



Planning Proposal

Council-owned Land
Meadowie Town Centre
(Part of Lot 1 DP 1215257)
June 2016



PORT STEPHENS
COUNCIL

SUMMARY

Subject land:	Part of Lot 1 DP 1215257
Subject land area:	1.7 hectares (approximate and excludes Peppertree Road and Muir Street road reserves)
Current zoning:	R2 Low Density Residential
Proposed zoning:	B2 Local Centre
Classification:	'Operational'

The site is located in the Medowie town centre and adjacent to existing commercial and residential development. It refers only to the flood-free and cleared part east of Peppertree Road (only).

The Planning Proposal seeks to rezone approximately 1.7 hectares from R2 Low Density Residential to B2 Local Centre. It includes a large central area bound by Peppertree Road, Muir Street and Medowie Road and a smaller strip of land north of Muir Street. The purpose is to facilitate its potential development for commercial use consistent with local strategic planning for Medowie.

Figure 1 – Subject site



PART 1 – Objective of the Planning Proposal

The objective of the Planning Proposal is to facilitate the potential commercial development of the land consistent with local strategic planning for Medowie.

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

The objective 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) by rezoning the site from R2 Low Density Residential to B2 Local Centre (in accordance with the attached Draft Land Zoning Map).
- Amending the Lot Size Map (LSZ_004B) to remove the minimum lot size provisions on that part of the site to be zoned B2 Local Centre (in accordance with the attached Draft Lot Size Map).
- Amending the Height of Building Map (HOB_004B) to show the maximum height of building as 8m on that part of the site to be zoned B2 Local Centre (in accordance with the attached Draft Height of Buildings Map).

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

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

The Planning Proposal is the result of the identification of Medowie as a proposed urban area in various local and State planning strategies. It seeks to facilitate potential additional commercial development within the town centre.

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

The objective of the Planning Proposal is best achieved by an amendment to the zoning and associated provisions for the site under the *Port Stephens Local Environmental Plan 2013*. The amendments will permit the use of part of the site for a range of commercial purposes and continue to permit multi-dwelling housing. It is proposed to proceed with the Planning Proposal now to enable its consideration in a timely manner and facilitate potential development of the site in accordance with strategic planning for Medowie.

SECTION B – Relationship to Strategic Planning Framework

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

Lower Hunter Regional Strategy

Medowie is identified in the *Lower Hunter Regional Strategy* as a town including a proposed urban area with boundaries to be defined through local planning. The Planning Proposal will help Medowie maintain its role within the hierarchy identified in the *Lower Hunter Regional Strategy*. It is consistent with the relevant Action for employment and the economy to facilitate localised employment in towns.

Draft Hunter Regional Plan

The Planning Proposal is consistent with Goal 1 *Grow Australia's next major city* and Direction 1.1 to grow and sustainably manage Hunter City. It builds on the existing Hunter City Urban Area. It is consistent with the relevant action to deliver a plan for growing Hunter City including the principles that development will contribute to connected communities and that investment will support a sustainable and diverse economy.

The Planning Proposal is consistent with Goal 4 *Support Robust Regional Communities*. It is consistent with Direction 4.1 to focus housing and service growth towards the region's existing towns and the relevant actions to develop local strategies to create flexible employment, housing and service delivery that respond to changing markets and to support retail growth in centres to promote vibrant, liveable communities.

Draft Plan for Growing Hunter City

Medowie is located in the Northern Gateway District. The Planning Proposal is consistent with the relevant Direction 7.2 manage growth to protect strategic assets and the related action to investigate long term opportunities for housing growth including to identify opportunities for sustainable development in Medowie that do not affect water quality. It sets out a process to address drinking water quality given the site's location within the Grahamstown Dam drinking water catchment. The land is already zoned for residential development.

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

Port Stephens Community Strategic Plan

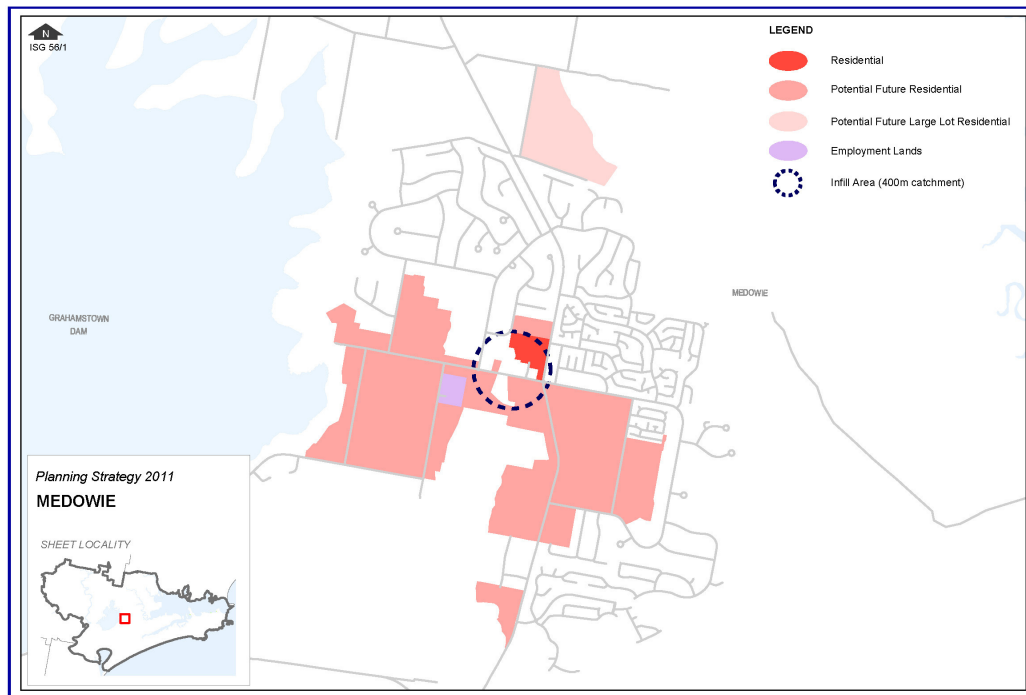
The Planning Proposal is consistent with the *Port Stephens Community Strategic Plan* strategic direction to balance the environmental, social and

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, through the preparation of a planning proposal for the site that is consistent with local strategic planning.

Port Stephens Planning Strategy

The *Port Stephens Planning Strategy* identifies Medowie for future growth as a Priority 1 Infill and New Release Area. The site is identified as residential and within an infill area (400m). The Planning Proposal will reinforce the current role of Medowie as a local centre.

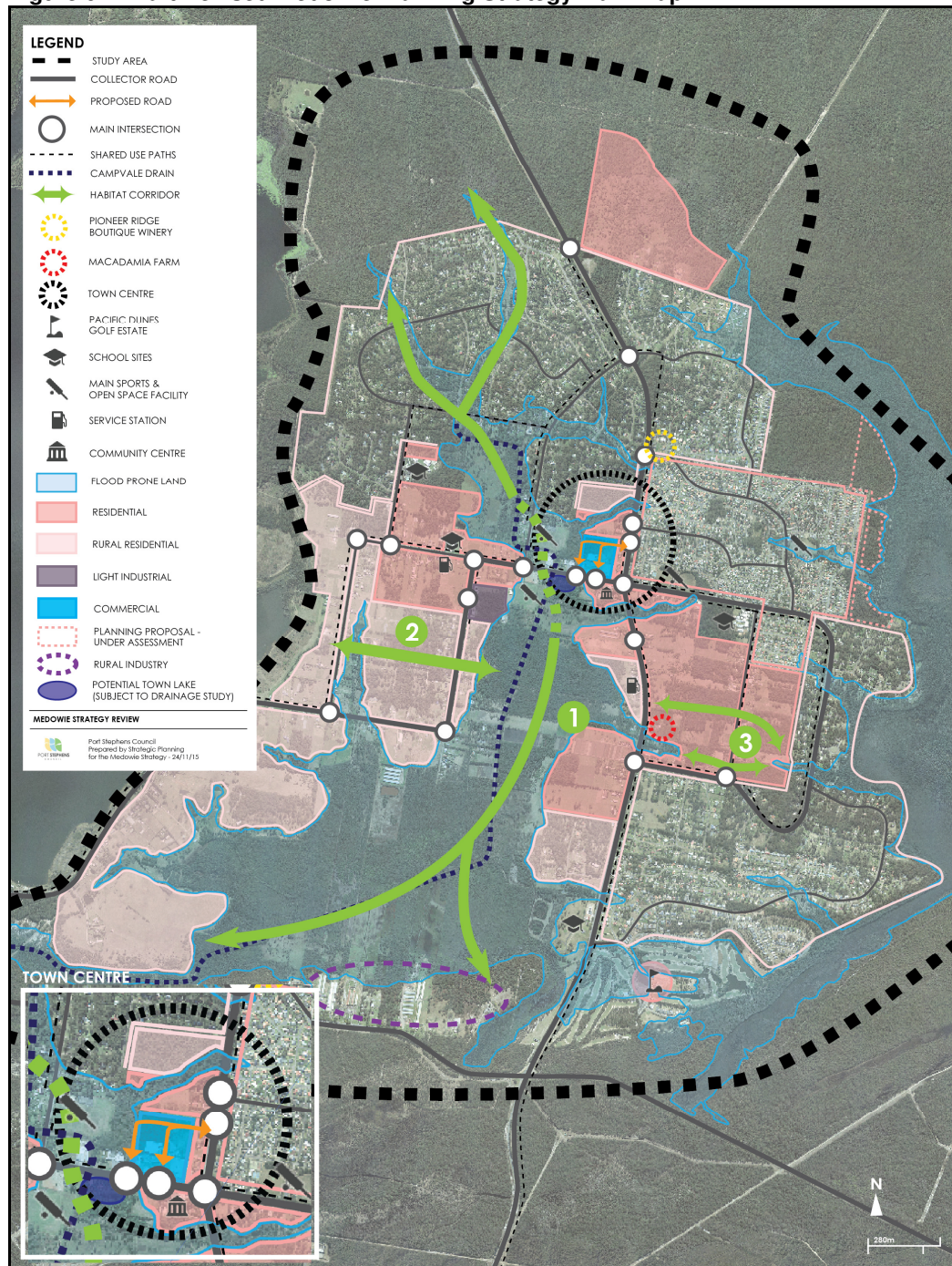
Figure 4 – Port Stephens Planning Strategy – Medowie Future Growth Area



Medowie Strategy

Council adopted the *Medowie Strategy* in 2009 to manage urban growth at a local level. It identifies the part of the site along Peppertree Road and Muir Street for commercial use. The Planning Proposal for rezoning is consistent with the identification of the site in *Medowie Strategy* with the exception of the small area north of Muir Street which is shown as 'residential'. This inconsistency is minor because the proposed zoning will continue to permit multi-dwelling housing.

Figure 6 – Draft Revised Medowie Planning Strategy Main Map



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

Relevant State Environmental Planning Policies

SEPP 44 Koala Habitat Protection

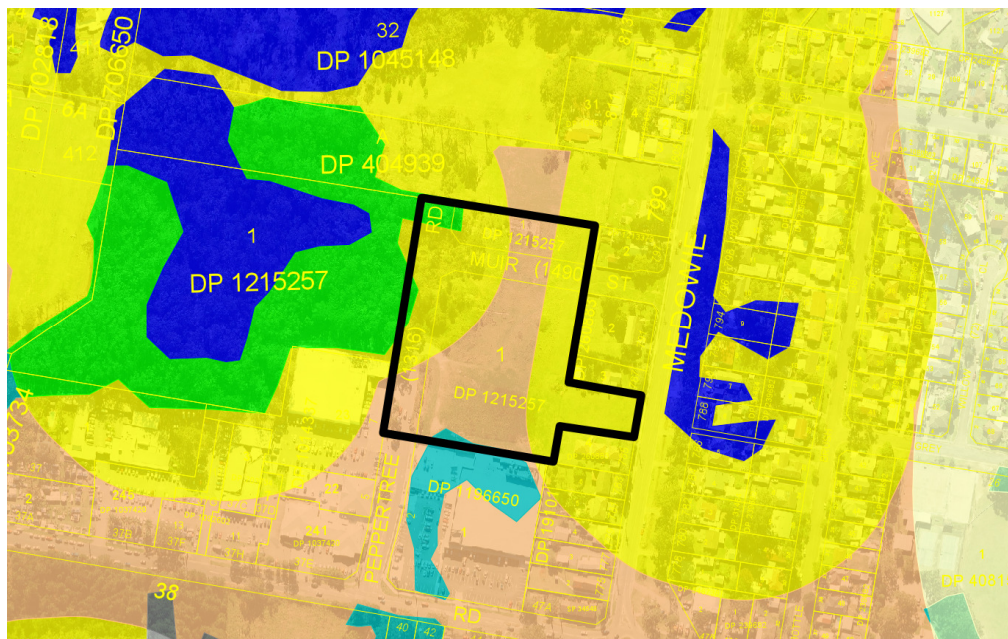
The *Port Stephens Comprehensive Koala Plan of Management* (CKPOM) is applied in Port Stephens LGA for the purposes of implementing SEPP 44.

The relevant objectives of the CKPOM are to:

- Evaluate and rank habitat throughout the LGA;
- Identify priority conservation areas and strategies to protect significant habitat and populations;
- Identify threats;
- Provide for the long-term survival of populations by addressing conservation strategies to effectively address each of the threats;
- Provide for the restoration of degraded areas;
- Ensure that adequate detail is provided with development applications in order to assess, minimise and ameliorate likely impacts;
- Provide guidelines and development standards to protect koalas and habitat; Provide for the effective implementation and monitoring of the CKPOM.

Mapping

Council koala habitat mapping primarily indicates "link over cleared land" (shown light brown) and "100m buffer over cleared land" (shown yellow).



Assessment against the CKPOM Rezoning Performance Criteria is provided below.

a) Not result in development within areas of Preferred Koala Habitat

The site is not shown as Preferred Koala Habitat.

b) Allow for only low impact development within areas of Supplementary Koala Habitat.

The site is not shown as Supplementary Koala Habitat.

c) Minimise the removal of any individuals of PKH food trees, wherever they occur on the site.

The site is cleared of vegetation.

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.

The site is cleared of native vegetation and Peppertree Road and Muir Street recently located through the site to Medowie Road. There is an indicative area of Preferred Koala Habitat along Medowie Road surrounded by residential development.

The consistency of the Planning Proposal with the CKPOM Performance Criteria with particular reference to criteria d) is to 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

The site is currently zoned R2 Low Density Residential which already permits residential development. The proposed B2 Local Centre Zone also permits residential development in the form of multi-dwelling housing. There is no effective change from the current zoning in terms of any increased risk from any possible contamination because residential development is already permitted. In any case, it is recommended that a preliminary contamination report is undertaken to address the provisions of the SEPP and confirm any potential contamination of the land from previous uses.

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

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

Relevant Section 117 Ministerial Directions

Direction 1.1 Business and Industrial Zones

Objectives

The objectives of this Direction are to: encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified strategic centres.

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 business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

A planning proposal must:

- give effect to the objectives of this direction,
- retain the areas and locations of existing business and industrial zones,
- not reduce the total potential floor space area for employment uses and related public services in business zones,
- not reduce the total potential floor space area for industrial uses in industrial zones, and
- ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of 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 provisions of the planning proposal that are inconsistent are:

justified by a strategy which:

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

consideration to the objective of this direction, or

- of minor significance.

Assessment

This Direction applies because the Planning Proposal seeks to rezone additional land for commercial use. The Planning Proposal is consistent with this Direction because it gives effect to its objectives by encouraging employment growth in the town centre, adding to existing business employment land and supporting the viability of strategic centres. It will create opportunity for additional commercial development within the existing town centre consistent with local strategic planning.

The Planning Proposal is consistent with this Direction.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

Objective

The objective of this Direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

What a relevant planning authority must do if this direction applies

In the preparation of a planning proposal affected by this direction, the relevant planning authority must:

- consult the Director-General of the Department of Primary Industries (DPI) to identify any:
- resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and
- existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and
- seek advice from the Director-General of DPI on the development potential of resources identified, and
- identify and take into consideration issues likely to lead to land use conflict between other land uses and the development of identified resources.

Where a planning proposal prohibits or restricts development of identified resources or proposes land uses that may create land use conflicts, the

relevant planning authority must:

- provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,
- allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
- include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before 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 of minor significance.

Assessment

This Direction applies because the planning proposal will have the effect of restricting the potential development of coal, minerals, petroleum or extractive materials because of future subdivision for rural residential development. Its relevance is limited, however, because the site is already zoned for residential development; is located within an existing town centre; and is surrounded by residential development.

Any inconsistency of the Planning Proposal with this Direction is of minor significance.

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 land proposed for rezoning is cleared and is not identified for environmental protection purposes. The Planning Proposal excludes the vegetated land on the western side of Peppertree Road.

The Planning Proposal is consistent with this Direction.

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.

Assessment

There are no items of European heritage significance on the site or listed in the *Port Stephens Local Environmental Plan 2013*.

The Proponent has not undertaken investigations into Aboriginal heritage at this stage.

Referral to the relevant local Aboriginal land council for advice on Aboriginal heritage has not been yet been undertaken. This could be addressed following a Gateway Determination. Future development on the site will be subject to the existing heritage provisions of the *Port Stephens Local Environmental Plan 2013* and the *National Parks and Wildlife Act 1974* (NSW) to manage potential for heritage impacts. Any inconsistency with this Direction may be of minor significance in the planning proposal process under this circumstance.

Consistency of the Planning Proposal with this Direction can be confirmed by referral to the NSW Office of Environment and Heritage and Worimi Local Aboriginal Land Council.

Consistency of the Planning Proposal with this Direction will be confirmed following a Gateway Determination.

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.

Consistency

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

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

Assessment

This Direction applies because the Planning Proposal seeks to rezone land from R2 Low Density Residential to B2 Local Centre. The Planning Proposal is consistent with the Direction because the proposed B2 Local Centre zone retains the permissibility of multi-dwelling housing on the site.

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; Providing for the efficient movement of freight.

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, and is 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) because the site is located within an existing town centre. Its development will reinforce the town centre as a centrally located destination, and encourage and reinforce greater use of alternative means of transport (e.g. walking, cycling, public transport).

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:

- 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

The application of this Direction to the Planning Proposal is limited. Medowie is located in the general vicinity of RAAF Base Williamtown and the Salt Ash Air Weapons Range. There are no aircraft noise attenuation requirements to meet AS 2021 regarding aircraft noise attenuation. The site is located outside of ANEF contours and within an existing town centre.

The proposed land use change is commercial which is less sensitive to aircraft noise than residential development. The site is not located within an area mapped as requiring affected by requirements for extraneous lighting. Any development of the site would be able to address any potential concern regarding airspace and height triggers or bird strike.

The Planning Proposal is consistent with this Direction.

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

Acid sulfate soils planning maps identify the site as 'Class 5' requiring consent for works within 500m of adjacent soil classes. This is the lowest risk classification and the application of this Direction is of limited relevance. The Planning Proposal does not propose any intensification of land use because it is already zoned for urban development. This issue can be managed through the existing provisions of the *Port Stephens Local Environmental Plan 2013* and at development application stage (if required).

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

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.

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

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.

Assessment

Medowie is identified in the *Lower Hunter Regional Strategy* as a proposed urban area with boundaries to be identified through local planning. The site is identified for commercial use in the current *Medowie Strategy*.

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?

No. The site is cleared of vegetation.

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

Water Management

Improving or maintaining water quality is an important concern for rezoning and development in a large area of Medowie including the site because it is within the drinking water catchment for Grahamstown Dam. Water quality modelling demonstrating neutral or beneficial effect on water quality is proposed post-Gateway Determination. Existing general water quality controls in the *Port Stephens Development Control Plan 2014 Chapter B4 Drainage and Water Quality* will apply to future development. There is also additional surety that future development under the Planning Proposal will meet water quality management requirements at development application stage through the provisions of clause 7.8 *Drinking water catchments* of the *Port Stephens Local Environmental Plan 2013*. The objective of the clause is "...to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering water storages".

The *Medowie Flood Risk Management Study and Plan* (2016) indicates that the critical storm duration for the Campvale Swamp area is 72hr and for Ferodale Road culvert is 9hrs. Any on-site detention basin must consider these two critical durations for designing a future on-site detention system. The design must consider not only the post and predevelopment discharges, but also consider the volume increase due to the proposed development. Further investigations will be undertaken post-Gateway Determination to ensure consistency with the *Medowie Flood Risk Management Study and Plan*.

Traffic and Transport

The site is in a good location to encourage the use of alternative means of transportation. The *Medowie Traffic and Transport Study* (URAP, 2012) and the *Port Stephens Section 94 Development Contributions Plan 2007* identify and make provision for the future intersection upgrade works in the town centre that will become more pressing if the land is rezoned and developed for commercial purposes.

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

An economic assessment was undertaken for the proposal (refer to *Economic Considerations* RPS December 2015). It concludes that projected population growth in the Medowie Catchment over the next 15 – 20 years is expected to support increased demand for local retail floor space in non-grocery and supermarket related floor space, such as specialty shops, retail service and food service. The proposed B2 Zone will help meet this demand. Further economic analysis is recommended through the preparation of a retail needs assessment for the catchment. This includes an updated retail floor space demand and supply estimate for Medowie utilising expenditure based approach to retail modelling. The proposed B2 Local Centre Zone provides flexibility to cater for both commercial and residential development by continuing to permit multi-dwelling housing.

SECTION D – State and Commonwealth interests

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

It is proposed to refer the planning proposal to the Hunter Water Corporation for comment on the provision of adequate sewer and water infrastructure. The *Draft Revised Medowie Planning Strategy* provides that future urban development in the Grahamstown Dam Drinking Water Catchment should be connected to the reticulated sewer and water system.

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

It is proposed to consult with the following government agencies:

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

Part 4 - Mapping

The following mapping amendments are proposed and are included with this Planning Proposal:

- Amending the *Port Stephens Local Environmental Plan 2013* Land Zoning Map (LZN_004B) in accordance with the Draft Land Zoning Map from R2 Low Density Residential to B2 Local Centre.
- Amending the *Port Stephens Local Environmental Plan 2013* Lot Size Map (LSZ_004B) in accordance with the Draft Lot Size Map to remove the minimum lot size provisions on that part of the site to be zoned B2 Local Centre.
- Amending the *Port Stephens Local Environmental Plan 2013* Height of Building Map (HOB_004B) in accordance with the Draft Height of Buildings Map to show the maximum height of building as 8m.

Part 5 - Details of Community Consultation

Community consultation will be undertaken in accordance with a Gateway Determination. It is proposed to exhibit the Planning Proposal for 14 days and to notify adjoining landowners in writing. Notice of the exhibition will be placed in the local newspaper and exhibition material will be available on Council's website and during normal business hours at Council's Administration Building.

Part 6 – Project timeline

The following timetable is proposed from June to December 2016:

	July	Aug	Sept	Oct	Nov	Dec
<i>Gateway Determination</i>						
<i>Additional Information</i>						
<i>Consultation & Exhibition</i>						
<i>Address Submissions</i>						
<i>Council Report</i>						
<i>Parliamentary Counsel</i>						

Site Identification Map



**Port Stephens
Local
Environmental
Plan 2013**

Site Identification Map
Part of map tile:-
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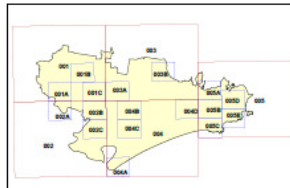
Legend

Subject Site

Cadastral

Cadastre 6/06/2016 © Land and Property Information (LPI)

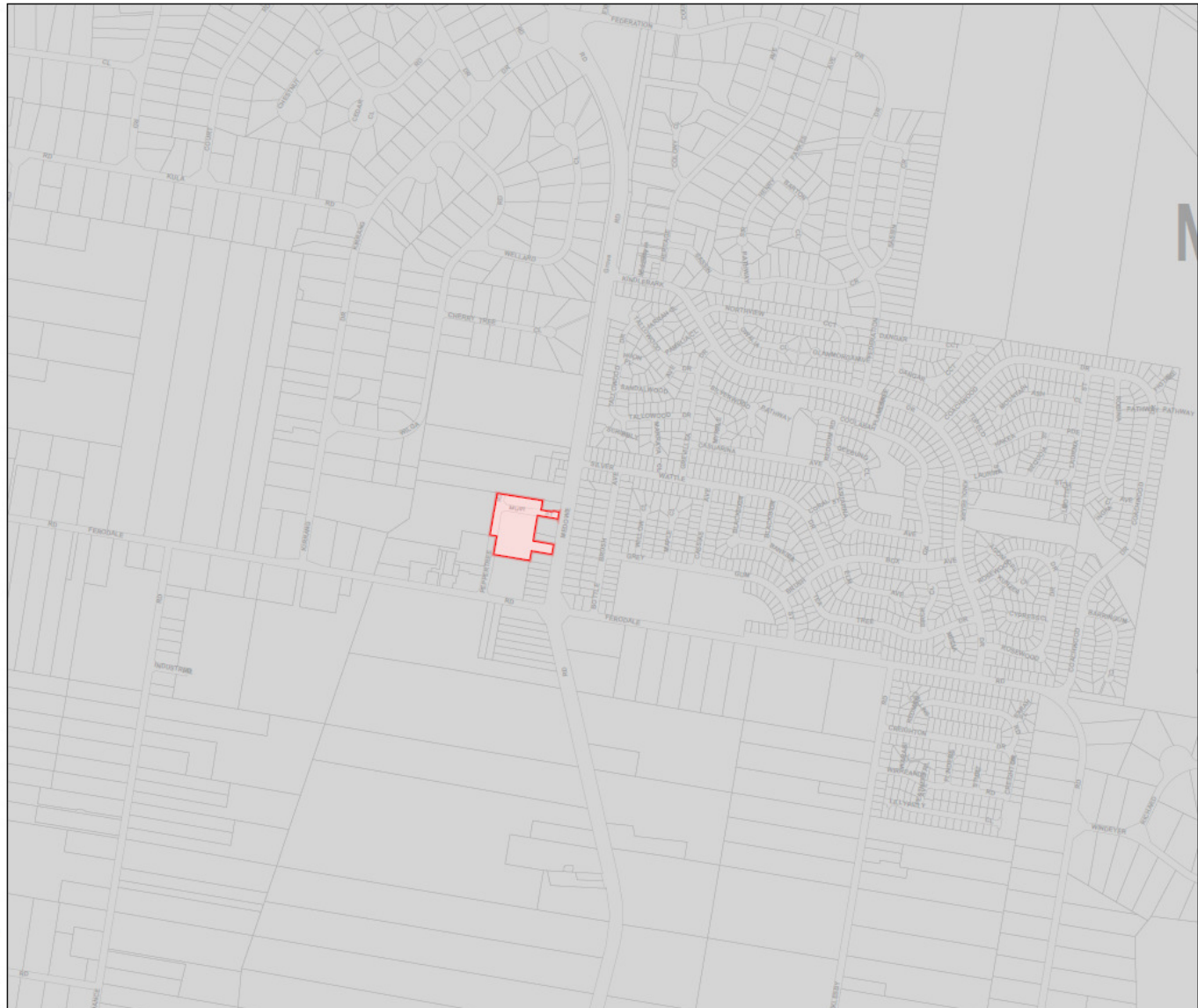
This map is for explanation purposes only
This map is not a legal document



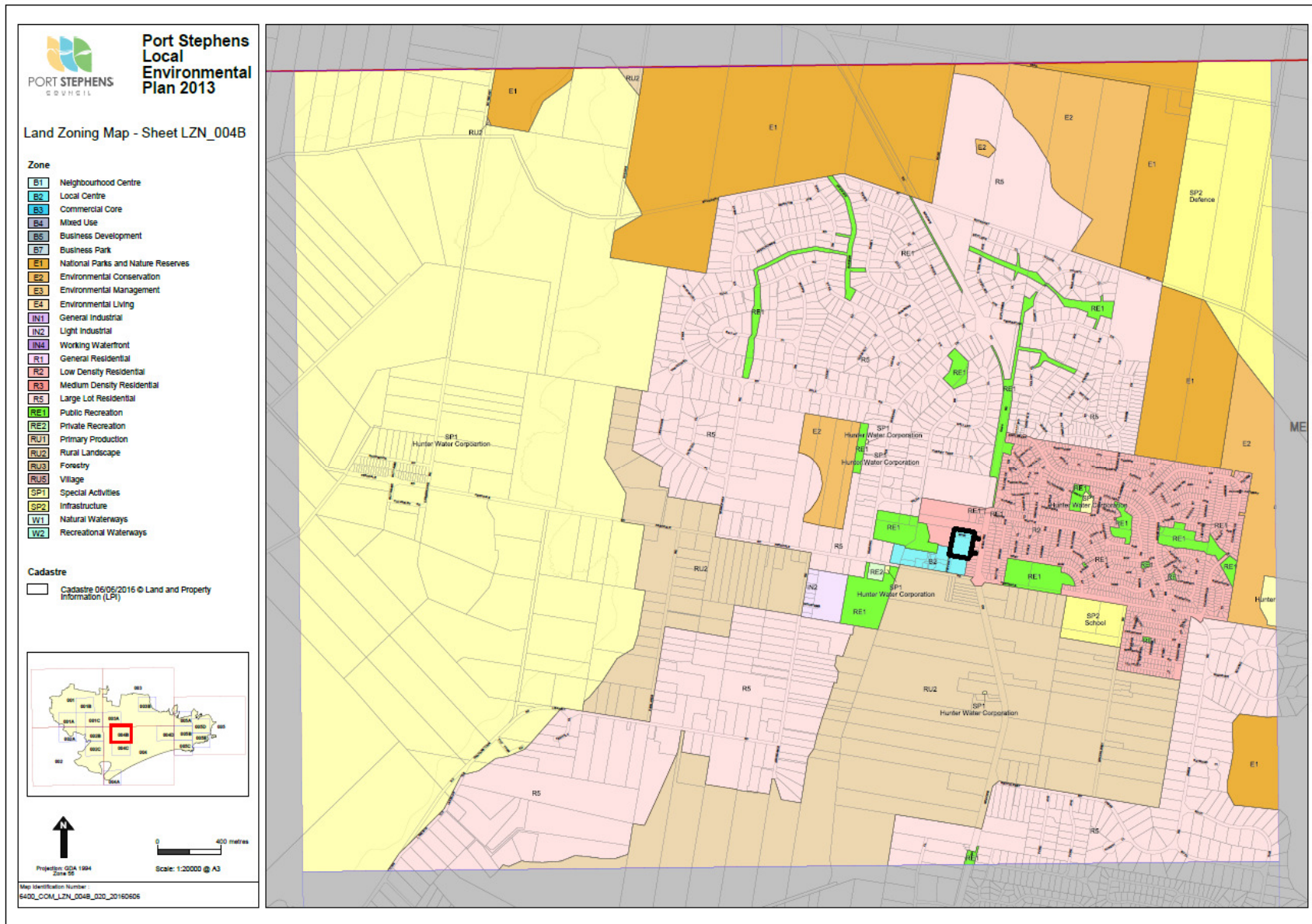
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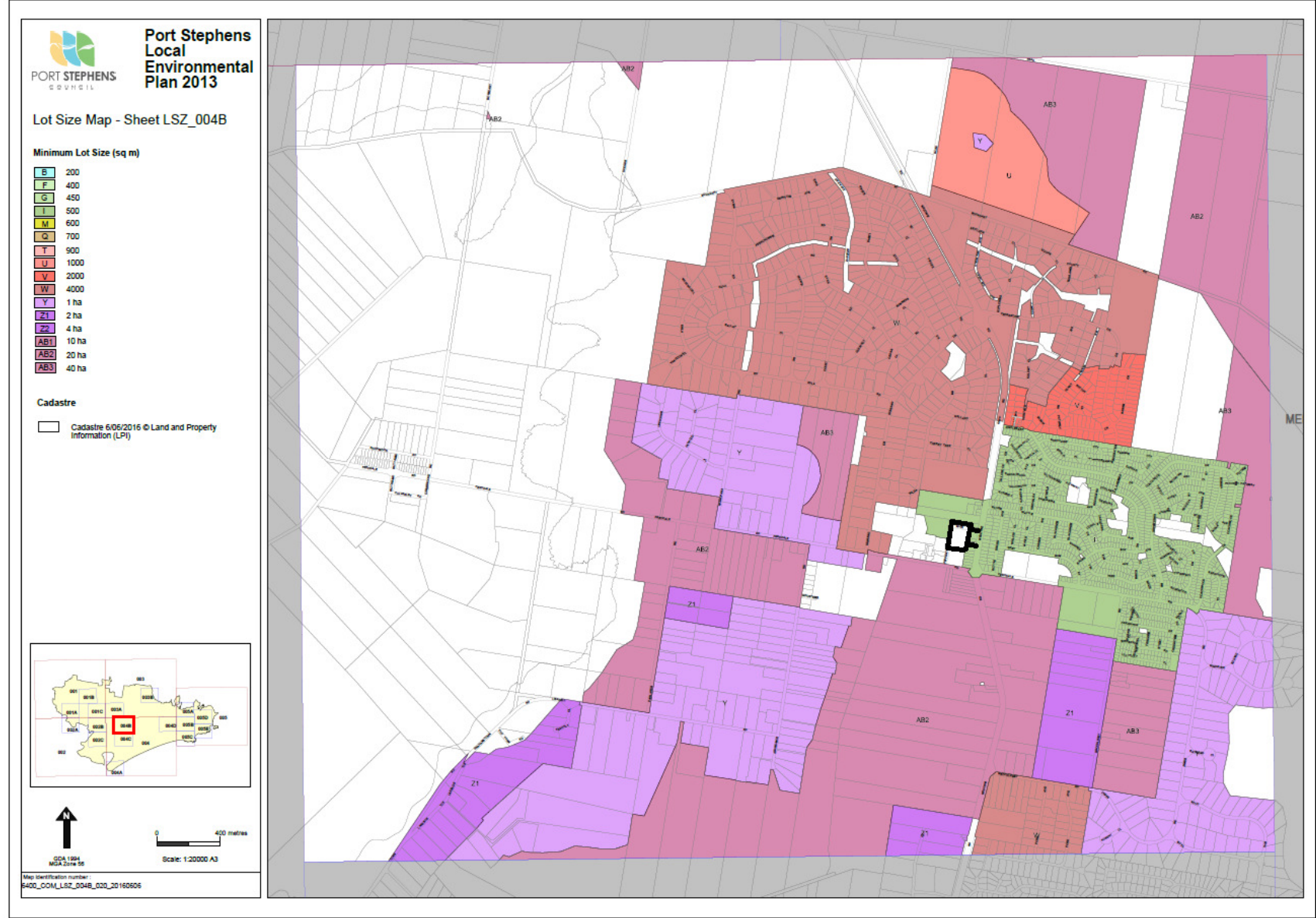
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Draft Land Zoning Map



Draft Lot Size Map



Draft Height of Buildings Map

