

ATTACHMENTS UNDER SEPARATE  
COVER

ORDINARY COUNCIL MEETING  
8 NOVEMBER 2016



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



## INDEX

<b>Item No</b>	<b>Attach. No</b>	<b>Attachment Title</b>	<b>Page No</b>
4	2	RECOMMENDED PLANNING PROPOSAL.	4
4	3	PROPOSED PLANNING PROPOSAL.	32





## ITEM 4 - ATTACHMENT 2 RECOMMENDED PLANNING PROPOSAL.

**SUMMARY**

<b>Existing development consent:</b>	DA 16-2015-336-1 (the DA) ('The Bower' estate 345 lot residential subdivision)
<b>Subject land:</b>	38 ha within 'The Bower' estate (Part of Lots 93 to 96 DP 753194)
<b>Existing zoning and minimum lot size:</b>	38 ha zoned R5 Large Lot Residential with a minimum lot size of 1,000m <sup>2</sup> ; and 0.9 ha zoned E2 Environmental Conservation within the developable area.
<b>Proposed zoning and minimum lot size:</b>	38 ha to R2 Low Density Residential and reduce corresponding minimum lot size to 500m <sup>2</sup> ; and Amend the boundary of the 0.9 ha of land zoned E2 Environmental Conservation.
<b>Indicative Lot Yield:</b>	385 lots within the subject land (only). 480 lots overall indicative lot yield for 'The Bower' estate following rezoning
<b>Proponent:</b>	McCloy Medowie Pty Ltd.
<b>Proponent's supporting studies</b>	<i>Planning Proposal</i> (Monteath & Powys, 24 June 2016) (note: prepared for 450 lots). <i>Traffic Impact Assessment</i> (Better Transport Future, May 2016) (note: prepared for 450 lots). <i>Drainage Review Advice</i> (ACOR Consultants (NSW) Pty Ltd, 31 May 2016). <i>Flora and Fauna Assessment</i> (RPS Australia East Pty Ltd, 27 April 2015) (note: prepared to accompany the DA).

The site is located at Boundary Road Medowie and is shown in Figure 1 *Strategic Site Location* and Figure 2 *Subject Land*. It has an area of 38 ha. The Medowie State Conservation Area generally surrounds the site to the north, east and west. Existing rural residential dwellings are to the south. Vehicle access is from the intersection of Medowie Road and Boundary Road. The broader site is already subject to development consent for 345 residential lots under DA 16-2015-336-1 as part of 'The Bower' estate. There are existing arrangements for the transfer of approximately 70 ha of land zoned E2 Environmental Conservation to the north east for addition to the Medowie State Conservation Area.

Figure 1 Strategic Location



Figure 2 Subject Land



Figure 3 Existing Zoning (R5 Large Lot Residential)

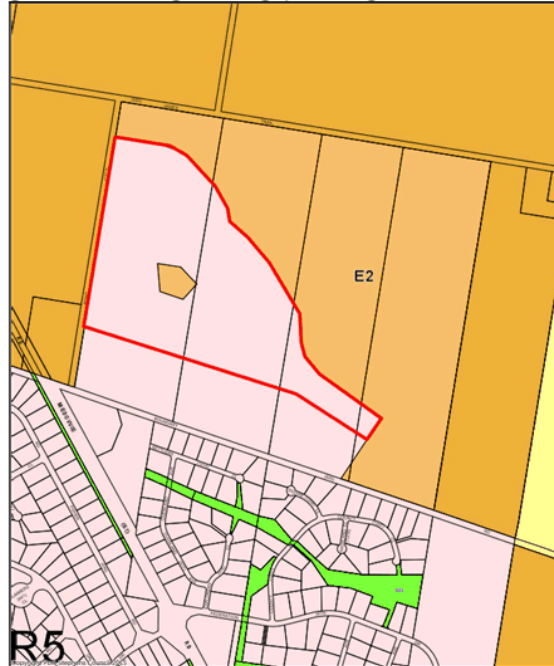


Figure 4 Existing Minimum Lot Size (U= 1,000m<sup>2</sup>)

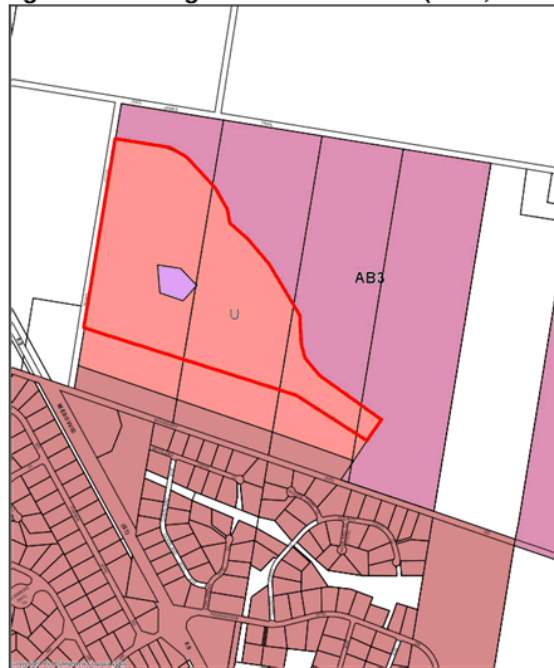




Figure 5 Proposed Zoning (R2 Low Density Residential)

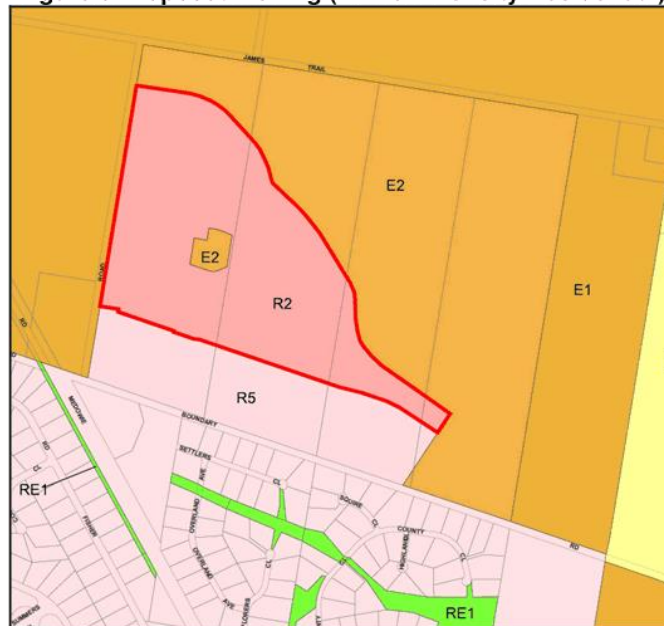


Figure 6 Proposed Minimum Lot Size (I=500m<sup>2</sup> Y=1 ha)



**PART 1 – Objective of the planning proposal**

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The objectives of the Planning Proposal are:

1. To provide for the housing needs of the community in a low density residential environment.
2. To create a more accurate and regular-shaped zone boundary for the environmental zoned land within the developable area.

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

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The objectives of the planning proposal will be achieved by amending the *Port Stephens Local Environmental Plan 2013* as follows:

- Amending the Land Zoning Map (LZN\_004B) in accordance with Appendix 1 *Draft Land Zoning Map*.
- Amending the Lot Size Map (LSZ\_004B) in accordance with the Appendix 2 *Draft Lot Size Map*.
- Amending the Height of Buildings Map (HOB\_004B) in accordance with Appendix 3 *Draft Height of Buildings Map*.

**PART 3 – Justification for the planning proposal**

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

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

Medowie (including the subject land) is identified for urban development in various planning strategies including the *Lower Hunter Regional Strategy*; *Plan for Growing Hunter City* (draft); *Hunter Regional Plan* (draft); *Port Stephens Planning Strategy*; *Medowie Strategy*; and *Medowie Planning Strategy* (draft). The planning proposal will assist to deliver additional yield for housing in a timely manner.

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

The objectives of the planning proposal can only be achieved by amending the zoning and minimum lot size provisions that apply to the site under the *Port Stephens Local Environmental Plan 2013* that apply to the site.

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

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

**Lower Hunter Regional Strategy**

The site was previously rezoned to facilitate development following consideration under the Lower Hunter Regional Strategy, which is intended to be replaced by the *Hunter Regional Plan* and the *Plan for Growing Hunter City* (both draft). The planning proposal is consistent with the relevant direction and action to investigate opportunities for housing growth including to identify opportunities for sustainable development in Medowie that do not affect water quality. The site is identified as an urban area and is not located within the Grahamstown Dam Drinking Water Catchment.

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

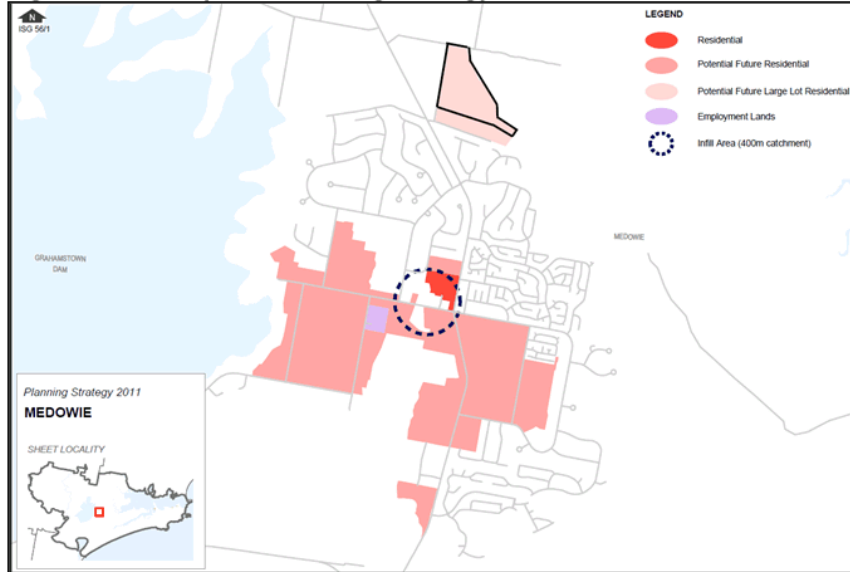
**Port Stephens Community Strategic Plan**

The planning proposal is consistent with this plan's strategic direction to balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations. It is also consistent with the delivery program to provide strategic land use planning services.

**Port Stephens Planning Strategy**

This strategy identifies Medowie for future growth and a priority 1 infill and new release area. The site is included as large lot residential with a minimum lot size of 1,000m<sup>2</sup> (i.e. residential dwellings on quarter-acre lots). The planning proposal has the strategic benefit of increasing dwelling yield in a priority growth area within an existing approved residential footprint and will make more efficient use of infrastructure.

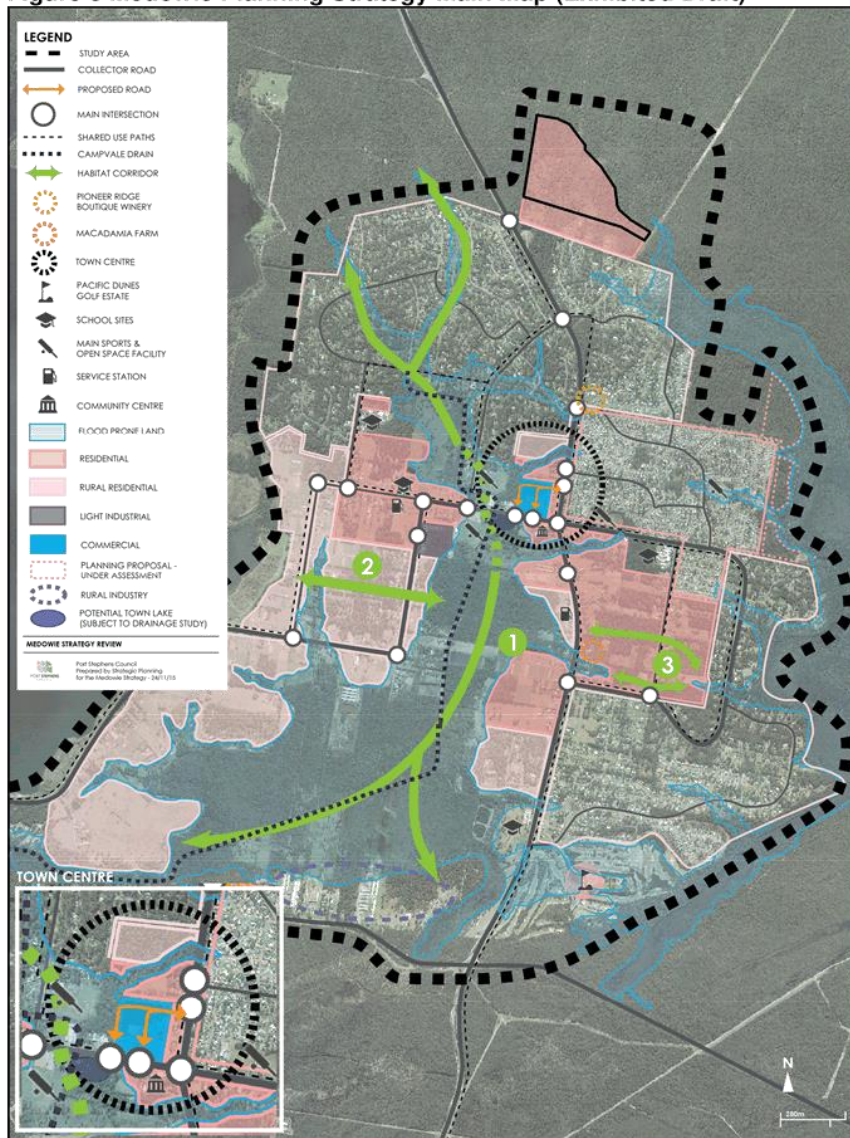
Figure 7 Port Stephens Planning Strategy - Medowie Future Growth Area



### Medowie Strategy

Council adopted this strategy in 2009 to manage urban growth in Medowie. Council more recently resolved to amend the strategy to include the broader Boundary Road site as part large lot residential with a minimum lot size of 1,000m<sup>2</sup>. The site was subsequently rezoned and a residential subdivision for 345 lots approved (DA 16-2015-336-1). The land affected by the planning proposal is consistent with the urban footprint in the strategy and the DA. The proposed reduction in minimum lot size is a strategic approach to increasing the supply of land for housing in Medowie on land that is comparatively unconstrained (indicative overall additional increase of 135 lots at 'The Bower' estate compared to the approved DA). A draft revised planning strategy was endorsed for public exhibition by Council in November 2015 and exhibited February/April 2016. It has not yet been considered for adoption however the site is identified as 'residential' and is consistent with the objective of the R2 zone to provide for the housing needs of the community within a low density residential environment.

Figure 8 Medowie Planning Strategy Main Map (Exhibited Draft)



## 6. Consistency with applicable State environmental planning policies?

Table 1 Relevant State Environmental Planning Policies

**SEPP 44 Koala Habitat Protection**

The *Port Stephens Comprehensive Koala Plan of Management* (CKPOM) is applied in Port Stephens LGA for the purposes of implementing *SEPP 44 Koala Habitat Protection*. The CKPOM performance criteria for rezoning are:

- a. Not result in development within areas of Preferred Koala Habitat.
- b. Allow for only low impact development within areas of Supplementary Koala Habitat.
- c. Minimise the removal of any individuals of PKH food trees, wherever they occur on the site.
- d. Not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.

**Assessment**

A flora and fauna report directly related to this planning proposal will be required as part of a conditional gateway determination including addressing the CKPOM performance criteria. The proponent provided the previous report for the DA (refer to RPS, April 2015). The main effect to consider is amending the boundary of the pocket of E2 Environmental Conservation land within the developable area. Its size will slightly increase under the planning proposal from 0.9 ha to 1.0 ha (approximate). All koala feed trees currently within this zone will remain within the amended zone boundary. There is limited or no comparative effect to the DA.

**Consistency of the planning proposal with this SEPP can be confirmed following a gateway determination.**

**SEPP 55 Remediation of Land**

This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

**Assessment**

Contamination issues were considered during the previous rezoning and included submission and consideration of an environmental site assessment (refer to *Phase 1 Environmental Site Assessment 4 Lots, Boundary Road Medowie NSW*, AECOM, 24 August 2012). There no change to the existing potential development footprint under the planning proposal. It is proposed to review existing information and prepare an updated report on this matter. The purpose is to ensure the changes under the planning proposal are adequately considered in relation to any need to remediate parts of the land.

**Consistency of the planning proposal with this SEPP can be confirmed following a gateway determination.**

**7. Consistency with applicable Ministerial Directions?****Relevant Section 117 Ministerial Directions****Direction 2.1 Environment Protection Zones****Objective**

The objective of this direction is to protect and conserve environmentally sensitive areas.

**When this direction applies**

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

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

A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

**Consistency**

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

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

**Assessment**

The relevant environmentally sensitive area is the pocket of E2 Environmental Conservation zoned land within the developable area. The purpose of amending the boundary of this area is to create a more accurate and regular shaped zone boundary. Its size will slightly increase under the planning proposal from 0.9 ha to 1.0 ha (approximate). All koala feed trees currently



## ITEM 4 - ATTACHMENT 2 RECOMMENDED PLANNING PROPOSAL.

within this zone will remain within the amended E2 Environmental Conservation zone boundary. The impact of reducing the permissible minimum lot size on flora and fauna is to be established however its additional impact is likely to be limited. Review of existing residential allotments in Medowie and other areas demonstrates there is a practical difficulty in retaining trees on residential lots with an area of 1,000m<sup>2</sup> for example following bushfire protection requirements (and potential permissions) and building envelopes for dwellings and ancillary structures.

**The consistency of the planning proposal with this direction can be confirmed following a gateway determination.**

#### **Direction 2.3 Heritage Conservation**

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

#### **When this direction applies**

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

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

A planning proposal must contain provisions that facilitate the conservation of:

- items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

#### **Consistency**

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

- the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- the provisions of the planning proposal that are inconsistent are of minor significance.



## ITEM 4 - ATTACHMENT 2 RECOMMENDED PLANNING PROPOSAL.

**Assessment**

There is no change proposed to the extent of the development footprint. Heritage has already been assessed and addressed as part of the previous rezoning of the site and DA. It is not proposed to undertake additional heritage assessments and referrals for this planning proposal. Potential impacts will continue to be subject to the existing heritage provisions of the *Port Stephens Local Environmental Plan 2013* and the *National Parks and Wildlife Act 1974* (NSW) and future development application assessment and any associated conditions of development consent.

**The planning proposal is consistent with this Direction.**

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

The objectives of this direction are: to encourage a variety and choice of housing types to provide for existing and future housing needs; To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; To minimise the impact of residential development on the environment and resource lands.

**When this direction applies**

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

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

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

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

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

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

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

## ITEM 4 - ATTACHMENT 2 RECOMMENDED PLANNING PROPOSAL.

**Consistency**

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

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

**Assessment**

The planning proposal will increase the broader overall potential yield of The Bower residential estate from 345 to approximately 480 lots (135 lot increase). The use of the R2 Low Density Residential Zone will broaden the types of housing that are permissible on the site compared to the R5 Large Lot Residential Zone (e.g. multi dwelling and senior housing). The planning proposal achieves the relevant objective of the proposed R2 zone to provide for the housing needs of the community in a low density environment. It will make more efficient use of the land by increasing dwelling yield on land already approved for development. It will reduce the consumption of land for housing on the urban fringe by increasing permissible development density. The site is under single ownership providing opportunity for a master-planned development.

**The planning proposal is consistent with this direction**

**Direction 3.4 Integrating Land Use and Transport****Objectives**

The objective of this direction is to ensure that development achieves the following objectives: improving access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and reduce dependence on cars; reducing travel demand including the number of trips generated by the development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services; and providing for the efficient movement of freight.

**ITEM 4 - ATTACHMENT 2      RECOMMENDED PLANNING PROPOSAL.****When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

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

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

**Consistency**

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

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

**Assessment**

This direction applies because the planning proposal relates to urban land. The planning proposal facilitates the use of alternative modes of transport and gives effect to the guideline and policy referred to in this direction. The site is already approved for residential development. It is adjacent to Medowie Road leading directly to the town centre. Extension of a cycleway linking to the town centre is to be provided. Development of the site will contribute to better local traffic and transport infrastructure in accordance with the *Port Stephens Development Contributions Plan 2007* and the *Medowie Traffic and Transport Study*.

**The planning proposal is consistent with this direction.**

**Direction 3.5 Development Near Licensed Aerodromes****Objectives**

The objectives of this direction are: to ensure the effective and safe operation of aerodromes; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development for residential purposes of human occupation, if situated within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

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

In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:

- consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
- take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,

for land affected by the OLS:

- prepare appropriate development standards, such as height, and
- allow as permissible with consent development types that are compatible with the operation of an aerodrome
- obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.

A planning proposal must not relevantly rezone land for commercial or industrial purposes where the ANEF is above 30 and must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

**Consistency**

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

## ITEM 4 - ATTACHMENT 2 RECOMMENDED PLANNING PROPOSAL.

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

**Assessment**

Medowie is located in the general vicinity of RAAF Base Williamtown. The Salt Ash Air Weapons Range (SAAWR) is located to the east however there are no requirements to meet aircraft noise attenuation requirements for AS2021-2015. The site is located within 2km from the boundary of the Aircraft Noise Planning Area including the 2012 Australian Noise Exposure Forecast Contour. The site is not located within an area mapped as having to meet requirements for extraneous lighting, building height or bird strike in the *Port Stephens Development Control Plan 2014*.

The previous approved rezoning was provided to the Department of Defence and the following is a summary of comments provided at the time:

- While the site is outside the current ANEF this should not be interpreted to imply that the land will not be subject to aircraft noise;
- The land is located in relatively close proximity to RAAF Base Williamtown and the SAAWR and in the course of normal activities is regularly overflown by military aircraft undertaking training at the at the SAAWR which is gazetted to be used up to 115 days per year. This will expose the proposed development site to very high aircraft noise levels on a regular basis; and
- In Defence experience, noise sensitive land uses in close proximity to airfields may lead to complaints Defence cannot readily modify or curtail activities due to potential exposure to noise resulting from residential use. Should the rezoning proceed Defence will not be responsible for any future liabilities in relation to military aircraft noise.

The planning proposal will be referred to the Department of Defence for comment in accordance with the *Port Stephens Aircraft Noise Policy*. It will result in an increase in dwellings however is located outside ANEF contours with a site approved for residential subdivision.

**Consistency of the planning proposal with this direction is to be confirmed following a gateway determination.**

**Direction 4.1 Acid Sulfate Soils**

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.

**When this direction applies**

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

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

The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

**Consistency**

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

- justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- of minor significance.

**Assessment**

The site is classed as 'Class 5 - Works Within 500m of Adjacent Class'. This is the lowest risk classification and the application of this direction is of limited relevance. The site is also already zoned and approved for urban development.

**The planning proposal is consistent with this direction.**

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

The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.

**When this direction applies**

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

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

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

A planning proposal must:

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

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

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

## ITEM 4 - ATTACHMENT 2 RECOMMENDED PLANNING PROPOSAL.

may be developed,

- introduce controls on the placement of combustible materials in the Inner Protection Area.

#### **Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

#### **Assessment**

This direction applies because part of the site is mapped as bushfire prone. The proponent has not provided a bushfire threat assessment for the planning proposal. The existing approved DA was integrated development under section 100B of the *Rural Fires Act 1997* (NSW). Concerns raised during the assessment process related to a 'bottle neck' access point at Boundary Road. The applicant was required to provide an alternate access point to fire trail standard from the eastern part of the development through the electricity easement and connecting with County Close. A bushfire threat assessment report will be required and the planning proposal will be referred to the RFS.

**Consistency of the planning proposal with this direction is to be confirmed following a gateway determination.**

#### **Direction 5.1 Implementation of Regional Strategies**

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

#### **When this direction applies**

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

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

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

#### **Consistency**

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: is of minor significance, and the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.



ITEM 4 - ATTACHMENT 2      RECOMMENDED PLANNING PROPOSAL.

**Assessment**

The site was previously rezoned to facilitate development following consideration under the *Lower Hunter Regional Strategy*, which is intended to be replaced by the *Hunter Regional Plan* and the *Plan for Growing Hunter City* (both draft). The planning proposal is consistent with the relevant direction and action to investigate opportunities for housing growth including to identify opportunities for sustainable development in Medowie that do not affect water quality. The site is identified as an urban area and is not located within the Grahamstown Dam Drinking Water Catchment.

**The planning proposal is consistent with this direction.**

**SECTION C – Environmental, Social and Economic Impact****8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Additional impacts as a result of this planning proposal are considered in context against the existing zoning and approved DA. The proponent resubmitted the flora and fauna assessment prepared for the approved DA in support of the planning proposal. It is unlikely that critical or threatened species, populations or ecological communities, or their habitats, will be additionally adversely affected. The proponent will be required to submit an updated flora and fauna assessment to directly relate to the planning proposal prior to public exhibition.

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

The impact of reducing the permissible minimum lot size on flora and fauna is to be established however its additional impact is likely to be limited. Review of existing residential allotments in Medowie and other areas demonstrates there is a practical difficulty in retaining trees on residential lots with an area of 1,000m<sup>2</sup> for example following bushfire protection requirements (and potential permissions) and building envelopes for dwellings and ancillary structures.

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

The availability of additional lots for housing under the planning proposal will have positive social and economic effects. It will add to housing stock in proximity to major employment areas e.g. RAAF Base Williamstown – Newcastle Airport and Tomago. The additional population will support the growth of businesses in the Medowie town centre and surrounding areas. The planning proposal presents an opportunity to strategically add to housing stock in Medowie on comparatively unconstrained land. Local social infrastructure will be guided by the standards in the *Port Stephens Development Contributions Plan 2007* for example for community spaces, library and recreation facilities.

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

The traffic impact statement provided in support of the proponent planning proposal for 450 lots found no significant impact on existing approved traffic infrastructure requirements (refer to *Traffic Impact Assessment* Better Transport Futures, May 2016). Preliminary Council modelling indicates a further slight increase in yield increase does not have any significant impact

**ITEM 4 - ATTACHMENT 2      RECOMMENDED PLANNING PROPOSAL.**

on the operation of the local road network and that a high level of service is maintained at key intersections. The traffic impact statement will be updated prior to public exhibition and referred to NSW Roads and Maritime Services for comment. Local traffic and transport infrastructure to accommodate broader future urban growth in Medowie is identified in a local traffic and transport study and accompanying local infrastructure contributions plan.

**Sewer and Water**

The proponent provided preliminary advice that the additional lot yield is able to be serviced with reticulated sewer and water infrastructure subject to upgrades. The planning proposal will be referred to Hunter Water Corporation for comment on the provision of reticulated sewer and water (which is already to be provided under the DA).

**Drainage**

Council engineers have undertaken a preliminary review of the planning proposal and advise no objection. Drainage information provided by the proponent considers the impacts of revising lot areas to the proposed detention basin sizes. It advises the fraction of assumed impervious surface for residential development is 60% for lot sizes ranging from 450m<sup>2</sup> to 2,000m<sup>2</sup> and because the lot areas are proposed to be reduced from 1,000m<sup>2</sup> to 500m<sup>2</sup> the fraction impervious design requirements will remain the same. The existing approved detention basin sizes would be unaffected assuming catchment areas are unchanged. The final lot layout and basin catchment areas will be confirmed as part of future approvals.

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

It is proposed to refer the planning proposal to Hunter Water Corporation; NSW Roads and Maritime Services; NSW Office of Environment and Heritage; and NSW Rural Fire Service for comment.

**Part 4 - Mapping**

The following mapping amendments are proposed and are included with this planning proposal:

- Amend Land Zoning Map (LZN\_004B) by rezoning part of the subject land to R2 Low Density Residential and amending the boundary of the pocket of land zoned E2 Environmental Conservation (refer to Appendix 1 *Draft Land Zoning Map*).
- Amend the Lot Size Map (LSZ\_004B) by reducing the minimum lot size to 500m<sup>2</sup> on part of the subject land in (refer to Appendix 2 *Draft Lot Size Map Draft*).
- Amend the Height of Building Map (HOB\_004B) to show the maximum height of building as 9m (refer to Appendix 3 *Draft Height of Buildings Map*).

**Part 5 - Details of Community Consultation**

Community consultation will be undertaken in accordance with requirements set by a gateway determination. It is proposed to exhibit the planning proposal for 14 days and notify adjoining landowners in writing. Notice of the exhibition will be placed in the local newspaper. Exhibition material will be available on Council's website and available at Council's Administration Building at Raymond Terrace during normal business hours.

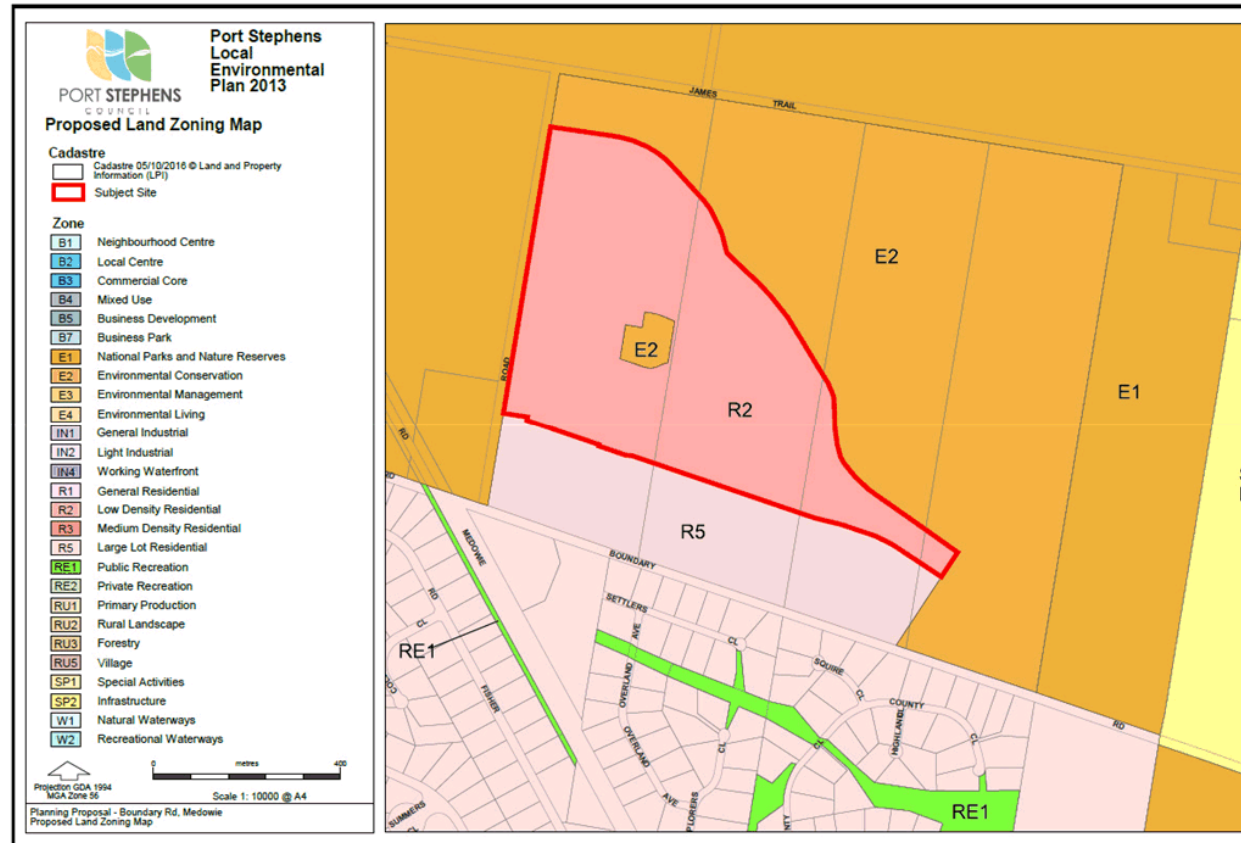
**ITEM 4 - ATTACHMENT 2      RECOMMENDED PLANNING PROPOSAL.**

**Part 6 – Project timeline**

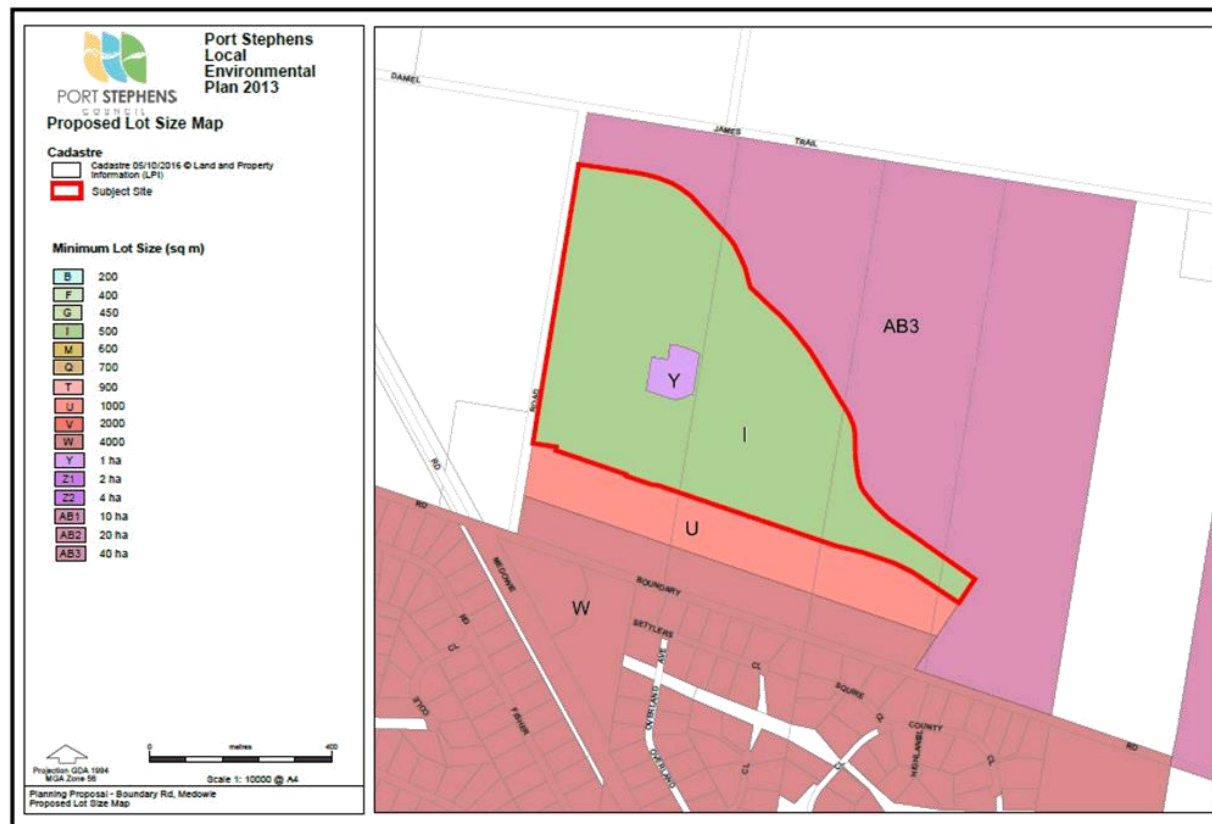
	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17	May 17	Jun 17	Jul 17	Aug 17	Sep 17	Oct 17
<i>Council Report</i>												
<i>Gateway Determination</i>												
<i>Additional Information</i>												
<i>Consultation &amp; Exhibition</i>												
<i>Address Submissions</i>												
<i>Council Report</i>												
<i>Parliamentary Counsel</i>												

ITEM 4 - ATTACHMENT 2 RECOMMENDED PLANNING PROPOSAL.

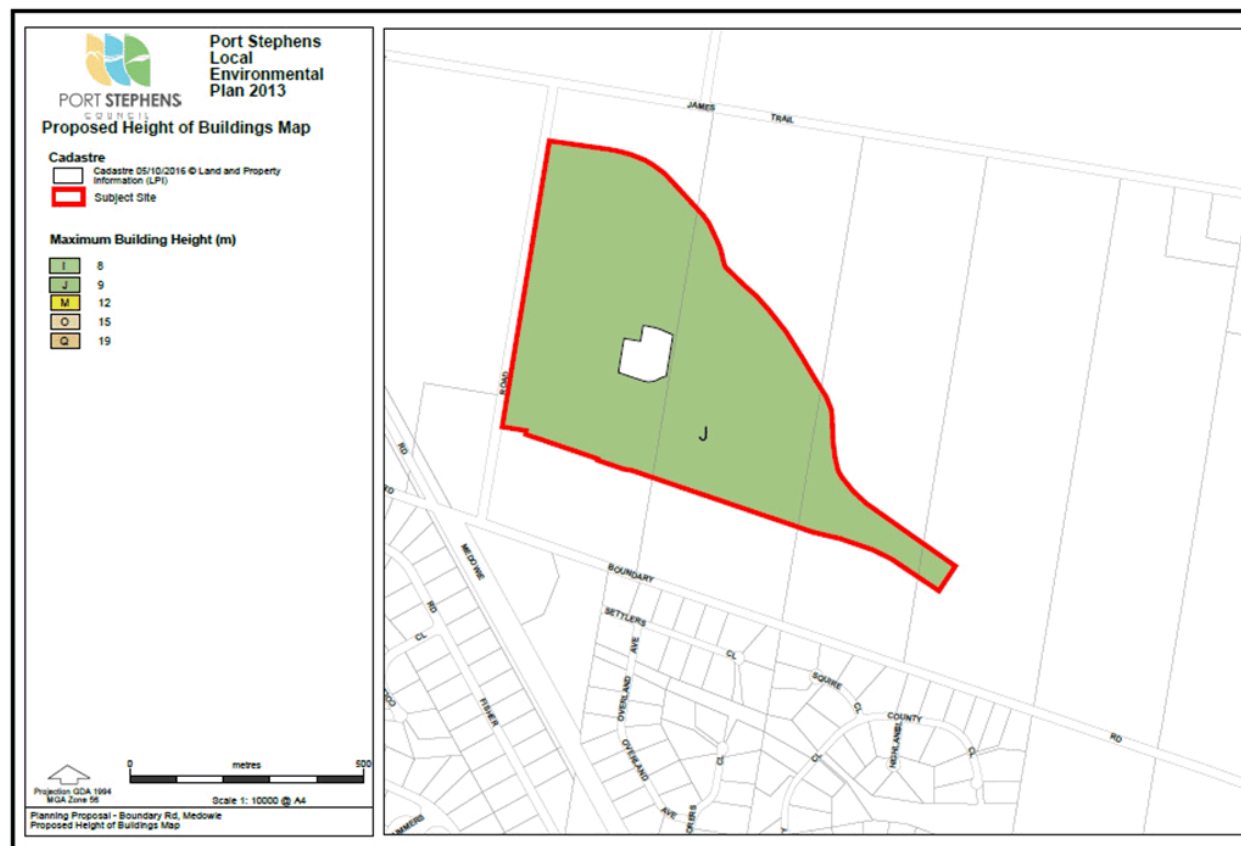
Appendix 1 Draft Land Zoning Map



Appendix 2 Draft Lot Size Map



Appendix 3 Draft Height of Buildings Map







## PLANNING PROPOSAL

### BOUNDARY ROAD, MEDOWIE

# *Planning Proposal*

Liability limited by a scheme approved under Professional Standards Legislation

Quality ISO 9001 Certified System

ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

PLANNING PROPOSAL



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**PROJECT:** Boundary Road Rezoning

**CLIENT:** McCloy Medowie Pty Ltd

**OUR REFERENCE:** 15/0011

**VERSION:** Final – 24 June 2016

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**CERTIFICATION:** I certify that to the best of my knowledge the information contained within this Report is neither false nor misleading.

**SIGNATURE:**



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BOUNDARY ROAD, MEDOWIE

## ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

PLANNING PROPOSAL



## Table of Contents

<b>1. INTRODUCTION .....</b>	<b>1</b>
1.1 CONTEXT.....	1
1.2 SITE DESCRIPTION.....	1
1.3 EXISTING ZONING .....	2
1.4 MINIMUM LOT SIZE PROVISIONS .....	2
1.5 LAND USE HISTORY .....	3
<b>2. THE PROPOSAL .....</b>	<b>4</b>
2.1 THE NEED FOR THE REZONING .....	5
2.2 LAND USE CONFLICT CONSIDERATIONS .....	5
<b>3. MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL .....</b>	<b>6</b>
3.1 PART 1 – OBJECTIVES AND INTENDED OUTCOMES .....	6
3.2 PART 2 – EXPLANATION OF THE PROVISIONS.....	7
3.3 PART 3A – NEED FOR THE PLANNING PROPOSAL .....	7
3.4 PART 3B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK .....	10
3.5 PART 3C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT .....	13
3.6 PART 3D – STATE AND COMMONWEALTH INTERESTS .....	14
3.7 PART 4 – COMMUNITY CONSULTATION .....	15
<b>4. CONCLUSION.....</b>	<b>16</b>
 <b>APPENDIX A .....</b>	 <b>MAPS</b>
<b>APPENDIX B .....</b>	<b>TRAFFIC</b>
<b>APPENDIX C .....</b>	<b>FLORA AND FAUNA</b>
<b>APPENDIX D .....</b>	<b>STORMWATER</b>

BOUNDARY ROAD, MEDOWIE

## 1. INTRODUCTION

This Planning Proposal has been prepared on behalf of McCloy Medowie Pty Ltd in relation to the proposed rezoning of land at Boundary Road, Medowie in the Port Stephens local government area (See Figure 1).



Figure 1: Locality Map

The subject site contains an isolated section of land that is currently zoned E2 Environmental Conservation, with the majority of the remainder of the site zoned R5 Large Lot Residential (See Figure 2 below).

It is proposed to increase the size of the isolated E2 land to tidy up the boundaries of this zone.

It is also proposed to rezone a portion of the remaining site R2 Low Density Residential with a minimum lot size of 500m<sup>2</sup>. Some R5 zone is proposed to remain (refer to Appendix A).

### 1.1 CONTEXT

The site is located within the recently rezoned Boundary Road precinct of Medowie, with the rezoning enabling large lot residential development over a large section of the land.

### 1.2 SITE DESCRIPTION

The wider site is known as 63 to 69 Boundary Road, Medowie, and is legally identified as Lots 93 to 96 DP 753194.

These lots are currently zoned part R5 Rural Residential and part E2 Environmental Conservation. A development application for subdivision for residential development on the R5 land was recently lodged with Council. A voluntary planning agreement (VPA) is being put

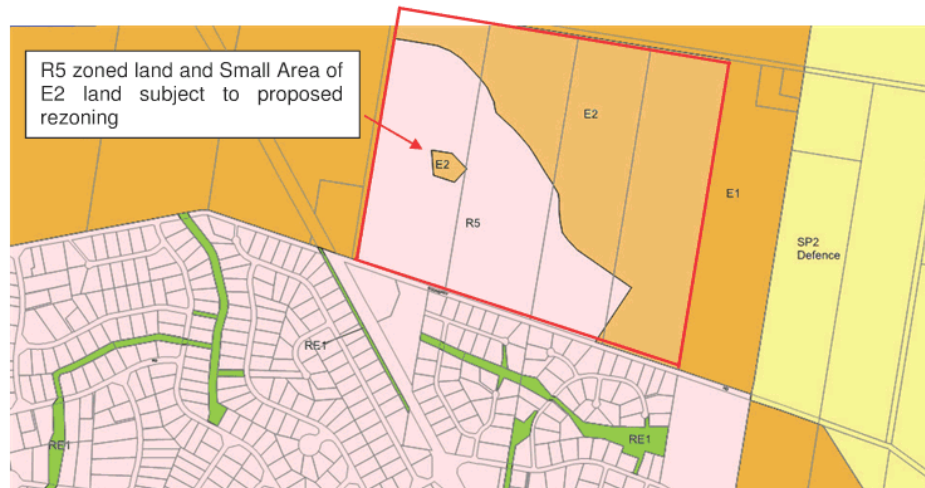
## ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

## PLANNING PROPOSAL



in place to transfer the E2 land in the northern part of the site to the Office of Environment and Heritage (OEH).

Within the subject site, there is also an isolated pocket of vegetated land zoned E2 Environmental Conservation surrounded by the R5 zone (see **Figure 2** below). This land is proposed to be extended with all identified koala feed trees that are currently within in this small E2 zone to remain within this zone. That is, none of the koala feed trees currently in this E2 zone will be affected by the proposal.



**Figure 2:** Subject Site Zoning

### Surrounding Development

The Boundary Road precinct is located along the northern edge of the existing Medowie CBD, approximately 10km to the east of Raymond Terrace and 20km to the north of Newcastle.

The subject site is bound by rural residential lots to the south and conservation lands to the north east and west.

### 1.3 EXISTING ZONING

The subject site is zoned R5 Large Lot Residential and E2 Environmental Conservation under the current LEP (See Figure 2 above).

### 1.4 MINIMUM LOT SIZE PROVISIONS

The minimum lot size provisions of the site are currently split. The land currently zoned R5 Large Lot Residential has a minimum lot size of 4,000 square metres along the Boundary Road frontage and 1,000 square metres to the north of the 4,000 square metre minimum lot size. The land zoned E2 Environmental Conservation in the middle of the R5 zone has a minimum lot size requirement of 1ha. The E2 land in the north has a minimum lot size of 40 ha.

ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

PLANNING PROPOSAL



**1.5 LAND USE HISTORY**

The land has, in the past, been used for agriculture and rural residential purposes.

A development application for a residential subdivision of approximately 350 lots is expected to be determined in the short term. The current R5 zoning authorises the subdivision of the majority of the R5 zone into 1,000m<sup>2</sup> lots, while the isolated land zoned E2 Environmental Conservation on the subject site can be approved for subdivision into two (2) lots with its 1 ha minimum lot size.



## ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

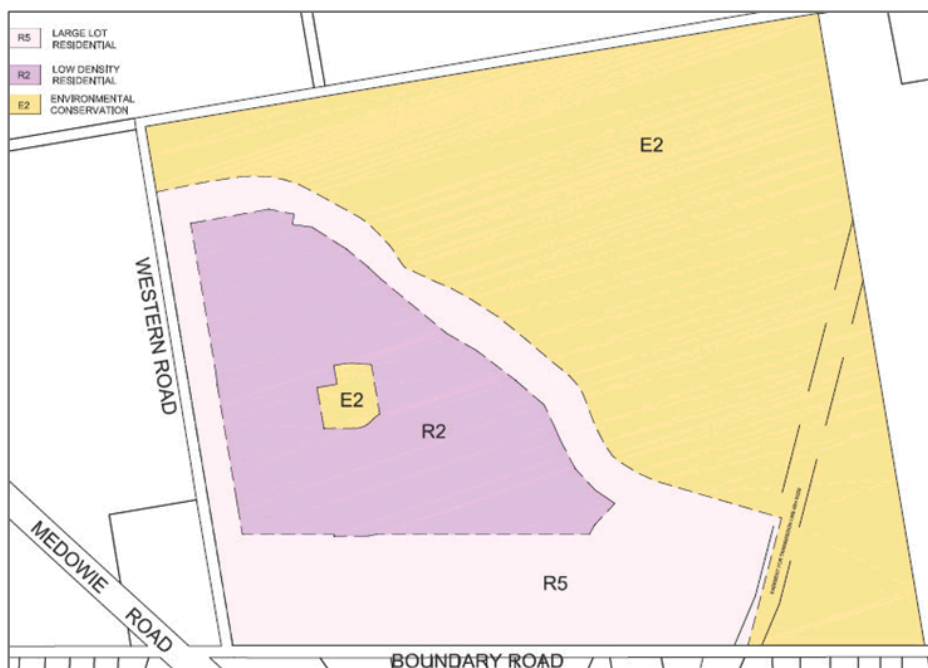
## PLANNING PROPOSAL

**2. THE PROPOSAL**

The proposal consists of:

- Increasing the size of the area of land zoned E2 Environmental Conservation (the E2 which currently lies in the middle of the R5 zone on the site); and
- Rezoning a portion of the surrounding land R5 land to R2 Low Density Residential with a minimum lot size of 500m<sup>2</sup>.

Figure 3 below shows the proposed zoning for the subject site (Refer also to Appendix A).  
Figure 4 below shows the proposed minimum lot sizes.



**Figure 3:** Proposed zoning, including the increased E2 area



Figure 4: Proposed minimum lot sizes.

## 2.1 THE NEED FOR THE REZONING

The proposal will facilitate up to an additional 100 lots to the housing stock available in the Medowie area and increase the size of the land reserved as E2 Environmental Conservation. The proposal seeks to “tidy up” the boundaries of the E2 land to make it more manageable into the future once a subdivision is approved. The proposed R2 zoning is proposed to respond to market conditions and demand in the area, with the changing nature of the Medowie area from a predominantly rural residential area to a significant township in the Port Stephens area. The smaller lot sizes will also provide a mix of residential lot sizes, and more affordable lots in the estate.

## 2.2 LAND USE CONFLICT CONSIDERATIONS

The proposal will not conflict with the surrounding environment. The large lot zoning and lot sizes at the Boundary Road frontage is proposed to be maintained with the proposed smaller lots sitting in behind this to ensure compatibility with the rural residential development to the south. Any likely impacts from the additional lots as a result of the rezoning have been addressed elsewhere in this report.



**ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.**

PLANNING PROPOSAL

**3. MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL**

The NSW Department of Planning and Environment (DoPE) have prepared a guideline for the submission of planning proposals. The guideline identifies four overarching matters that must be addressed in a Planning Proposal. These include:

1. A statement of the objectives or intended outcomes of the proposed Local Environmental Plan.
2. An explanation of the provisions that are to be included in the proposed Local Environmental Plan.
3. Justification for those objectives, outcomes and provisions and the process for their implementation, including:
  - a) Need for the Planning Proposal
  - b) Relationship to strategic planning framework
  - c) Environmental, social and economic impact
  - d) State and Commonwealth interests
4. Details of the community consultation that is to be undertaken on the Planning Proposal.

These matters are addressed below.

**3.1 PART 1 – OBJECTIVES AND INTENDED OUTCOMES****THE PRIMARY OBJECTIVE OF THE PLANNING PROPOSAL**

The primary objective of the Planning Proposal is to enable development of the site for low density residential purposes and to increase the land zoned E2 Environmental Conservation. This will facilitate further housing opportunities in the local area and enable additional land to benefit from environmental protections.

The proposal will be compatible with the residential and environmental adjoining land uses.

**THE INTENDED OUTCOMES OF THE PLANNING PROPOSAL**

The intended outcome of the planning proposal is to facilitate additional housing opportunities in the local area and to expand the land zoned for environmental conservation.

**ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.**

PLANNING PROPOSAL

**3.2 PART 2 – EXPLANATION OF THE PROVISIONS****SUMMARY OF PROPOSED CHANGES TO THE LEP**

In order for the site to be developed in the manner currently conceptualised, the rezoning needs to provide for an amendment to the LEP by allowing:

- A rezoning that would increase the amount of land zoned E2 Environmental Conservation; and
- Rezone the remaining land R2 Low Density Residential with a minimum lot size of 500m<sup>2</sup>.

**3.3 PART 3A – NEED FOR THE PLANNING PROPOSAL**

The planning proposal aims to increase the amount of land on the subject site zoned for environmental conservation. The additional housing that will result in the area will contribute to a more sustainable community by creating larger demand for existing services in the Medowie area, and appeal to a broader market and provide more housing choice.

**IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?****Lower Hunter Regional Strategy**

Medowie is a town that is identified as a proposed urban area in the Lower Hunter Regional Strategy with boundaries to be defined through local planning. Council subsequently prepared and adopted the Medowie Strategy in 2009 to guide development. In June 2011 Council resolved to include the Boundary Road Site within the Medowie Strategy, and sought the inclusion of the site in the NSW Department of Planning and Infrastructure's review of the Lower Hunter Regional Strategy.

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

The proposal is also consistent with the exhibited drafts of the Hunter Regional Plan and Plan for Growing Hunter City (2015) which are anticipated to replace the Lower Hunter Regional Strategy once finalised.

The draft Hunter Regional Plan is a high level plan for the region and as such does not identify individual towns for growth. Nevertheless, Action 4.1.1 consists of encouraging a diverse range of housing choices to assist in meeting the needs of local communities. This is consistent with the planning proposal which aims to provide an affordable alternative to the surrounding large lot residential development.

The proposal is also supported by the draft Plan for Growing Hunter City which identifies that future housing development will be located within established urban areas and committed growth areas, including Medowie (Direction 7.2). It is acknowledged in the Plan that focusing growth (and presumably density) in close proximity to existing services will help "build sustainable communities by protecting the environment, maintaining water quality and

**ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.**

## PLANNING PROPOSAL



maximising the use of existing and committed urban infrastructure and services" (Direction 7.2).

**Port Stephens Planning Strategy 2011-2036**

Council adopted the Port Stephens Planning Strategy 2011-2036 in December 2011. It is one of a suite of high level strategic documents produced by Council to guide the operations of Council and the future growth and sustainability of the LGA. The Strategy identifies Medowie as a priority area for new release and infill development required to meet projected population growth.

**Medowie Strategy**

As above, Council adopted the Medowie Strategy in March 2009. Council resolved in June 2011 to include the Boundary Road site for development and conservation purposes in the Medowie Strategy. The Planning Proposal is consistent with the local planning strategy adopted for the area.

Land release areas in the Medowie Strategy, like many areas of Port Stephens LGA, are difficult to deliver due to a history of poor subdivision patterns and small allotment sizes that have hindered the ability to coordinate and deliver developable land.

The subject site at Boundary Road is free from these constraints. As it is a relatively large site under single ownership, it is capable of delivering a number of new allotments and contributing to housing stock and housing choice in the area, if rezoned as proposed.

The proposal will facilitate delivery of strategically positioned land to the market, free from ownership and coordination constraints. The site has significant advantages compared to other land identified for development in the Medowie Strategy.

**IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?**

The Planning Proposal seeks to allow low density residential development of the site, and will have limited conflicts (if any) with the future development of the surrounding land.

Very few opportunities exist within the locality that provides further opportunity for low density residential development without impacting significantly on the environmental qualities of land.

If the site were to continue in its current use, under its current zoning, the opportunity would be lost to deliver greater and potentially more affordable housing choices to the market.

**IS THERE A COMMUNITY BENEFIT?**

The community benefit lies in the provision of additional housing stock in the Medowie area and the inclusion of additional land in the E2 Environmental Conservation zone.

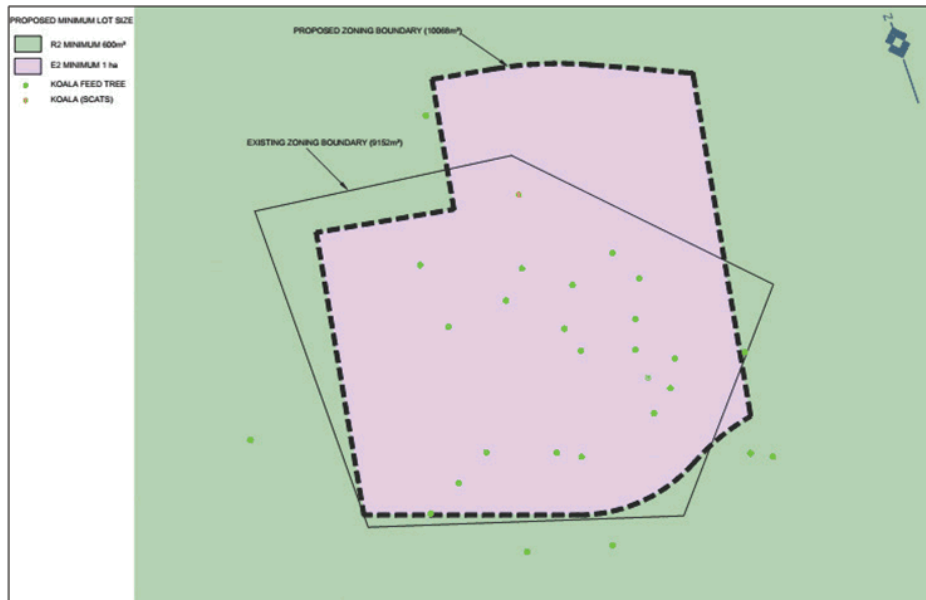
The various environmental constraints affecting Medowie limits the development potential of the area, with the proposal designed to add to the overall lot yield within the area.

## ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

## PLANNING PROPOSAL



Rezoning additional land E2 Environmental Conservation will ensure ongoing environmental protections are afforded to the pocket of koala feed trees on the site within the small pocket of E2 land (Figure 5).



**Figure 5:** Proposed zoning will continue to protect koala feed trees currently located on E2 zoned land.

### **ECONOMIC AND EMPLOYMENT BENEFITS**

Price entry to purchase, rent or lease residential and commercial real estate is a major consideration of commercial growth and employment. Medowie real estate is still relatively affordable and accessible in comparison to other suburbs in the LGA.

By facilitating an increase in residential opportunities and adding to the choice of lot size available, the micro-economy of Medowie has an alternative to aid in the stimulation of its socio-economics.

The construction of any subsequent subdivision injects monies into the economy as does the construction of the built form. All construction draws on local suppliers of materials, local workforce and support of retail services for provisional items.

Monies are re-circulated through secondary expenditure in in-direct and support services, when businesses and additional households are added to the local demographics.

## ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

PLANNING PROPOSAL

**3.4 PART 3B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK****IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY**

The subject site is not specifically identified in the Lower Hunter Regional Strategy (LHRS). However, as the subject site is relatively small in comparison, it is unlikely to be specifically identified in a Regional Strategy.

As previously mentioned, the Boundary Road precinct is identified in the LHRS as a proposed urban area capable of low density housing.

Overall, it is considered that the rezoning would be consistent with the objectives of the LHRS.

**IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?**

The proposed rezoning forms part of the local Medowie Strategy, which identifies the precinct as an urban release area. The subject site is identified as an Urban Release Area in the Port Stephens LEP as well.

**IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?**

The relevant State Planning Legislation for NSW is the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The EP&A Act is supplemented by a suite of Environmental Planning Instruments (EPI's), namely State Environmental Planning Policies (SEPP's) and Local Environmental Plans (LEP's). The EPI's that are potentially relevant to the proposed rezoning include:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- *State Environmental Planning Policy (Infrastructure) 2007.*
- *State Environmental Planning Policy No 44—Koala Habitat Protection*
- *State Environmental Planning Policy 55 – Remediation of Land.*

In addition, it is a requirement under the EP&A Act, that directions prepared under Section 117 are considered when rezoning a site.

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Part 2 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) specifies a number of development types as having minor



**ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.**

## PLANNING PROPOSAL



environmental impact that may be carried out as exempt or complying development, therefore not requiring a Development Application (DA) under the NSW Planning System.

Home businesses and some alterations, additions and out-buildings, e.g. garden sheds, are specified as being exempt or complying development under the Codes SEPP. This SEPP will apply to the site following rezoning.

**State Environmental Planning Policy (Infrastructure) 2007**

*State Environmental Planning Policy (Infrastructure) 2007* may apply to development on the subject site, however, it is considered that there is sufficient infrastructure capacity in the existing networks to support the proposal, with no RMS roads directly impacted by the proposal. Current water and sewer strategies do not need to be revisited as proposed infrastructure as part of the DA lodged with Council will have the capacity for the proposed additional lots.

A traffic impact study has been prepared that considers the impact of the future development that would be facilitated by this planning proposal (Refer Appendix B).

The traffic impact study concludes that the resulting level of traffic movement is likely to result in relevant intersections operating at or near free flow conditions and there is not likely to be any major impact on the local road network.

**State Environmental Planning Policy No 44 – Koala Habitat Protection**

This Policy applies to the Port Stephens local government area. The objectives of this SEPP are to promote the protection of Koala habitat.

It is noted that all koala feed trees currently protected by the E2 zoning are proposed to remain protected under an E2 zoning as part of this proposal.

As part of the ecological work undertaken to accompany the previous development application for the wider site area, a SEPP 44 assessment was conducted.

It was concluded that the wider site surveys determined that the study area provided a small area of Preferred Koala Habitat and associated Supplementary Koala Habitat under the Port Stephens Comprehensive Koala Plan of Management (CKPoM). Despite the availability of habitat for the Koala, the impact assessment identified that the retention of similar habitat within the conservation lands of the wider site (to the north of the subject site), and the availability of large areas of vegetation surrounding the site, will reduce the potential for impacts upon local populations of these species.

Some recommendations for managing the impacts were identified in the flora and fauna assessment such as warning signs and koala friendly fencing. It is anticipated that the assessment of subsequent development applications on the land proposed to be rezoned for residential purposes will similarly contain a detailed SEPP 44 assessment and will propose commensurate mitigation measures.

**State Environmental Planning Policy 55 – Remediation of Land**

Clause 6 of the *State Environmental Planning Policy 55 – Remediation of Land* (SEPP 55) requires Councils to consider the likely contamination of land before it can be rezoned. As noted, an environmental study will be prepared as part of the rezoning.

## ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

PLANNING PROPOSAL

**IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S. 117 DIRECTIONS)**

The relevant and applicable Section 117 Ministerial Directions are identified below.

SECTION 117 MINISTERIAL DIRECTION	CONSISTENCY
2.1 Environmental Protection zones	The objective of this direction is to protect and conserve environmentally sensitive areas. The proposal will increase the amount of land zoned for environment protection and will not significantly impact on the local environment.
2.2 Coastal Protection	The site is not in the coastal zone.
3.1 Residential Zones	The proposal is considered to be consistent with this Direction. The proposal seeks to provide a housing choice in the Medowie housing market by offering lots of at least 500m <sup>2</sup> .
3.3 Home Occupations	The proposal would allow home occupations. The proposal is therefore consistent with this Direction.
3.4 Integrating Land Use and Transport	It is considered the proposal would be consistent with the objectives of this Direction by providing for the development in close proximity to existing services.
4.1 Acid Sulfate Soils	It is considered that the impact from the Class 5 Acid Sulfate Sols classification will not significantly impact on future development of the site.
4.2 Mine Subsidence and Unstable Land	The site is not in a mine subsidence district.
4.3 Flood Prone Land	The subject site is not identified as being within a Flood Planning area under the LEP 2013.
4.4 Planning for Bushfire Protection	Parts of the subject site are identified as in a bushfire buffer zone, and any future subdivision of residential land, will require referral to the Rural Fire Service under Section 100B of the <i>Rural Fires Act 1997</i> .
5.1 Implementation of Regional Strategies	It is considered that the proposed rezoning is consistent with planning principles outlined in the Regional Strategy. The Regional Strategy identifies Medowie as a future urban area capable of supporting residential development. The site is within close proximity to the existing Medowie town centre.
6.1 Approval and Referral Requirements	It is considered that the proposal is substantially consistent with this Direction. The proposal seeks a residential rezoning that is likely to contain minimal, if any, concurrence provisions.

**ITEM 4 - ATTACHMENT 3      PROPOSED PLANNING PROPOSAL.**

PLANNING PROPOSAL

**3.5    PART 3C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT****IS THERE A LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATION OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?**

RPS Australia East Pty Ltd prepared a Flora and Fauna Assessment as part of the previous development application over the wider site area (Appendix C).

The aim of that assessment was to examine the likelihood of significant impact of the proposal upon any threatened species, populations or ecological communities listed within the *Threatened Species Conservation Act 1995* (TSC Act) and the threatened entities listed federally under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The assessment included site surveys, habitat assessments and database searches to determine the species of fauna listed as threatened under the TSC Act and/or EPBC Act.

The assessment identified the Riparian Melaleuca Swamp Woodland corresponds to the Swamp Sclerophyll Forest Endangered Ecological Community (EEC) listed under the TSC Act. This vegetation is located on the northern section of the site and is not present within the subject area.

The assessment further found that *'no threatened flora species have been identified on the site, and no species were considered to require further assessment under the Assessments of Significance for the TSC Act or EPBC Act.'*

Several species of other bat and birds species, that are listed as threatened under the TSC Act and migratory species listed under the EPBC Act, were also observed in the area.

However, despite the availability of habitat for identified and potentially occurring threatened species, the impact assessment concludes that the retention of similar habitat within the conservation lands to the north of the subject area will limit the potential for impacts on the species identified above as a result of future development of the subject site.

**ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?**

The site is identified as within an area affected by bushfire.

The land currently zoned E2 and the boundary of the proposed E2 zoned land will not be within land identified as vegetation buffer.

Future development applications on the subject site will be assessed against the document *Planning for Bushfire Protection 2006* and may include mitigation measures for individual dwellings and property access.

Any future development on the site involving the subdivision of residential land will require referral to the RFS under Section 100B of the *Rural Fires Act 1997* as Integrated Development.



**ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.**

## PLANNING PROPOSAL



The subject site is not identified as affected by flooding under the LEP 2013.

The site is affected by Class 5 Acid Sulfate Soils, however the likely future development of the site for residential purposes is unlikely to be considered incompatible with this classification.

**HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?**

There are a number of identified needs which the proposal seeks to address. These needs arise primarily from well documented issues facing the region, as well as the changing demographic for Australia as a whole. These issues relate primarily to the following:

1. Provision of employment opportunities in the Port Stephens LGA and Hunter Region from construction works.
2. Potential for home occupations which is a growing trend within Australia.
3. Achievement of strategic planning outcomes through the provision of housing stock (and housing choice) along with employment opportunities.
4. Reinforcement of the Medowie CBD as a sub-regional centre.

**3.6 PART 3D – STATE AND COMMONWEALTH INTERESTS****IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

- The region is well serviced by medical centres, including a range of allied health professionals in the local area.
- The region is well serviced by both public and private schools, with the capacity to expand both now and into the future.
- Local augmentation of sewer, water, drainage and other infrastructure services is easily undertaken as the Planning Proposal sits within a serviced area.
- The site is well serviced by a range of local churches and other places of worship.
- A number of child care centres also exist in close proximity where capacity is available for new children.
- Regional shopping facilities are available close to the site at Medowie.

**WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?**

The Planning Proposal has not been formally publically exhibited at this time, and as such there has been no consultation with, or responses from, State or Commonwealth Government

ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

PLANNING PROPOSAL



Agencies. There is considered few environmental issues to warrant consultation with State Government Agencies at this stage.

**3.7 PART 4 – COMMUNITY CONSULTATION**

The Planning Proposal has not yet been exhibited, however will be in accordance with the requirements of the EP&A Act.

The Planning Proposal has not been formally discussed with the surrounding community exhibited at this time.

**ITEM 4 - ATTACHMENT 3      PROPOSED PLANNING PROPOSAL.**

PLANNING PROPOSAL

**4. CONCLUSION**

This Planning Proposal has been prepared on behalf of McCloy Medowie Pty Ltd in relation to the proposed rezoning of land at Boundary Road, Medowie in the Port Stephens local government area.

The site contains an isolated section of land that is currently zoned E2 Environmental Conservation. It is proposed that the site be rezoned under Port Stephens Local Environmental Plan (LEP) 2013 to allow for a larger portion of the site to be rezoned E2 Environmental Conservation and to rezone the surrounding land for low density residential purposes with a minimum lot size of 500m<sup>2</sup>. The existing zoning for large lot residential purposes along Boundary Road is proposed to be retained.

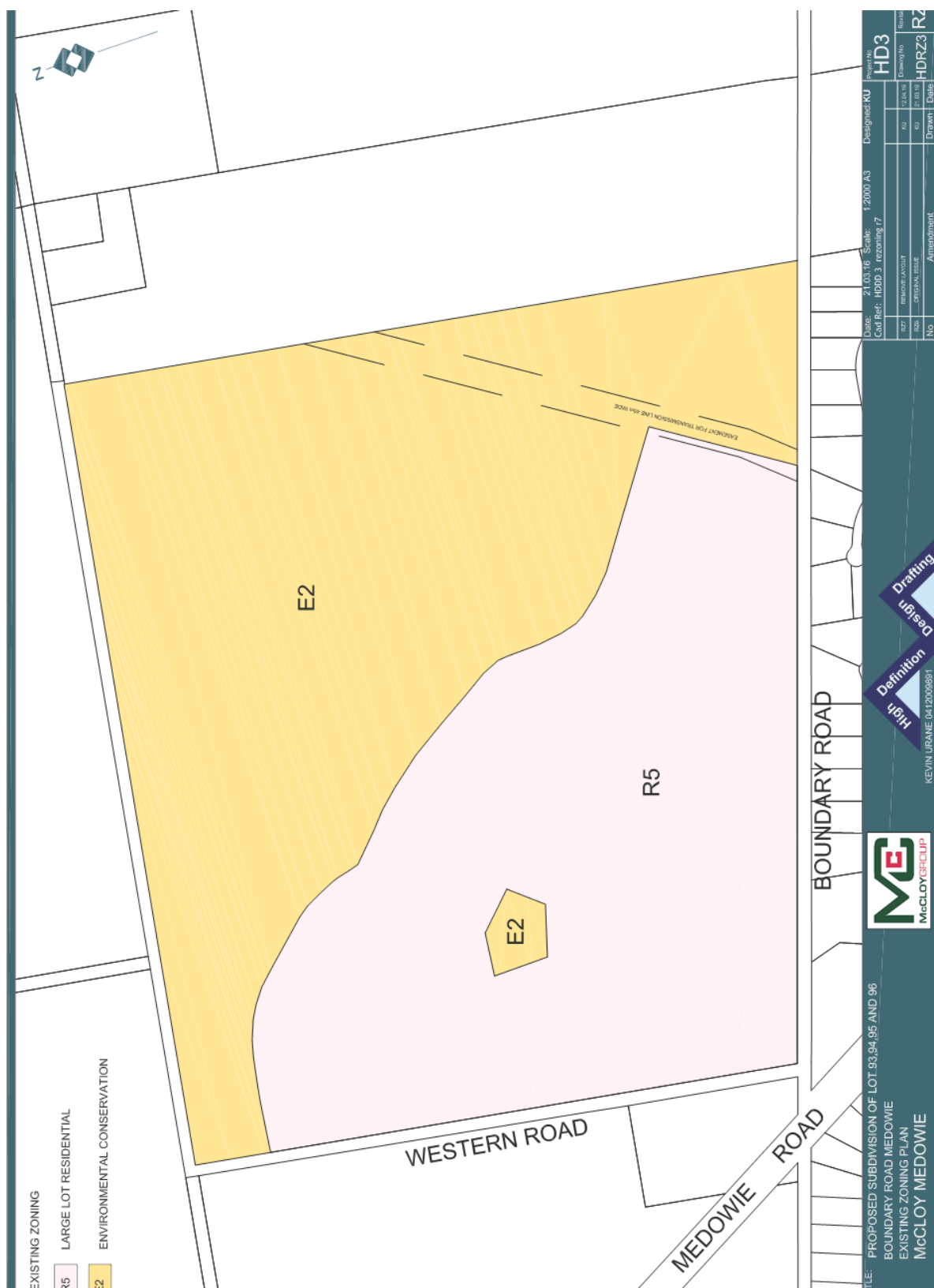
The subject site is located in close proximity to the Medowie commercial centre. Medowie is identified as a town in the Lower Hunter Regional Strategy and the Boundary Road precinct is identified for potential residential development in the Port Stephens Planning Strategy. The proposal would be consistent with these planning strategies.

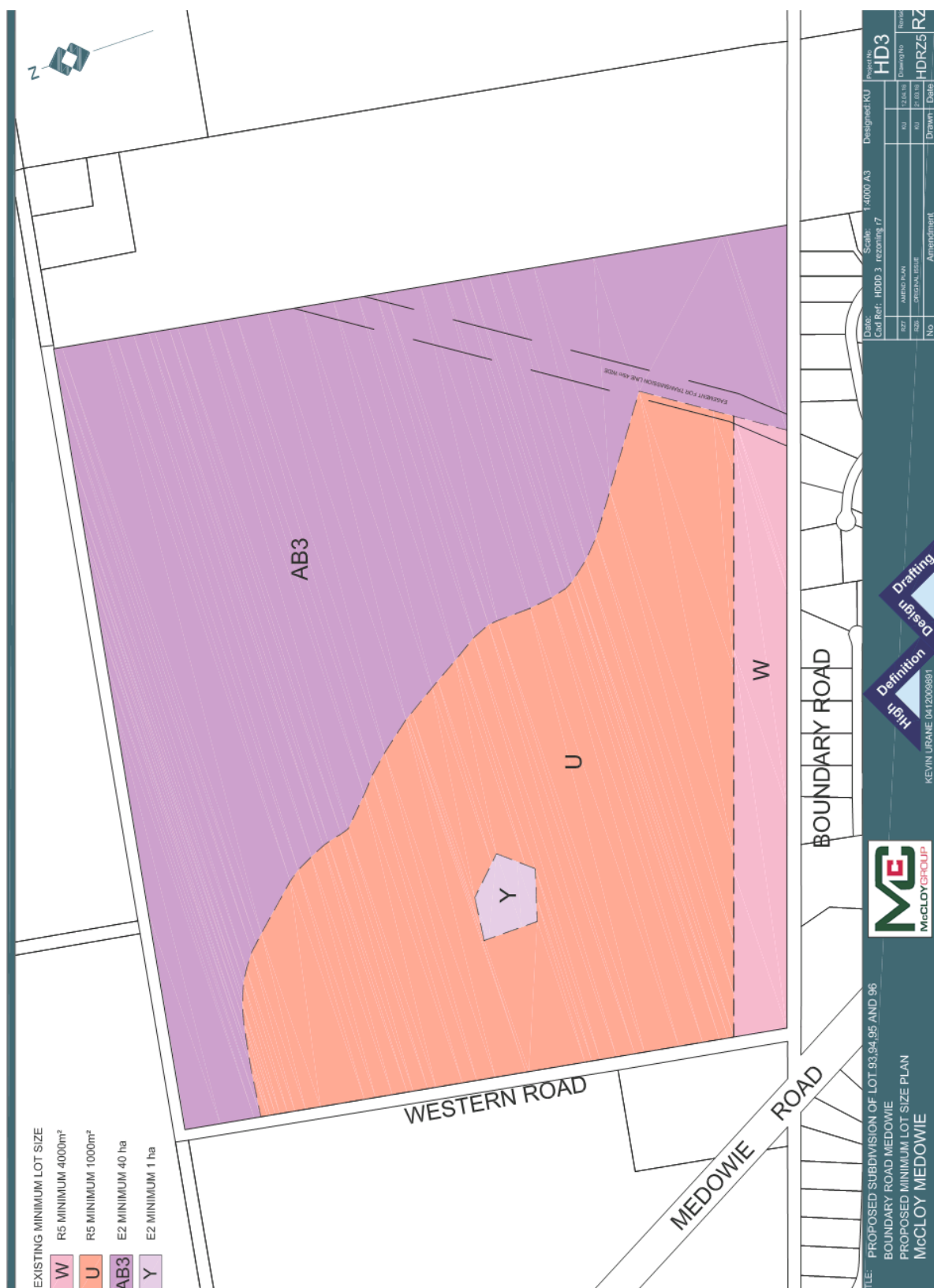
This planning proposal is also consistent with the development application lodged with Council for a residential subdivision with the wider site facilitates and associated infrastructure having the capacity to handle the proposed additional lots (see also Appendix D).

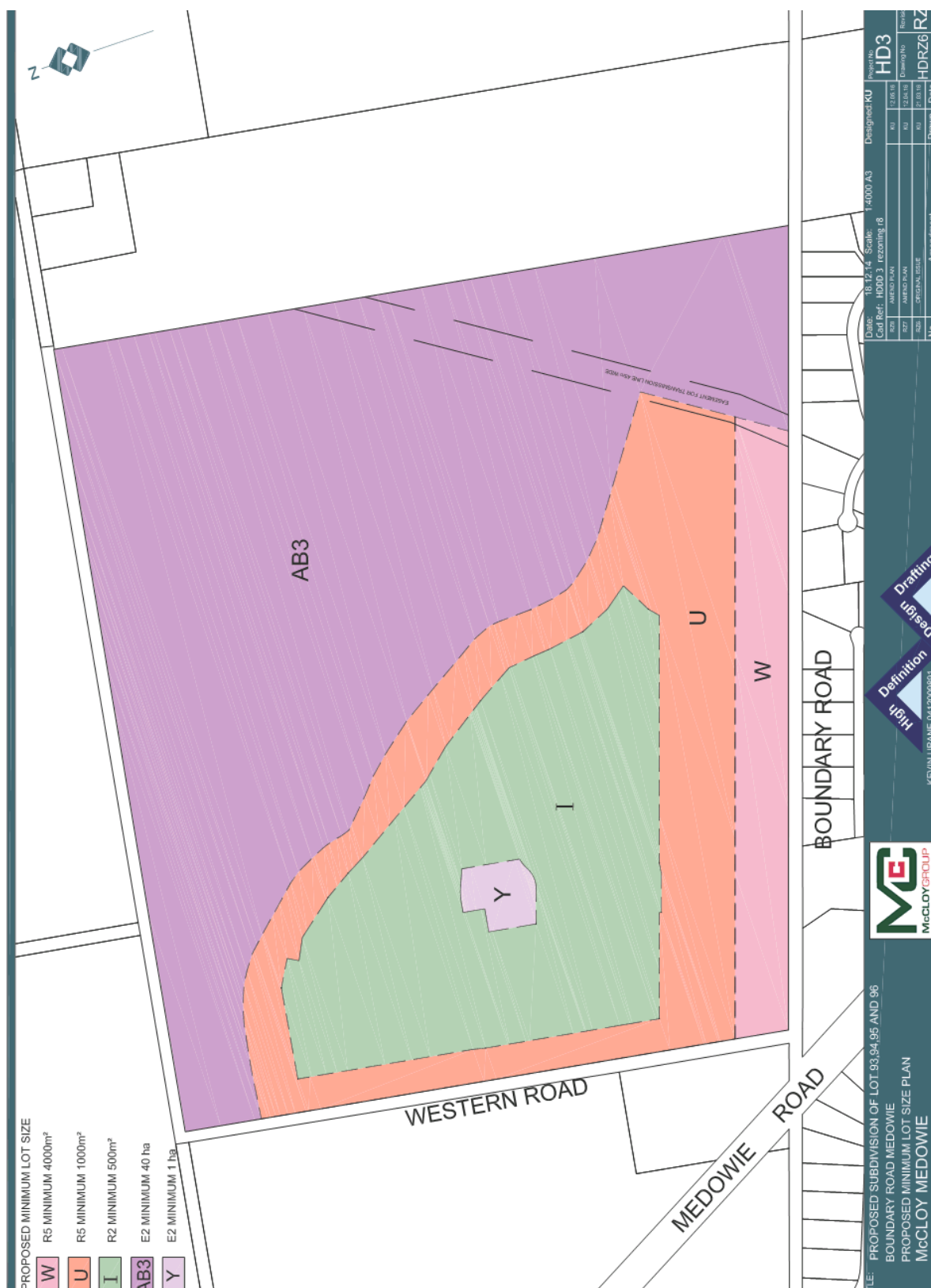
## APPENDIX A

### Maps

BOUNDARY ROAD, MEDOWIE









ITEM 4 - ATTACHMENT 3 PROPOSED PLANNING PROPOSAL.

