



Planning Proposal

Proposed amendment to Port Stephens LEP 2013

Land at Lot 240 DP 1027965, 795 Medowie Road, Medowie

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Prepared for:

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I.0 Introduction

RPS acts on behalf of the Corporate Services Group of Port Stephens Council in preparing this Planning Proposal for rezoning of land at Medowie Road, Medowie.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment (DP&E) Guidelines, including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”.

The site is within the local government area (LGA) of Port Stephens. The address of the site is 795 Medowie Road, Medowie (Lot 240 DP 1027965) as shown in **Figure 1**. The site has an approximate area of 6 hectares (ha).

This Planning Proposal provides justification to commence rezoning of part of the land (the eastern portion of the site with an approximate area of 4 ha) from R2 Low Density Residential to B2 Local Centre under *Port Stephens Local Environmental Plan 2013* (PS LEP 2013). When approved, the Planning Proposal will enable development (buildings and subdivision), subject to later development consent, for a range of local centre purposes including residential uses. Under the provisions of PS LEP 2013 local centre uses such as commercial premises are not permitted within the R2 Low Density Residential zone. Rezoning the eastern portion of the site to B2 Local Centre will enable a wider variety of local centre uses including commercial, retail as well as residential. The Planning Proposal will also rationalise the remaining R2 Low Density zoned land on the site located immediately to the west of the proposed B2 Local Centre zone. This land is approximately 0.25 ha in size and contains vegetation that is more suitable for incorporation into the area of land within the site currently zoned RE1 Public Recreation.

This Planning Proposal will require updating once Council resolve to support the rezoning subject of this Planning Proposal and once a “gateway” determination is provided by the DP&E.

This Planning Proposal has been prepared using the following information:

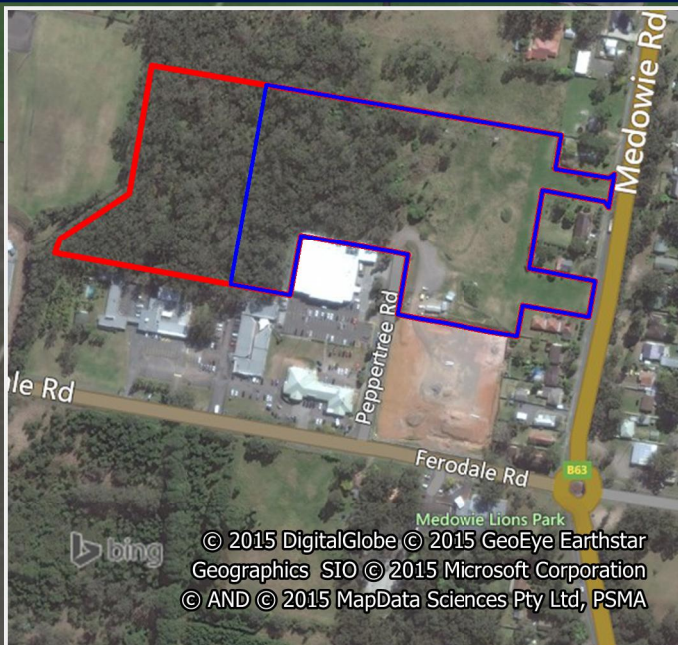
- Appendix 1 Preliminary Economic Report (RPS);
- Appendix 2 Biodiversity Report (RPS);
- Appendix 3 Preliminary Flooding and Stormwater Review (GCA Consulting Engineers); and
- Appendix 4 Preliminary Traffic Assessment (SECA Solution).

WARNING
No part of this plan should be used
for critical design dimensions.
Confirmation of critical positions
should be obtained from RPS Newcastle.

Medowie State
Conservation Area

Medowie Road

Ferodale Road



Twelve
Mile
Creek

Moffats Swamp
Nature Reserve

Tilligerry State
Conservation Area

Richardson Road

0 1 2
kilometres

Legend

- Site Boundary
- Study Area Boundary
- National Park Estate



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SCALE: 1:40,000 AT SIZE A4

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RPS Australia East Pty Ltd. The document may only be used for the purpose
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TITLE: FIGURE 1: SITE LOCATION

LOCATION: MEDOWIE

DATUM: GDA 94

PROJECTION: MGA ZONE 56

DATE: 26/06/2015

PURPOSE: ECOLOGY

LAYOUT REF: *J:\0805\126K\126773 Medowie
V10 - Drafting\MapInfo Workspaces\
Eco\Report Figures*
VERSION (PLAN BY): A A4 (JS)

CLIENT: PORT STEPHENS COUNCIL
JOB REF: 126773

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RPS

2.0 Part 1 and Part 2 – Objectives, Intended Outcomes and Explanation of Provisions

Part 1: Objective of the proposed Local Environmental Plan amendment

The Planning Proposal aims to amend PS LEP 2013 pursuant to Section 55 of the EP&A Act. The amendments are as follows:

- Amend the land zoning map relating to Lot 240 DP 1027965, 795 Medowie Road, Medowie. The Proposal seeks to rezone part of the lot from R2 Low Density Residential to B2 Local Centre and part of the lot from R2 Low Density Residential to RE1 Public Recreation.
- Amend the lot size map relating to Lot 240 DP 1027965 795 Medowie Road, Medowie. The Proposal seeks to remove minimum lot size requirements from that part of the lot that will be zoned B2 Local Centre.
- Amend the height of building map relating to Lot 240 DP 1027965 795 Medowie Road, Medowie. The Proposal seeks to amend the height of building map to reflect a height of 8 metres for that part of the lot that will be zoned B2 Local Centre.

Part 2: Explanation of the provisions

The Proposal will be implemented by the amendment of the PS LEP 2013 and the provisions are explained in **Table 1**.

Table 1 Explanation of provisions

Amendment Applies to	Explanation of Provision
Land Zoning Map (LZN_004B)	Part Lot 240 DP 1027965 will be zoned to B2 Local Centre and another part Lot 240 DP 1027965 will be zoned to RE1 Public Recreation.
Height of Buildings Map (HOB_004B)	Part Lot 240 DP 1027965 will show a maximum building height of 8 metres.
Lot Size Map (LSZ_004B)	Lot 240 DP 1027965 will show no minimum lot size.

Map layers reflecting the above are contained in Part 4 of the Planning Proposal – refer to **Figure 2**, **Figure 3** and **Figure 4** on pages 13, 14 and 15 respectively.

3.0 Part 3 – Justification for the Planning Proposal

In accordance with the Department of Planning *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*, this section provides a response to the following issues:

- Section A: Need for the Planning Proposal;
- Section B: Relationship to strategic planning frameworks;
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

3.1 Section A – Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The land subject to this Planning Proposal is identified within the Medowie Strategy (2009) adopted by Port Stephens Council. The Strategy guides the management of future population growth and the building of neighbourhoods in Medowie. It establishes a context and policy direction for future rezoning requests and development controls in the Medowie area. It also integrates the location, timing and funding for community facilities and infrastructure.

Within the Medowie Strategy (2009) Lot 240 DP 1027965 is identified as being within the Medowie Town Centre – North area. The Strategy notes that the use of Peppertree road, which abuts the subject site, provides an opportunity for the commercial centre to expand to the north, north-east, east or south-east.

In addition Port Stephens Council has prepared the Draft Medowie Planning Strategy (2015) and Draft Medowie Town Centre Strategy (2015). Both documents encourage residential and commercial uses over the site. The Planning Proposal is considered to be consistent with the objectives of the current and draft documents.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The current zoning of the subject site does not permit commercial development. Amending the zoning of the subject site via this Planning Proposal is the most appropriate way to achieve commercial and other town centre uses consistent with the Medowie Strategy (2009), the Draft Medowie Planning Strategy (2015) and Draft Town Centre Master Plan (2015). Amending the zoning will make available to the market commercial land to meet anticipated growth for commercial activities as Medowie continues its population growth.

3.2 Section B – Relationship to Strategic Planning Framework

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 2006

The Lower Hunter Regional Strategy is a strategic planning framework to guide the sustainable growth of the lower Hunter over the next 25 years. The Lower Hunter Regional Strategy identifies the Medowie Town Centre and surrounding proposed urban areas, with boundaries of the proposed urban area to be defined through local planning. Whilst the site is not clearly distinguishable in the Lower Hunter Regional Strategy mapping due to the scale used within the maps it is considered that the site because of its location

immediately adjacent to the existing town centre and its current R2 Low Density Residential zoning is within the Lower Hunter Strategy for town centre and urban area expansion.

The future services, housing and employment role of the Medowie Town Centre is not specifically addressed in the Lower Hunter Regional Strategy but is addressed in the Medowie Strategy (2009) and Draft Medowie Planning Strategy (2015).

The Planning Proposal is not contrary to the Lower Hunter Conservation Plan.

Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council's Integrated Strategic Plan (Port Stephens 2024)

The Planning Proposal is consistent with Council's Integrated Strategic Plan (2014-2024) which outlines the organisations' aim to manage Council's commercial property portfolio in order to contribute to non-rate revenue. The site is identified within various planning strategies as an opportunity for the expansion of the Medowie Town Centre. The Planning Proposal will allow this opportunity to be explored and prepare the site for sale or development, as determined by market conditions, in order to increase Council's revenue from non-rates sources.

Port Stephens Planning Strategy 2011-2036

The Proposal is consistent with the Port Stephens Planning Strategy. The Strategy states there will be insufficient capacity under current controls to accommodate forecast demand for commercial / retail floor space.

Medowie is identified as a town centre that contains, or should contain shopping and business for the surrounding district, including health and professional services mixed with medium density housing.

Population projections for the sub region indicate population will increase from 8,858 people in 2009 to 15,167 people in 2031, an increase of 6,309 people. Commercial/retail floor space demand is forecast to increase by around 2,000 m² to reach almost 9,500 square metres by 2031. The Strategy identifies insufficient capacity under current controls to accommodate this demand and notes that the Medowie Strategy proposes 12ha of commercial land.

Port Stephens Commercial and Industrial Lands Strategy (2009)

A Preliminary Economic Report by RPS has been prepared for the Planning Proposal and is contained in **Appendix 1**. The Preliminary Economic Report examined the methodology utilised in the Port Stephens Commercial and Industrial Lands Strategy (SGS, 2009) and states that the methodology used within the Strategy as inappropriate for assessing future retail demand for the catchment in the broader Port Stephens area. The use of an employment-based approach by SGS for projecting retail floor space, coupled with the age of the Strategy, means the retail floor space scenarios within the Strategy cannot be relied upon to determine the size of the current and future retail market in the catchment.

Instead, further analysis is recommended through the preparation of a full retail needs assessment for the catchment. This would include updated retail floor space demand and supply estimates for Medowie utilising an industry best practice, expenditure-based approach to retail modelling.

Medowie Strategy (2009), Draft Medowie Planning Strategy (2015) and Draft Medowie Town Centre Strategy (2015)

The site is identified in the current Medowie Strategy 2009 for commercial use and mixed use. On 24 November 2015 Council resolved to place a revised Draft Medowie Planning Strategy and Draft Town Centre Master Plan on public exhibition for 60 days beginning February 2016.

The Draft Medowie Planning Strategy identifies the flood free part of the site as 'commercial'. The Draft Town Centre Master Plan includes both a residential and additional commercial floor space option.

It is considered that the Planning Proposal is consistent with the Medowie Strategy (2009) as well as being consistent with the Draft Medowie Planning Strategy and Draft Town Centre Master Plan.

Is the Planning Proposal consistent with applicable state environmental planning policies?

There are a number of existing State Environmental Planning Policies (SEPP) that are relevant to the Planning Proposal and an assessment of the criteria of the relevant SEPP's against the Planning Proposal is provided in **Table 2**.

Table 2 Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 44	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	The Port Stephens Comprehensive Koala Plan of Management (CKPoM) is applied in Port Stephens LGA for the purpose of implementing SEPP 44. A Biodiversity Report is contained in Appendix 2. The Biodiversity Report notes future actions arising from the proposed rezoning would result in the removal of preferred Koala habitat. The CKPoM recommends the avoidance of such habitat loss to minimise impacts on the Koala. The Biodiversity Report recommends that connectivity to the west be maintained with a minimum width of 100m, thus having the dual benefit of maximising the retention of supplementary habitat. Barrier fencing on the western and possibly northern boundaries is recommended to limit the likelihood of Koala misadventure in the developed landscape (e.g. vehicle strike). The planting of preferred feed tree species, specifically Swamp Mahogany, along the western and northern boundaries is also recommended. The Planning Proposal is considered to be generally consistent with the objectives of the CKPoM.
SEPP 55	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	Preliminary investigations of the eastern portion of the site have been undertaken into past use of the site. No contamination was identified on the site. It is suggested that further preliminary contamination investigations be undertaken prior to finalisation of the Planning Proposal.
SEPP Affordable Rental Housing 2009	Provides for a consistent planning regime for the provision of affordable rental housing to facilitate the effective delivery and retention of new affordable rental housing.	The Planning Proposal will not reduce the ability of the land owner to provide land for affordable housing if so desired.
SEPP Housing for Seniors or people with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	The Planning Proposal will not reduce the ability of the land owner to provide land for seniors or people with a disability.

SEPP	Relevance	Consistency and Implications
SEPP Infrastructure	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	The Planning Proposal will not be inconsistent with this policy.

Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act, issues directions that relevant planning authorities such as local councils must follow when preparing Planning Proposals for new LEPs. **Table 3** contains a response to each of the directions in relation to the Planning Proposal.

Table 3 Listing of Section 117 Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1.1 Business and Industrial Zones	The objectives of this direction is to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	The Planning Proposal is consistent with the Draft Medowie Planning Strategy (2015) and Draft Medowie Town Centre Strategy (2015) which are both scheduled for public exhibition in early 2016. The Planning Proposal will create opportunity for new employment areas adjacent to the existing town centre. It is considered that the Planning Proposal will be consistent with the Draft Strategies once finalised and approved by the Director-General of the Department of Planning.
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal will rezone approximately 0.25 ha of land to RE 1 Public Recreation consistent with the zone of other environmentally sensitive land within the site. It is considered that future development made permissible by the Planning Proposal (ie the area to be zoned B2 Local Centre) is not likely to have a significant impact on threatened species, populations, ecological communities and their habitats listed under the Threatened Species Conservation Act 1995 (TSC Act) and/or EPBC Act. This statement is based upon the findings of the Biodiversity Report prepared by RPS and contained in Appendix 2 Port Stephens Council has access to a land portfolio that contains Biobanking credits that can be retired in accordance with the NSW Biobanking Scheme.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The suburb of Medowie does not contain any Federal, State or Local listed heritage (non-indigenous) items or places. An Aboriginal Due Diligence Assessment will be conducted in accordance OEH <i>Due Diligence Guidelines</i> post Gateway Determination.
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and	The Planning Proposal will, by the implementation of the B2 Local Centre zone, broaden the choice of building types and locations available in the area and make more efficient use of existing infrastructure and services. Examples of potential housing

Ministerial Direction	Aim of Direction	Consistency and Implications
	services, and minimise the impact of residential development on the environment and resource lands.	options on the site are contained within the Draft Town Centre Master Plan and illustrate the potential for more compact housing and quality design.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The Planning Proposal will not prevent the use of future dwellings for home occupation.
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 the sustainable transport objectives.	Indicative street locations and intersection designs have been explored through the preparation of the Draft Medowie Planning Strategy and Draft Medowie Town Centre. Nothing within the Planning Proposal will prohibit the integrating of land use and transport.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	A Preliminary Flooding and Stormwater Review was undertaken and is contained in Appendix 3 . The area subject of rezoning is not affected by the 1% AEP flood envelope predicted in the most recent flood study for the area. Flooding is therefore not expected to form a significant constraint on future development within the proposed zone.
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	The site is identified as Bushfire Prone Land. Specific safe guards and design requirements for future development will be developed once the nature of land uses, street location and street design have progressed.
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The proposal is consistent with the objectives contained within the Lower Hunter Regional Strategy.
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This Planning Proposal seeks a gateway Determination from the DP&E.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	No site specific planning controls are proposed within this Planning Proposal. The amendments being sought are consistent with existing standard clauses under PS LEP 2013.

3.3 Section C – Environmental, social & economic impact

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?

It is considered that future development made permissible by the Planning Proposal is not likely to have a significant impact on threatened species, populations, ecological communities and their habitats listed under the *Threatened Species Conservation Act 1995* (TSC Act) and/or EPBC Act. This statement is based upon the findings of the Biodiversity Report prepared by RPS and contained in **Appendix 2**.

Key ecological features identified within the Biodiversity Report that may represent constraints for the Planning Proposal include:

- Approximately 1.73 hectares of Swamp Sclerophyll Forest on Coastal Floodplains EEC; and
- Primary Koala Habitat as defined under the Port Stephens Council CKPoM (2002) and The Koala Habitat Atlas Project No 6: Port Stephens LGA. It is noted that an adult Koala was observed within the site.

Section 5A of the EP&A Act lists seven factors to be considered when projects are deemed to have an impact on the habitat for threatened biodiversity listed on the TSC Act. The Assessment of Significance, or Seven Part Test, sets the criteria for determining whether a project is likely to have a significant impact on threatened biodiversity that, if identified, would necessitate the preparation of a Species Impact Statement (SIS). Based upon the findings of the seven part test the Biodiversity Report concludes that a Species Impact Statement prepared under the TSC Act is not required as the proposal is not likely to have a significant impact on listed threatened species, populations, ecological communities and their habitats.

Nevertheless the Biodiversity Report also contains an assessment under the NSW Biodiversity Banking and Offsets Scheme (BioBanking), established under Part 7A of the TSC Act. This assessment has quantified the impacts of the Planning Proposal in terms of ecosystem and species credits. The proposal will generate a total of 118 ecosystem credits for the loss of vegetation zones contained within the site. The proposal will also generate 45 species credits that would be required to meet the offsetting requirements for the Koala.

Port Stephens Council has access to a land portfolio that contains corresponding Biobanking credits that can be retired in accordance with the Biobanking Scheme.

In relation to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), future actions arising from the Planning Proposal would result in the loss of habitat for “Matters of National Environmental Significance” (MNES), notably for Koala habitat. It is considered that these impacts are not likely to have a significant impact on MNES as:

- The area of habitat loss is small;
- Connectivity will be maintained; and
- Habitat availability within the locality will remain relatively unaffected.

However, the EPBC Act Referral guidelines for the vulnerable Koala (DoE 2014) indicate an uncertain impact outcome. In determining if the proposed action should be referred under the EPBC Act, it is recommended that due consideration be given to Section 68(2) of the EPBC Act in light of the conclusion reached in the Significance Assessment (i.e. not likely to have a significant impact on MNES).

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Stormwater, Flooding and Drainage

A Preliminary Flooding and Stormwater Review has been undertaken by GCA Consulting Engineers and is contained in **Appendix 3**.

The Preliminary Flooding and Stormwater Review states that the area subject of rezoning is not affected by the 1% AEP flood envelope predicted in the most recent flood study for the area. Flooding is therefore not expected to form a significant constraint on future development within the proposed zone.

The area downstream of the site could be considered to have existing stormwater runoff conveyance capacity limitations. It is likely that on-site stormwater detention measures will be required to address any increase in stormwater discharge flow rates from future development. These measures may take a variety of formats and should be integrated with the overall layout and engineering design of the particular development proposals, with a detailed analysis being included with the stormwater management plan to be

prepared at development application stage. The Preliminary Flooding and Stormwater Review states that provided the on-site detention assessment and design is prepared correctly, development in the proposed zone will not further exacerbate existing downstream stormwater conveyance capacity. The matter is one of a technical / design and financial nature and should not be considered a significant factor when determining if the proposed B2 local centre zone is appropriate for the site.

The site is located within a 'drinking water catchment' area. Future development proposals will need to demonstrate that stormwater runoff will be of equivalent quality (or better than) currently occurs. Hunter Water Corporation will also be provided with the opportunity to comment on development proposals at the Gateway Determination stage of the Planning Proposal and the development application stage. There are many water quality treatment approaches available for consideration as part of future development planning and design. These include custom designed- and constructed measures in addition to a wide range of proprietary treatment solutions.

Provided the water quality treatment measures are designed and selected appropriately, and maintained diligently and in perpetuity, development in the proposed B2 local centre zone will be able to achieve the required water quality treatment targets. Stormwater quality is also a technical / design and financial matter and should not be considered a significant factor when determining if the proposed B2 local centre zone is appropriate for the site.

Access and Traffic

A Preliminary Traffic Assessment has been prepared by SECA Solutions and is contained in **Appendix 4**.

The Preliminary Traffic Assessment reviewed the Traffic and Transport Study for Medowie (2012) and assessed the impact on the road network in Medowie associated with land use changes proposed by the Planning Proposal.

The Traffic and Transport Study for Medowie (2012) study identified road improvements required to facilitate the land use changes. The intersection improvements result in an acceptable Level of Service at the proposed roundabouts and traffic signals.

Although the assumptions of this Planning Proposal were not known for the Traffic and Transport Study for Medowie (2012), it is evident that the subject site has been assessed as a mix of commercial and residential land uses. As such, the following observations are made:

- If a rezoning option to create a predominantly residential land use is made, this would generate lower traffic volumes than what has been assessed in the Traffic and Transport Study for Medowie (2012) and as such the network improvements identified would be sufficient;
- If a rezoning option to create a mixed of commercial and residential land is made (as envisaged by the Planning Proposal), this would generate similar traffic volumes to what has been assessed in the Traffic and Transport Study for Medowie (2012) and as such the network improvements identified would be sufficient; and
- If a rezoning option to create a predominantly commercial land use is made, this would generate higher traffic volumes than what has been assessed in the Traffic and Transport Study for Medowie (2012). The abovementioned study has recommended network improvements that will have considerable spare capacity to cater for the increase in traffic volumes from the two differing land uses and as such the network improvements would be sufficient.

Services

All services will be available to future development on the subject site.

European Heritage

The suburb of Medowie does not contain any Federal, State or Local listed heritage (non-indigenous) items or places.

Aboriginal Archaeology

An Aboriginal Due Diligence Assessment will be conducted in accordance OEH *Due Diligence Guidelines* post Gateway Determination of the Planning Proposal. The Aboriginal Due Diligence Assessment will identify if further investigations are required and if so such investigations will be carried out in accordance with OEH Guidelines.

Has the Planning Proposal adequately addressed any social and economic effects?

The social impacts of the Planning Proposal include:

- A potential increase in the variety of house types and supply on the site; and
- Possible community reaction to the rezoning during the public exhibition process.

The Planning Proposal will increase the potential for additional housing types thus allowing for a greater mix of household types and age cohorts. Medowie has been the subject of recent strategic planning initiatives, including the Draft Medowie Planning Strategy and the Draft Medowie Town Centre Master Plan. These documents have highlighted the need for greater flexibility in the provision of housing to enable a greater range of household types to be accommodated within Medowie. The Planning Proposal is considered to be consistent with this objective.

The Draft Medowie Planning Strategy and the Draft Medowie Town Centre Master Plan will be placed on public exhibition in February 2016 and will provide an insight to the level of community reaction to the future exhibition of the Planning Proposal.

The economic impacts of the Planning Proposal have been considered in the Preliminary Economic Report contained in **Appendix 1**. Overall it is considered that further commercial and retail development will have a positive impact on the local economy however further analysis is recommended through the preparation of a full retail needs assessment for the catchment. This would include updated retail floor space demand and supply estimates for Medowie utilising an industry best practice, expenditure-based approach to retail modelling.

3.4 Section D – State and Commonwealth Interests

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

No advice has formally been sought from government agencies or public authorities in relation to the Planning Proposal. However it is anticipated that post “gateway” determination, Council will consult with state public authorities to seek their views.

Is there adequate public infrastructure for the Planning Proposal?

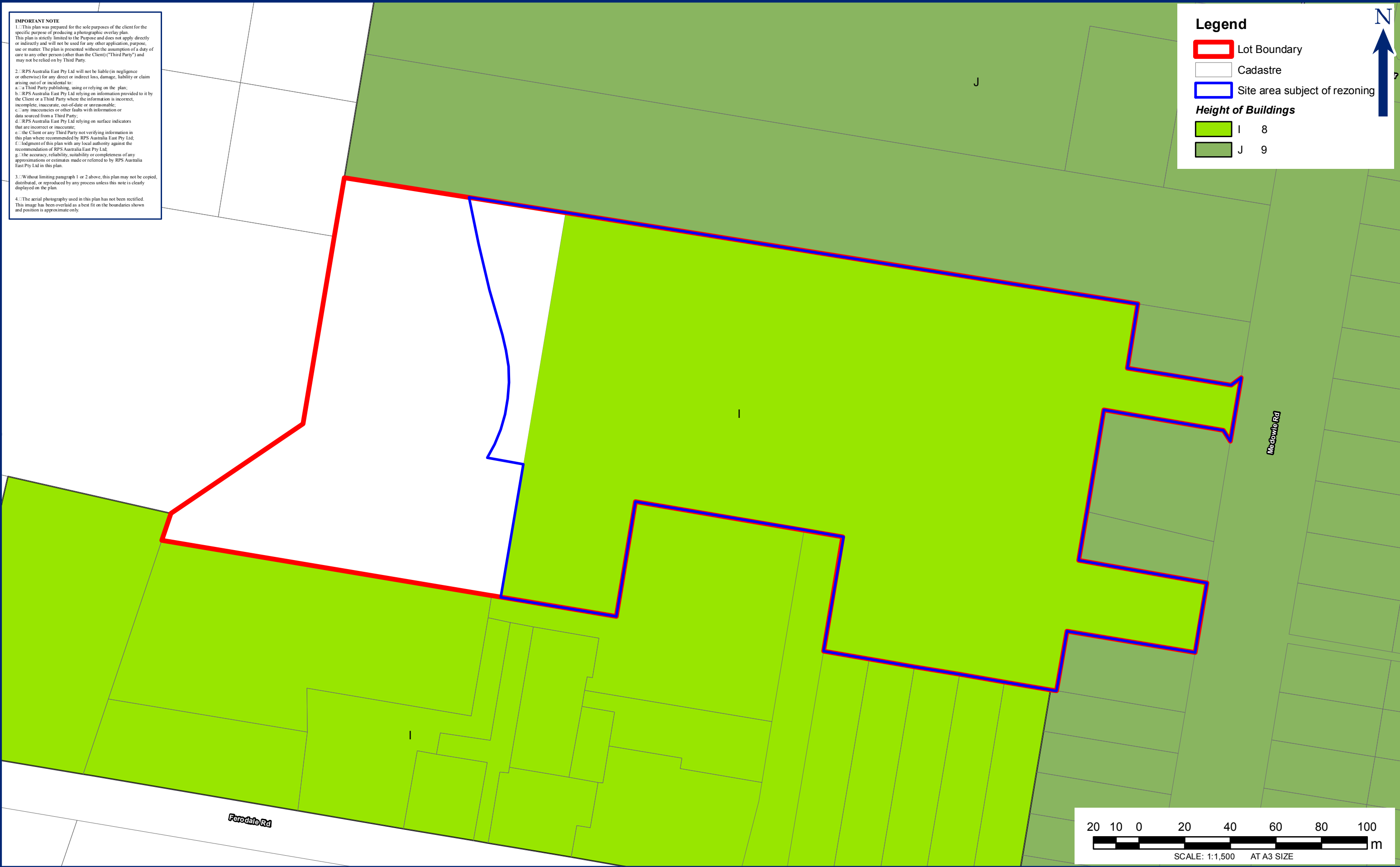
There is adequate public infrastructure within the area to accommodate for the commercial and residential uses envisaged by the Planning Proposal.

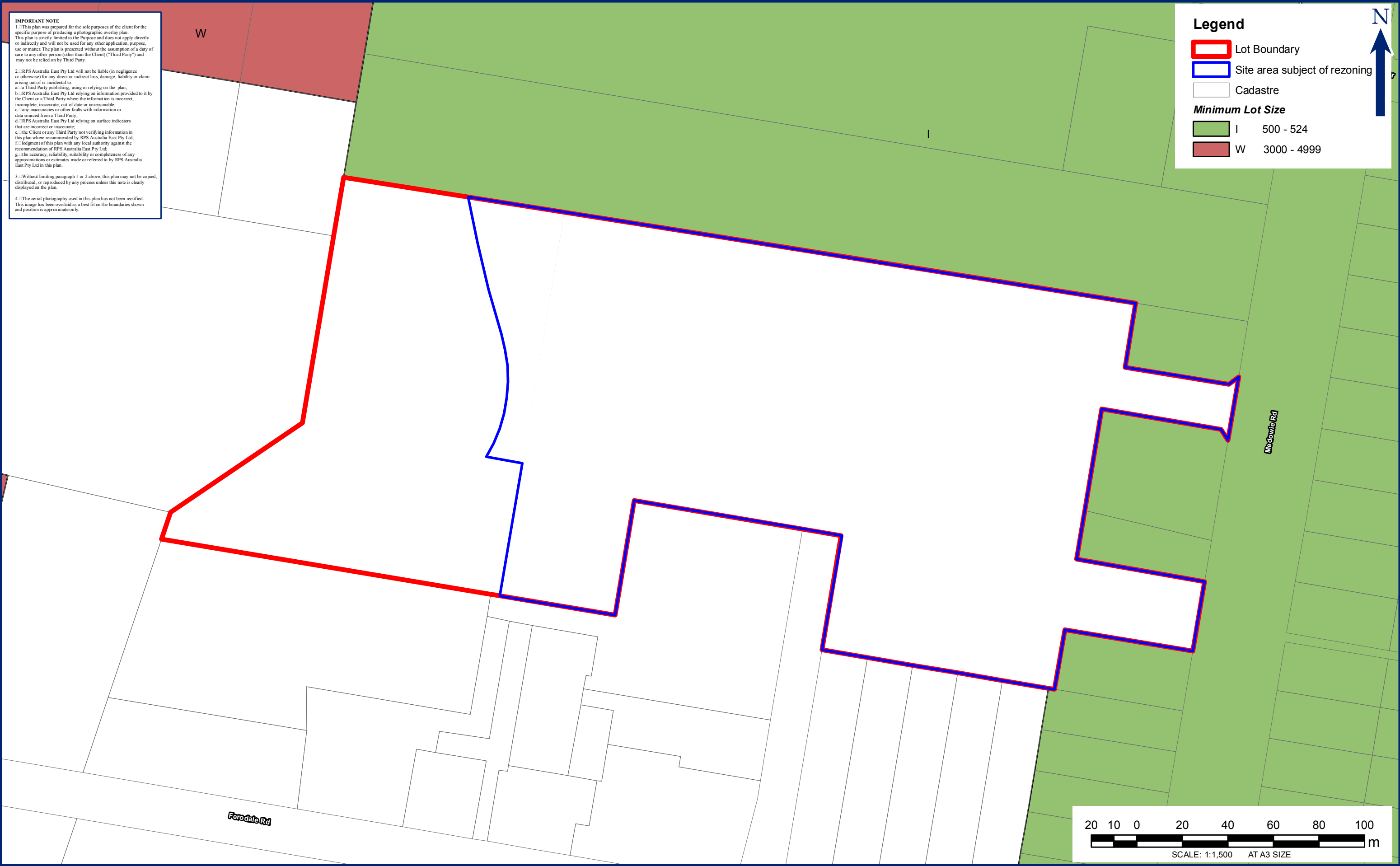
4.0 Part 4 – Mapping

The Planning Proposal will rezone part of the site from R2 Low Density Residential to B2 Local Centre and rezone another part of the site from R2 Low Density Residential to RE1 Public Recreation. As a result the Planning Proposal will necessitate changes to the map layers within PS LEP 2013, specifically the following:

- Land Zoning Map (LZN_004B);
- Height of Buildings Map (HOB_004B); and
- Lot Size Map (LSZ_004B).

Map layers reflecting the proposed changes are provided as **Figure 2**, **Figure 3** and **Figure 4** on the following pages.





5.0 Part 5 - Community Consultation

The Planning Proposal will likely be exhibited for a minimum of 28 days, in accordance with the requirements of the EP&A Act and in accordance with Sections 5.5.2 and 5.5.3 of the DP&E “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”.

To engage the local community it is likely the following would be undertaken during public exhibition:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at Council’s Administration Building and libraries;
- Consultation documents made available on Council’s website; and
- Letters, advising of the Planning Proposal and how to submit comments, will be sent to adjoining landowners and other stakeholders that Council deem relevant to the matter.

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement before proceeding to finalise the Planning Proposal.

The consultation process as outlined above does not prevent any additional consultation measures that may be determined appropriate as part of the “gateway” determination process.

6.0 Part 6 - Project Timeline

The Planning Proposal is intended to follow the timeline set out below:

- Gateway Determination – April 2016
- Completion of required technical information – June 2016
- Government agency consultation – March to June 2016
- Community consultation period – July 2016
- Consideration of submissions and finalise the draft plan - August 2016
- Submission to Department with request to make the plan - October 2016
- Legal drafting and making of the Plan June – November – December 2016

7.0 Conclusion

This Planning Proposal has been prepared to enable the part rezoning of land on Lot 240 DP 1027965 (795) Medowie Road, Medowie. When approved, the Planning Proposal will enable development (buildings and subdivision), subject to later development consent, for a range of local centre purposes including commercial, retail and residential uses.

Specifically the Planning Proposal will rezone 4ha of the 6ha site to B2 Local Centre thus enabling commercial and retail premises that are not permitted within the current R2 Low Density Residential zone. The Planning Proposal will also rationalise the remaining R2 Low Density zoned land on the site located immediately to the west of the proposed B2 Local Centre zone. This land is approximately 0.25 ha in size and contains vegetation that is more suitable for incorporation into the area of land within the site currently zoned RE1 Public Recreation.

The Planning Proposal is consistent with recently prepared Draft Medowie Planning Strategy (2015) and Draft Medowie Town Centre Strategy (2015). Both documents encourage commercial and residential uses over the site.

The site has a number of environmental considerations which will need to be addressed further as the Planning Proposal progresses, but nonetheless, the strategic merit of the site for the proposed uses warrants initial Council resolution of support and a positive “gateway” determination by DP&E. Further information may be required during the Planning Proposal process including:

- A Preliminary contamination assessment covering the entire area identified for rezoning;
- Further retail needs assessment for the Medowie catchment;
- Consideration and finalisation of works under the NSW Biodiversity Banking and Offsets Scheme; and
- The conducting of an Aboriginal Due Diligence Assessment in accordance with the OEH *Due Diligence Guidelines*.

In conclusion the Planning Proposal is consistent with the Draft Medowie Planning Strategy and will require updating once Council resolve to support the Planning Proposal and once a “gateway” determination is provided by the DP&E.

Appendix I

Preliminary Economic Report

Appendix 2

Biodiversity Report

Appendix 3

Preliminary Flooding and Stormwater Review

Appendix 4

Preliminary Traffic Assessment