



PLANNING PROPOSAL

74 SOUTH STREET, MEDOWIE

Planning Proposal

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

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1. INTRODUCTION

This Planning Proposal has been prepared on behalf of Darren Threadgate in relation to the proposed rezoning of land at 74 South Street, Medowie in the Port Stephens local government area (LGA).

1.1 SITE DESCRIPTION

The site is known as 74 South Street, Medowie, and can be legally identified as Lot 712 DP1077195.



Figure 1: Locality Map (SixMaps)

The subject site is vacant of development, and can be characterised by managed lands and some vegetation. The site is approximately 2000m², and is currently zoned R5 Large Lot Residential with a minimum lot size of 2,000m².

Surrounding Development

The subject site is located approximately 2.5km to the south of the township of Medowie, with the Pacific Dunes Golf Estate located to the south of the site.

The site is surrounded directly by residential development and undeveloped residential lots to the north, south, east and west.

1.2 EXISTING ZONING

The subject site is zoned R5 Large Lot Residential under the Port Stephens LEP 2013 (See **Figure 2** below).

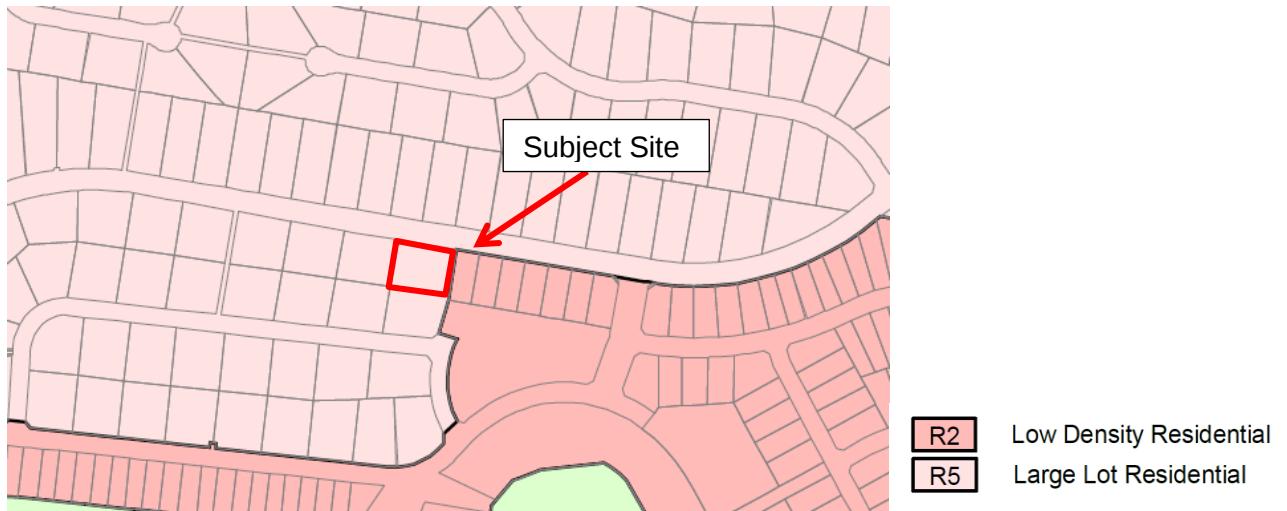


Figure 2: Land Zoning Map (PS LEP 2013)

1.3 MINIMUM LOT SIZE PROVISIONS

In accordance with Port Stephens LEP 2013, the subject site has a minimum lot size of 2000m² (Refer to **Figure 3** below).

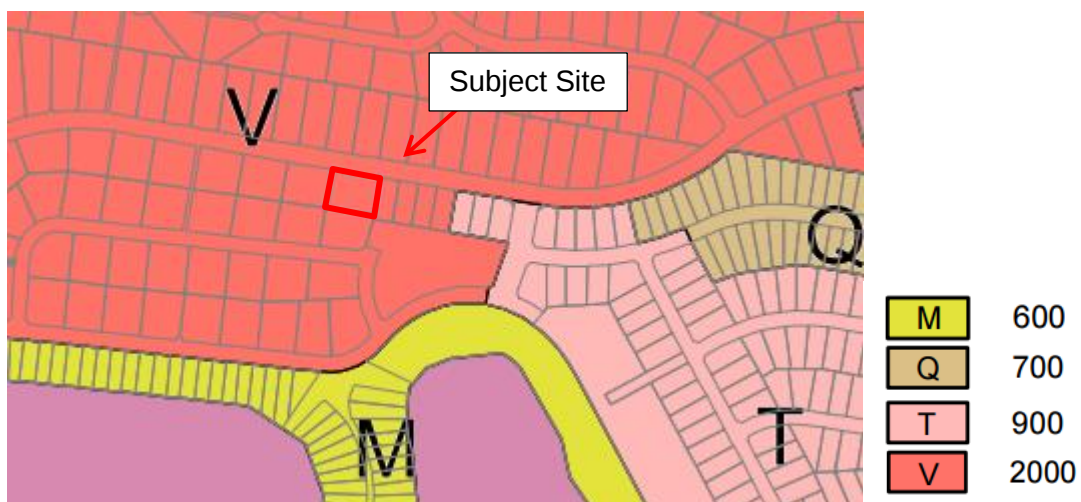


Figure 3: Minimum Lot Size Map (PS LEP 2013)

2. THE PROPOSAL

The proposal consists of rezoning the subject site from R5 Large Lot Residential to R2 Low Density Residential, with a minimum lot size of 900m².

Figure 4 below shows the proposed zoning for the subject site (Refer also to **Appendix A**).

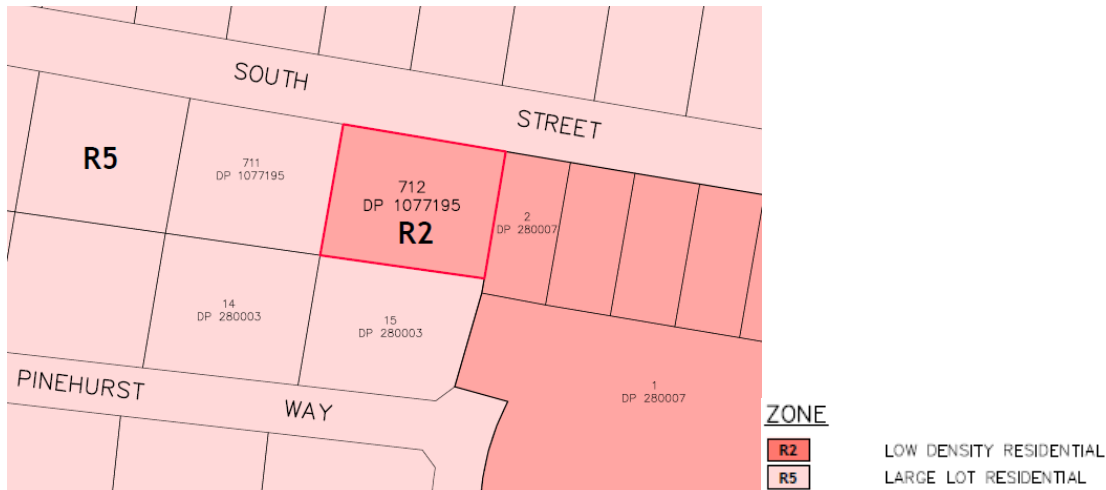


Figure 4: Proposed zoning

Figure 5 below shows the proposed minimum lot size for the subject site (Refer also to **Appendix B**).

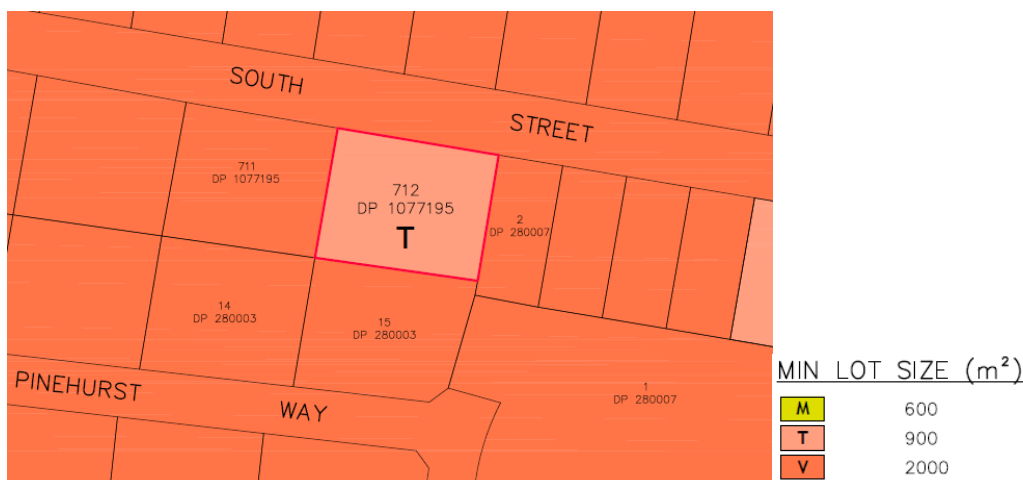


Figure 5: Proposed minimum lot size

2.1 THE NEED FOR THE REZONING

The rezoning has been proposed to increase opportunity for future residential development within the subject site. The proposal will facilitate two (2) residential lots, thereby increasing the housing stock within the Medowie area. While it is understood that the subject site is small in size, the proposal is considered to be in the best interests of the local area as it will facilitate additional housing opportunities close to public services.

Further, as noted surrounding the site, the minimum lot size ranges from 600m² to 900m². It is evident by the development within these zones that the Medowie area has demand for

these sized lots, and thus it is considered that the proposed 900m² minimum lot size is appropriate for the surrounding development, subject site and market demand.

2.2 LAND USE CONFLICT CONSIDERATIONS

The proposal will not conflict with the current residential land uses on the adjacent lands, as the proposed zoning is similarly a residential use. Any likely impacts from the additional lots as a result of the rezoning have been addressed elsewhere in this report.

3. MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL

The NSW Department of Planning and Environment (DoPE) in accordance with the Environmental Planning and Assessment Act 1979 have prepared a guideline for the submission of planning proposals. The guideline identifies four overarching matters that must be addressed in a Planning Proposal. These include:

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

These matters are addressed below.

3.1 PART 1 – OBJECTIVES AND INTENDED OUTCOMES

THE PRIMARY OBJECTIVE OF THE PLANNING PROPOSAL

The primary objective of the Planning Proposal is to enable development of the site for low density residential purposes. This will facilitate further housing opportunities in the local area.

The proposal is compatible with the adjoining residential land uses.

THE INTENDED OUTCOMES OF THE PROPOSAL

The intended outcome of the planning proposal is to facilitate additional housing opportunities in the local area.

3.2 PART 2 – EXPLANATION OF THE PROVISIONS

SUMMARY OF THE PROPOSED CHANGES TO THE LEP

The proposal involves the rezoning of the subject site from R5 Large Lot Residential to R2 Low Density Residential. The proposed rezoning also involves amending the minimum lot size from 2000m² to 900m².

3.3 PART 3A – NEED FOR THE PLANNING PROPOSAL

The planning proposal aims to increase residential development opportunities on the subject site by rezoning the land and reducing the minimum lot size to 900m². This will result in the opportunity for two (2) residential development sites.

While the subject site is relatively small in size, the additional housing that will result from the proposal is considered to contribute to a more sustainable community by creating increased demand for existing services in the Medowie area.

A GIS analysis of lot sizes in the Medowie area identifies that the average residential (R2 zone) lot size is approximately 873 square metres. It is noted though that more recent developments in Medowie are supplying smaller lot sizes to cater for market demand in the area. For example, more recent residential subdivision approvals in Pacific Dunes (just to the south of the subject site) are averaging approximately 611 square metres. It is therefore considered that the proposed minimum lot size is consistent with the market demand and surrounding development in Medowie.

IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy (LHRS) was prepared by the NSW Department of Planning (DoP) in 2006, and applies to the subject site. The LHRS aims to plan for an additional 160,000 residents and 115,000 new residential dwellings between 2006 and 2035. The subject site is consistent with the objectives and aims identified in the Strategy by providing further housing within the region.

Although the subject site is too small to be specifically considered in the Regional Strategy, the proposed development will aid in the provision of residential dwellings in the Port Stephens LGA, and overall is consistent with the LHRS.

Draft Hunter Strategy and Draft Plan for Growing Hunter City

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

The draft Hunter Regional Plan is a high level plan for the region and as such does not identify individual towns for growth. Nevertheless, it is considered that the planning proposal is consistent with the strategy by providing additional residential development opportunities within the region to assist in meeting the needs of the local community.

The proposal is also supported by the draft Plan for Growing Hunter City which identifies that future housing development will be located within established urban areas and committed growth areas, including Medowie. It is acknowledged in the Plan that focusing growth (and presumably density) in close proximity to existing services will help “build sustainable communities by protecting the environment, maintaining water quality and maximising the use of existing and committed urban infrastructure and services”. It is considered that the proposal is consistent with the aims of this strategy by providing the opportunity for additional residential development within the Medowie area.

Port Stephens Planning Strategy 2011-2036

Council adopted the Port Stephens Planning Strategy 2011-2036 in December 2011. It is one of a suite of high level strategic documents produced by Council to guide the operations of Council and the future growth and sustainability of the LGA. The Strategy identifies Medowie, within the Eastern Growth Corridor, as a priority area for new release and infill development required to meet the projected population growth. It is considered that the proposed development complies with the strategy by providing additional residential opportunities within the Eastern Growth Corridor located within close proximity to services.

Medowie Strategy

Council adopted the Medowie Strategy in March 2009 and was later amended in April 2013. The strategy aims to identify how to manage urban growth and build communities in Medowie while delivering the desired outcomes of relevant strategies.

While it is noted that a portion of South Street Medowie has been identified for further development, the subject site in particular is not identified within this Strategy. Overall however, it is considered that the proposal meets the aims of the strategy by encouraging residential development and providing additional residential development sites within the Medowie area.

Draft Revised Medowie Planning Strategy

The Draft Revised Medowie Planning Strategy has been prepared by Council to provide a local strategic planning guidance for land use planning within the Medowie area over the next 20-25 years, and aims to accommodate future urban growth identified in the LGA by other relevant strategies, such as the Lower Hunter Regional Strategy.

The subject site is located within the study area; however the site is not specifically identified as a Residential Release Area Precinct within the Strategy. Despite this, it is considered that the proposal is consistent with the overall objectives of the Strategy by providing land available for residential development within the Medowie district.

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

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

While the Medowie area provides some opportunities for further residential development without significant impact to the immediate and surrounding lands, it is considered that the proposed rezoning and reduced minimum lot size provides an increase in desirable residential development opportunities without creating adverse conditions for surrounding development and land use. This is considered consistent with the relevant strategies and projected growth of the Medowie area, and is considered an appropriate means of achieving the intended outcome. In addition, the proposal is considered to provide two (2) residential sites to the Medowie housing market with a minimum lot size of 900m² which are considered to be desirable size lots in the current Medowie housing market.

IS THERE A COMMUNITY BENEFIT

The community benefit lies in the provision of additional housing stock and smaller lot size availability within close proximity to the Medowie town centre and public services.

While it is noted that the proposal will only provide for a minor number of residential development sites within the area, it is considered that the proposal provides for a number of positive outcomes for the community.

ECONOMIC AND EMPLOYMENT BENEFITS

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

The construction of any subsequent subdivision and development injects money into the local economy. Construction generally draws on local suppliers of materials, local workforce and support of retail services for provisional items.

3.4 PART 3B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?

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

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

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

As discussed above, the Port Stephens Planning Strategy and the Medowie Strategy apply to the subject site. Both of these strategies aim to provide future growth and sustainability within the LGA, with the Port Stephens Planning Strategy specifically identifying Medowie as a priority area for new release and infill development. The Medowie Strategy aims to identify how to manage urban growth and build communities in Medowie while delivering the desired outcomes of relevant strategies. A Draft Revised Medowie Planning Strategy has also been discussed above, which aims to accommodate future urban growth in the Medowie area.

It is considered that the proposal is consistent with these local strategies by encouraging residential development and providing additional residential opportunities within the Medowie district.

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

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

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

- *State Environmental Planning Policy (Infrastructure) 2007.*
- *State Environmental Planning Policy No 44—Koala Habitat Protection*
- *State Environmental Planning Policy 55 – Remediation of Land.*

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

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

Part 2 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* specifies a number of development types as having minor environmental impact that may be carried out as exempt or complying development, therefore not requiring a Development Application (**DA**) under the NSW Planning System.

Minor development including some alterations, additions and out-buildings are specified as being exempt or complying development under the Codes SEPP. This SEPP will apply to the subject site following rezoning.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 may apply to development on the subject site, however as the subject site is relatively small and the rezoning will only facilitate two (2) residential lots, it is considered that the proposed rezoning will not result in a significant increase in traffic. It is therefore considered that the existing infrastructure capacity within the existing network will support the proposal.

State Environmental Planning Policy No 44 – Koala Habitat Protection

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

As the subject site is relatively small in size, contains minimal vegetation, and is located within an area characterised by residential development, it is considered that the future removal of any vegetation from the site will not significantly impact koala habitat within the area. However, it is assumed that any future residential development will be required to assess the development against the objectives of this SEPP.

State Environmental Planning Policy 55 – Remediation of Land

The objectives of this SEPP are 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.

Clause 6 of the *State Environmental Planning Policy 55 – Remediation of Land* (SEPP 55) requires Councils to consider the likely contamination of land before it can be rezoned.

A review of the NSW contaminated land register has identified that no notices or declarations have been issued for the site under the *Contaminated Land Management Act 1997*.

The proposed subdivision will not result in a change of use on the site; therefore clause 7(2) does not apply.

As the contaminated land register did not identify the site as being contaminated, no further investigations are therefore considered necessary.

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

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

SECTION 117 MINISTERIAL DIRECTION	CONSISTENCY
2.1 Environmental Protection zones	The objective of this direction is to protect and conserve environmentally sensitive areas. As the subject site is not identified as comprising environmentally sensitive land, it is not anticipated that the proposal will adversely impact any environmentally sensitive areas within the region.
2.2 Coastal Protection	The site is not in the coastal zone.
3.1 Residential Zones	The proposal is considered to be consistent with this Direction. The proposal seeks to provide a housing choice in the Medowie housing market by offering lots of 900m ² .
3.3 Home Occupations	The proposal would allow home businesses. The proposal is therefore consistent with this Direction.
3.4 Integrating Land Use and Transport	It is considered the proposal would be consistent with the objectives of this Direction by providing for development within close proximity to existing services.
4.1 Acid Sulfate Soils	It is considered that the impact from the Class 5 Acid Sulfate Soils classification will not significantly impact on future development of the site.
4.2 Mine Subsidence and Unstable Land	The site is not in a mine subsidence district.
4.3 Flood Prone Land	The subject site is not identified as being within a Flood Planning area under the LEP 2013.
4.4 Planning for Bushfire Protection	The subject site is identified as being located within a bushfire prone area, and as such, any future subdivision of residential land will require referral to the Rural Fire Service under Section 100B of the <i>Rural Fires Act 1997</i> .
5.1 Implementation of Regional Strategies	It is considered that the proposed rezoning is consistent with planning principles outlined in the Regional Strategy. The Regional Strategy identifies Medowie as a future urban area capable of supporting residential development. The site is within close proximity to the existing Medowie town centre.

SECTION 117 MINISTERIAL DIRECTION	CONSISTENCY
6.1 Approval and Referral Requirements	The proposal seeks a residential rezoning that is likely to contain minimal, if any, concurrence provisions.

3.5 PART 3C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

IS THERE LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATION OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

As the subject site is relatively small in size, contains minimal vegetation, and is located within an area characterised by residential development, it is considered not likely that critical habitat, threatened species or ecological communities will be adversely affected by the proposed development. Further, a review of the Atlas of NSW Wildlife has not identified any threatened flora and fauna species within the site or near vicinity. It is considered unlikely that future development of the site will adversely impact the natural environment within the area. It is assumed however, that future development will consider the risks of adverse environmental impacts on critical habitats, threatened species, population or ecological communities within the area.

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

The site is identified as being located within an area affected by bushfire (Refer to **Figure 5** below).



Figure 5: Bushfire Prone Land Map

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

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

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

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

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

While the proposed rezoning will not create significant impacts to the local social and economic environment, there are several positive impacts that will be created by the proposal. These include:

1. Provision of employment opportunities in the Port Stephens LGA and Hunter Region from construction works.
2. Achievement of strategic planning outcomes through the provision of housing stock (and housing choice) along with employment opportunities.
3. Reinforcement of the Medowie as a sub-regional centre.

Further, the proposed rezoning is situated within an area that contains significant social and recreational facilities. These include the Pacific Dunes golf course, the redevelopment of Ferodale Sports Complex, and several parks including one approximately 70m to the south of the subject site.

3.6 PART 3D – STATE AND COMMONWEALTH INTERESTS

IS THERE ADEQUATE INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

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

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

The Planning Proposal has not been formally publically exhibited at this time, and as such there has been no consultation with, or responses from, State or Commonwealth Government Agencies. There is considered few environmental issues to warrant consultation with State Government Agencies at this stage.

3.7 PART 4 – COMMUNITY CONSULTATION

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

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

4. CONCLUSION

This Planning Proposal has been prepared on behalf of Darren Threadgate in relation to the proposed rezoning of land at 74 South Street, Medowie in the Port Stephens local government area.

It is proposed that the subject site be rezoned under the Port Stephens Local Environmental Plan (LEP) 2013 from R5 large Lot Residential to R2 Low Density Residential, with a minimum lot size of 900m².

The subject site is located in close proximity to the Medowie centre. Medowie is identified as a growth town in the Lower Hunter Regional Strategy with the proposal considered consistent with the strategy.

Overall, it is considered that the subject site is capable of the proposal, and is also consistent with the existing surrounding land uses.

APPENDIX A

PROPOSED ZONING

STREET

R5

711
DP 1077195

712
DP 1077195

R2

2
DP 280007

14
DP 280003

15
DP 280003

1
DP 280007

R2

R2

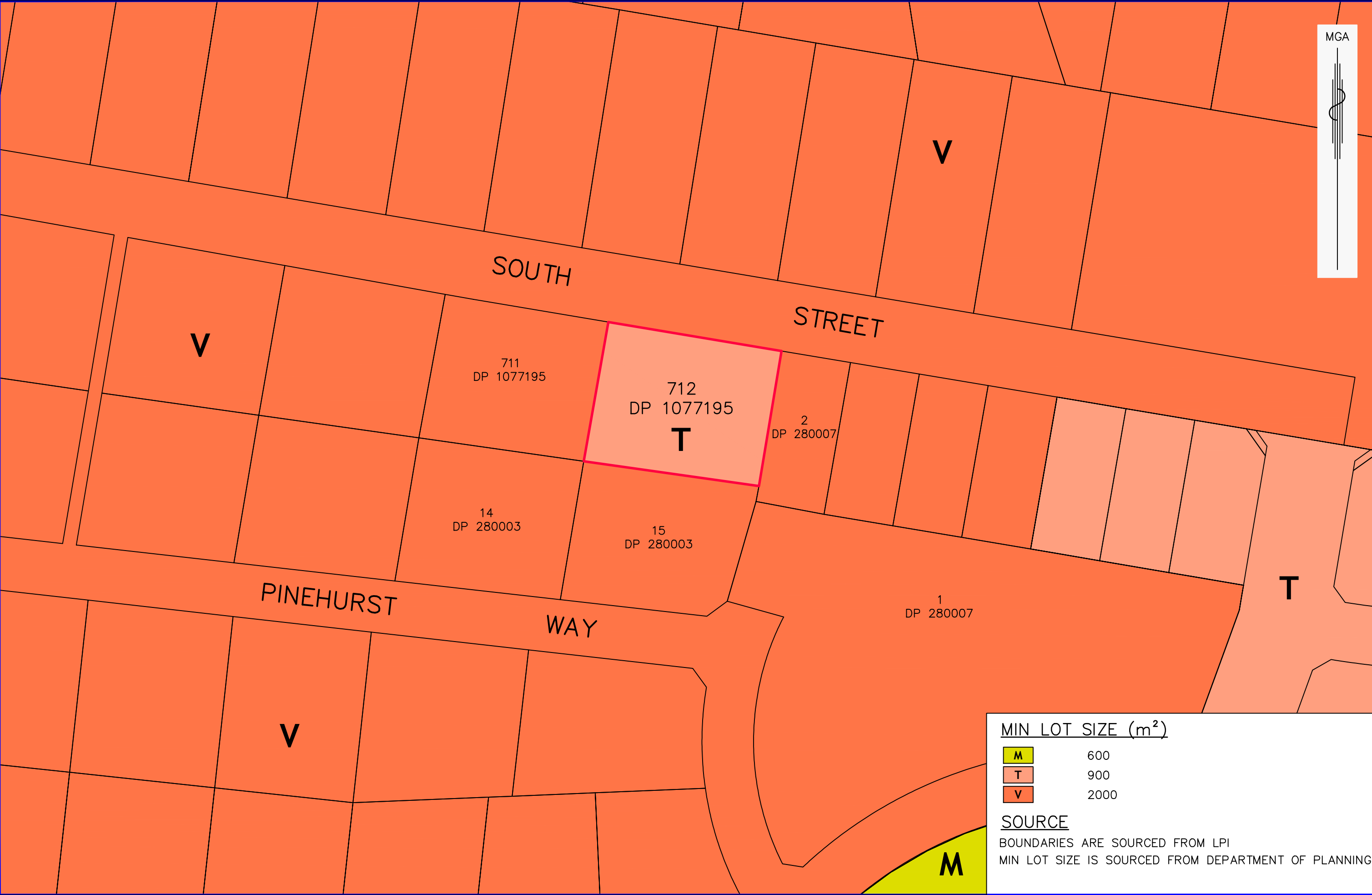
LARGE LOT RESIDENTIAL

BOUNDARIES ARE SOURCED FROM LPI
ZONING IS SOURCED FROM DEPARTMENT OF PLANING

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APPENDIX B

PROPOSED MINIMUM LOT SIZE



MIN LOT SIZE (m²)

M	600
T	900
V	2000

SOURCE

BOUNDARIES ARE SOURCED FROM LPI
MIN LOT SIZE IS SOURCED FROM DEPARTMENT OF PLANNING

REVISIONS

No	REVISION	SVY	DFT	CHK	DATE
2	HATCH AMENDMENT LOT 712	SS	MM	01/09/16	
1	ISSUE TO CLIENT	AJM	MM	04/08/16	

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Surveyed	Drafted	Checked
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REGISTERED SURVEYOR		
Scale @A3 : 1:1000	Original Size	
DO NOT SCALE	A3	

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Title	PROPOSED MINIMUM LOT SIZE LOT 712 DP 1077195 SOUTH STREET, MEDOWIE		1/1
CAD File: 160311B_02	Ref No: 16/0311	Date: 03/08/2016	Revision 2