



Medowie Precinct F Planning Proposal

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

Rezoning of Lots 1 & 2 DP 1291794 and Lot 2 DP
508780, Brocklesby Road, Medowie



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VERSION CONTROL

Version	Date	Details
1	June 2023	Planning proposal as submitted to Council
2	August 2023	Updated to Council template
3	December 2023	Updated to respond to Gateway determination

ATTACHMENTS

- ATTACHMENT 1** – Existing and Proposed Land Zoning Maps
- ATTACHMENT 2** – Existing and Proposed Lot Size Maps
- ATTACHMENT 3** – Existing and Proposed Height of Buildings Map
- ATTACHMENT 4** – Existing and Proposed Urban Release Area Map
- ATTACHMENT 5** – Draft Development Control Plan – Chapter D16 Medowie Planning Strategy (Precinct E and F)
- ATTACHMENT 6** – Aboriginal Cultural Heritage Assessment
- ATTACHMENT 7** – Biodiversity Development Assessment Report
- ATTACHMENT 8** – Stormwater Management Report
- ATTACHMENT 9** – Strategic Bushfire Study
- ATTACHMENT 10** – Preliminary Servicing Advice (Hunter Water)
- ATTACHMENT 11** – Traffic Impact Assessment
- ATTACHMENT 12** – Preliminary Contamination Assessment
- ATTACHMENT 13** – Detailed Contamination Assessment

Note: Any third party reports referenced in this report can be inspected upon request.

FILE NUMBER

Council: 58-2023-1-1

Department: PP-2023-1060

SUMMARY

Subject land: Lots 1 & 2 DP 1291794 and Lot 2 DP 508780
Brocklesby Road Medowie NSW 2318

Proponent: McCloy Project Management Pty Ltd

Proposed changes: Rezone the subject land to R2 Low Density Residential (including an amendment to the Lot Size Map to 350m² and Height of Buildings map to 9m)

Area of land: ~ 5.1 hectares

Lot yield: ~ 60 lots

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable residential development at 39, 39A and 41 Brocklesby Road, Medowie.

The subject site is currently zoned RU2 Rural Landscape and the planning proposal seeks to rezone the land to R2 Low Density Residential (including amendments to the Lot Size Map and Height of Buildings Map), and identification as an Urban Release Area.

The justification for the planning proposal is in accordance with the Medowie Planning Strategy adopted by Council on the 13 December 2016.

As identified in this planning proposal, the following additional investigations will be provided following a Gateway determination:

The following additional investigations are provided with this Planning Proposal:

- Strategic Bushfire Strategy
- Biodiversity Development Assessment Report (BDAR)
- Preliminary and Detailed Contamination Assessment
- Aboriginal Cultural Heritage Assessment (ACHA)
- Stormwater Management Report
- Preliminary Servicing Advice
- Traffic Assessment Report

SITE

The subject site is approximately 5.1 hectares and comprises of Lots 1 & 2, DP 1291794 and Lot 2 DP 508780. **Figure 1** (p. 6) identifies the subject land.

The site is rectangular in shape, with a combined frontage of approximately 140m, and site depth of approximately 362m. Each lot currently contains a single residential dwelling and associated outbuildings, with each comprising vast areas of undeveloped landscaped space. None of the vegetation on site is identified as High Biodiversity Value on the Biodiversity Values Map.

The site is currently zoned RU2 Rural Landscape and has a minimum lot size of 2ha. Historical aerial photography identified that the lots predominantly consisted of agricultural row plantings from 1954 to 1984, which were eventually replaced with radiata pine in the early 1990s.

The site is bordered to the north by Wirreanda Public School, zoned SP2 Infrastructure (School), with R2 Low Density Residential zoned areas to the rear (adjacent to the western boundary) and across Brocklesby Road, to the east. RU2 zoned land continues approximately 1km to the south, bounded by Brocklesby Road.

To facilitate this planning proposal, an amendment to the LEP to rezone the land needs to be undertaken. It is estimated that approximately 60 lots can be created from the proposed rezoning, which is in line with the yield, identified in the Medowie Planning Strategy.

Rezoning the site to R2 Low Density Residential will also include amendments to the current the Lot Size Map from 2ha to 350m², and the associated Height of Buildings Map to be 9m, consistent with surrounding R2 zoned sites.

Figure 1 – Subject site



Figure 2 – Locality plan



PART 1 – Objectives or intended outcomes

The intended outcome of the planning proposal is to facilitate Precinct F of the Medowie Planning Strategy by enabling residential development at 39, 39A and 41 Brocklesby Road, Medowie.

PART 2 – Explanation of provisions

The objectives of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Amend Land Zoning Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 from RU2 Rural Landscape to R2 Low Density Residential (**ATTACHMENT 1**)
- Amend Lot Size Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 from 2 ha to 350m² (**ATTACHMENT 2**)
- Amend Height of Buildings Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 to apply a building height of 9m (**ATTACHMENT 3**)
- Amend Urban Release Area Map to identify Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 as an urban release area (**ATTACHMENT 4**)

Figures 3 - 6 identify the proposed changes to the *Port Stephens Local Environmental Plan 2013*.

These amendments will be supported by a site-specific Development Control Plan (DCP) to facilitate coordinated development at the development application stage. A draft site-specific DCP (**ATTACHMENT 5**) has been prepared and will be publicly exhibited alongside the planning proposal.

Figure 3 – Existing and proposed land zoning map



The image displays two side-by-side maps of a residential area in Dallas, Texas, showing property boundaries and lot numbers. The left map shows the current state of the property, while the right map shows the proposed subdivision. The proposed subdivision is highlighted in yellow. The maps include lot numbers, street names, and a north arrow.

Left Map (Current State):

- Top left: Lot 1, DP 595932
- Top center: Lot 2, DP 595932
- Top right: Lot 3, DP 595932
- Middle left: Lot 1, DP 508780
- Middle center: Lot 2, DP 508780
- Middle right: Lot 1, DP 1291794
- Bottom left: Lot 261, DP 525231
- Bottom center: Lot 262, DP 525231
- Bottom right: Lot 263, DP 525231

Right Map (Proposed Subdivision):

- Top left: Lot 1, DP 595932
- Top center: Lot 2, DP 595932
- Top right: Lot 3, DP 595932
- Middle left: Lot 1, DP 508780
- Middle center: Lot 2, DP 508780
- Middle right: Lot 1, DP 1291794
- Bottom left: Lot 261, DP 525231
- Bottom center: Lot 262, DP 525231
- Bottom right: Lot 263, DP 525231

PART 3 – Justification of strategic merit and site specific merit

Strategic merit

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is the result of the Medowie Planning Strategy, adopted by Council on 13 December 2016, which provides local direction for land use planning and sustainable growth over the next 20 years in Medowie.

The Medowie Planning Strategy identifies the subject site as Precinct F. Precinct F is identified as a potential future residential release area with an estimated yield of 60 dwellings.

Medowie is also identified as a growth area in the Port Stephens Planning Strategy and as a priority location for future housing in the Hunter Regional Plan 2041.

The planning proposal will enable directions from the Medowie Planning Strategy, the Port Stephens Local Strategic Planning Statement and the Hunter Regional Plan to deliver housing.

The proposal's consistency with local and regional plans is provided in more detail in Section B below.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In order to achieve the intended outcome, the following options were considered:

- **Rezone the subject site to R2 Low Density Residential with a minimum lot size of 500m²**

This option was considered to be less desirable as it would not contribute to achieving the housing density targets set out in the Hunter regional Plan 2013.

- **Rezone the subject site to R3 Medium Density Residential**

This option was considered to be inappropriate given the neighbouring development pattern and the distance between the site and the town centre.

- **Rezone the subject site to R2 Low Density Residential with a minimum lot size of 350m²**

This option is considered the best means of achieving the objectives of the planning proposal as it proposes a residential zone consistent with the Medowie Planning Strategy and has a reduced minimum lot size to better achieve the housing density targets set out in the Hunter Regional Plan 2041.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) applies to the Port Stephens LGA and is an applicable consideration for this planning proposal. The HRP identifies Medowie as a priority location for future housing to service the Williamstown Special Activation Precinct (SAP).

The HRP has projected a need for an additional 11,100 dwellings in Port Stephens to 2041. This planning proposal seeks to provide additional residential land in a strategic location to support the provision of new housing that meets the objectives set out in the HRP.

As identified in **Figure 2** (page 7), the subject site is strategically located in an existing residential area in close proximity to services and facilities to support walking, cycling and public transport in 15 minute neighbourhoods. The planning proposal will support the desired priorities and objectives to provide greater housing choice and encourage residential development within proximity to Medowie Town Centre, and the employment hubs of Newcastle Airport, Williamstown RAAF Base, Tomago and Heatherbrae.

The planning proposal's consistency with the objectives and strategies in the HRP is addressed in detail below.

Hunter Regional Plan 2041	
Objective 3 - Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities	
Performance Outcomes	Consistency
1. Urban settlement patterns maximise the use of existing infrastructure and reduce travel demand, especially by car.	As shown in Figure 2 (page 7), the subject site is surrounded by existing residential neighbourhoods and can improve connectivity between the adjoining subdivision, the Gardens Estate, to Brocklesby Road and vice versa. The site can rely on existing road and path infrastructure to access the

Hunter Regional Plan 2041	
	Medowie town centre as well as nearby school, sporting facilities and library.
2. Neighbourhoods maximise mobility independence and active and public transport opportunities.	A draft DCP has been prepared to guide footpaths and public transport infrastructure to support the development. It is proposed for the site to connect to existing footpaths on Brocklesby Road to the north as well as Macadamia Circuit and Gardenia Drive currently under construction in the adjoining housing development, the Gardens Estate, to the west. These footpaths will connect the site to local services and facilities in the town centre. The draft DCP also proposes to provide an additional bus stop on Brocklesby Road in consultation with service providers.
3. Neighbourhoods provide local access to education, jobs, services, open space and community activities.	<p>The subject site is adjacent to a public primary school with capacity for more students. There are also two private primary and secondary schools, an additional public primary school and options being explored for a public high school within Medowie.</p> <p>The subject site is located within an 800m radius of the Medowie town centre which includes a supermarket, library, park and day-to-day convenience stores. Open space is provided at Boyd Oval north of the site and the Ferodale Sports Complex is located 1.5km from the site.</p> <p>The site is close to jobs and specialised needs at a 15-minute drive to the strategic centre of Raymond Terrace, 7 minutes to Williamstown RAAF Base and 12 minutes to Newcastle Airport.</p>
4. Neighbourhoods encourage healthy lifestyles with opportunities to experience and engage in cultural, entertainment, sport and recreation and educational activities.	As identified above the site has good access to existing educational and sporting activities. The nearby Medowie town centre also provides a community centre, library, a medical centre, a gymnasium, local shops and services, and restaurants and cafes. Additionally

Hunter Regional Plan 2041	
	the site is located 11 minutes from the Murrook Cultural Centre in Williamtown.
5. Neighbourhoods establish or reinforce local identity.	The subject site sits within an established residential neighbourhood. Local identity will be reinforced by the improvement of connectivity within the area. A draft DCP has been prepared which extends the adjoining estate to create a consistent identity.
6. Public spaces are designed to invite community interactions and economic, social and cultural activity. They enable a sense of social inclusion, wellbeing, comfort and belonging.	Public space is not being proposed due to the limited size of the subject site. As identified above the subject site has good access to existing sporting facilities and public spaces.
7. Places are designed to be greener to support the regeneration of and connection to the natural environment.	Koala habitat and vegetated lands are located to the north and south of the subject site. The draft DCP proposes a green street through the site to support fauna connectivity through the site. The green street is proposed to have a wider verge and require additional planting with koala feed trees to support koala movement through the site and improve connection to the natural environment.
Objectives	Consistency
Objective 4 - An inter-connected and globally focused Hunter without car dependent communities	The proposed DCP chapter identifies future footpaths and a potential bus shelter to encourage active and public transport.
Objective 5 - Plan for 'nimble neighbourhoods', diverse housing and sequenced development	The proposed minimum lot size of 350sqm will help provide more diverse housing options. Following the rezoning, the subdivision of the land can be sequenced to follow the development of the adjacent site "The Gardens" which is nearing completion.
Objective 6 - Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	The attached Aboriginal Cultural Heritage Assessment (ATTACHMENT 6), Biodiversity Development Assessment Report (BDAR) (ATTACHMENT 7) and Stormwater Management Report

Hunter Regional Plan 2041	
	(ATTACHMENT 8) demonstrate there will be no significant impacts on heritage, landscapes, environmentally sensitive areas, waterways or drinking water catchments.
Objective 9 - Sustain and balance productive rural landscapes	The rezoning of the subject site from RU2 Rural Landscape will not alter the productive rural landscapes in the area due to the existing fragmented nature of the land.
Strategies	Consistency
<p>Strategy 3.1 Planning proposals that propose a residential, local centre or commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> • business premises • restaurants and cafes • take-away food and drink premises • neighbourhood shops and supermarkets • educational establishments • early education and care facilities • health services facilities • markets • community facilities • recreation areas 	<p>The planning proposal is seeking to rezone the whole site to R2 Low Density Residential due to the limited size of the site. The site is too small to warrant a mixed use or commercial zone and the Port Stephens R2 zone does not permit all of the listed land uses.</p> <p>An additional local provision is not being sought to permit all the listed land uses however centre-based child care facility, community facilities, health consulting rooms, neighbourhood shops, places of public worship, recreation areas and respite day care centres are permitted with consent in the R2 zone.</p> <p>The site is located within an 800m radius of the Medowie commercial precinct that contains various local employment, retail and local services, open spaces and directly adjoins a school site, which will maximise the use of the existing infrastructure and reduce travel demand by car while also maximising mobility independence and active transport opportunities.</p> <p>Due to the location of the subject site, the proposal is able to demonstrate consistency with the performance criteria outlined in Objective 3.</p>

Hunter Regional Plan 2041	
6.3 - Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. The removal of this vegetation will be offset during the development application stage.
6.4 - Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.	The proposed DCP identifies the location of catchment wide drainage reserves to ensure water quality is not impacted as a result of development.
6.11 - Planning proposals will demonstrate that development within a drinking water catchment or sensitive receiving water catchment will achieve a neutral or beneficial effect (NorBE) on water quality.	While the subject site is not located within a drinking water catchment, the western portion drains towards a drinking water catchment. A Stormwater Management Report (ATTACHMENT 8) has been prepared for the proposal, which demonstrates NorBE can be achieved.
Greater Newcastle District Priorities	Consistency
1 - Prioritise housing within 30 minutes of Williamstown SAP	The subject site is within 10 minutes of the Williamstown SAP.
9 - Protect drinking water catchments	Refer to Strategy 6.11 response above.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) applies to part of the Port Stephens LGA, including Medowie. The GNMP identifies Medowie for new housing.

The planning proposal is consistent with the GNMP as it will deliver houses close to jobs and contribute to meeting housing targets. The consistency of the planning proposal with the GNMP is addressed in detail below.

Greater Newcastle Metropolitan Plan 2036	
Strategies	Consistency
9 - Plan for jobs closer to homes in the metro frame	The subject site is located close to the town centre of Medowie, the strategic centre of Raymond Terrace, as well as significant employment clusters at the Williamstown SAP, Tomago and Heatherbrae.
12 - Enhance the Blue and Green Grid and the urban tree canopy	The proposed DCP includes controls to require vegetation management plans be implemented.
14 - Improve resilience to natural hazards	<p>The subject site is not located within flood prone land.</p> <p>The subject site is classified as being within bushfire hazard category 1 and 3 as well as buffer. A Strategic Bushfire Study (ATTACHMENT 9) has been prepared to support the proposal and a site specific DCP has been prepared with a layout consistent with Planning for Bushfire Protection 2019.</p>
16 - Prioritise the delivery of infill housing opportunities within existing urban areas	While the planning proposal is seeking a greenfield residential outcome, it is located within an existing urban area with surrounding lands zoned R2 Low density Residential. Additionally, a minimum lot size of 350sqm is being proposed to encourage higher density development.
17 - Unlock housing supply through infrastructure coordination and delivery	The subject site benefits from significant existing infrastructure, however a draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities. Preliminary Servicing Advice from Hunter Water demonstrates that reticulated water and sewer is feasible.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Port Stephens Local Strategic Planning Statement (LSPS) 2020

The Port Stephens LSPS identifies the 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered.

The Planning Proposal is consistent with the Port Stephens LSPS, which identifies Medowie as an 'Emerging Strategic Centre', with potential for residential growth to play an important role both within Port Stephens and Greater Newcastle.

The planning proposal's consistency with the planning priorities of the LSPS as addressed in detail below.

Local Strategic Planning Statement 2020	
Planning Priorities	Consistency
1 - Support the growth of strategic centres and major employment areas	The planning proposal seeks to provide additional housing in close proximity to existing and emerging employment clusters at Raymond Terrace and Williamtown.
4 - Ensure suitable land supply	The planning proposal seeks to provide additional land supply suitable for residential development in Medowie, which has been identified for future residential.
5 - Increase diversity of housing choice	A minimum lot size of 350sqm is being proposed to encourage the development of smaller lot housing and increase the diversity of housing choice.
6 - Plan infrastructure to support communities	The subject site benefits from significant existing infrastructure, however a draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities. Preliminary Servicing Advice from Hunter Water (ATTACHMENT 10) demonstrates that reticulated water and sewer is feasible.
7 - Conserve biodiversity values and corridors	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. The removal of this vegetation will be offset during the development application stage.

Local Strategic Planning Statement 2020	
10 - Create people friendly spaces in our local centres where people can come together	A draft site specific DCP has been prepared to support the planning proposal. The DCP ensures the proposed development will provide footpaths to link to existing footpaths to recreational facilities and the town centre.
11 - Integrate land use and transport planning	The planning proposal is supported by a Traffic Impact Assessment (ATTACHMENT 11) and a draft site specific DCP chapter which identifies future footpaths and a potential bus shelter to encourage active and public transport.

Port Stephens Local Housing Strategy (Live Port Stephens) 2020

The planning proposal will give effect to Live Port Stephens which provides criteria for the consideration of new greenfield housing.

Port Stephens Local Housing Strategy 2020 – Greenfield Criteria	
Locational Criteria	Consistency
Land identified in a local area strategy	The land is identified in the Medowie Planning Strategy for residential use.
Aircraft Noise	The land is not impacted by the Australiana Noise Exposure Forecast.
Bushfire	The land is bushfire prone. A Strategic Bushfire Study (ATTACHMENT 9) consistent with the Planning for Bush Fire Protection 2019 has been prepared to support the planning proposal.
Flooding	The subject land is not flood prone.
Land slope	The land is relatively flat with a maximum slope of 1.43 degrees.
Biodiversity	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. A Biodiversity Development Assessment Report (ATTACHMENT 7) has been prepared to support the proposal.
Mineral resources	The land is greater than 500m from any known mineral resource.
Non-Aboriginal Cultural Heritage	The land does not contain any items of environmental heritage.

Port Stephens Local Housing Strategy 2020 – Greenfield Criteria	
Locational Criteria	Consistency
Aboriginal Cultural Heritage	An Aboriginal Cultural Heritage Assessment (ACHA) (ATTACHMENT 6) has been prepared to support the proposal. No Aboriginal sites, potential archaeological deposits or areas of sensitivity were identified during the ACHA survey. There are no proposed impacts to Aboriginal sites of archaeological or cultural significance.
Drinking Water Catchment	The site is not located within a drinking water catchment, but the western portion of the site drains towards one. A Stormwater Management Report (ATTACHMENT 8) has been prepared to support the planning proposal. The report demonstrates that the proposal can achieve NorBE on water quality. Additionally, the site will be connected to reticulated sewer.
Infrastructure and Services	The land benefits from access to existing infrastructure and will be connected to reticulated water, sewer and electricity. Road upgrades and the provision of pathways and bus stops are identified in a draft site-specific DCP chapter (ATTACHMENT 5).
PFAS (per- and poly-fluoroalkyl substances)	The site is not impacted by PFAS.

In addition to the Greenfield Criteria, the proposal is also consistent with the outcomes of Live Port Stephens as addressed in detail below.

Port Stephens Local Housing Strategy 2020	
Outcome	Consistency
1 - Ensure suitable land supply 1.1 - Ensure adequate supply of new housing.	The planning proposal seeks to provide additional land supply suitable for residential development in Medowie, which has been identified for future residential.
2 - Improve housing affordability 2.1 - Respond to housing stress 2.2 - Provide more affordable housing near jobs	The planning proposal seeks to provide additional housing to ease housing stress and improve affordability. The subject site is also located in close proximity to jobs at Raymond Terrace, Williamtown and Tomago.
3 - Increase diversity of housing choice	The planning proposal seeks to provide housing adjacent to existing residential

Port Stephens Local Housing Strategy 2020	
Outcome	Consistency
3.1 - Facilitate new housing within existing urban areas 3.2 - Encourage a range of housing types and sizes	housing and will utilise existing infrastructure. A minimum lot size of 350sqm is proposed to encourage smaller homes, and increased housing diversity and density.
4 - Facilitate liveable communities 4.1 - Housing enhances local character 4.2 - Communities are connected	The subject site is owned by the adjacent residential estate “The Gardens” which will extend this estate forming a connection between the existing estate and Brocklesby Road. The development of the subject site will improve connectivity for the neighbouring residential properties by providing a direct pathway from “the Gardens” to Wirreanda Public School.

Medowie Planning Strategy 2016

The Medowie Planning Strategy provides local direction for land use planning and sustainable growth over the next 20 years. The Medowie Planning Strategy identifies the subject site as a future residential release area “precinct F” with an estimated yield of 60 dwellings.

The planning proposal is seeking a low-density residential zone in accordance with the Strategy and is consistent with its key principles including infrastructure, water quality, flooding and biodiversity corridors.

Figure 7 – Identification of the subject site in the Medowie Planning Strategy



Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Consideration was given to other State and regional strategies, including *A 20 Year Economic Vision for Regional NSW* (updated February 2021) and the *Future Transport Strategy 2056* (updated November 2020). Although these documents do not strictly relate to the planning proposal, the planning proposal is not inconsistent with these high-level State strategies.

Q6. Is the planning proposal consistent with applicable SEPPs?

An assessment of the relevant applicable State Environmental Planning Policies (SEPPs) against the planning proposal is provided in the table below.




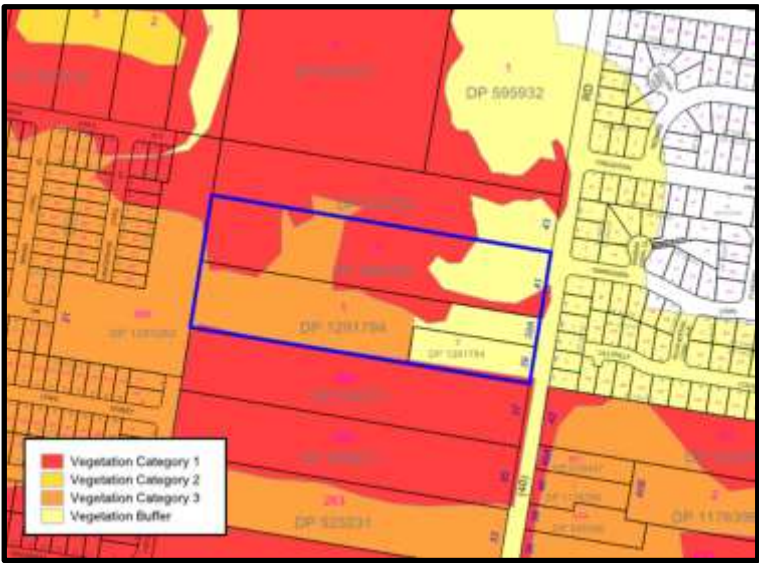




SEPP	Consistency and Implications
SEPP (Housing) 2021	
Chapter 3 Diverse Housing	The planning proposal is consistent with the principles of the SEPP (Housing) 2021. The proposal seeks to rezone land for residential purposes in a location that can capitalise on existing infrastructure and services, can provide reasonable amenity, will not require clearing or the fragmentation of environmental lands and can encourage smaller homes by proposing a small minimum lot size of 350sqm.
SEPP (Primary Production) 2021	
Chapter 2 Primary production and rural development	<p>The SEPP (Primary Production) 2021 applies to land across NSW and aims to facilitate the orderly economic use and development of lands for primary production.</p> <p>The relevant Ministerial Direction is discussed below, which provides greater relevance to the rezoning of rural lands through a planning proposal.</p>
SEPP (Resilience and Hazards) 2021	
Chapter 2 Coastal Management	The site is not located within the Coastal Zone Footprint Map.
Chapter 4 Remediation of Land	<p>The site has historically been utilised for rural residential and agricultural purposes with a history of past cropping and orchards. A Preliminary Contamination Assessment (ATTACHMENT 12) identified potential contamination due to the previous agricultural uses, on-site sewer, stockpiling and the age of the buildings on site.</p> <p>A Detailed Contamination Assessment (DCA) (ATTACHMENT 13) was prepared to support the</p>

	<p>planning proposal. The results found isolated elevated levels of zinc near a galvanised shed, a fragment of asbestos containing material, and a history of on-site sewer.</p> <p>The DCA considers the site can be made suitable for residential development following the recommended management options relating to the decommissioning of the septic tanks and preparation of an asbestos removal plan.</p>
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	<p>A Traffic Impact Assessment (ATTACHMENT 11) and draft site specific DCP has been prepared to support the planning proposal.</p> <p>The site benefits from an existing transport network with capacity to support the proposal. Road upgrades where the subject site adjoins Brocklesby Road, pathways and a new bus stop have been identified in the draft DCP and will be required at the development stage.</p> <p>Reticulated electricity, sewer and water are available in close proximity to the site. The subject site is also located within an existing residential precinct in close proximity to public services and facilities.</p>
SEPP (Biodiversity and Conservation) 2021	
Chapter 3 Koala habitat protection 2020	<p>This SEPP is applicable as the site is currently zoned RU2 Rural Landscape.</p> <p>The subject site contains 0.43 hectares of supplementary koala habitat. The site does not contain core koala habitat.</p>
Chapter 4 Koala habitat protection 2021	<p>This SEPP is applicable as the planning proposal seeks to rezone land containing supplementary koala habitat to R2 Low Density Residential.</p> <p>A BDAR (ATTACHMENT 6) has been prepared to support the planning proposal which includes assessment of the proposal against the CKPoM. The assessment found:</p> <ul style="list-style-type: none"> • the rezoning will not result in the development on land defined as Preferred Koala Habitat. • the proposal will impact 0.43 ha of Supplementary Koala Habitat. Habitat compensatory measures are proposed for this removal. • the proposal may remove three koala feed trees. <p>The removal of the supplementary koala habitat and 3 koala feed trees will be offset during the development application stage.</p>

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Ministerial Direction	Consistency and Implications
1. Planning Systems	
1.1 Implementation of Regional Plans	<p>The Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036 are both applicable to this planning proposal. As demonstrated in response to Q3 (pages 11-14), the planning proposal is consistent with both strategies as it seeks to provide additional residential development in an area identified in a local strategy, located in proximity to existing urban areas and the Williamstown SAP and benefitting from existing infrastructure.</p> <p>The planning proposal is consistent with this direction.</p>
3. Biodiversity and Conservation	
3.1 Conservation Zones	<p>The subject site does not contain environmentally sensitive land and is not mapped as containing biodiversity values.</p> <p>The planning proposal is consistent with this direction.</p>
3.2 Heritage Conservation	<p>An Aboriginal Cultural Heritage Assessment (ACHA) (ATTACHMENT 6) was prepared to support the planning proposal. The ACHA concluded there were no Aboriginal sites, potential archaeological deposits or areas of sensitivity identified within the subject site. It is considered there are no impacts to Aboriginal cultural values as a result of the proposed works.</p> <p>The planning proposal is consistent with this direction.</p>
4. Resilience and Hazards	
4.1 Flooding	<p>The subject site is not flood affected or isolated during a flood event.</p> <p>Figure 8 – Flood mapping</p>

	 <p>Flood Mapping Port Stephens LGA</p> <p>Legend:  Flood Prone Land  Flood Planning Area</p>
<p>4.3 Planning for Bushfire Protection</p>	<p>The subject site is classified as being within bushfire hazard categories 1, 3 and buffer. A Strategic Bushfire Study (SBS) (ATTACHMENT 9) was prepared to support the planning proposal which demonstrates the proposal's compliance with <i>Planning for Bushfire Protection 2019</i>. The SBS found that the proposed rezoning and road layout was appropriate. The proposed road network is identified in the draft DCP (ATTACHMENT 5) prepared for the site layout includes perimeter roads along the northern and western edges of the site to prevent any lots being located within flame zones. Additionally the site will have an eastern road frontage to Brocklesby Road as well as connection to the west through the Gardens Estate onto Medowie Road.</p> <p>Consultation was undertaken with the Rural Fire Services (RFS) during the scoping stage. RFS reviewed the proposed layout and SBS and raised no objections.</p> <p>Figure 9 – Bushfire hazard mapping</p>  <p>Legend:  Vegetation Category 1  Vegetation Category 2  Vegetation Category 3  Vegetation Buffer</p> <p>The planning proposal is consistent with this direction.</p>

4.4 Remediation of Contaminated Land	<p>The site has historically been utilised for rural residential and agricultural purposes with a history of past cropping and orchards. A Preliminary Contamination Assessment (ATTACHMENT 12) identified potential contamination due to the previous agricultural uses, on-site sewer, stockpiling and age of the buildings on site.</p> <p>A Detailed Contamination Assessment (DCA) (ATTACHMENT 13) was prepared to support the planning proposal. The results found isolated elevated levels of zinc near a galvanised shed, a fragment of asbestos containing material, and a history of on-site sewer.</p> <p>The DCA considers the site can be made suitable for residential development following the recommended management options relating to the decommissioning of the septic tanks and preparation of an asbestos removal plan.</p> <p>The planning proposal is consistent with this direction.</p>
4.5 Acid Sulfate Soils	<p>The site is mapped as Class 5 Acid Sulfate Soils under the Port Stephens LEP and has a low probability of containing acid sulfate soils. Additionally, the DCA found the site is located within an area of no known occurrence of acid sulfate soils.</p> <p>The planning proposal is consistent with this direction.</p>
5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>The proposal seeks to create a residential zone on the subject site. A Traffic Impact Assessment has been prepared to support the planning proposal (ATTACHMENT 11).</p> <p>Consideration has been given to Improving Transport Choice – Guidelines for planning and development (DUAP 2001). The Right Place for Business and Services – Planning Policy (DUAP 2001) was reviewed; however, it is was not applicable given it relates to commercial / business development as opposed to residential.</p> <p>The planning proposal is considered to be generally consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> including:</p> <ul style="list-style-type: none"> • Concentrate in centres – The proposal seeks to rezone land from rural to residential within an existing urban area surrounded by residential development in close proximity to the town centre. • Link public transport with land use strategies – The proposal sits within an existing public transport

	<p>network and proposes to provide an additional bus stop in consultation with service providers.</p> <ul style="list-style-type: none"> • Connect streets – The proposal will have a direct eastern access onto Brocklesby Road, a local collector street as well as connection through to the adjacent residential precinct to the west via Macadamia Circuit which feeds onto Medowie Road, a regional road. • Improve pedestrian access - Pathways are proposed to be provided within the subject site that connect to neighbouring areas improving pedestrian access in the area by providing a shorter route to the local shops and primary school for neighbouring precincts. • Improve cycle access – Proposed pathways and internal roads can be utilised by cyclists. <p>The planning proposal is consistent with this direction.</p>
6. Housing	
6.1 Residential Zones	<p>The proposal seeks to facilitate housing in a strategic location within an existing urban area with access to infrastructure and services. A minimum lot size of 350sqm is proposed to encourage a greater housing diversity and choice. The subject site is relatively unconstrained land and was identified in the Medowie Planning Strategy for future residential purposes.</p> <p>The planning proposal is consistent with this direction.</p>
9. Primary Production	
9.1 Rural Zones	<p>The planning proposal seeks to rezone land from RU2 Rural Landscape to R2 Low Density Residential.</p> <p>The planning proposal is justified as it has been identified for residential purposes in the Medowie Planning Strategy.</p> <p>The planning proposal is justifiably inconsistent with this direction.</p>
9.2 Rural Lands	<p>The planning proposal seek to rezone land from RU2 Rural Landscape to R2 Low Density Residential and reduce the minimum lot size from 2 hectares to 350m².</p> <p>The planning proposal is justified as it has been identified for residential purposes in the Medowie Planning Strategy.</p> <p>Additionally, the Department of Primary Industries Agriculture raised no objections to the proposal during consultation and advised it would not have a significant impact on agriculture resources to the existing fragmentation of the land.</p> <p>The planning proposal is justifiably inconsistent with this direction.</p>

Site-specific merit

Section C – Environmental, social and economic impact

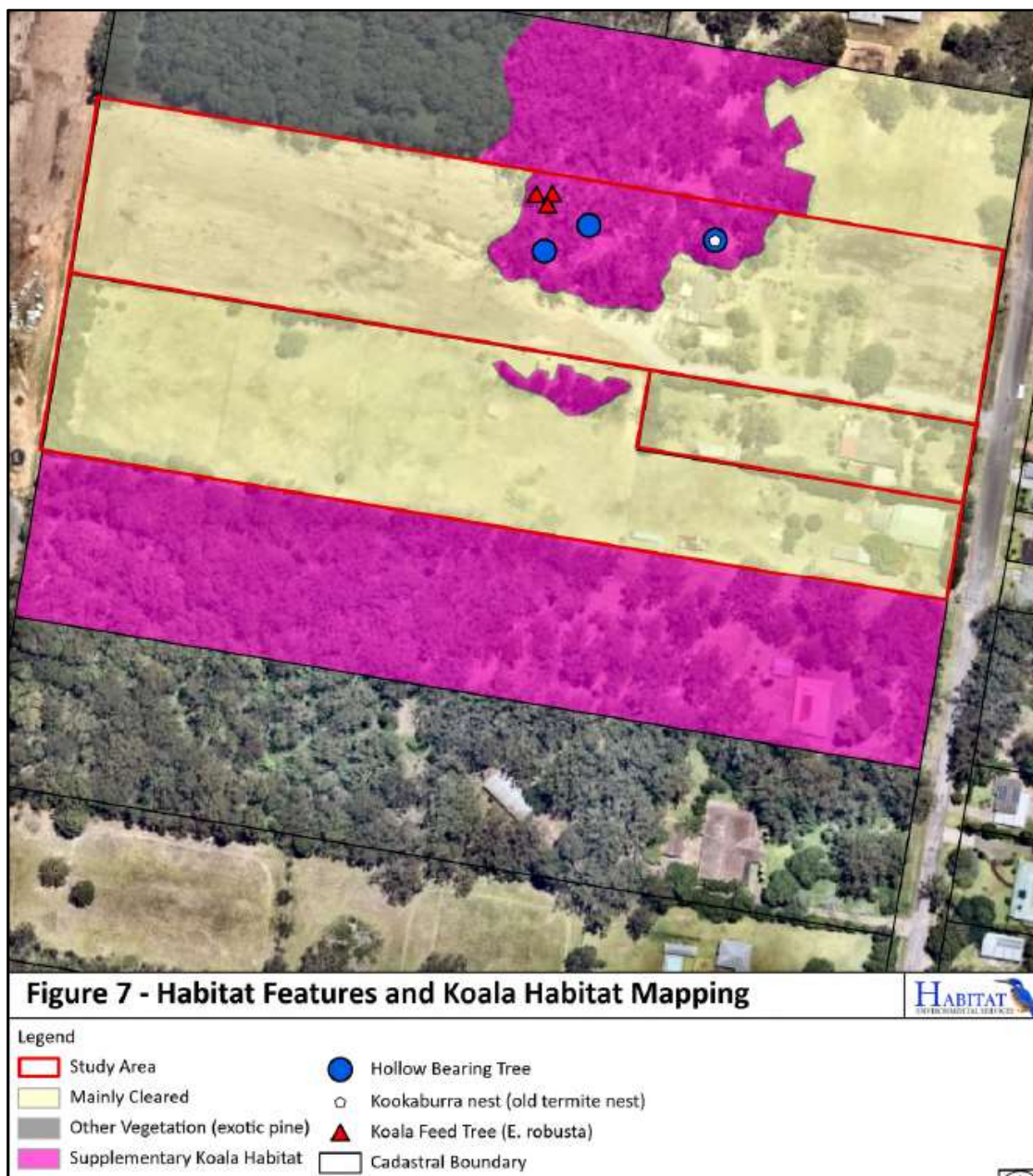
Potential environmental, social and economic impacts are identified below.

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site contains approximately 0.43 hectares of native vegetation. This vegetation is not identified as high biodiversity values on the Biodiversity Values Map but is identified as marginal koala habitat under the Port Stephens Comprehensive Koala Plan of Management (CKPoM). Additionally, parts of the site form buffer to-preferred koala habitat to the south of the subject site.

The attached Biodiversity Development Assessment Report (BDAR) (**ATTACHMENT 7**) has assessed the site in accordance with the CKPoM and identified one species of preferred koala food tree, *Eucalyptus robusta* (Swamp Mahogany), with 3 individuals within the site. The native vegetation within and to the immediate north and south of the site is commensurate with tall open Blackbutt and Sydney Red Gum Forest which best aligns with supplementary koala habitat, rather than preferred, under the definitions within the CKPoM.

Figure 11 – Identification of supplementary koala habitat across the site (BDAR, attachment 7, page 35)



The proposal would result in the clearing of approximately 0.43 hectares of supplementary koala habitat which will be offset during the development application stage.

The BDAR did not identify any threatened fauna on the site, including koalas. One threatened flora species (Rough Macadamia) was identified although it is noted that this species has been planted and cultivated. Three hollow bearing trees were identified. Relevant measures to manage flora and fauna moving forward were identified in the ecological assessment. No significant impacts under the Environment Protection and Biodiversity Conservation (EPBC) Act were identified. There are no species at risk of Serious and Irreversible Impacts as a result of the proposal.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Hydrology

The site is not identified as Flood Planning Area (FPA), nor does it contain any mapped watercourses or waterbodies. The site is not within a drinking water catchment but the western portion of the site drains towards one. The Stormwater Management Report (**ATTACHMENT 8**) demonstrates that NorBE can be achieved across the site with the provision of two stormwater basins at the development stage.

Access and Transport

The site has direct frontage to Brocklesby Road to the east and will have direct access to Macadamia Circuit to the west when the approved subdivision is completed. The proposed site layout is identified in the draft site specific DCP chapter (**ATTACHMENT 5**). **Figure 12** identifies this proposed network.

Figure 12 – Proposed Locality control maps, draft DCP – Chapter D16 Medowie Planning Strategy (Precinct E and F)



Brocklesby Road is 20m wide, sealed with some portions having kerb and gutter. The site frontage onto Brocklesby Road will be upgraded in accordance with Port Stephens's Infrastructure Specifications at the subdivision stage. Macadamia Circuit will be 16m wide and will be sealed with a kerb and gutter. Both of these roads are not classified.

An existing pedestrian pathway runs from the eastern boundary of site to the Medowie Town Centre along Brocklesby Road, and then Ferodale Road. Another pedestrian pathway will run from the western boundary of the site along Gardenia Drive to Medowie Road and continue up towards Ferodale Road and the Town Centre. Pedestrian footpaths will be provided along all local streets within the site footprint.

The attached Traffic Impact Assessment (TIA) (**ATTACHMENT 11**) has been prepared to support the planning proposal. The TIA found:

- The existing road network around the site is operating below its technical and environmental capacity thresholds and has capacity to accommodate additional traffic from the planning proposal.
- There is sufficient spare capacity within the immediate road network to cater for the proposed residential subdivision without the need to upgrade the adjoining local and state road network.
- The proposed location of the subdivision access intersection at Brocklesby Road provides suitable safe intersection sight distance, is located according to Austroads and therefore a suitably safe access intersection (BAR/BAL) can be constructed.
- The internal road layout and subdivision design is satisfactory and compliant with Port Stephens Council requirements and current best practice.

Geology/Contamination

A review of historical aerial photography identified that the lots predominately consisted of agricultural row plantings from 1954 until 1984. The imagery from 1993 then shows the replacement of these agricultural plants with radiata pine, which extends to the adjoining northern school site.

A Detailed Contamination Assessment (**ATTACHMENT 13**) has been prepared to support the planning proposal which demonstrates the site can be made suitable for residential use with the following recommendations:

- If the septic/infiltration area is proposed to be decommissioned on Lot 301, the septic tank and effluent disposal area will require decommissioning in accordance with relevant guidelines and the area assessed, prior to the proposed development.
- Management of SP1 (20m³), located in the south eastern portion of Lot 301 (39 Brocklesby Road), including:
 - Preparation of an Asbestos management plan (AMP), and placement of SP1 below surface soils, Qualtest recommends placement at depths greater than 0.5m below final site surface levels; or
 - Preparation of an Asbestos Removal Plan (ARP) and disposal of SP1 offsite in accordance with the NSW EPA (2014) Waste Classification Guidelines.
- Removal of waste materials for aesthetic purposes and disposal offsite in accordance with the NSW EPA (2014) Waste Classification Guidelines; and/or
- Hazardous materials in buildings (if any) are removed in accordance with relevant laws and guidelines, and clearances provided by appropriately qualified and licensed person/consultant; and,
- An unexpected find procedure is developed and included in the Construction Environmental Management Plan for the subdivision works.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Archaeology and Heritage

The site does not contain an item of environmental heritage as listed under the Port Stephens Local Environmental Plan 2013 (Schedule 5 – Environmental Heritage).

The Aboriginal Cultural Heritage Assessment (ACHA) (**ATTACHMENT 6**) concluded there were no Aboriginal sites, potential archaeological deposits or areas of sensitivity identified within the subject site. It is considered there are no impacts to Aboriginal cultural values as a result of the proposed works with the following recommendations:

- All on-site personnel are to be made aware of their obligations under the National Parks and Wildlife Act 1974 (NSW).
- In the unlikely event that Aboriginal, or suspected Aboriginal archaeological material is uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The Project Manager is to contact the Heritage Consultant to make an assessment as to whether the material is classed as Aboriginal object/s under the National Parks and Wildlife Act 1974 (NSW) and advise on the required management and mitigation measures. Works are not to recommence in the cordoned off area until heritage clearance is given and/or the required management and mitigation measures have been implemented.
- In the very unlikely event that human remains, or suspected human remains are uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The Project Manager is to contact the NSW Police to establish whether the area is a crime scene. If it is not a crime scene, and the remains are determined to be Aboriginal ancestral remains, then Heritage NSW is to be notified via the Environment Line on 131 555 and management measures are to be devised in consultation with the local Aboriginal community. Works are not to recommence in the area until the management measures have been implemented.

Social and Economic Effects

The proposal will further result in the following positive social and economic effects:

- The provision of increased housing in accordance with local planning strategies and within an existing low density residential neighbourhood;
- Employment opportunities within the Port Stephens LGA and the Hunter Region through construction and future maintenance of the development;
- Stimulation of local economic activity through increased local spending - an increased population will support the existing neighbourhood centre of Medowie and enhance the viability of new services, facilities, and public transport in the area;
- Provision of additional dwellings with easy access to major employment precincts such as Newcastle Airport and Tomago.
- Additional housing choices which caters for future population growth;

- Provision of housing diversity which can provide housing affordability;
- Contribution toward investment in social infrastructure in the surrounding locality via additional funding through the Section 7.11 Contribution Plan; and
- Improved pedestrian, cycle and road connectivity between Brocklesby Road and Medowie Road.

Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

The subject site benefits from significant existing infrastructure, however a draft DCP chapter (**ATTACHMENT 5**) has been prepared identifying infrastructure to be provided by the developer at the subdivision stage. The draft DCP identifies the locations of future footpaths, internal roads, Brocklesby Road road and guttering upgrades and a proposed bus stop on Brocklesby Road.

The site can be connected to all essential services including electricity, telecommunications, water and sewer. Preliminary Servicing Advice from Hunter Water (**ATTACHMENT 10**) demonstrates that reticulated water and sewer is feasible.

No additional community or social infrastructure is required as a result of the rezoning.

Section E – State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The following agencies were consulted with during the scoping phase of this planning proposal:

- Department of Planning and Environment
- Biodiversity and Conservation Division (BCD)
- Transport for NSW
- Rural Fire Services (RFS)
- Department of Primary Industries - Agriculture (DPI - Ag)
- Hunter Water Corporation
- School Infrastructure

No agencies raised any objections to the planning proposal. Hunter Water, DPI - Ag, and the RFS supported the planning proposal.

BCD requested a BDAR be prepared to support the proposal and an assessment of consistency with the CKPoM. The planning proposal has provided a BDAR which has assessed the proposal against Appendix 6 of the CKPoM.

Transport for NSW advised the planning proposal should address how required infrastructure will be provided and funded. A draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities.

School Infrastructure advised the planning should consider active and public transport opportunities including footpaths and bus stops. The draft DCP addresses these concerns.

PART 4 – Mapping

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

Attachment 1 – Existing and Proposed Land Zoning Maps

Attachment 2 – Existing and Proposed Lot Size Maps

Attachment 3 – Existing and Proposed Height of Buildings Map

Attachment 4 – Existing and Proposed Urban Release Area Map

PART 5 – Community consultation

Community consultation will be undertaken in accordance with the Gateway determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Medowie Community Centre, corner of Medowie and Ferodale Streets, Medowie

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

PART 6 – Project timeline

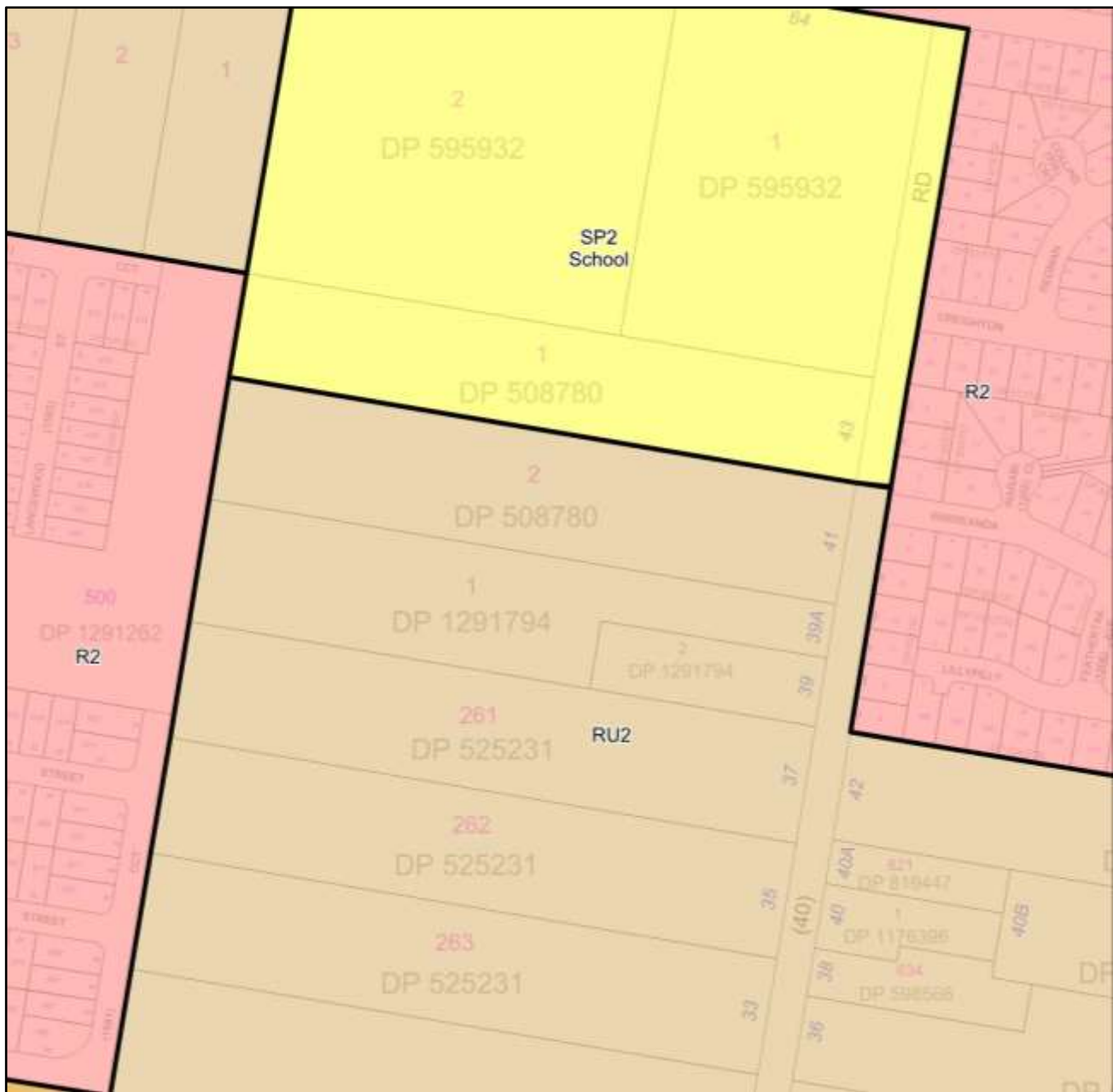
The additional technical information, studies and investigations identified in the planning proposal will be completed within the timeframes listed below, should the planning proposal receive a Gateway determination:

The planning proposal is expected to be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

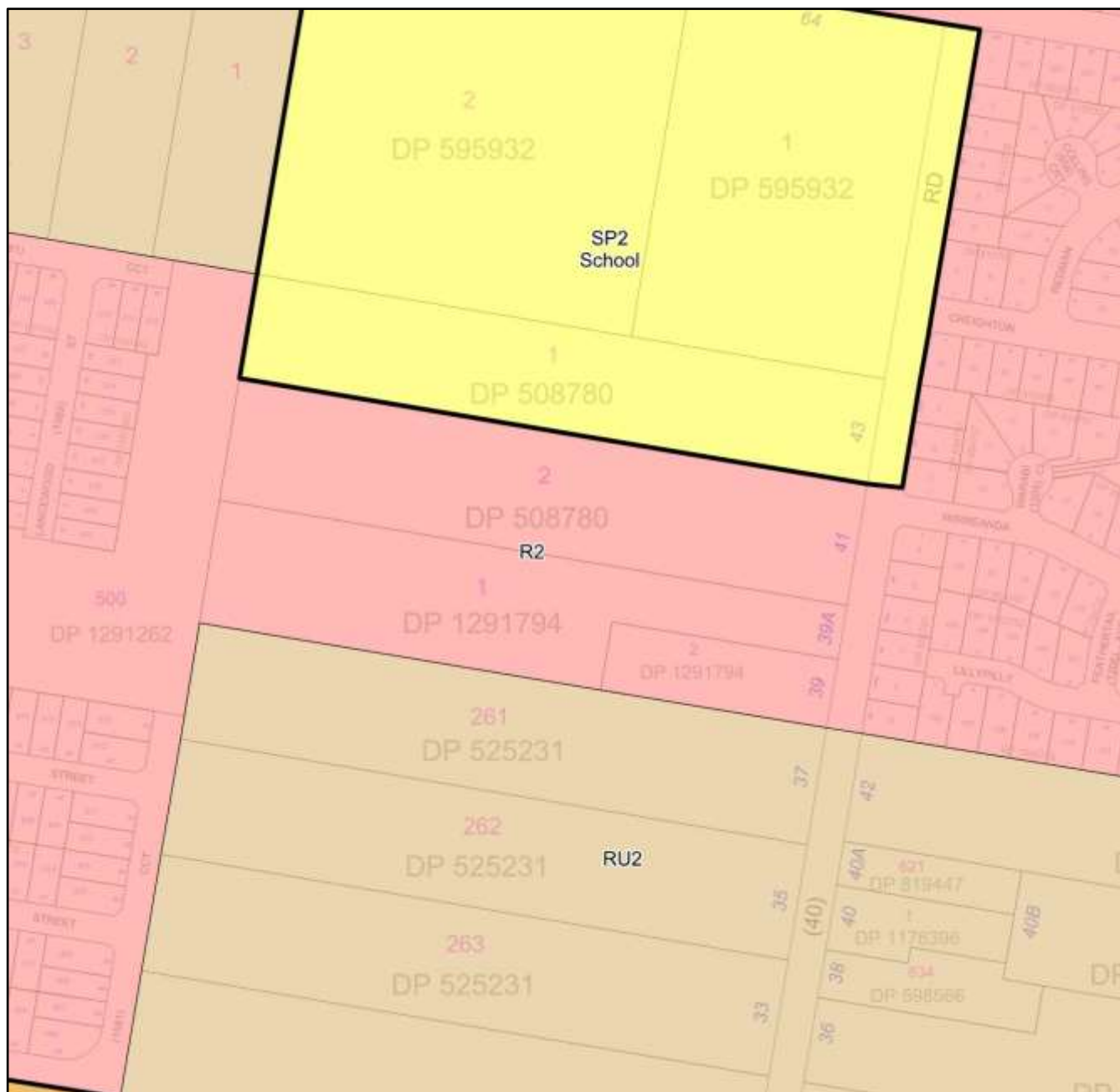
	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024
<i>Gateway Determination</i>								
<i>Additional Studies</i>								
<i>Agency Consultation</i>								
<i>Public Exhibition</i>								
<i>Consider submissions</i>								
<i>Council Report</i>								
<i>Parliamentary Counsel</i>								

Attachment 1 – Existing and Proposed Land Zoning Maps

Existing

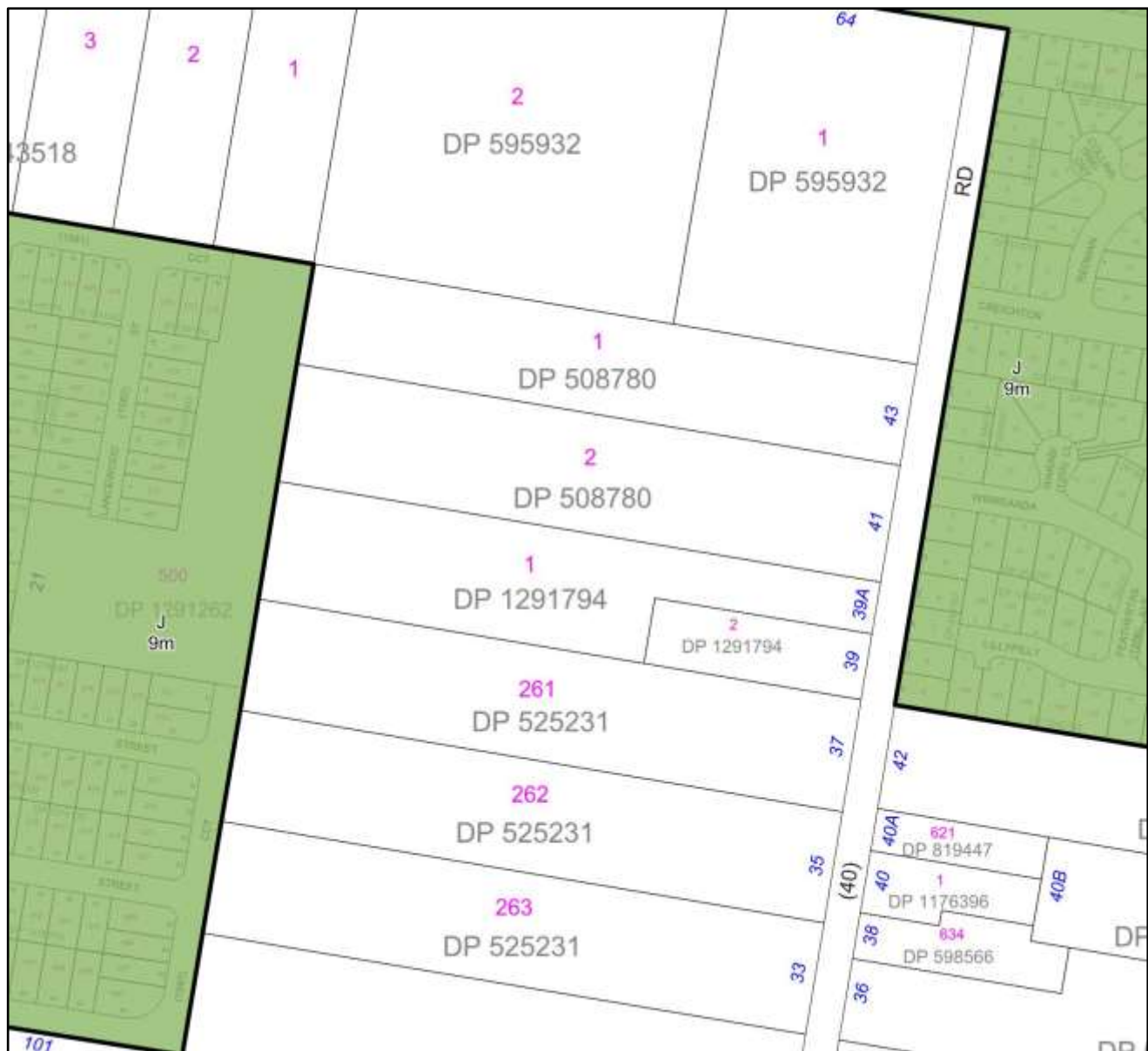


Proposed



Attachment 3 – Existing and Proposed Height of Buildings Map

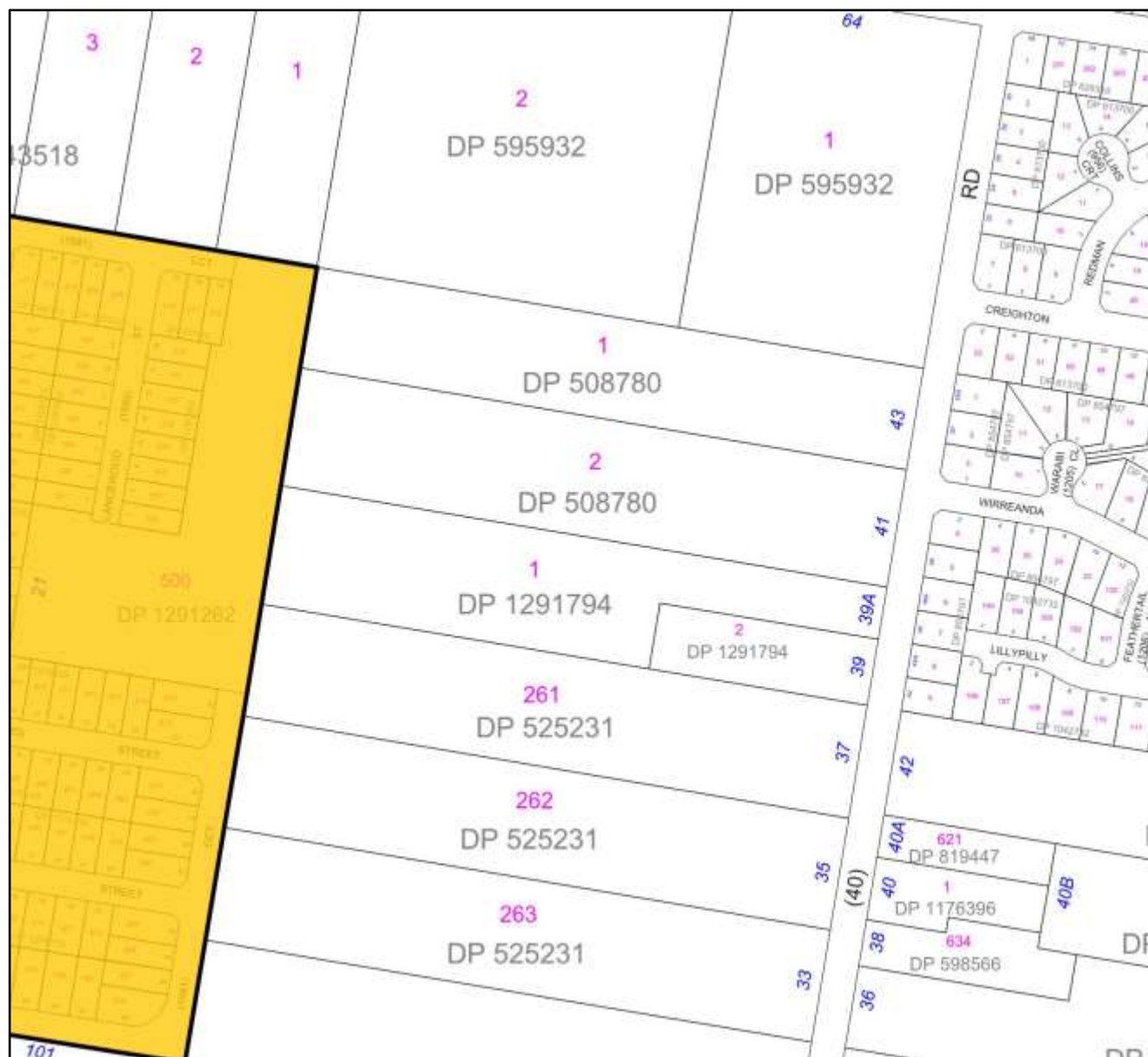
Existing



The map displays a residential area with various land parcels. The central green-shaded area is labeled 'DP 508780' and 'DP 1291794'. Other parcels include 'DP 595932', 'DP 1291262', 'DP 525231', 'DP 819447', 'DP 1176396', and 'DP 598566'. The map also shows streets like 'CROCKETT ST', 'LAKESIDE ST', and 'LAKESIDE RD'. A scale bar indicates 9m.

Attachment 4 – Existing and Proposed Urban Release Area Map

Existing



Proposed

