

ITEM NO. 8

**FILE NO: 17/146394
RM8 REF NO: PSC2016-01959**

**PLANNING PROPOSAL TO AMEND ZONING AND MINIMUM LOT SIZE
PROVISIONS AT 63 BOUNDARY RD MEDOWIE (BOWER ESTATE)**

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal as publicly exhibited to amend the *Port Stephens Local Environmental Plan 2013 (NSW)* for land at 63 Boundary Road, Medowie to:
 - a. Rezone part Lot 1, DP 1224780 from part E2 Environmental Conservation and part R5 Large Lot Residential to part E2 Environmental Conservation, part R5 Large Lot Residential and part R2 Low Density Residential.
 - b. Reduce the minimum lot size for part Lot 1, DP 1224780 for land proposed to be zoned R2 Low Density Residential from 1,000m² to 500m².
 - c. Apply a height of building limit for part Lot 1, DP 1224780 of 9m. No height of building limit currently exists for this land.
- 2) Request that the Minister for Planning make the Plan in accordance with the *Environmental Planning and Assessment Act 1979 (NSW)* (s59).
- 3) Advise the applicant to prepare an amendment to Part D9 North Medowie – Medowie of the Port Stephens Development Control Plan 2014.

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

	<p>Councillor Geoff Dingle Councillor John Nell</p> <p>That Council refuse the planning proposal as publicly exhibited to amend the <i>Port Stephens Local Environmental Plan 2013 (NSW)</i> for land at 63 Boundary Road, Medowie to:</p> <ol style="list-style-type: none">a. Rezone part Lot 1, DP 1224780 from part E2 Environmental Conservation and part R5 Large Lot Residential to part E2 Environmental Conservation, part R5 Large Lot Residential and part R2 Low Density Residential.b. Reduce the minimum lot size for part Lot 1, DP 1224780 for land proposed to be zoned R2 Low Density Residential from 1,000m² to 500m².
--	--

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

- | | |
|--|---|
| | c. Apply a height of building limit for part Lot 1, DP 1224780 of 9m. No height of building limit currently exists for this land. |
|--|---|

The Mayor adjourned the meeting at 6.24pm for 15 minutes due to disorder by Cr Dingle.

The Mayor resumed the meeting resumed at 6.41pm. All those present at the adjournment were present when the meeting resumed.

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

Those for the Motion: Crs Geoff Dingle and Peter Kafer.

Those against the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan, Bruce MacKenzie, John Nell and Steve Tucker.

The motion was lost.

ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION

194	<p>Mayor Bruce MacKenzie Councillor Chris Doohan</p> <p>It was resolved that Council adopt the planning proposal as publicly exhibited to amend the <i>Port Stephens Local Environmental Plan 2013 (NSW)</i> for land at 63 Boundary Road, Medowie to:</p> <ol style="list-style-type: none">Rezone part Lot 1, DP 1224780 from part E2 Environmental Conservation and part R5 Large Lot Residential to part E2 Environmental Conservation, part R5 Large Lot Residential and part R2 Low Density Residential.Reduce the minimum lot size for part Lot 1, DP 1224780 for land proposed to be zoned R2 Low Density Residential from 1,000m² to 500m².Apply a height of building limit for part Lot 1, DP 1224780 of 9m. No height of building limit currently exists for this land. <ol style="list-style-type: none">Request that the Minister for Planning make the Plan in accordance with the <i>Environmental Planning and Assessment Act 1979 (NSW)</i> (s59).Advise the applicant to prepare an amendment to Part D9 North Medowie – Medowie of the Port Stephens Development Control Plan 2014.
------------	---

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

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan and Steve Tucker.

Those against the Motion: Crs Geoff Dingle, Peter Kafer and John Nell.

BACKGROUND

At its meeting on 11 July 2017, Council resolved to defer the planning proposal (the proposal) (**ATTACHMENT 1**) to amend the zoning and minimum lot size provisions at 63 Boundary Road, Medowie (the site) to allow time for further consideration.

A two-way presentation on Tuesday, 18 July was held with the Councillors, the Proponent and Council Officers to address the concerns that were raised at this meeting. The remainder of this report will consider the submissions received during the public exhibition period of the proposal. This report seeks endorsement for a request that the proposal be made by the Minister for Planning as publicly exhibited.

At its meeting on 8 November 2016, Council resolved to seek a gateway determination for the proposal from the NSW Department of Planning and Environment (DoPE). On the 9 December 2016, Council received a gateway determination (**ATTACHMENT 2**), which included a condition to publicly exhibit the planning proposal for a minimum of 14 days.

The proposal was initially exhibited for 14 days from 11 May 2017 to 25 May 2017. On 18 May 2017, Council staff met with a number of Medowie residents who had raised concerns in relation to the proposal. Following this meeting, Council staff agreed that the public exhibition period should be extended for additional 14 days in order to allow further time for residents to review the proposal. 12 submissions were received during the public exhibition period; 11 objections and 1 in support of the proposal. The main issues raised in the objections were:

1. Traffic and emergency access/egress;
2. Storm water drainage;
3. Character of Medowie/intent of Medowie Strategy; and
4. Lack of community facilities and open space.

The above issues are further discussed under the 'Consultation' section of this report. Additionally, further detail on the submissions received and responses to these issues is provided in the attached 'Submissions Table' (**ATTACHMENT 3**). No changes have been made to the Planning Proposal as a result of the issues raised.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

It is noted that the gateway determination provided Council with written authorisation to exercise the functions of the Minister for Planning under *Environmental Planning and Assessment Act 1979 (s59) (NSW)*. These delegations allow Council to make the LEP Amendment without having to go back to DoPE.

However, an objection received from the Department of Defence means that Council must forfeit its plan making powers back to the Minister for Planning. Further detail on the Department of Defence's objection is provided in the attached 'Submissions Table' (**ATTACHMENT 3**). As a result of this, this report recommends that Council request that the Minister make the Plan.

In accordance with LEP (c6.3), the proponent requires that a site specific Development Control Plan be adopted. Should the LEP be made, the applicant will be required to seek an amendment to the Port Stephens Development Control Plan 2014, in particular Part D9 North Medowie – Medowie. This will ensure that the controls are relevant to and reflective of the amended zone and minimum lot size. As a result, this report also recommends that the applicant prepare a DCP.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The proponent has paid the relevant rezoning fees in line with the Council's Fees and Charges Policy. In accordance with this Policy, a Stage 3 fee of \$5,250 will be required if the recommendation is supported by Council.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$5,250 \$10,500 \$5,250	Stage 1 fees – 28/06/2016 Stage 2 fees – 09/05/2017 Stage 3 fees – To be advised.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The following summarises the key planning strategies and instruments that relate to the Planning Proposal:

Hunter Regional Plan 2036

The Hunter Regional Plan (HRP) was released on 14 October 2016 and is a 20-year blueprint for the future of the Hunter. The HRP identifies Medowie as a centre of local significance intended to provide future housing and urban renewal opportunities. The proposal will deliver Goal 4 of the HRP which seeks to provide greater housing choice and jobs in the Hunter. Specifically, the proposal satisfies 'Direction 21 – Create a compact settlement' and 'Direction 22 – Promote housing diversity'. The site is also highlighted as an urban release area within the HRP.

Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy (PSPS) was adopted by Council on 20 December 2011. The PSPS provides the current framework for future growth in the Local Government Area (LGA). The PSPS identifies Medowie as being a main urban release area within the Eastern Growth Corridor of the LGA. Medowie is the fastest growing Planning District, as identified by the PSPS, and notes that there is limited opportunity for infill development and growth will occur on the urban fringe. The proposal is therefore consistent with the PSPS.

Medowie Strategy 2016

The Medowie Strategy 2016 (the Strategy) was adopted by Council on 13 December 2016. Concerns were raised in submissions that the proposal was not consistent with the intent of the Medowie Strategy, that is, to provide smaller lots closer to services and the town centre. A response to these concerns is provided later in this report under 'Consultation'.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that Council could be legally challenged on the procedural merits of the LEP Amendment.	Low	Staff have followed procedural requirements as set out in the <i>Environmental Planning and Assessment Act 1979 (NSW)</i> as well as meeting the conditions prescribed by the Minister for Planning in the gateway determination.	Yes
There is a risk that future	Low	Where relevant,	Yes

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

landowners will purchase land without knowing they will be subjected to aircraft noise.		development will be subject to the controls of the Port Stephens Development Control Plan 2014. A notation is provided on all section 149(5) Planning Certificates advising the presence of aircraft noise to land within the Port Stephens Local Government Area.	
There is a risk that the LEP Amendment will not proceed given the Department of Defence (DoD's) objection.	Low	A response to DoD's concerns is included in the final planning proposal to be forwarded to the Department of Planning and Environment should Council resolve to proceed with the LEP Amendment.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Concern has been raised in submissions received during the exhibition period that relate to social, economic and environmental implications of the planning proposal proceeding. These include reduced lot sizes becoming a 'low socio-economic ghetto', the validity of a koala refuge within the development, the loss of native vegetation and reduced water quality/increased water quantity leaving the site. A response to these concerns is provided in the attached 'Submissions Table' (**ATTACHMENT 3**).

CONSULTATION

Consultation was undertaken in accordance with the previous report to Council on this matter.

Internal

Council's Traffic and Drainage Engineers have provided responses to submissions raising concerns in relation to stormwater and traffic impacts, discussed below.

It is also noted that Council's Natural Resource team hold no objection to the proposal on environmental grounds.

External

The proposal was notified to adjoining landowners and advertised in the Port Stephens Examiner. Between 11 May and 8 June 2017, the proposal was available on Council's website and Administration Building (Raymond Terrace). A copy was also placed at the Medowie Community Centre.

The main issues raised in submissions that objected to the proposal are:

1. Traffic and emergency access/egress

Objectors raised concerns that the reduced minimum lot size will significantly affect the amenity of the neighbourhood by way of traffic generation. The applicant submitted a Traffic Impact Statement (TIS) to support the planning proposal. The TIS concluded that the proposal will not have a major impact upon the local road network and is acceptable on traffic planning and engineering grounds.

The TIS recommended minor upgrade works to the Medowie Road / Boundary Road intersection, including the construction of a short channelized-right turn treatment and a basic left-turn treatment. The TIS concluded that with these works, the intersection would "continue to offer good levels of service into the future". Council's Traffic Engineer reviewed the proposal and supporting documentation and concluded that the local road network and intersections, including Medowie Road/Boundary Road, will continue to operate at the best level of service.

Additionally, a number of the submissions were concerned that access to Medowie Road is only provided via one road (Boundary Road). In particular, concern was raised that this access point would be incapable of allowing safe traffic egress in the event of an emergency, such as a bushfire, and a second access should be required. The applicant submitted a Bushfire Threat Assessment (BTA) to support the planning proposal.

The BTA considered access to and from the estate in the event of a bushfire and found that the proposal will be able to comply with the access provisions of the NSW Rural Fire Service's (RFS) document 'Planning for Bushfire Protection 2006' (PFBP). The RFS were provided with a copy of the BTA and responded with no objection to the development if matters such primary and secondary access ways complied with the requirements of the PFBP at the time of subdivision.

2. Stormwater drainage

Objectors raised concerns in relation to increased stormwater that would result from the reduced minimum lot size that would increase the lot yield and therefore impervious surfaces (e.g. roofs, driveways etc.). Council staff responded to these concerns by confirming that appropriate modelling had been carried out to achieve a neutral or beneficial on water quality.

A resident on Medowie Road was concerned that their property would be particularly affected by stormwater run-off given their property was low lying. However, Council's Drainage Engineer confirmed that the development does not drain to Medowie road and all stormwater from the development has been/ will be directed to Moffatt's Swamp catchment through three large detention basins to control the post development discharges.

The same concern was shared by residents in Settlers Close. Council's Drainage Engineer addressed this by confirming that some of the natural catchments, which were previously drained through Settlers Close and Square Close, have now been re-directed away from these two streets. Therefore, the residents here are likely to experience less stormwater run-off during an event as a result of the proposal.

3. Character of Medowie/intent of Medowie Strategy

A number of submissions were concerned that the proposal is out of character for Medowie, which is typically a large lot/rural residential settlement. Additionally, objectors questioned the consistency of the proposal with the intent of the Medowie Strategy, being to small lots close to services/town centre and large lots in the peri-urban precincts.

The Medowie Strategy notes the need to identify urban release areas within Medowie, with priority given the sites that are characterised by the following:

- Proximity to existing urban areas;
- Location along main transport routes (Medowie Road and Ferodale Road);
- Access to community facilities;
- Better access to sewer and water infrastructure;
- Reduced land fragmentation;
- Flood-free land; and
- Cleared land.

The subject site is consistent with each of the above criteria and is therefore a preferred urban release area. The subject site is specifically identified by the strategy with an estimated dwelling yield of 480. The proposal is also consistent with the Strategy's recommended minimum lot size for residential development of 500m².

An existing development consent permits the subject site to be subdivided into 345 allotments (DA 16-2015-336-1). Should the proposal proceed the lot yield of the site is expected to increase to 480 being a difference of 135 lots.

4. Lack of facilities and open space

Objectors were concerned that the Bower Estate is not capable of sustaining a high quality of life for the additional lots that would be created by the proposal based on the lack of facilities and open space within the development. The estate will be master planned and should the LEP Amendment proceed, an amendment to Part D9 of the Port Stephens Development Control Plan 2014 (DCP) will be required to address matters such as facilities and open space that may be required by future residents. It is noted that Council's current provisions are made in the DCP for subdivision developments to provide public open space (refer to C1.F and C1.15-17).

The proposal will allow for the provision of adequate facilities including open space for future residents however this will be via the development application process.

OPTIONS

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

ATTACHMENTS

- 1) Planning proposal. (Provided under separate cover)
- 2) Gateway Determination.
- 3) Submissions table.

COUNCILLORS ROOM

- 1) Original submissions received from external agencies and public.

TABLED DOCUMENTS

Nil.



Our ref. PP_2016_PORTS_008_00
(16/14701)

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

Att: Matthew Borsato

Dear Mr Wallis,

**Planning proposal to amend Port Stephens Local Environmental Plan 2013
– Boundary Road, Medowie.**

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone part of Lots 93 to 96 DP753194 at Boundary Road, Medowie.

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

The planning proposal's consistency with S117 Directions 3.5 Development Near Licenced Aerodromes, 2.1 Environmental Protection Zones and 4.4 Planning for Bushfire Protection will require further consultation with the Office of Environment and Heritage, Department of Defence and NSW Rural Fire Service respectively. Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

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

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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

ITEM 8 - ATTACHMENT 2 GATEWAY DETERMINATION.

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

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

Should you have any queries in regard to this matter, I have arranged for Claire Brooks from the Hunter office to assist you. Ms Brooks can be contacted on (02) 4904 2700.

Yours sincerely,

9/12/2016
Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services



Planning &
Environment

Gateway Determination

Planning proposal (Department Ref: PP_2016_PORTS_008_00): to rezone land at Boundary Road, Medowie

I, the Director Regions, Hunter and Central Coast at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 for land at part of Lots 93-96 DP 753194 Boundary Road, Medowie should proceed subject to the following conditions:

1. Consultation is required with the NSW Rural Fire Service in relation to s117 direction 4.4 Planning for Bushfire Protection. Council is to amend the Planning Proposal to address the advice provided.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Environment 2016)* and must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2016)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act 1979:
 - (a) Office of Environment and Heritage (regarding Section 117 Direction Environment Protection Zones);
 - (b) Transport for NSW - Roads and Maritime Services; and
 - (c) Department of Defence

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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

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

Dated 9th day of December 2016.

**Monica Gibson
Director Regions, Hunter and Central Coas
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning**

**Planning &
Environment****WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

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

Number	Name
PP_2016_PORTS_008_00	Planning proposal to rezone land at Boundary Road, Medowie

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

Dated 9th December 2016

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment



Planning &
Environment

Delegated plan making reporting requirements

(Attachment 5 from "A guide to preparing local environmental plans")

Notes:

- The department will fill in the details of Table 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA's request to have the LEP notified

Table 1 – To be completed by the Department

Stage	Date/Details
Planning Proposal Number	PP_2016_PORTS_008_00
Date Sent to Department under s56	21 November 2016
Gateway determination date	9 December 2016

Table 2 – To be completed by the RPA

Stage	Date/Details
Dates draft LEP exhibited	
Date of public hearing (if held)	
Date sent to PCO seeking Opinion	
Date Opinion received	
Date Council Resolved to Adopt LEP	
Date LEP made by GM (or other) under delegation	
Date sent to Department requesting notification (hunter@planning.nsw.gov.au)	
Brief Description of Purpose of planning proposal	

Table 3 – To be completed by the Department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

ITEM 8 - ATTACHMENT 2 GATEWAY DETERMINATION.

PLAN MAKING PROCESS POST GATEWAY – FOR DELEGATED MATTERS

1. Post Exhibition Review

- Any unresolved s117 directions must be finalised before progressing with LEP
- If planning proposal is revised, council is to email a copy of the revised proposal to the regional planning team - hunter@planning.nsw.gov.au under Section 58(2) of the Act prior to requesting LEP to be made.
- If changes to planning proposal are substantial then may no longer be authorised by the Gateway determination and a Gateway amendment may be required before LEP is made. Councils are encouraged to contact regional planning team to seek advice before finalising the LEP under delegation.

2. Legal Drafting of the LEP

- Council's request to draft and finalise the plans should be made as soon as possible to ensure timeframes are met. Council should upload the maps and GIS data directly to the department's portal site (<https://data.planningportal.nsw.gov.au/help>).
- Once uploaded Council should email hunter@planning.nsw.gov.au and advise maps are available for checking. Any questions about uploading can be directed to gis@planning.nsw.gov.au.
- Unless otherwise negotiated the department will only undertake a technical review of any maps, to ensure they comply with LEP mapping technical guidelines.
- No maps or mapping/GIS data is to be sent directly to PCO.
- The request for legal drafting should be send to PCO at parliamentary.counsel@pco.nsw.gov.au including the planning proposal, a copy of the gateway determination and details of any change to the proposal arising from the gateway determination. The name and contact details of the council contact officer should also be supplied.
- A copy of the request to PCO should also be forwarded to the department for administrative purposes only – hunter@planning.nsw.gov.au

3. Making of the draft LEP s59

- Council's delegate resolves to finalise the LEP by signing the instrument (see example below).
- If council's delegate decides not to make plan or defer a matter, council should liaise with regional team for assistance.
- Council must also notify PCO if plan not proceeding

4. Notification of LEP

- Council advises and requests the department to make the plan, email request to hunter@planning.nsw.gov.au and the following documents to be provided for notification
 1. Signed LEP - which includes full name of LEP and PCO file reference
 2. Signed map cover sheet and associated maps,
 3. Name and position of the delegate who signed the LEP and date,
 4. Completed Attachment 5 - delegated plan making reporting template,
 5. Copy of council's assessment (s 59 report) which is usually the council report/minutes
 6. PC opinion
- Request to hunter@planning.nsw.gov.au by Tuesday of the week will enable notification by Friday.

Example of signature front page

Fred Smith
General Manager

As delegate for the Minister for Planning
12/12/14

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

SUBMISSION SUMMARY AND PLANNING RESPONSE

Submission	Summary of Submission	Planning Proposal Response
External Agencies		
Department of Defence (DoD)	<ul style="list-style-type: none"> a. The site is located in proximity to the RAAF Base Williamtown and Salt Ash Air Weapons Range which may expose future residents to high levels of aircraft noise. DoD suggests that noise attenuation measures are adopted in the design and construction of and future residential dwellings. b. The site is constrained by building height controls and any structures proposed in excess of 7.5m must be referred to the DOD. c. DoD does not support the proposed rezoning and requests that Council provide a notation on any section 149(5) Planning Certificate that is likely to be affected by some level of aircraft noise. 	<ul style="list-style-type: none"> a. Given that the site is outside of the mapped ANEF contours Council is unable to require future development to design and construct noise attenuation measures. b. Council currently complies with this requirement and will continue to notify any proposed structure in excess of 7.5m to DoD. c. Council will continue to provide a notation on all section 149(5) Planning Certificates advising recipients that Port Stephens LGA is subject to aircraft noise. As a result of the objection Council will forfeit its plan making powers delegated by the Minister for Planning.
Hunter Water Corporation (HWC)	<ul style="list-style-type: none"> a. HWC has required the developer to prepare revised water and sewer servicing strategies for the potential increased yield of the site. b. HWC has required the developer prepare a revised scope of work to increase the capacity of the wastewater pumping station to cope with the increased yield. c. HWC does not anticipate any significant changes to the design and therefore has no objection to the proposal 	No objection.
Office of Environment & Heritage (OEH)	<ul style="list-style-type: none"> a. The proposal does not increase the area/footprint used for residential purposes therefore OEH has no objection 	No Objection.
Roads & Maritime Service (RMS)	<ul style="list-style-type: none"> a. The TIA addresses a maximum yield of 450 lots rather than 480 lots identified within the planning proposal. Medowie Road intersection upgrade is to be design and constructed in accordance with Austroads standards. b. Developer to take into consideration section 117 (2) direction 3.4 in relation to providing adequate access to public transport and opportunities for pedestrians and cyclists to connect with the surrounding area. Intersection upgrades should provide for on-road cyclists to safely 	<ul style="list-style-type: none"> a. 25 May 2017 – Council forwarded a Threshold Analysis (Better Transport Futures, 16 September 2015) showing that the intersection of Boundary Road and Medowie Road will continue to operate at a high level of service, even up to 600 developed lots. It demonstrates the current intersection design is suitable for the additional development potential that may result from the planning proposal. b. Section 117 Directions have been adequately addressed in the planning proposal.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
	<p>use the road network.</p> <p>c. Concept design plans and electronic modelling data shall be provided to RMS and a referral made to RMS seeking concurrence under section 138 of the <i>Roads Act 1993</i></p> <p>d. Despite Council's plan to provide a shared path between the subject site and the town centre, provisions should be made for safe connectivity for cyclists where road upgrades are required.</p> <p>e. Discharged stormwater from the rezoned land shall not exceed the capacity of the Medowie Road stormwater drainage system.</p> <p>f. Council should ensure that the applicant is aware of the potential for road traffic noise to impact development on the site (particularly from Medowie Road)</p>	<p>c. 26 May 2017 – Electronic copy of the SIDRA analysis from the proponent was provided to RMS for review.</p> <p>d. Future additional subdivision resulting from the planning proposal will be subject to the development assessment process.</p> <p>e. The planning proposal has been adequately assessed for its impact on stormwater quality and quantity. Appropriate measures are proposed to achieve a neutral or beneficial effect.</p> <p>f. There will be increased levels of traffic generation due to increased lot yield and as a result increased noise and vehicle emissions. The impacts anticipated are not expected to be significant.</p>
Rural Fire Service (RFS)	<p>No objection to the proposal subject to the following matters being satisfied at subdivision stage:</p> <ul style="list-style-type: none"> • APZs around the proposed Koala Habitat Reserve • Tree corridors to be managed as APZs • Detention basin planting to be consistent with APZs • Plan of Management may be required for the areas listed above • Registration of an access entitlement for a secondary access/egress point from Boundary Rd o Country Rd • Public road access to comply with 'Planning for Bushfire Protection 2006' including construction of Western Road • Secondary access mentioned above and northern portion of Western Rd are to comply with the fire trail requirements of 'Planning for Bushfire Protection 2006' 	No Objection. The matters required to be addressed by RFS will form part of the future DA for subdivision.
Public Submissions		
1.	<p>a. Impact of subdivision on property and lifestyle</p> <p>b. Concerned with existing works being carried out close to property</p> <p>c. Concern for drainage from development impacting on property that is low lying on Medowie Road</p> <p>d. Concern for increased traffic and head lights penetrating those houses situated below the road level</p> <p>e. Question raised regarding the upgrading of electricity and internet?</p> <p>f. Opposes 500 square metre allotments</p>	<p>a. The proposal is consistent with the Medowie Strategy to provide residential development with a minimum area of 500 square metres. Potential impacts from the development have been considered and are acceptable.</p> <p>b. The future additional potential development that may occur under the planning proposal will not impact on the roadworks that are already occurring under the existing development consent for residential subdivision.</p> <p>c. The development does not drain to Medowie road. All stormwater</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
		<p>from the development has been directed to Moffatt's Swamp catchment through three large detention basins to control the post development discharges.</p> <p>d. Traffic Impact Assessment (TIA) indicates that intersections will still operate at the best level of service with up to 600 Lots developed. There will be an impact from head lights on properties situated opposite new and existing intersections however the degree of impact will depend on individual situations</p> <p>e. Both electricity and internet services are provided by separate bodies to Council.</p> <p>f. The proposal is consistent with the Medowie Strategy to provide 500 square metre allotments in urban release areas.</p>
2.	<p>a. Concerned with roadworks occurring that have contributed large amounts of dirt to a significant height adjoining property fence lines. Concerned that this will contribute to erosion and sediment run-off into own property</p> <p>b. Concern for increased traffic and head lights penetrating those houses situated below the road level (Medowie Road)</p> <p>c. Support development within the community but concerned about privacy</p> <p>d. Traffic – will a guard rail be provided on Medowie road to stop vehicles from crashing into property?</p>	<p>a. The future additional potential development that may occur under the planning proposal will not impact on the roadworks that are already occurring under the existing development consent for residential subdivision.</p> <p>b. TIA indicates that intersections will still operate at the best level of service. There will be an impact from head lights on properties situated opposite new and existing intersections however the degree of impact will depend on individual situations</p> <p>c. It is understood this issue relates to the potential for traffic lights to shine onto private property on the western site of the intersection of Boundary Road and Medowie Road. This issue is a development and construction management issue that needs to be further investigated, with the assistance of the site developer. Council understands that tree planting will be implemented to assist in addressing this concern and new fencing may have also been provided.</p> <p>d. There are no plans currently for installation of guard rail at this location</p>
3.	<p>a. Concerned that proposal will change the quality of the Bower Estate</p> <p>b. Disappointed that the estate proposes an additional 130 lots after the initial advertisements for the estate included phrases such as:</p> <ul style="list-style-type: none"> • "Impressively spacious home-sites" 	<p>a. The proposal is consistent with the Medowie Strategy to provide 500 square metre allotments in urban release areas. The Medowie Strategy was publicly exhibited and adopted by Council in 2016.</p> <p>b. The Medowie Strategy identifies the site as a key urban release</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
	<ul style="list-style-type: none"> "Award winning property group" "Exceptional living environments" "Compliment the Medowie lifestyle" "Quality & sustainable environments" "Time to upsize" <p>c. Concerned that the additional lots will create traffic, pollution and noise impacts.</p>	<p>area with an estimated dwelling yield of 480 lots. The proposal is consistent with the Medowie Strategy.</p> <p>c. There will be increased levels of traffic generation due to increased lot yield and as a result increased noise and vehicle emissions. The impacts anticipated are not expected to be significant</p>
4.	<p>a. Long-time resident concerned about the impact of proposed changes on town.</p> <p>b. Concerned about additional traffic volume and access during an emergency, such as a bushfire or storm event. Requests a second access for safety</p> <p>c. Concern that smaller lots are not consistent with existing character of Medowie that places small lots close to town and large lots further out of town. Concerned that the smaller lots will create a lower socioeconomic area.</p> <p>d. Believes the developer has misled residents of the initial stages based on sale of larger lots and concerned that reduction in minimum lot size will reduce land values for those residents in the initial stages</p> <p>e. Asks "What is to stop the developer submitting an application to rezone to even smaller lots further down the track?"</p> <p>f. Supports creating more affordable housing in the area for first home buyers but does not believe the estate is an appropriate location. Believes that the reduced lots will attract investors and public housing.</p>	<p>a. The proposal is consistent with the Medowie Strategy to provide 500 square metre allotments in urban release areas. The Medowie Strategy was publicly exhibited and adopted by Council in 2016.</p> <p>b. TIA indicates that intersections will still operate at the best level of service. A second access would provide added security in the event of an emergency evacuation however is not warranted on intersection capacity grounds</p> <p>c. The proposal is supported by the Hunter Regional Plan and the Medowie Strategy as a means to provide housing in Medowie and Port Stephens LGA. Social and economic impacts must be considered in the DA for subdivision plus any future development in accordance with s79C of the EP&A Act.</p> <p>d. Residents who bought in Stages 1 and 2 of the Bower Estate were notified of the proposal by the applicant via email during the exhibition period. Land values are not a town planning consideration.</p> <p>e. Council is obligated to consider any planning proposal that has been lodged.</p> <p>f. The proposal will deliver housing that is consistent with the Medowie Strategy.</p>
5.	<p>a. Believes the developer has misled residents of the initial stages based on sale of larger lots. Believes that neighbours should have been informed by Council of the proposed changes earlier.</p> <p>b. Concerned with additional traffic impact and access including during the event of an emergency (like a bushfire). Asks "are there going to be measures put into place so that this doesn't happen? For example another access road to the estate."</p> <p>c. Question regarding the provision of bus services to the estate and</p>	<p>a. Community consultation has been carried out in accordance with s57 of the EP&A Act and the gateway determination issued by the Minister for Planning. Additionally, Council has written to neighbours in proximity to the proposal site for which it has details for. Residents within Stages 1 and 2 of the Bower Estate were unable to be contacted due to the unavailability of ownership information. However, the proponent wrote to these residents via</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
	whether sufficient bus stops will be provided for school children to access buses safely.	<p>email.</p> <p>b. TIA indicates that intersections will still operate at the best level of service. A second access would provide added security in the event of an emergency evacuation however is not warranted on intersection capacity grounds</p> <p>c. Bus routes are being planned. Bus stops have not been identified as yet but will be provided as required.</p>
6.	<p>a. Believes that the rezoning and proposed development will adversely impact on street parking and traffic congestion surrounding the subject site due to the increase of additional residents and their visitor's cars – particularly due to the lack of public transport, residents and their visitors will be more reliant on their own vehicles.</p> <p>b. If Medowie has been ear-marked as a growth area, and medium density housing is required, believes it should be located towards the town centre and shops for walkability purposes. This would also ease additional congestion to public transport infrastructure. The suggested redevelopment is out of character for this area, as all lots surrounding The Bower Estate are 4000sqm minimum and the nearest 500sqm lots are approx. 2km away.</p> <p>c. Believes the smaller lots would attract families of lower socio-economic background and potentially contribute to higher levels of crime in the area.</p> <p>d. Concern for existing residents becoming trapped in an emergency such as a bushfire. Believes the proposal will worsen this risk.</p> <p>e. Sceptical as to whether the proposed "animal house" for local wildlife to retreat to will be utilised given the additional traffic volumes within the estate's road network.</p> <p>f. The proposed development will result in increased noise levels (from homes, as well as traffic) for current residents in the area</p> <p>g. Dissatisfied with Council not providing notification to residents within Stage 1 and 2 of the Bower Estate. Purchased property based on research on Medowie and the Bower Estate being a large lot residential area.</p> <p>h. Considers the McCloy Group to have misled purchasers of the Bower Estate by displaying a Master Plan publicly that is proposed</p>	<p>a. There will be increased levels of traffic generation due to increased lot yield. TIA indicates that intersections will still operate at the best level of service. Off street parking will be required in accordance with Council's DCP</p> <p>b. It is acknowledged that other existing development in the area is 4,000 square metres. The site already has DA approval for approximately 350 residential allotments with an applicable minimum lot size of 1,000 square metres.</p> <p>The site is identified for residential release within the Medowie Planning Strategy for an estimated 480 dwellings 'Precinct A' (based on a general standard yield estimate of 12 dwellings/ha). It is the largest identified release area and its delivery is important to increasing the supply of land for housing. The land is also comparatively unconstrained to some other areas of land within Medowie. It is able to be serviced; is not located within the Grahamstown Dam Drinking Water catchment; biodiversity conservation issues have been resolve; and it is under single ownership.</p> <p>c. The proposal is supported by the Hunter Regional Plan and the Medowie Strategy as a means to provide housing in Medowie and Port Stephens LGA. Social and economic impacts must be considered in the DA for subdivision plus any future development in accordance with s79C of the EP&A Act.</p> <p>d. Council's Traffic Engineer and RFS have concluded that the local road network has the capacity to cater for the increased lot yield.</p> <p>e. Vegetation removal has been considered as part of the proposal and deemed to be non-significant given the large area of retained</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
	to change.	<p>native vegetation north-east of the site. It is intended that koalas will utilise the street tree network to gain access to the refuge.</p> <p>f. There will be increased noise and vehicle emissions due to increased lot yield. The impacts anticipated are not expected to be significant</p> <p>g. Council wrote to neighbours in proximity to the proposal site for which it has details for. Residents within Stages 1 and 2 of the Bower Estate were unable to be contacted due to the unavailability of ownership information. However, the proponent wrote to these residents via email during the exhibition period.</p> <p>h. Council is obligated to consider any planning proposal that has been lodged.</p>
7.	<p>a. The proposal will adversely impact on traffic</p> <p>b. The proposal is out of character for Medowie which is traditionally a large lot area. The proposal has limited open spaces</p> <p>c. The proposal will result in greater loss of vegetation and impact the E2 Environmental Conservation zone</p> <p>d. The proposal will result in overdevelopment</p> <p>e. The land does not meet the objectives of the R2 Low Density Residential zone and is better suited to the objectives of the R5 Large Lot Residential zone</p> <p>f. The proposal does not take into account emergency access/egress</p> <p>g. The proposal will increase noise through high traffic volumes</p> <p>h. The proposal may result in inadequate stormwater drainage</p> <p>i. The means by which the proposal has advanced to this stage is controversial (i.e. the developers proposal to rezone the land while seeking development consent under the existing zone)</p> <p>j. Not all affected residents have been notified of the proposed rezoning</p>	<p>a. There will be increased levels of traffic generation due to increased lot yield. TIA indicates that intersections will still operate at the best level of service.</p> <p>b. The proposal is consistent with the intent of the Medowie Strategy to provide 500 square metre allotments in residential areas. The provision of open space is required by the PSDCP and will be addressed as part of a future DA for subdivision.</p> <p>c. Vegetation removal has been considered as part of the proposal and deemed to be non-significant given the large area of retained native vegetation north-east of the site. The proposal has been considered by Council's Natural Resource staff as well as OEH who maintain no objection to the proposal on environmental grounds.</p> <p>d. The proposed minimum lot size of 500 square metres is not considered to be an overdevelopment with environmental, engineering and planning matters all considered satisfactory. The proposal is consistent with the Medowie Strategy.</p> <p>e. The land will meet the objectives of the R2 zone by providing for the housing needs of the community, enable further facilities or services to meet the day to day needs of residents; protect and enhance the residential amenity of the area; and ensures development is carried out in a way that is compatible with the flood risk of the area.</p> <p>f. Council's Traffic Engineer and RFS have concluded that the local</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
		<p>road network has the capacity to cater for the increased lot yield.</p> <p>g. There will be increased noise and vehicle emissions due to increased lot yield. The impacts anticipated are not expected to be significant</p> <p>h. The proposal has included stormwater drainage system within the development area and three large detention basins to control post development discharges to pre-development discharges. Also, some of the natural catchments, which were previously drained through Settlers Close and Square Close, have now been redirected away from these two streets.</p> <p>i. Council is obligated to consider any planning proposal that has been lodged. The subject planning proposal has merit because it is consistent with the Hunter regional Plan, Port Stephens Planning Strategy and Medowie Strategy.</p> <p>j. Community consultation has been carried out in accordance with s57 of the EP&A Act and the gateway determination issued by the Minister for Planning. Additionally, Council has written to neighbours in proximity to the proposal site for which it has details for. Residents within Stages 1 and 2 of the Bower Estate were unable to be contacted due to the unavailability of ownership information. However, the proponent wrote to these residents via email.</p>
8.	<p>a. The proposal moves high density development to the perimeter of the community and is against town planning outcomes</p> <p>b. The proposal runs counter to the Medowie strategy intent to place the bulk of the population close to the commercial hub of the community.</p> <p>c. Increased traffic flows will impact on existing rural residential communities</p> <p>d. Higher density blocks adjoining the environmental reserve place sustainability pressures on the conservation areas</p> <p>e. The estate will attract young families to the estate with limited open space amenity and poor access to infrastructure options without public transport</p> <p>f. The estate cannot be argued as low cost housing as the land will sell at market value there are no provisions to pass saving from a</p>	<p>a. The site will be master planned and appropriate amendments to the Part D9 of the PSDCP will ensure the estate achieves good planning outcomes</p> <p>b. The Medowie Strategy identifies the site as a key urban release area with an estimated dwelling yield of 480 lots. The proposal is consistent with the Medowie Strategy.</p> <p>c. There will be increased levels of traffic generation due to increased lot yield. TIA indicates that intersections will still operate at the best level of service.</p> <p>d. The proposal has been considered by Council's Natural Resource staff as well as OEH who maintain no objection to the proposal on environmental grounds.</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
	<p>higher density outcome to consumers</p> <p>g. Larger recreation areas are not included in the proposal; smaller lots equate to a lack of private open space for families</p> <p>h. The community is not walkable based on the shortest route to services and amenities provided by the Medowie community</p> <p>i. All routes to the Medowie commercial hub require access via Medowie Rd a major regional road heavily trafficked and not suitable for pedestrians and cyclists.</p> <p>j. There is risk of health impact from aircraft noise bombing and strafing on the RAAF range.</p> <p>k. Additional storm water drainage risks downstream residents in existing communities</p> <p>l. Higher density adds risk to resident's attempting to leave the area in fire emergencies</p> <p>m. The higher density proposal requires a complete rethink and reallocation of section 94 contributions</p> <p>n. Larger lots must border the environmental zones to maintain environmental sustainability this rezoning proposal does not support this approach</p>	<p>e. Open space and public transport opportunities will be provided as part of a future development application for subdivision as per the requirements of the PSDCP.</p> <p>f. Market outcomes are not considered within the planning process. The proposal is consistent with the Medowie Strategy and will assist in providing additional housing to Medowie and the Port Stephens LGA.</p> <p>g. Open space opportunities will be provided as part of a future development application for subdivision as per the requirements of the PSDCP.</p> <p>h. The Medowie Strategy identifies the site as a key urban release area with an estimated dwelling yield of 480 lots. The proposal is consistent with the Medowie Strategy.</p> <p>i. Council's Pathways Plan identifies off-road shared paths connecting to the existing network. S94 funds are being collected for this purpose</p> <p>j. The DoD has raised similar concerns that have been addressed in the response to their submissions above. Appropriate measures will be utilised to ensure residents are aware of the presence of aircraft noise in the LGA.</p> <p>k. As the development provided three large detention basins to control the post development flows and the discharge points are within the existing floodplain area, it would have insignificant risks on downstream residents.</p> <p>l. Council's Traffic Engineer and RFS have concluded that the local road network has the capacity to cater for the increased lot yield.</p> <p>m. Council already has in place a local contributions plan for traffic and transport contributions as a result of additional proposed development across Medowie. It based on the previous Medowie Strategy 2009 version, which estimated a yield of greater than 3,000 dwellings across Medowie.</p> <p>The revised Medowie Strategy, adopted by Council in December 2016, estimates a reduction in yield to a total of approximately 2,700 dwellings.</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
		<p>Council is in the process of commencing a review to the local contributions for traffic and transport infrastructure in Medowie.</p> <p>n. The proposal has been considered by Council's Natural Resource staff as well as OEH who maintain no objection to the proposal on environmental grounds.</p>
9.	<p>a. Low density residential housing should be located near the town centre</p> <p>b. The proposal is not in keeping with any blocks in North Medowie (i.e. existing blocks are large lot residential)</p> <p>c. Insufficient supply of open space, and car parking areas with overcrowding leading to anti-social behaviour</p> <p>d. The future lots should not be used for multiple dwellings or two storey dwellings</p> <p>e. Trees should not be removed and questions how koalas will access the refuge</p> <p>f. The single entry/exit point will create traffic issues</p> <p>g. The RAAF does not support the proposal</p> <p>h. Reticulated sewerage required for smaller blocks, concerned with increased stormwater run-off</p>	<p>a. The Medowie Strategy identifies the site as a key urban release area with an estimated dwelling yield of 480 lots. The proposal is consistent with the Medowie Strategy.</p> <p>b. The Medowie Strategy identifies the site as a key urban release area with an estimated dwelling yield of 480 lots. The proposal is consistent with the Medowie Strategy.</p> <p>c. Both open space and off-street parking areas will be provided as part of future DAs for subdivision and the erection of buildings as per the requirements of the PSDCP.</p> <p>d. The proposed R2 zone will permit dual occupancies however minimum site area requirements must be in accordance with the PSLEP (Cl 4.1B). The height of dwellings will be considered in accordance with the PSDCP. A maximum height of building limit has been proposed to 9 metres.</p> <p>e. Vegetation removal has been considered as part of the proposal and deemed to be non-significant given the large area of retained native vegetation north-east of the site. It is intended that koalas will utilise the street tree network to gain access to the refuge.</p> <p>f. TIA indicates that intersections will still operate at the best level of service.</p> <p>g. The DOD has maintained an objection to the proposal based on concerns for dwellings being subject to aircraft noise and the impact of tall structures. A response to DODs concerns is provided in this table above.</p> <p>h. The development will be serviced by a reticulated sewerage system as required by Hunter Water. As the development provided three large detention basins to control the post development flows and the discharge points are within the existing floodplain area, it would have insignificant risks on downstream residents.</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
10.	<p>a. An electronic direct mail (EDM) was forwarded to all purchasers that exchanged contract to purchase land in stages 1 and 2 of the Bower Estate</p> <p>b. The Planning proposal aligns with NSW State Government initiatives regarding housing affordability by increasing the supply of land and the growing need for more housing</p> <p>c. The Planning Proposal aligns with the Medowie Planning Strategy which identifies the Bower Estate a residential release area suitable for R2 Low Density Residential zoning with an estimated dwelling yield of 480 dwellings</p> <p>Matters addressed in EDM referred to above:</p> <p>d. The Planning Proposal if adopted will not affect stages 1 and 2 and the size of existing home sites in any way.</p> <p>e. Planning Proposal - Rezoning: The proposal to reduce the minimum lot size was proposed as a means to enable future growth in Medowie and to accommodate the rising demand for housing in the Port Stephens Local Government Area. In late 2016 the Planning Proposal was endorsed unanimously by the elected Port Stephens Councillors. To transition future home sites with existing home sites at The Bower, McCloy Group is proposing minimum lot sizes of approximately 650m² with larger home sites ranging up to 1000m², averaging 700m² across all future home sites. A total lot yield in the vicinity of approximately 450 lots is envisioned.</p> <p>f. Infrastructure & Safety:</p> <ul style="list-style-type: none"> Medowie Road speed limit is being decreased to 80km / hour. The intersection of Medowie Road and Boundary Road currently under construction has been designed to cater for in excess of 450 home sites within The Bower. Road & Maritime Services has confirmed the increased lot yield will have no effect on the existing road network. Hunter Water Corporation has no objections to the Planning Proposal with the proposed increase in lots already catered for in the design of the waste water pump station. Rural Fire Service has reviewed all proposed changes and has no objection to the proposal, seeing it as successfully 	No response required to submission in support of the planning proposal.

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
	<p>meeting safety requirements including emergency egress.</p> <p>g. Housing Affordability & Community Planning: The Planning Proposal's purpose is to support the growing need for housing and a move to align The Bower with NSW State Government initiatives regarding housing affordability. By decreasing lot size and increasing the supply of more affordable land, housing becomes more accessible within the local area. The Planning Proposal does not expand the area of residential housing; approximately 70 hectares of The Bower will remain conserved as Medowie State Conservation Area.</p> <p>h. Masterplans & Future Development: The masterplan as displayed will always be the current approved plan and is always subject to change. Anytime amendments are approved by Council, the masterplan is updated to reflect the amendments. Changes to the masterplan at The Bower are made to meet the changing needs of the housing market taking into consideration changes in best practice in residential community design.</p> <p>i. McCloy Group is continually in discussions with Childcare, Retirement Living and other similar operators that may also benefit the community.</p>	
11.	<p>a. Increased traffic from the development will impact quality of life due to noise and light pollution along Boundary Road</p> <p>b. Believes a bottle neck will be created due to one entry/exit point from The Bower onto Boundary Rd and that this will be a significant issue during a bushfire fire event or other natural hazards (such as storm event causing powerlines to fall over the road carriageway)</p>	<p>a. There will be increased levels of traffic generation due to increased lot yield. TIA indicates that intersections will still operate at the best level of service.</p> <p>b. A second access would provide added security in the event of an emergency evacuation however is not warranted on intersection capacity grounds</p>
12.	<p>a. Community reluctantly accepted 345 lots in the estate with block sizes of a minimum of 1000 square metres.</p> <p>b. 500 square will result in tree removal that will impact upon Koalas</p> <p>c. The Medowie Strategy was to provide high density development close to shops and amenities and for outlying areas to have acreage blocks.</p> <p>d. The estate will eventually become a low socio-economic ghetto with a resultant increase in local crime.</p>	<p>a. The development application was assessed prior to the adoption of the Medowie Strategy which supports 500 square metre allotments on the site.</p> <p>b. Vegetation removal has been considered as part of the proposal and deemed to be non-significant given the large area of retained native vegetation north-east of the site. It is intended that koalas will utilise the street tree network to gain access to the refuge.</p> <p>c. The Medowie Strategy identifies the site as a key urban release</p>

MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

ITEM 8 - ATTACHMENT 3 SUBMISSIONS TABLE.

Submission	Summary of Submission	Planning Proposal Response
		<p>area with an estimated dwelling yield of 480 lots. The proposal is consistent with the Medowie Strategy.</p> <p>d. The proposal is supported by the Hunter Regional Plan and the Medowie Strategy as a means to provide housing in Medowie and Port Stephens LGA. Social and economic impacts must be considered in the DA for subdivision plus any future development in accordance with s79C of the EP&A Act.</p>