

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**

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.

Panel Recommendation

Recommendation Date : **03-May-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. This planning proposal is to proceed as both an amendment to the current Port Stephens LEP 2000 and to the draft Port Stephens 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 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 is to supply additional information as part of its planning proposal for the purposes of public exhibition, that addresses the following issues:

- o Flora and Fauna
- o Flooding and Drainage
- o Contamination Assessment
- o Access and Mobility

3. Council is to undertake an Aboriginal Archaeological assessment prior to the commencement of public exhibition, and subsequently amend the planning proposal to address the requirements of S117 Direction 2.3 Heritage Conservation. Council is to provide a copy of the study and revised planning proposal to the Department's Regional Team prior to community consultation.

4. In regards to the planning proposal's inconsistencies with S117 Direction 6.3 Site Specific Provisions, Council is to provide further justification for the proposed minimum lot size for this zone in relation to the subject land. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition.

5. 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).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Defence
- Environment Protection Authority
- Energy Australia
- Hunter Water Corporation
- Karuah Local Aboriginal Land Council
- NSW Rural Fire Service
- Office of Environment and Heritage - NSW National Parks and Wildlife Service
- Transport for NSW - Roads and Maritime Services
- Telstra

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.

7. Further to Condition 6 above, Council is to consult the Environment Protection Authority in relation to biodiversity and the loss of environmentally sensitive land identified as being within the Watagan Stockton Green Corridor under the Lower Hunter Regional Strategy. Council is to take into account any comments made and amend the planning proposal, if necessary, to provide further justification for the inconsistencies of the planning proposal with S117 Direction 2.1 Environment Protection Zones.

8. Further to Condition 6 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.

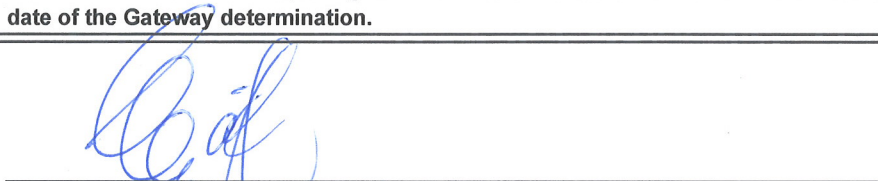
9. Council is to undertake an assessment of the planning proposal against the sustainability criteria in Appendix 1 of the Lower Hunter Regional Strategy. Council is to include this assessment with the planning proposal for the purposes of public exhibition and provide a copy to the Department's Regional Team prior to the commencement of public exhibition.

10. Following completion of the pre public exhibition work and public authority consultation, Council is to revise the planning proposal, if necessary, to provide additional justification and/or assessment against any relevant S117 Directions. Council is to provide a copy of the revised planning proposal and additional information to the Department's Regional Team prior to the commencement of public exhibition.

11. 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).

12. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGiffin

Date:

18.5.12