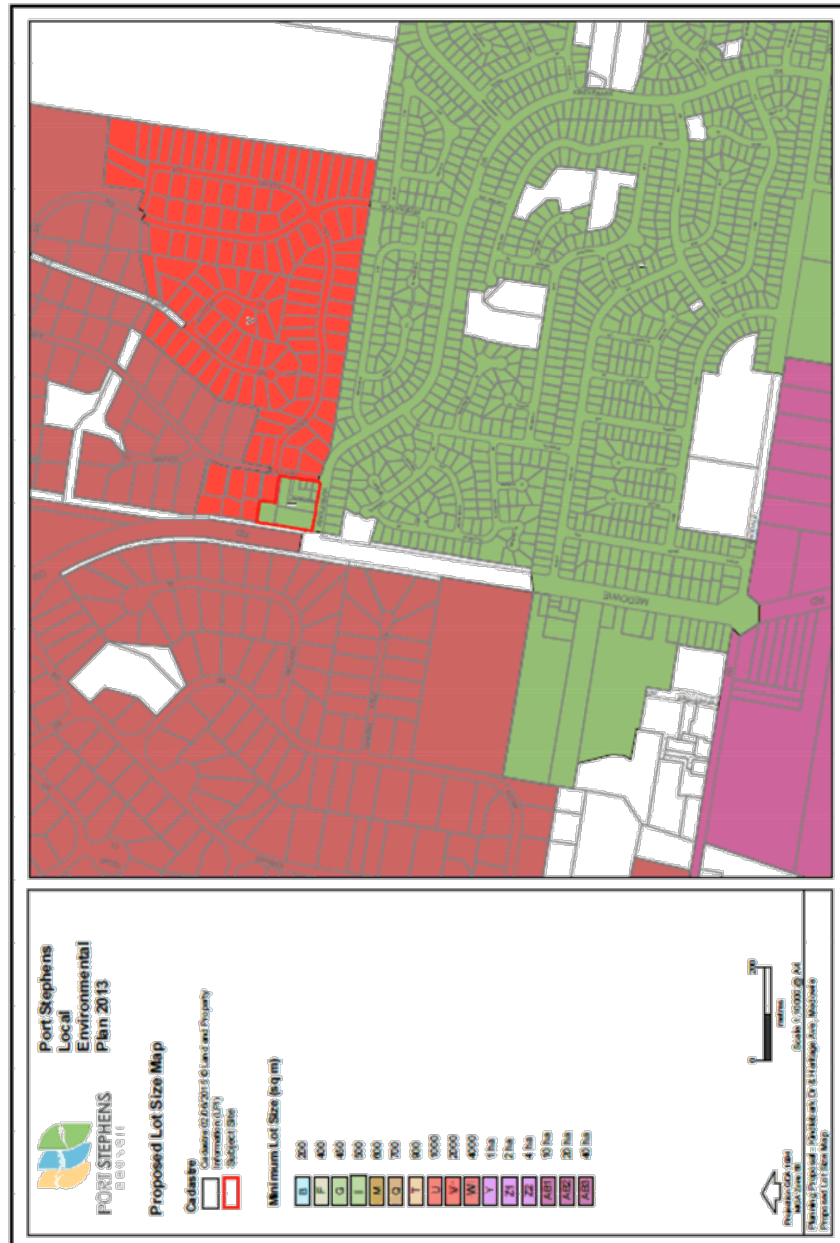
Attachment 3 - Existing Lot Size Map





ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

Attachment 4 – Proposed Lot Size Map





ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL - KINDLEBARK DRIVE, MEDOWIE.

Attachment 5 – Existing Height of Building Map



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Attachment 6 - Proposed Height of Building Map





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ATTACHMENT 2





ATTACHMENT 3



Figure 1 Site Map – subject land to R2 Low Density Residential



Figure 2 Site Map - subject land to include additional permitted uses