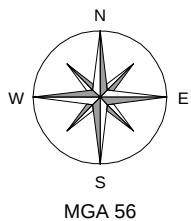


LOCALITY MAP



SUBJECT SITE - Cnr of Fairlands and Ferodale Rd Medowie



116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

DISCLAIMER

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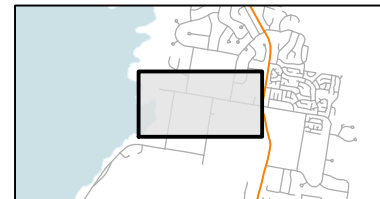
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SCALE 1:10000 @ A4

PRINTED ON: 31.01.14

SHEET LOCALITY





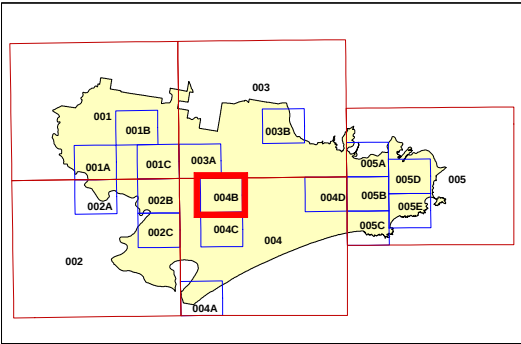
Port Stephens
Local
Environmental
Plan 2013

Land Zoning Map - Sheet LZN_004B

- Zone**
- B1 Neighbourhood Centre
 - B2 Local Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - B5 Business Development
 - B7 Business Park
 - E1 National Parks and Nature Reserves
 - E2 Environmental Conservation
 - E3 Environmental Management
 - E4 Environmental Living
 - IN1 General Industrial
 - IN2 Light Industrial
 - IN4 Working Waterfront
 - R1 General Residential
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R5 Large Lot Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - RU1 Primary Production
 - RU2 Rural Landscape
 - RU3 Forestry
 - RU5 Village
 - SP1 Special Activities
 - SP2 Infrastructure
 - W1 Natural Waterways
 - W2 Recreational Waterways

Cadastre

Cadastre 31/01/2014 © Land and Property Information (LPI)

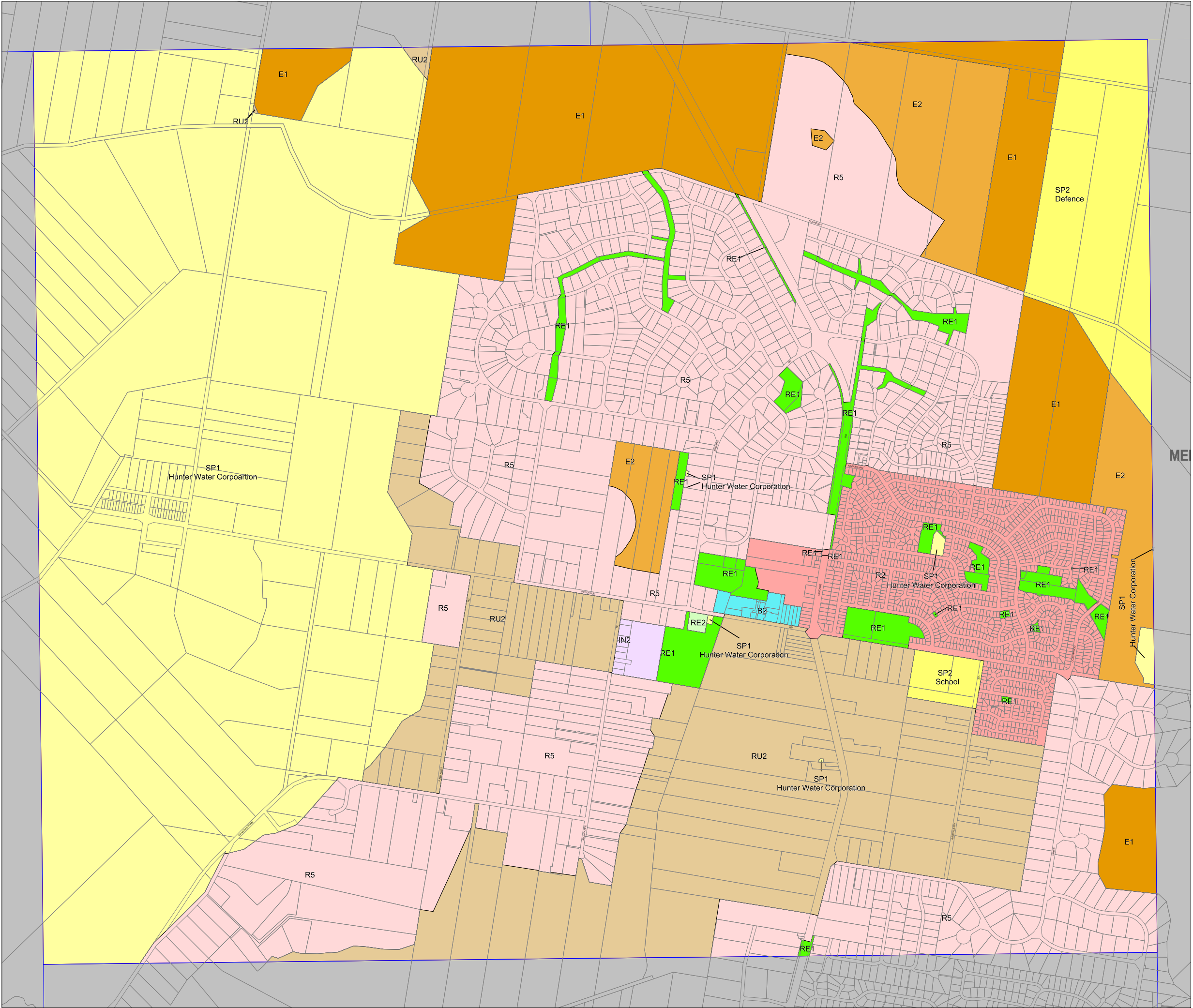


0 400 metres

Projection: GDA 1994
Zone 56

Scale: 1:20000 @ A3

Map Identification Number :
6400_COM_LZN_004B_020_20140131





**Port Stephens
Local
Environmental
Plan 2013**

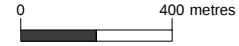
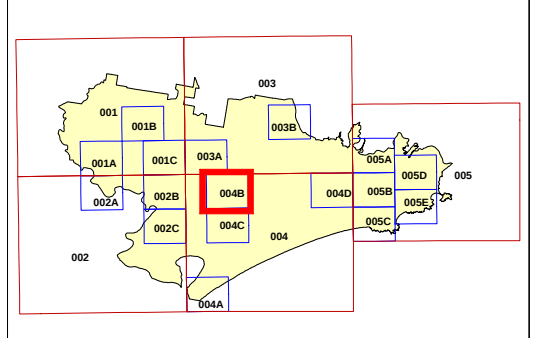
Lot Size Map - Sheet LSZ_004B

Minimum Lot Size (sq m)

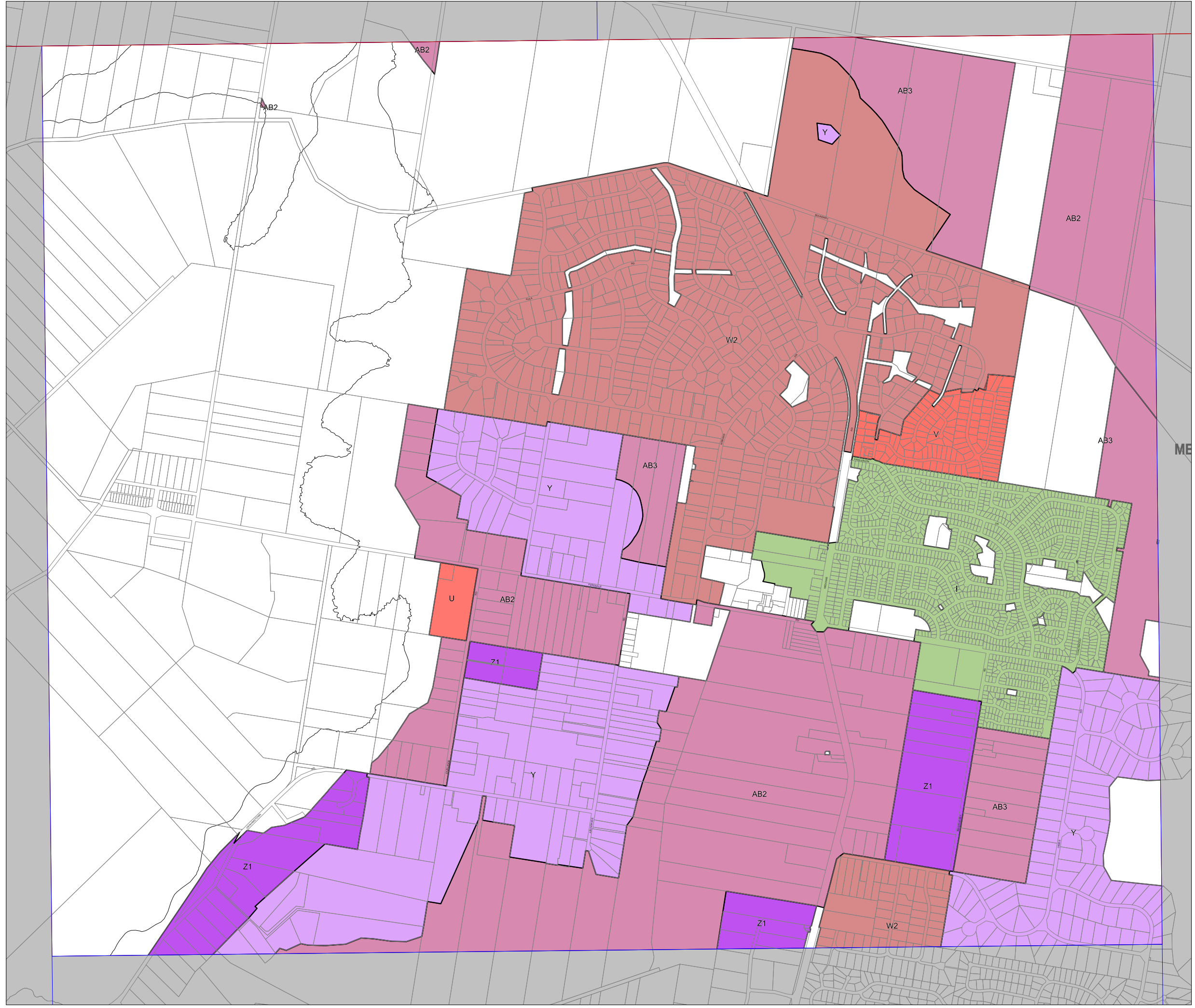
B	200
F	400
G	450
I	500
M	600
Q	700
T	900
U	1000
V	2000
W	4000
Y	1 ha
Z1	2 ha
Z2	4 ha
AB1	10 ha
AB2	20 ha
AB3	40 ha

Cadastre

 Cadastre 31/01/2014 © Land and Property Information (LPI)



GDA 1994
MGA Zone 56
Map identification number :
6400_COM_LSZ_004B_020_20140131





PLANNING PROPOSAL

Proposed amendment to Port Stephens Local Environmental Plan 2013

Proposal to rezone land at
Property: Lot 100 and Lot 101 DP 583216
Corner of Ferodale and Fairlands Roads Medowie

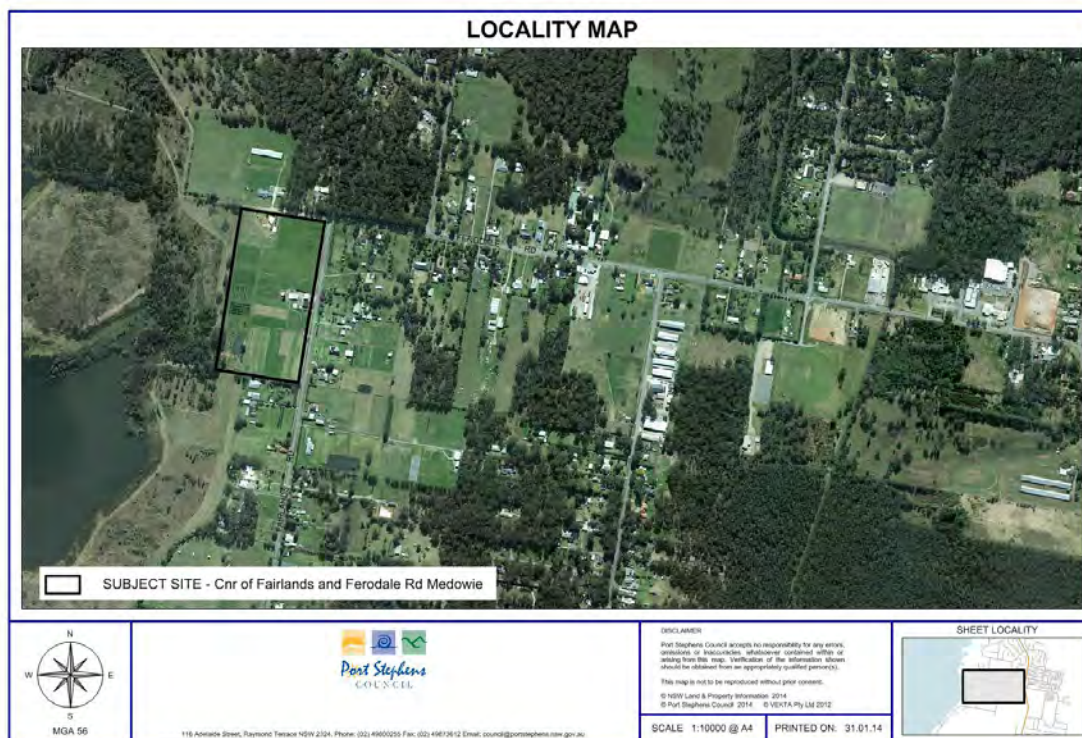
February 2014

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PLANNING PROPOSAL - Lot 100 & 101 DP 583216, corner of Ferodale & Fairlands Roads, Medowie

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for, a proposed amendment to the Port Stephens Local Environmental Plan 2013 to rezone Lot 100 and 101 DP 583216 at the corner of Fairlands Road and Ferodale Road Medowie from RU1 Rural Landscape to R5 Large Lot Residential with a minimum lot size of 1,000m².



PART 1 – Objective of the proposed Local Environmental Plan Amendment

The objective of the Planning Proposal is to:

- Rezone the subject land to enable its subdivision for residential use in accordance with the Medowie Strategy.

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

The proposed objective will be implemented by:

- Amending the Port Stephens Local Environmental Plan 2013 Zoning Map in accordance with the proposed Land Use Zone Map at **Attachment 1**; and
- Amending the Port Stephens Local Environmental Plan 2013 Lot Size Map in accordance with the proposed Lot Size Map at **Attachment 2**.

(note: the Planning Proposal will introduce a standard minimum lot size of 1,000m² to the Port Stephens Local Environmental Plan 2013).

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

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

The Planning Proposal is a result of the identification of Medowie as a proposed urban area in the Lower Hunter Regional Strategy, Port Stephens Planning Strategy and the Medowie Strategy.

2. 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 can only be achieved by an amendment to the Port Stephens Local Environmental Plan 2013.

The subject land requires rezoning to permit subdivision for residential use.

The Planning Proposal will introduce a standard minimum lot size of 1,000m² to the Port Stephens Local Environmental Plan 2013. This will facilitate the ongoing implementation of the Medowie Strategy, which proposes large lot residential development on lots between 1,000m² and 1,500m² in the area, including on the subject land.

It is proposed to proceed with the Planning Proposal rather than wait for a general review of the Port Stephens Local Environmental Plan 2013 to rezone the land. This will enable the Planning Proposal to be considered in a timely manner.

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 proposed urban area with boundaries to be defined through local planning. The Planning Proposal is consistent with the objectives and actions of the Lower Hunter Regional Strategy with particular reference to the delivery of additional housing in suitable locations.

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

Port Stephens Planning Strategy 2011-2036

The Port Stephens Planning Strategy identifies Medowie as a Priority 1 Infill and New Release Area.

Medowie Strategy

Council adopted the Medowie Strategy in 2009 to manage urban growth.

The proposed land use is consistent with the Medowie Strategy, which identifies the site for large lot residential development with a minimum lot size of 1,000m² to 1,500m².

Council is currently reviewing the Medowie Strategy. A Traffic and Transport Study has been completed and a Flood Study has been partially completed. If a planning proposal is to proceed it needs to demonstrate adequate infrastructure is able to be provided to service the development.

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

An assessment of the Planning Proposal against the relevant SEPPs is provided in the following table:

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance
SEPP 44 – Koala Habitat Protection This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline by: a) requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat; b) encouraging the identification of areas of core koala habitat; and c) encouraging the inclusion of core koala habitat in environment protection zones.	The Port Stephens Comprehensive Koala Plan of Management (CKPoM) is applied in Port Stephens LGA for the purposes of implementing SEPP 44. The site is cleared farmland with the exception of a small number of trees in the south-west corner of the site. The Council GIS Koala Habitat Planning Map indicates the south west corner of the subject land may comprise a very minor area of Preferred Koala Habitat with a further associated 50m buffer. The mapping also shows a buffer along parts of the site's western boundary associated with vegetation on adjacent land owned by the Hunter Water Corporation. Any potential inconsistency with this SEPP is likely to be minor and can be justified by further assessment at subdivision stage. The Planning Proposal is consistent with this SEPP.

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.	The site has a history of use as farmland. A Site Contamination Study will be required to demonstrate the suitability of the subject land for residential use and is proposed to be undertaken following a Gateway Determination. The consistency of the Planning Proposal with this SEPP is to be further investigated and established.
SEPP (Rural Lands) 2008 This SEPP aims to facilitate the orderly and economic use and development of rural lands for rural purposes, identify rural planning principles and rural subdivision principles, reduce land use conflicts and identify State significant agricultural land.	The site is not mapped as Prime Agricultural Land. The site has been identified for potential urban development under the Lower Hunter Regional Strategy, the Port Stephens Planning Strategy and Medowie Strategy. Any inconsistencies with the provisions of this SEPP are justified because the Planning Proposal is consistent with adopted strategic plans for the area. The Planning Proposal is consistent with this SEPP.

Section 117 Ministerial Directions

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

An assessment of relevant s.117 Directions against the Planning Proposal is provided in the following table:

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Consistency and Implications
1.1 Business and Industrial Zones The objectives of this direction are to: a) encourage employment growth in suitable locations. b) Protect employment land in business and industrial zones. c) Support the viability of identified strategic centres.	This direction applies because the Planning Proposal may affect land within an existing or proposed business or industrial zone. The Planning Proposal will have a positive impact on the existing town of Medowie and nearby major regional centre of Raymond Terrace by providing additional land for housing in a suitable location. Future residents will support businesses in the area. The Planning Proposal is consistent with this direction.
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	This Direction applies because it proposes to rezone rural land for residential use. The land is not mapped as Prime Agricultural Land. Any inconsistency with this direction is justified by the identification of the site as a proposed urban area in planning strategies. The Planning Proposal is consistent with this direction.
1.5 Rural Lands The objectives of this Direction are to: (a) Protect the agricultural production value of rural land. (b) Facilitate the economic development of rural lands for rural related purposes.	This Direction applies because it proposes to rezone rural land for residential use. The land is not mapped as Prime Agricultural Land. Any inconsistency with this direction is justified by the identification of the site as a proposed urban area in planning strategies. The Planning Proposal is consistent with this direction.
2.1 Environment Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	This direction states that a Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. An environmental zone does not currently apply to the site, which is zoned RU2 Rural Landscape under the Port Stephens Local Environmental Plan 2013. The site is cleared farmland with the exception of a small area of vegetation area in the south-west corner of the site.

	Any inconsistency with this direction is of minor significance and can be justified through a Flora and Fauna Report prepared after a Gateway Determination. The Planning Proposal is consistent with this direction.
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance	This direction applies when a relevant planning authority prepares a planning proposal. An archaeological assessment will be prepared following a Gateway Determination to ensure due diligence. The Proponent advises given the level of agricultural use of the site it is considered unlikely any indigenous heritage would be supported on the site. The consistency of the Planning Proposal with this direction is to be further investigated and established.
3.1 Residential Zones The objectives of this direction seek to encourage a range and variety of housing types, make efficient use of existing infrastructure to improve access to services etc, and minimise the impact of residential development on the environment.	The Planning Proposal is consistent with this direction because it will provide housing in accordance with the Medowie Strategy. It is seeking to rezone approximately 8 hectares of land for large lot residential development on lots with a minimum area of 1,000m² in accordance with strategic planning for the area. The Planning Proposal is consistent with this direction.
3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve planning objectives related to improving access to jobs and services by alternative modes of transport, transport choice, reduce travel demand and supporting public transport.	The proposed land use is consistent with adopted planning strategies for the area including the Medowie Strategy, Port Stephens Planning Strategy and Lower Hunter Regional Strategy. The site is located close to the urban centre of Medowie and within walking distance to the local school. A bike path is located at the front of the site and links the site to the town centre. It facilitates the use of alternative modes of transport. The Planning Proposal is consistent with the objectives of this direction.
3.5 Development Near Licensed Aerodromes The relevant objectives of this direction are to ensure the efficient and safe operation of aerodromes, and to ensure their operation is not compromised	The subject land is not affected by the Australian Noise Exposure Forecast 2012 or 2025 maps. Land outside of ANEF contours can still be affected by aircraft noise and activity. The Planning Proposal appears likely to satisfy this direction however consultation can occur with the Department of Defence to clarify any impact (if required by Gateway Determination).

by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.	The Planning Proposal is consistent with this 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.	The Planning Proposal is unlikely to create significant environmental impacts as a result of acid sulphate soils. The Port Stephens Acid Sulfate Soils Planning Map identifies most of the site as containing class 5 soils (requiring consent for works within 500m of adjacent soil classes). This is a low risk classification. The Port Stephens Local Environmental Plan 2013 contains provisions requiring appropriate measures to be taken at the development stage to manage potential adverse impacts from acid sulphate soils and these will apply to any future development on the site. The Planning Proposal is consistent with this direction.
4.3 Flood Prone Land The objectives of this direction are to (a) Ensure new development is consistent with the NSW Governments Flood Prone Land Policy and the Principles of the Floodplain Development Manual 2005, and (b) Ensure the provisions of an LEP on flood prone land are commensurate with flood hazard, and include consideration of the potential flood impacts both on and off the subject land.	The site is not mapped as flood prone. The Proponent will be required to submit a stormwater management strategy for the site satisfying the concerns of Hunter Water Corporation and Council. The Planning Proposal is consistent with this direction.
4.4 Planning for Bushfire Protection The objectives of this direction are: (a) To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas. (b) To encourage sound management of bushfire prone areas.	The western boundary and north eastern corner of the site are mapped as bushfire prone land. A bush fire report and consultation with the NSW Rural Fire Service will be undertaken following a Gateway Determination. The consistency of the Planning Proposal with this direction is to be further investigated and established.

5.1 Implementation of Regional Strategies The objective of this direction is to give legal effect to the vision, land use policies, outcomes and actions contained in regional strategies.	Medowie is identified in the Lower Hunter Regional Strategy as a proposed urban area with boundaries to be defined through local planning. Council has subsequently prepared and adopted the Medowie Strategy and the Port Stephens Planning Strategy. The proposed land use is consistent with the adopted planning strategies for the area. The Planning Proposal is consistent with this direction.
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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?

The subject land is predominantly clear of native vegetation and has been used for agricultural purposes for many years. A small number of trees are located into the south-west corner of the site and are mapped in the Port Stephens Comprehensive Koala Plan of Management as preferred koala habitat.

No ecological studies have been undertaken at this stage, however, upon Gateway Determination approval a report shall be prepared if necessary. As there is potential to retain vegetation the proposal is unlikely to result in any adverse impacts in regard to critical habitat, threatened species, populations or ecological communities or their habitats.

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

Stormwater

Stormwater management is a concern for rezoning and development in Medowie because of its proximity and drainage to Grahamstown Dam. Hunter Water Corporation has provided preliminary comment to the Proponent advising that the land falls within the Grahamstown Catchment Area, defined in the Hunter Water Regulation 2010, which protects the Grahamstown Dam drinking water source. The ongoing ecological health of the catchment and storage is of paramount importance to provide safe drinking water. Concern is expressed that at least part of the site drains directly into Grahamstown Dam, and therefore low-intensity land uses are more appropriate than higher intensity uses such as those that are possible under the Planning Proposal.

Hunter Water Corporation advise that if drainage of the site were reconfigured in such a way as not to flow directly into the dam, an assessment is requested that considered the direction of drainage of the

proposed new lots and a demonstration of neutral or beneficial impact on surface and groundwater quality under all conditions.

A contour survey has been undertaken by the Proponent to determine the flow of water over the site. The Proponent advises that water will generally flow toward the south western corner however due to the topography of the site, the water will then be redirected towards the south eastern corner and Fairlands Road as this part of the site is 0.5m lower than the south west corner.

It is a recommendation of this Planning Proposal that a strategy is undertaken for the site satisfying the concerns of Hunter Water Corporation and Council concerning stormwater.

Bushfire

The western boundary and north eastern corner of the site are mapped as bushfire prone land.

A bush fire report will be undertaken following a Gateway Determination.

Indigenous Heritage

An archaeological report will be undertaken following a Gateway Determination to ensure due diligence.

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

The Planning Proposal will have a positive social and economic effect through the provision of 8 hectares of land for housing on lots with a minimum area of 1,000m² consistent with strategic planning for the area (subject to resolution of infrastructure delivery).

SECTION D – State and Commonwealth interests

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

The following information on water delivery, waste water transportation, and waste water treatment is based on preliminary comment provided to the Proponent by Hunter Water Corporation. It is proposed that the Proponent undertake an infrastructure delivery strategy to demonstrate suitability of the site for development prior to the completion of the review of the Medowie Strategy that is currently being undertaken by Council.

Water Delivery

The site is within the Port Stephens Water Supply System. The area has not been identified in the most recent Wastewater Transportation Servicing Strategies either developer funded or Hunter Water Corporation funded.

The site has frontage to a water main along Ferodale Road.

Analysis of a model of the Port Stephens Water Supply System indicates there is sufficient capacity within the existing system to supply the proposed development without the need for augmentation.

Wastewater Transportation

The site is within the Medowie Waste Water Pump Station catchment area, which is within the Raymond Terrace Waste Water Treatment Works catchment. This area has not been identified in the most recent Wastewater Transportation Servicing Strategies, either developer funded or Hunter Water Corporation funded.

The nearest gravity sewer connection point to service the site is located approximately 1,500 metres away along Ferodale Road, and it appears that flows from the development may require pumping to access this point.

A static analysis of the sewer main downstream of the connection point indicates capacity is available.

All wastewater catchments in Medowie eventually discharge to Medowie 10 Waste Water Pump Station, which transfers flows to Raymond Terrace Waste Water Treatment Works. There is currently limited capacity within the Medowie 10 Waste Water Pumping Station. However, a limited pump capacity upgrade is currently forecast to occur between 2014 and 2018; however the scope of this work is yet to be finalised due to constraints in the downstream transfer system and at the Raymond Terrace Waste Water Treatment Works. These constraints may limit longer term growth in the Medowie area and would require significant upgrades to rectify.

Hunter Water Corporation advises it should be noted that the decision and timing for upgrades is undertaken on a priority basis, determined by the greatest need throughout their entire water and wastewater systems, and any identified upgrades may be subject to change.

Wastewater Treatment

Hunter Water Corporation advise that Raymond Terrace Waste Water Treatment Works inlet works is currently approaching capacity. Due to the limitations of the inlet works, upgrades to Medowie 10 Waste Water Pumping Station are constrained until the next stage of upgrades is commissioned. The inlet works are currently scheduled to be upgraded in 2024/2025. These upgrades are undertaken on a priority basis. It should be noted that there are several existing or planned developments within the catchment which may consume the upgraded capacity. These include the areas of Tomago, Heatherbrae, Williamstown, North Raymond Terrace (Kings Hill) and Medowie. Depending on the development size and timing of connections in these areas there may be some available capacity.

Traffic

Council commissioned consultant URaP-TTW to prepare a traffic and transport study to complement the Medowie Strategy. The relevant main purpose of the study was to establish the local road network capacity needs and intersection treatments at critical locations for the future development density of Medowie.

Fairlands Road is identified in the Traffic and Transport Study as a Collector Road. At the intersection of Fairlands Road and Ferodale Road it identifies the need to investigate possible road realignment – introduce horizontal curve to create a T-intersection with priority given to the through movement.

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

No formal consultation with public authorities has been undertaken by the Relevant Planning Authority at this time.

Following a Gateway Determination the following agencies, authorities and bodies will be consulted with:

- NSW Roads and Maritime Services
- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- Ausgrid
- Hunter Water Corporation

Part 4 – Details of Community Consultation

As a minimum, the Planning Proposal will be notified for 14 days, and adjoining landowners will be notified in writing.

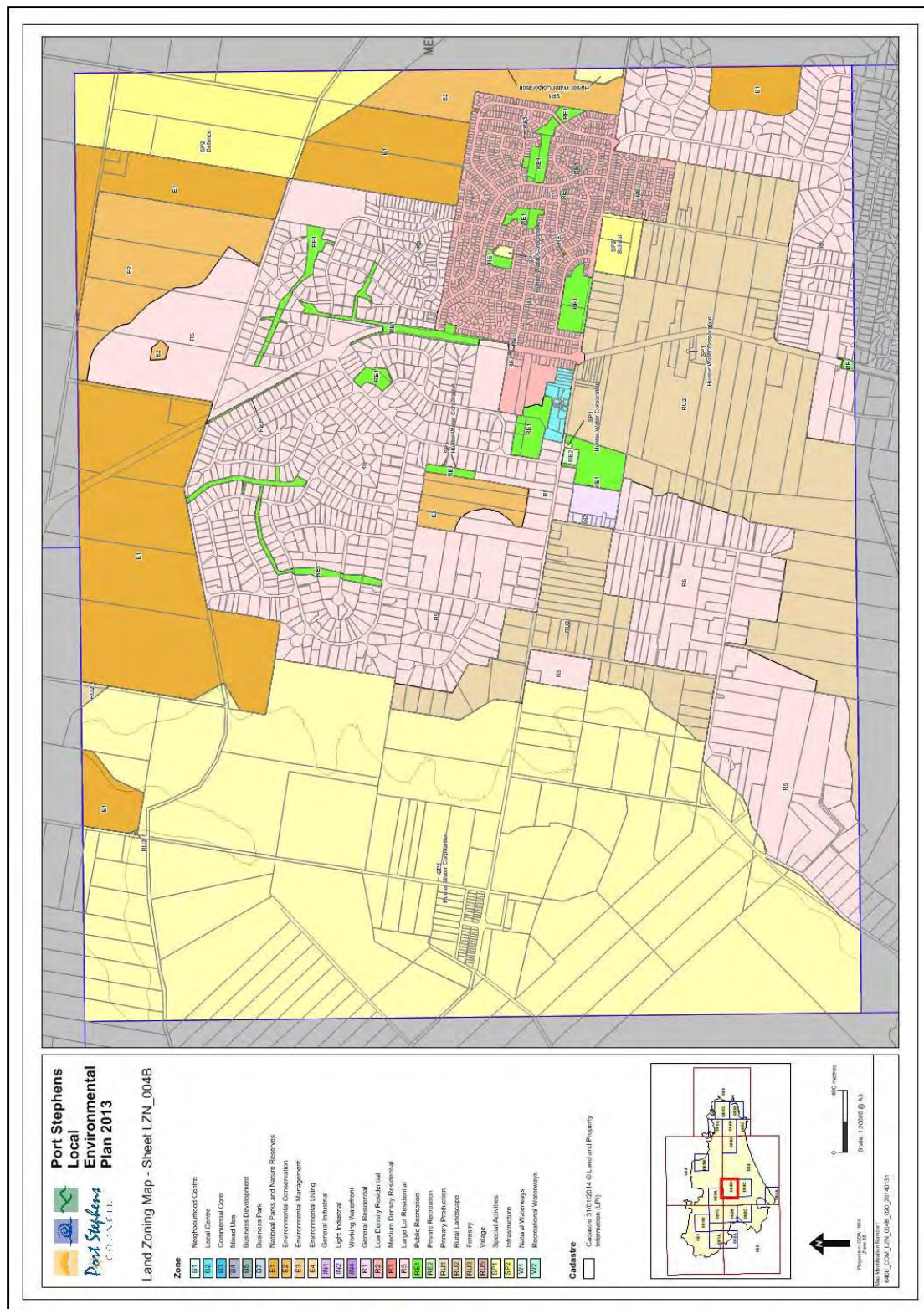
The owner of Lot 101 DP 583216 (which is included in this Planning Proposal and the Medowie Strategy but not the Planning Proposal lodged by the Proponent) will be consulted following a Gateway Determination concerning the inclusion of their land.

Any further consultation shall be indicated within the Gateway Determination.

Part 5 – Project Timeline

The Planning Proposal is intended to follow the timeline set out in the following table:

Description	Timing
Council determination whether to prepare a Planning Proposal	February 2014
Seek initial Gateway Determination	March to May 2014
Undertake Gateway Requirements and Initial Assessments	June 2014 to Feb 2015
Public exhibition	March 2015
Post exhibition review	April 2015
Council determination whether to proceed	May 2015
Final determination by Minister	June to August 2015
Legal drafting and making of the Plan	Sept to November 2015



Attachment 1 Draft Zoning Map

