

Boundary Road Medowie, Amendment to Port Stephens LEP 2000.

Proposal Title : **Boundary Road Medowie, Amendment to Port Stephens LEP 2000.**

Proposal Summary : **To rezone the site area of 127 hectares from 1(c1) Rural Small Holdings Zone to;**
1(c5) Rural Small Holdings Zone, 1(c4) Rural Small Holdings Zone and 7(a) Environmental
Protection Zone to facilitate 300 large lot residential allotments and 73 hectares of
environmental conservation.

PP Number : **PP_2012_PORTS_002_00** Dop File No : **10/07104**

Proposal Details

Date Planning Proposal Received : **13-Apr-2012** LGA covered : **Port Stephens**

Region : **Hunter** RPA : **Port Stephens Council**

State Electorate : **PORT STEPHENS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Boundary Road**

Suburb : **Medowie** City : Postcode :

Land Parcel : **Lots 93 – 96 DP 753194**

DoP Planning Officer Contact Details

Contact Name : **Paul Maher**

Contact Number : **0249042719**

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RPA Contact Details

Contact Name : **Matthew Borsato**

Contact Number : **0249800247**

Contact Email : **matthew.borsato@planning.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	54.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	300	No. of Dwellings (where relevant) :	54
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The planning proposal was submitted previously under PP_2010_PORTS_004_00 and the Gateway (dated 30/6/2010) did not support advancement based on the following reasons;**

- 1. There is no demonstrated strategic need for the planning proposal to proceed prior to the completion of the review of the Lower Hunter Regional Strategy.**
- 2. Important consultation needs to be carried out with the Department of Environment, Climate Change and Water and the Port Stephens Comprehensive Koala Plan of Management Steering Committee.**

Council has addressed these requirements and submitted a new planning proposal.

In relation to item 2 above, OEH has indicated its support for the planning proposal due to in-principle agreement to ecological issues. To this end, the proponent has proposed a Planning Agreement and provided an Explanatory Note to Port Stephens Council and OEH explaining the notification of the draft voluntary Planning Agreement. The Planning Agreement intends to transfer part of the site to OEH for inclusion in the National Park Estate system. This is to take place 3 months after the land is rezoned and prior to development consent for subdivision. Restrictive covenants are to be in favour of Council.

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The objectives adequately explain the intent of the planning proposal.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions indicates Council intends to amend Port Stephens LEP 2000 by rezoning the site from; 1(c1) Rural Small Holdings to 1(c5) Rural Small Holdings, 1 (c4) Rural Small Holdings and 7(a) Environment Protection zones.**

It is also proposed to insert a site specific clause into Part 3 Special Provisions, to allow a minimum lot size of 1,000 square metres for 1(c5) land. Currently, LEP 2000 specifies a 2,000 square metre minimum lot size for the 1(c5) zone.

The provisions Council has specified are;

- Rezone the land in accordance with the proposed zoning map attached – Planning Proposal
- Insert a site specific clause into Part 3 Special Provisions, to allow a minimum lot size of 1,000 square metres over the part of the site zoned 1(c5).
- Rezone land immediately fronting Boundary Road 1(c4) Rural Small Holding Zone with a minimum lot size of 4,000 m2.
- Rezone 2 ha of koala habitat to 7(a) Environment Protection zone.
- Rezone 73 ha to 7(a) Environmental Protection.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Although Council is of the opinion that the s117 Direction 2.3 Heritage Conservation is not relevant to the planning proposal, it is yet to be concluded if the planning proposal is inconsistent with clause (4) as it has not been determined that the site does not contain Aboriginal heritage items or places. It is recommended that an archaeological survey be carried out to be able to address Direction 2.3.

Council did not address s117 Direction 6.3 Site Specific Provisions as the decision to include a provision in Part 3 of LEP 2000 was not determined until further information was requested by the Regional Office. Council will be required to address this Direction prior to the completion of the Planning Proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Inconsistencies that are inadequately justified are discussed further in this report under consistency with strategic planning framework.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

An indicative zoning plan has been provided and is considered adequate for the planning proposal to amend Port Stephens LEP 2000.

Community consultation - s55(2)(e)

Has community consultation been proposed?

Comment :

The proposal does not fit the definition of 'low impact planning proposal' and therefore a 28 day exhibition period is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation
to Principal LEP :

Port Stephens SI LEP will not meet its December 2012 deadline due to the caretaker period connected with the Local Government Elections in September 2012 and a number of issues that require community consultation. The draft planning proposal for the Standard Instrument has not yet been received by the Department.

The Regional Office advised Council to exhibit the planning proposal as amending both Port Stephens LEP 2000 and Port Stephens SI LEP 2013 in terms of provisions, proposed zones and mapping. Port Stephens Council indicated that it this is not necessary as it is Council's intention to complete the planning proposal within 12 months and it does not envisage that the Standard Instrument will be completed by that time.

Despite this, it is considered that this planning proposal will take approximately 18 months to complete the planning agreement with OEH. It is recommended that amendments to both the SI LEP and LEP 2000 be exhibited so that the planning proposal remains valid regardless of the course it takes.

Assessment Criteria

Need for planning
proposal :

The previous Gateway Determination (PP 2010 PORTS 004 00) gave as a reason for refusal that there was no strategic need for the planning proposal to proceed prior to completion of the review of the LHRS.

Since the Gateway was issued in June 2010, the Port Stephens Planning Strategy 2011-2036 (PSPS) was adopted by Council (December 2011). The PSPS identifies the site as 'potential future large lot residential'. The Regional Office has reviewed the local strategy and indicated support in-principle for the overall document and inclusion of the subject site. However a formal endorsement process should be allowed to take its course subject to the LHRS Review and the completion of Port Stephens SI LEP.

The Medowie Land Supply Report 2011 prepared by Urbis (attached), contends that there is a need for the proposed development to proceed in order to fulfil the population projections identified in the LHRS. See further detail under STRATEGIC HOUSING JUSTIFICATION below.

The site was included in the second adopted version of the Medowie Strategy in June 2011. The subject site represents one of the largest sites in one ownership available for development in Medowie as previous land uses in Medowie such as market gardens and orchards resulted in fragmentation of rural land.

Conservation of Endangered Ecological Communities and Preferred Koala Habitat has progressed with in-principle support from OEH. OEH indicated its satisfaction with the proposed offset to be transferred to the National Parks estate as compensation for the loss of vegetation on the development portion of the site. The Comprehensive Koala Plan of Management Steering Committee has also indicated in-principle support for the proposed

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development subject to specific controls and conservation outcomes.

Given the above issues are proceeding to be resolved; it is considered there is an appropriate level of certainty for the planning proposal to proceed at this point in time.

Consistency with
strategic planning
framework :

Lower Hunter Regional Strategy

The site is not specifically included in the LHRs in the Medowie future urban release area. The site is mapped as part of the Watagan Stockton Green Corridor. The Strategy prohibits development within the Green Corridor other than specifically "building on the existing community at Medowie" (page 31). This allowance in Medowie makes it possible to consider the subject site. See attached map of LHRs map identifying site.

However, it is considered appropriate that the sustainability criteria in Appendix 1 of the LHRs be addressed and this material be placed on exhibition. The LHRs indicates (page 34) that the sustainability criteria do not apply to land in the green corridor. However, as it has been determined that the green corridor is not applicable in this instance, it is considered due diligence would be met by addressing the sustainability criteria as the site is technically a new proposal outside of the Regional Strategy.

Allowing the planning proposal to proceed will not set a precedence for other areas in the Green Corridor provided Council does not use this interpretation to include other areas that are not currently being considered for development.

Council intends through its local strategy and through written submissions to request that the site be considered for inclusion in the LHRs review.

Port Stephens Planning Strategy (PSPS)

The PSPS was adopted by Council in December 2011 and identifies the subject site as 'potential future large lot residential'. Council has forwarded the Strategy to the Department for endorsement and it is currently under consideration. It is appropriate that endorsement of local strategies in the Region be linked to the LHRs review process which is programmed for completion by the end of 2012. The review process will take into consideration the attributes of new sites when assessing inclusion or otherwise.

Medowie Strategy 2009

Medowie Strategy was funded by the Planning Reform program to determine a planning scheme for the potential growth area identified in Medowie in the LHRs. The site was not included in the first adopted version of the Strategy due to the proposal having a much higher density and very little habitat conservation. Extensive community consultation occurred through the Medowie Strategy process and this site was eventually supported by Council and the Department with a reduced development area and proposing protection of conservation land.

Section 117 Directions

The proposal is, or maybe inconsistent with the following s117 Directions.

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environmental Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific

S117 1.2 Direction Rural Zones – the planning proposal is inconsistent with clause 4(a) as it seeks to rezone rural land to residential. It is considered that the inconsistency is justified in this instance as the site is not identified as prime agricultural land. The portion of the subject site previously used for agriculture adjoins an existing rural residential neighbourhood. The rural characteristics of the land are classified by DPI Agriculture as

low in value. Therefore it is considered that the inconsistencies with Direction 1.2 are of minor significance.

S117 Direction 1.5 - Rural Lands – clause 3(a) and (b) apply as the planning proposal intends to affect land in a rural zone and seeks to change the minimum lot size of the land and the Rural Planning Principles apply as the planning proposal alters the existing rural zone. The planning proposal is generally consistent with these Principles in that the location of the site allows synergies with the adjoining rural residential land uses. In terms of rural land use, the site is isolated from other agricultural pursuits as the land is surrounded by State Conservation area on three sides. The majority of rural and resource land, identified in the LHRS, is west of the Pacific Highway, 5 kilometres away. The planning proposal will not therefore impact on surrounding rural communities and is suitably placed to connect to established services and infrastructure. However, it is relevant to note that there is limited electricity capacity for Medowie and therefore substantial upgrading of trunk supply is required before additional lots can be serviced.

The Rural Subdivision Principles also apply as changes to the minimum lot size are proposed. The planning proposal is inconsistent with Principle 8(a) in that it does not minimise rural land fragmentation. However, it is considered that the inconsistency is of minor significance in this instance as the land is not considered of high agricultural value and it is isolated from surrounding rural and resource land.

2.1 Environment Protection Zones – the planning proposal is inconsistent with clauses (4) & (5) as it does not include provisions to protect all of the environmentally sensitive areas and it seeks to reduce the level of protection of the land. Although half of the site will be transferred to OEH for conservation, trees will be cleared as a result of development. Also, the land is identified as being in the Watagan Stockton Green Corridor under the LHRS and it is proposed to circumvent the protection of the Green Corridor based on the Strategy's qualification allowing development around Medowie.

It is considered the inconsistency with Direction 2.1 is of minor significance due to OEH's agreement to the proposed offset and the ability within the LHRS to consider land for development within the Green Corridor around Medowie.

S117 Direction 3.1 Residential Zones – the planning proposal applies to Direction 3.1 as it will affect land within a proposed residential development area. It is inconsistent with Direction 3.1 as it does not reduce the consumption of land on the urban fringe. The site is approximately 3 km from Medowie town centre and is not connected to basic services (shops and offices) with an adequate footpath/cycleway network. It is considered that this inconsistency be addressed in the DCP to provide satisfactory connection to services.

S117 Direction 3.4 Integrated Land Use and Transport – the planning proposal is inconsistent with Improving Transport Choice – Guidelines for Planning and Development. The planning proposal is inconsistent with the following Accessible Planning Principles; Concentrate in centres, Improve pedestrian access, Improve cycle access and Implement good urban design. The inconsistency should be justified by a study prepared in support of the planning proposal.

S117 Direction 4.3 Flood Prone Land – it is not possible to determine if the proposed zoning arrangement is consistent with Direction 4.3 until Council completes the Medowie Flood Study due in mid 2012. Until this modelling is complete it is not possible to determine the planning proposal's consistency or otherwise with this Direction.

S117 Direction 4.4 Planning for Bushfire Protection – consultation is required with Rural Fire Service to determine the scope of protection required for the planning proposal. It is recommended that the Gateway Determination require consultation with RFS. The proponent's bushfire hazard assessment identified a Level 3 – (extreme attack) from north, east and west of the site.

S117 Direction 5.1 Implementation of Regional Strategies – the planning proposal is inconsistent with Direction 5.1 as it proposes urban development in the Watagan Stockton

Green Corridor which is precluded under the LHRS. However, as previously stated, the Strategy allows for building on the existing community around Medowie. Therefore the inconsistency is considered of minor significance.

S117 Direction 6.3 Site Specific Provisions - the planning proposal is inconsistent with Direction 6.3 as it imposes a new development standard, being a 1,000 square metre minimum lot size for the 1(c5) zone. This zone has a minimum lot size of 2,000 square metres in Port Stephens LEP 2000. Further explanation and justification for this lot size should be included in the planning proposal prior to exhibition.

The planning proposal is consistent with Direction 4.1 Acid Sulfate Soils.

State Environmental Planning Policies

SEPP 44 Koala Habitat Protection – SEPP 44 applies to the planning proposal under the Port Stephens Comprehensive Koala Plan of Management (CKPOM). Part of the site is identified as 'Preferred Koala habitat' which prohibits development. Amendment of the CKPOM requires initiation by the PSC CKPOM Steering Committee in consultation with Directors General of DECCW and Department of Planning and endorsement of Port Stephens Council. However, this has previously been reviewed by the Department and Council advised that they can amend the koala habitat mapping without further referral to the Department.

SEPP 55 – Remediation of Land – the site is identified to have some areas of contamination due to previous agricultural uses. Further analysis is required to determine the full extent of the contamination and suitable remediation under SEPP 55

The proposal is considered consistent with all other SEPPs.

ECOLOGY

Council has identified a number of threatened species on site. An update of the flora and fauna assessment addressing any impact on threatened species populations or ecological communities or their habitats will be carried out after the new Gateway.

Council submitted additional information to OEH in February 2012 with a revised concept plan and OEH responded 6 March 2012 (see attached). OEH acknowledged that the planning proposal modification to reflect its request to include 3 hectares of vegetated land to make a total 33 hectares of Swamp Sclerophyll Forest (EEC). The conservation area also includes 36 hectares of Coastal Smooth Barked Apple Woodland and a small area of Forest Red Gum Red Mahogany Open Forest making a total of 73 hectares of land to be used as an offset.

Comparison of the new and the previous zoning maps clarifies the additional vegetated land to be protected in the North West corner (see zoning map and previous zoning map attached).

The planning proposal puts forward maximum retention of scattered trees across the development portion of the site. In addition, koala feed trees in the centre of the development area are proposed to be protected with a 7(a) Environment Protection zone. Fencing is to be required under the DCP in order to prevent dogs and cats from attacking koalas.

The offset is to be transferred to the adjacent reserve via a planning agreement. There is in-principle agreement with the Manager of the Hunter Region Parks and Wildlife Group to accept the land, however the final decision rest with the Minister for Environment. It is estimated that the 'reserve referral process' will not be finalised before the planning proposal is complete.

There are outstanding issues to be considered in the development application process with reference to the proposed offset area including; access, stormwater control, buffers bushfire APZs and location of utilities.

Environmental social
economic impacts :

OEH indicated as there is no bio banking agreement and despite the proposed offsets further threatened species assessment is required under the EP&A Act at the development application stage. However, the proposed planning agreement will be taken into consideration when determining future development applications.

KOALA HABITAT

The koala habitat that will be impacted on by the development footprint is highly disturbed. The majority of koala habitat on site is in the proposed offset area which is the most ecological significant vegetation in the study area.

The CKPoM Committee acknowledged that the site had development potential and that the most intact habitat was being preserved. The Committee considered the preservation of the koala habitat in the development area but acknowledged that it was disturbed.

ARCHAEOLOGICAL

The Aboriginal archaeological assessment provided is preliminary and based on existing information and archaeological expectations of the area. There was no survey carried out on the site. The planning proposal recommends that a detailed Aboriginal cultural survey be completed following finalisation of the proposed development areas where ground disturbance will occur. This needs to be carried out prior to exhibition so that s117 Direction 2.3 Heritage Conservation can be addressed.

STORMWATER

Stormwater advice from Umwelt on 7 June 2011 proposes a stormwater detention dam in the south eastern corner of the site. The dam will be constructed to a capacity that will attenuate post development runoff flow rates in the 100 year ARI storm event. The overall stormwater mitigation strategy uses Water Sensitive Urban Design principles and the proposed dam will reduce the peak discharge rate from the development and potential impacts on downstream properties.

Council indicates that flooding and drainage issues will be addressed thoroughly following the gateway in time to consider Medowie Flood Study scheduled to be finalised in mid 2012.

TRAFFIC AND ACCESS

A Traffic and Access Report prepared by Mark Waugh Pty Ltd in 2010 was submitted with the previous planning proposal. This report is sufficient to inform the transport and access matters relating to the proposed development. The recommendations of this report are not addressed in the current planning proposal and it is advised that this be addressed and form part of the exhibition material. It is recommended that consultation occur with RMS regarding the proposed intersection onto Medowie Road.

A further consideration of how the proposed development will connect with the existing accessibility and cycle facilities in Medowie is consistent with the 2010 study.

STRATEGIC HOUSING JUSTIFICATION

Based on the previous Gateway reason for refusal, Council was required to demonstrate a strategic need for the planning proposal to proceed prior to completion of the review of the LHRS.

As a result the Medowie Land Supply Report 2011 was prepared by Urbis supporting the premise of the planning proposal.

The report contends that the development can not be defined as rural residential development as the majority of the development is large lot residential. This is supported

even though Council has proposed a rural residential zone. The intention of zoning the proposed 1,000 square metre lots rural small holdings is to expedite the proposal prior to the finalisation of the standard instrument. It is expected that Port Stephens SI LEP will transfer the smaller sized lots on the rural small holdings scale to R5 Large Lot Residential.

The Urbis report claims that there will be an undersupply of 1,998 residential lots in Port Stephens by 2031. It is estimated that Medowie has a larger household size of 3.0 persons per dwelling and but this will reduce in accordance with the National trend.

Port Stephens is estimated to grow by 884 persons per year to 2031 equating to 22,100 people over the period. This projection puts the total LGA population at 85,400 and will generate a demand for 13,584 new dwellings. The LHRs sets a target of 12,500 new dwellings for Port Stephens by 2031 and Council's local strategy identifies 12,993 new dwellings in LGA. This is acceptable as the figures are within a similar range.

The Urbis study is in error in its claims that only 70 lots have been rezoned for residential purposes over the past 5 years. The March 2011 study does not recognise that Kings Hill was rezoned in December 2010 creating 4,500 lots.

Medowie Strategy proposes 793 lots and 27% will be large lot residential however no land has been rezoned for residential purposes in Medowie at this point. There are 3 planning proposals in Medowie currently progressing which will deliver approximately 200-300 lots containing a diverse range of lot sizes.

The PSPS identifies a yield of 6,380 green field dwellings and 5,206 infill dwellings totalling 11,586 dwellings. This total takes into consideration timing delays, development limitations, deeper analysis of the infill zones and locations. The reduced yield will create a shortfall in LHRs target of 914.

The planning proposal suggests there is a need for large lot residential in the LGA. There are currently few large lot residential proposals therefore it is considered that the planning proposal will supply this subdivision type to the market.

Should Boundary Road proceed, the estimated shortfall of 1,648 lots would remain in Port Stephens.

AIRCRAFT NOISE

The subject site is not affected by the Aircraft Noise Exposure Forecast (ANEF) contour however; it is recommended that consultation occur with Department of Defence as the site adjoins Salt Ash Weapons Range.

AGRICULTURE

It is not recommended that consultation take place with DPI Agriculture as this occurred through the Medowie strategy process.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	24 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Hunter Water Corporation Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

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Telstra
Other

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed? Yes

If no, provide reasons : **The matter should proceed, although Council has suggested that the planning proposal will be completed in 12 months, it is recommended that 18 months be applied given a planning agreement has to be resolved with OEH. It is not possible for the Minister for OEH to accept the transferral of the land until after the planning proposal is finalised as it requires whole-of-government agency referral.**

Allocating 18 months for completion is more realistic as resolution of flooding and drainage is dependant on the completion of the Medowie Flood Study. Although the Flood Study is estimated to be completed in the next few months, Medowie planning proposals have been stalled in the past subject to flooding and drainage modelling.

It is recommended that amendments to both the SI LEP and LEP 2000 be exhibited so that the planning proposal remains valid regardless of the course it takes.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Flooding

Other - provide details below

If Other, provide reasons :

Heritage - Archaeological survey

Access and mobility study

Other agencies to be consulted;

Karuah LALC

Energy Australia

Department of Defence

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? Yes

If Yes, reasons : **The site is not identified by Council as an urban release area. As the site is permitted under the Regional Strategy and is of a size that necessitates a satisfactory arrangement clause, it is recommended that the site be included on the urban release area map. The satisfactory arrangements clause is necessary to determine if there are any public utility requirements.**

It is recommended that the urban release area map be made available for public exhibition.

Documents

Document File Name

DocumentType Name

Is Public

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information :

- 1. Due to the timing of Council's principal LEP, this planning proposal is to proceed as both an amendment to the current Port Stephens LEP 2000 and to the draft principal LEP 2013. All exhibition material, including maps should be prepared to clearly identify to the community how the planning proposal will amend both instruments. Council should liaise further with the Department's Regional Team in relation to the material that should be prepared and placed on exhibition prior to proceeding to exhibition.**
- 2. Council will need to undertake a number of additional studies to further demonstrate the form and content of the planning proposal and provide this additional information as part of its planning proposal for exhibition purposes. The following matters need to be addressed;**
 - Undertake studies to support the proposal including;**
 - i) Archaeological survey**
 - ii) Flora and Fauna assessment**
 - iii) Flooding and Drainage study**
 - iv) Contamination Assessment**
 - v) Access and mobility report**
- 3. 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 must be made publicly available for 28 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**
- 4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - RFS**
 - RMS**
 - Karuah LALC**
 - EPA / OEH – Cultural Heritage and Aboriginal Archaeology, Environmental Biodiversity matters**
 - Telstra**
 - Energy Australia**
 - Hunter Water - servicing and protection of Grahamstown Dam catchment.**
 - Department of Defence**
- 5. 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.**
- 6. 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).**

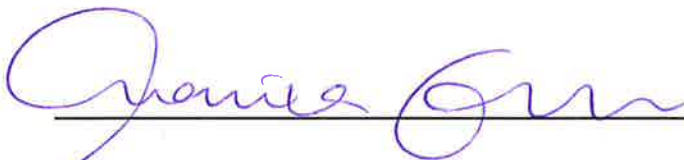
7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.
8. Agree to inconsistencies with Directions; 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zone, 3.4 Integrated Land Use and Transport, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies.
9. Consult with RFS regarding Direction 4.4 Planning for Bushfire Protection and incorporate the advice from RFS into the planning proposal prior to public exhibition.
10. Consult with EPA regarding biodiversity matters and provide detail of the proposals consistency or otherwise with 2.1 Environmental Protection Zones prior to finalisation of the planning proposal.
11. Provide an assessment of the planning proposal against Direction 2.3 Heritage conservation and 6.3 Site Specific Provisions and place on exhibition
12. Following completion of the required additional studies (and required pre-exhibition consultation with nominated agencies in accordance the relevant S117 Directions, Council is to undertake assessment of the revised form of the planning proposal against relevant S117 Directions and provide this revised assessment as part of the planning proposal for exhibition purposes.
13. Address the Lower Hunter Regional Strategy sustainability criteria in Appendix 1 and place this assessment on exhibition.
14. Prepare an urban release area map for public exhibition.

Supporting Reasons :

Supporting reasons

1. Parts of Medowie are identified in the LHRS for future urban development and the Strategy allows this site to be considered for development despite identification in the Green Corridor.
2. The site can be serviced with power, water and reticulated sewer.
3. OEH has indicated in-principle agreement with the proposed biodiversity offset.
4. There is limited potential for large lot residential development in Port Stephens.
5. A number of studies have been completed such as; Ecological and Bushfire Assessment, Transport and Access Report, Flooding and Drainage Study, Geotechnical report, Infrastructure Study and Port Stephens and Medowie Land Supply Analysis.
6. Others studies are required however an 18 month time period will enable the planning proposal to be completed.
7. Significant biodiversity habitat is proposed to be dedicated to the National Park Estate.

Signature:



Printed Name:

Fleurie Gibson

Date:

27.4.2012