



Planning Proposal

Kindlebark Drive, Medowie

Proposed Amendment to Port Stephens Local Environmental Plan 2013:

142 Kindlebark Drive (Lot 10 DP 1154803)
140 Kindlebark Drive (Lot 3 DP 270731)
140A Kindlebark Drive (Lot 2 DP 270731)
140B Kindlebark Drive (Lot 6 DP 270731)
140C Kindlebark Drive (Lot 1 DP 270731)
1A Heritage Avenue (Lot 61 DP 1106425)
1/1 Heritage Avenue (Lot 4 DP 270731)
2/1 Heritage Avenue (Lot 5 DP 270731)



SUMMARY

Subject lands in Medowie:	142 Kindlebark Drive (Lot 10 DP 1154803) (Pioneer Ridge Boutique Winery) 140 Kindlebark Drive (Lot 3 DP 270731) 140A Kindlebark Drive (Lot 2 DP 270731) 140B Kindlebark Drive (Lot 6 DP 270731) 140C Kindlebark Drive (Lot 1 DP 270731) 1A Heritage Avenue (Lot 61 DP 1106425) 1/1 Heritage Avenue (Lot 4 DP 270731) 2/1 Heritage Avenue (Lot 5 DP 270731) (refer to Figure 1: Site Identification Map and Figure 2: Site Maps)
Proponent:	Untapped Planning (on behalf of landowners)
Total Area:	1.06 Hectares
Existing Zoning:	R5 Large Lot Residential
Proposed Amendment:	1. Rezone the subject land to R2 Low Density Residential (including an amendment to the lot size map and height of building map). 2. Introduce additional permitted uses to Schedule 1 of LEP 2013 to permit with development consent: hotel or motel accommodation; function centre; restaurant or café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises on Lot 10, DP 1154803 (only). 3. Restrict the additional permitted uses by limiting the retail floor space of individual tenancies to 100sqm; restrict the combined commercial premises to 15% of the land to which the provision applies on Lot 10, DP 1154803 (only).
Potential Lot Yield:	Approximately 15 residential allotments, and 1 lot with an additional permitted uses.

BACKGROUND

In February 2013 Council received a Planning Proposal to amend the *Port Stephens Local Environmental Plan 2013* (PS LEP 2013). Following discussions the Planning Proposal was resubmitted in February 2015 to rezone the subject lands from R5 Large Lot Residential to R2 Low Density Residential (including an amendment to the lot size map and height of building map) and to permit additional permitted uses on 142 Kindlebark Drive (Lot 10 DP 1154803) (Pioneer Ridge Boutique Winery).

The site is currently zoned R5 Large Lot Residential. Part of the site has operated since 1991 as a Rural Industry (winery) with refreshment room and gallery as activities ancillary to the Rural Industry. Several development applications and modifications have been lodged over time, including restaurant and wine tasting ancillary/minor components of the Rural Industry. The current owner envisages a boutique winery similar to a small scale version of the Hunter Valley Gardens village shops; accommodation and restaurant on the Pioneer Ridge Boutique Winery site.

The site is bound on three sides by the street network and is adjacent to R2 Low Density Residential zoned land to the south. The proposal makes efficient use of existing infrastructure and services by being located in a developed and serviced area and is located approximately 800m from the Medowie town centre.

a) Rezoning to R2 Low Density Residential

The Planning Proposal seeks to amend the PS LEP2013 by rezoning the subject lands to R2 Low Density Residential and introducing additional permitted commercial land uses on part of the site.

b) Additional Permitted Uses Provision

Permit additional permitted uses on part of the subject land at Lot 10, DP 1154803 to facilitate redevelopment of the existing boutique winery with cellar door sales, restaurant and function centre, garden centre and gift gallery to include hotel or motel accommodation, café, small bar, business premises, shops and takeaway food and drink premises. The additional permitted uses provision will allow the site to continue as a niche activity but limit the future uses for the site. The provision limits inappropriate uses on the site and ensures the scale of development does not have the potential to detract for the existing town centre.

The proposed additional permitted uses clause under Schedule 1 will give more certainty to the future development and expansion of the site, without allowing undesirable uses for the site. It will also provide a clause which aligns with the retail hierarchy and not undermine the Medowie neighbourhood town centre, and/or surrounding residential areas.

The provision includes a restriction on the retail floor space of tenancies to 100sqm and limits the combined commercial premises to 15% of the land to which the provision applies. These provisions are another way in which to control the future development of the site and ensure it does not compromise the Medowie town centre. These limitations will discourage large scale commercial development and

development will result in small scale commercial premises that are supportive of the dominant use of the site being a restaurant, cellar door premises and function centre with accommodation.

CURRENT USES

142 Kindlebark Drive (Lot 10, DP 1154803)	The site is currently occupied by a boutique winery (Pioneer Ridge Boutique Winery with cellar door sales, restaurant and function centre, garden centre and gift gallery).
140 Kindlebark Drive (Lot 3, DP 270731)	The sites are currently occupied by a dwelling (Lot 61, DP 1106425) and an approved seniors housing complex with four of the approved 17 units constructed or under construction (Lot 1-6, DP 270731). <i>Note:</i> 140C Kindlebark Drive (Lot 1, DP 270731) is also known as Middleby Road and is identified as an open access way.
140A Kindlebark Drive (Lot 2, DP 270731)	
140B Kindlebark Drive (Lot 6, DP 270731)	
140C Kindlebark Drive (Lot 1, DP 270731)	
1A Heritage Avenue (Lot 61, DP 1106425)	
1/1 Heritage Avenue (Lot 4, DP 270731)	
2/1 Heritage Avenue (Lot 5, DP 270731)	

Figure 1 – Site Identification Map (p. 5) and Figure 2 – Site Maps (p.6)

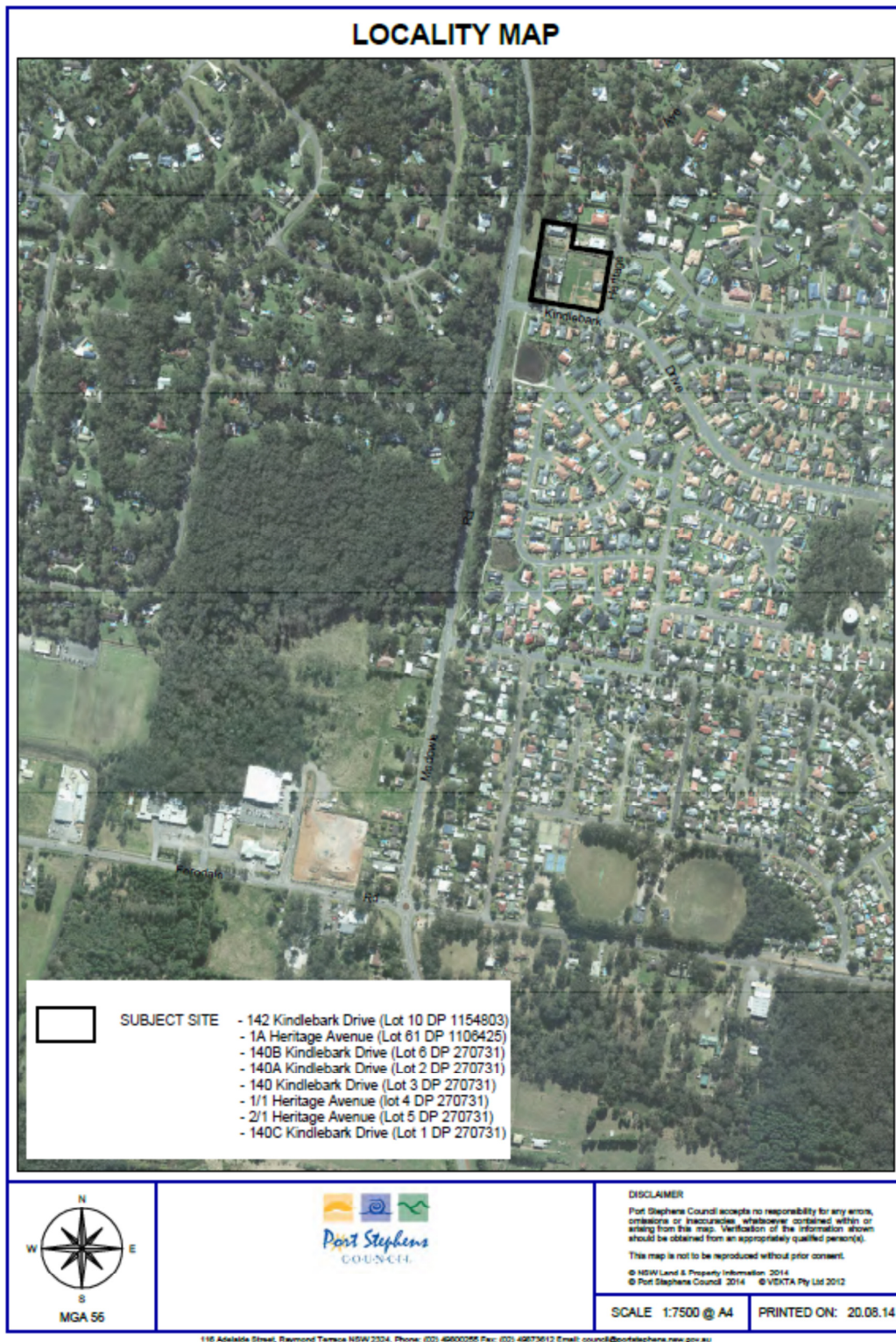


Figure 1 - Site Identification Map



Figure 2(a) Site Map – subject land to R2 Low Density Residential



Figure 2(b) Site Map - subject land to include additional permitted uses

PART 1 – Objectives or Intended Outcomes

1. Rezone the subject sites from R5 Large Lot Residential to R2 Low Density Residential on the Land Zoning Map (LZN_004B) (and include an amendment to the lot size map and height of building map). The subject sites being:

142 Kindlebark Drive (Lot 10 DP 1154803);
140 Kindlebark Drive (Lot 3 DP 270731);
140A Kindlebark Drive (Lot 2 DP 270731);
140B Kindlebark Drive (Lot 6 DP 270731);
140C Kindlebark Drive (Lot 1 DP 270731);
1A Heritage Avenue (Lot 61 DP 1106425);
1/1 Heritage Avenue (Lot 4 DP 270731);
2/1 Heritage Avenue (Lot 5 DP 270731).
2. Formalise the existing uses of the site on 142 Kindlebark Drive (Lot 10, DP 1154803) to facilitate the future development of the site to include hotel or motel accommodation; café; small bar; cellar door premises; business premises; shops; and takeaway food and drink premises.
3. Restrict the floor space provisions for commercial premises 142 Kindlebark Drive (Lot 10, DP 1154803) under the additional permitted uses provision by limiting tenancy floor space to not exceed 100sqm, and restrict the combined commercial premises development to 15% of the land to which the additional permitted uses provision applies.

PART 2 – Explanation of Provisions

The objectives of this Planning Proposal are intended to be achieved by the following amendments to the PS LEP 2013:

Amendment Applies to	Explanation of Provision
Land Zoning Map (LZN_004B)	142 Kindlebark Drive (Lot 10, DP 1154803); 140 Kindlebark Drive (Lot 3, DP 270731); 140A Kindlebark Drive (Lot 2, DP 270731); 140B Kindlebark Drive (Lot 6, DP 270731); 140C Kindlebark Drive (Lot 1, DP 270731); 1A Heritage Avenue (Lot 61, DP 1106425); 1/1 Heritage Avenue (Lot 4, DP 270731); 2/1 Heritage Avenue (Lot 5, DP 270731) to R2 Low Density Residential Zone.
Lot Size Map (LSZ_003B)	142 Kindlebark Drive (Lot 10, DP 1154803); 140 Kindlebark Drive (Lot 3, DP 270731); 140A Kindlebark Drive (Lot 2, DP 270731); 140B Kindlebark Drive (Lot 6, DP 270731); 140C Kindlebark Drive (Lot 1, DP 270731); 1A Heritage Avenue (Lot 61, DP 1106425); 1/1 Heritage Avenue (Lot 4, DP 270731);

	2/1 Heritage Avenue (Lot 5, DP 270731) to 500sqm.
Height of Building Map (HOB_003B)	142 Kindlebark Drive (Lot 10, DP 1154803); 140 Kindlebark Drive (Lot 3, DP 270731); 140A Kindlebark Drive (Lot 2, DP 270731); 140B Kindlebark Drive (Lot 6, DP 270731); 140C Kindlebark Drive (Lot 1, DP 270731); 1A Heritage Avenue (Lot 61, DP 1106425); 1/1 Heritage Avenue (Lot 4, DP 270731); 2/1 Heritage Avenue (Lot 5, DP 270731) to 9m.
Schedule 1 Additional permitted uses	8. Use of certain land at 142 Kindlebark Drive, Medowie (1) This clause applies to land at 142 Kindlebark Drive, Medowie being Lot 10, DP 1154803. (2) Development for the following purposes is permitted with development consent: (a) hotel or motel accommodation, (b) function centre, (c) restaurant or café, (d) small bar, (e) cellar door premises (f) commercial premises being 'business premises', 'shops' and 'takeaway food and drink premises'. (3) Development consent for commercial premises under subclause (2f) must only be granted to development that has: (a) tenancies which have a retail floor area that does not exceed 100 square metres, and (b) the combined commercial premises not exceeding 15% of the land to which this clause applies.

The proposed additional uses on site, as defined by PS LEP 2013 are:

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

restaurant or café means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

Note. Small bars are a type of food and drink premises—see the definition of that term in this Dictionary.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

shops means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

takeaway food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

PART 3 – Justification

SECTION A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

- a) Rezoning to R2 Low Density Residential

This Planning Proposal is not the result of a strategic study or report. It seeks to rezone the land to R2 Low Density Residential to increase infill density. The proposed R2 Low Density Residential zone is consistent with the adjoining land use zone to the south and is compatible with existing residential development to the north and to the east. The site is also bound on three sides by the street network facilitating the development of a discrete and limited area. (see Figure 1 and Figure 2).

Rezoning the subject lands to R2 Low Density Residential is consistent with Neighbourhood Planning Principles and maximises redevelopment and infill opportunities for increased housing densities within walking distance to town centres. The Planning Proposal will facilitate development that is compatible with the existing streetscape and subdivision layout in the immediate vicinity of the subject lands.

b) Additional Permitted Uses Provision

The Planning Proposal also seeks additional permitted uses on the land comprising the existing Pioneer Ridge Boutique Winery development to allow limited future development and expansion. Rather than rezoning the site to a commercial zone, the Additional Permitted Uses clause allows specific uses on the site.

This approach limits the range of permissible uses on the site and ensures the scale of development will not detract for the existing town centre. It will result in small scale commercial premises that is supportive of the dominant use of the site being a restaurant, cellar door premises and function centre with accommodation.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

a) Rezoning to R2 Low Density Residential

Amending the zoning and minimum lot size provisions of the subject sites from R5 Large Lot Residential to R2 Low Density Residential, 2000sqm to 500sqm via this Planning Proposal is the most appropriate way to facilitate increased residential development on the site.

b) Additional Permitted Uses Provision

The Schedule 1 – Additional Permissible Uses clause is considered the most acceptable and appropriate approach to deliver the desired outcomes on the site. The alternative to rezone the land to a commercial zone is not desirable as it would permit a wide range of uses that would risk undermining the existing nearby town centre.

The proposed clause further restricts the development on the site by including maximum floor space for tenancies and limits the combined floor space of any commercial premises to a percentage of site/lot area. These restrictions are proposed to not conflict with the existing commercial centre hierarchy.

SECTION B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Lower Hunter Regional Strategy

The *Lower Hunter Regional Strategy* identifies Medowie as a proposed urban area with boundaries to be defined through local planning. This local planning was undertaken by Council through the Medowie Strategy.

a) Rezoning to R2 Low Density Residential

The Planning Proposal is considered consistent with the *Lower Hunter Regional Strategy*.

The *Lower Hunter Regional Strategy* seeks to maximise redevelopment and infill opportunities for medium and high density housing within walking distance of centres. The subject lands are a walkable 800m distance from the Medowie town centre. The Planning Proposal is considered consistent with the Strategy as the Planning Proposal facilitates increasing housing density in an existing urban area, in close proximity to the town centre and adjacent to public transport. This allows for better use of existing infrastructure, reduced travel by car and encourages resource efficiency and is consistent with the *Lower Hunter Regional Strategy's* Neighbourhood Planning Principles.

a) Additional Permitted Uses Provision

The *Lower Hunter Regional Strategy* aims to facilitate the concentration of activities along transport routes and within and adjacent to centres.

The additional permitted uses on 142 Kindlebark Drive complements the existing land uses on the site and allows the landowner to evolve and diversify these uses in the future without compromising the Medowie town centre and concentrates development on the main transport route, Medowie Road.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Port Stephens Integrated Strategic Plan

The proposal is consistent. The *Port Stephens Integrated Strategic Plan* states that Council should provide for a range of lot sizes and housing types to respond to demographic needs and affordability. The proposal will potentially add approximately 15 residential allotments within an existing town.

Port Stephens Planning Strategy 2011-2036

The *Port Stephens Planning Strategy* identifies Medowie as a Priority 1 Infill and New Release Area. High growth is projected to continue as the *Medowie Strategy* is implemented. Limited infill will also occur through the further subdivision. The Planning Proposal will contribute towards infill development in Medowie.

Commercial and Industrial Lands Study 2010

The Study identifies Medowie as a 'town centre' in the proposed retail hierarchy and defines it as a "*Shopping and business centre for the district, including health and professional services mixed with medium and higher density residential*".

The Study includes a Gap Analysis summarised in the following tables; indicating a shortfall of supply in Medowie.

	2009 Occupied Floorspace (sqm)	2016 Floorspace Demand (sqm)	2031 Floorspace
Medowie centre precinct	7,257	8,117	9,493

A gap analysis with two supply scenarios concluded the following:

			Low scenario		High Scenario	
	2016 Floorspace Demand (sqm)	2031 Floorspace Demand (sqm)	2016 Supply Gap (sqm)	2031 Supply Gap (sqm)	2016 Supply Gap (sqm)	2031 Supply Gap (sqm)
Medowie	8,117	9,493	330	-1,045	8,129	6,753

The Gap Analysis highlighted under the low supply scenario there will be insufficient capacity to accommodate this demand. It demonstrates more commercial zoned land will be required for the Medowie town centre. Since 2009, an additional supermarket has been constructed at Peppertree Road and assisted in meeting the predicted occupied floor space demand referenced in the Study.

The Planning Proposal does not seek to facilitate uses or additional floorspace to impact the existing centre and commercial hierarchy through the application of an amendment to Schedule 1 Additional Permitted Uses.

Medowie Strategy 2009

The subject land is not identified for a change in land use in the Medowie Strategy. However, the Medowie Strategy is currently under review and is likely to encourage consolidation of commercial uses within the town centre, and acknowledge existing unique commercial uses on prominent sites (such as Pioneer Ridge Boutique Winery).

The subject land is located on the fringe of the R5 Large Lot Residential Zone, adjacent to land zoned R2 – Low Density Residential and largely undeveloped. The proposed rezoning is consistent with the existing adjacent land zoning to the south. The subject land is a large land holding close to the town centre, providing opportunity for infill development and urban consolidation to help achieve housing targets in Medowie.

The existing Medowie Strategy does not identify commercial land uses on the subject land. However, the introduction of a Schedule 1 clause would allow the established existing use expansion to encompass specific complementary uses contained within the proposed clause. This approach permits the future growth of the business and does not impact on existing commercially zoned land in the town

centre. The proposed limitations will ensure the activities on the site will not jeopardize or fragment the commercial hierarchy of the LGA or the Medowie town centre, but will allow a modest expansion of the subject land.

5. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of relevant State Environmental Planning Policies against the Planning Proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 44 – Koala Habitat Protection	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 site is largely cleared with a small number of remnant trees remaining. The <i>Port Stephens Comprehensive Koala Plan of Management</i> has part of the site as buffer to Preferred Koala Habitat. The remnant trees could be feed or refuge trees. The Planning Proposal does not address this however it is an issue that could be addressed at DA stage. Recommendations are outlined in Section C. The Planning Proposal is consistent with this SEPP.
SEPP 55 – Remediation of Land	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	The site has a history of use as farmland. <i>NSW Managing Land Contamination Planning Guidelines 1999</i> state agriculture and horticultural activities may cause contamination and trigger a report specifying the findings of a preliminary investigation of the land carried out. A Site Contamination Study can be prepared (if required) following Gateway Determination to demonstrate residential suitability. The consistency of the Planning Proposal with this SEPP is to be further investigated and established.

SEPP Housing for Seniors or people with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities.	Part of the subject lands are currently occupied by an approved Seniors Housing complex with four of the approved 17 units constructed or under construction (Lot 1-6, DP 270731). These allotments range in size from approximately 260m2 to 350m2. Rezoning from R5 Large Lot Residential to R2 Low Density Residential will facilitate a greater and more flexible use of the site in providing for affordable housing. The Planning Proposal is consistent with this SEPP.
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Section 117 Ministerial Directions

6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below. Further investigations may be required to establish consistency with some of the directions below.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Employment Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	This direction applies because the Planning Proposal may affect land within an existing or proposed business or industrial zone. The proposal seeks to include additional permitted uses for one site (142 Kindlebark Drive, Lot 10 DP 1154803) to facilitate the future development of the site. The Planning Proposal however will not reduce nor alter existing business and industrial zones. The Planning Proposal

		will be compatible with the existing town centre and future residents will support businesses in the area. The subject lands are also a walkable distance (800m) to the town centre. The Planning Proposal is consistent with this direction.
2. ENVIRONMENT AND HERITAGE		
2.2 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	This direction applies when a relevant planning authority prepares a planning proposal. There are no known items of environmental heritage significance and indigenous heritage significance on the subject sites. The Proponent submits that given the historical use of the site and its cleared nature it is not anticipated that there are any heritage items that will be adversely impacted. An Archaeological Report and consultation with Worimi Local Aboriginal Land Council can be undertaken following a Gateway Determination to ensure due diligence if required. The consistency of the Planning Proposal with this direction is to be further investigated and established.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and	The Planning Proposal is consistent with this direction because it seeks

	future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	to provide increased residential housing to provide for the existing and future housing needs. The subject lands are immediately adjacent to land zoned R2 Low Density Residential to the south. The rezoning of the site will allow for additional housing opportunities without consuming rural or undeveloped land on the rural fringe. It also makes efficient use of existing infrastructure and services by being located in a developed and serviced area. The Planning Proposal is consistent with this direction.
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.	The Planning Proposal is consistent with <i>Improving Transport Choice – Guidelines</i> for planning and development (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) aims as the site is located in a walkable distance (800m) to the town centre. A bike path is located at the front of the site and links the site to the town centre. A bus stop is located 150m from the subject lands. The site is also located on a primary transport route, Medowie Road. All of these factors facilitate the use of alternative modes of transport.

		The Planning Proposal is consistent with the Neighbourhood Planning Principles of the Lower Hunter Regional Strategy. The Planning Proposal is consistent with the objectives of this direction.
3.5 Development Near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes ensure their operation is not compromised by incompatible future adjoining land uses.	The subject land is not affected by the Australian Noise Exposure Forecast 2025 maps or former ANEF 2012 map. However, land outside of ANEF contours can still be affected by aircraft noise and activity. The Planning Proposal is likely to satisfy this direction as the subject land is located within an existing urban area and any additional development is relatively minor. However consultation can occur with the Department of Defence to clarify any impact (if required by Gateway Determination). The Planning Proposal is consistent with this direction.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	The Planning Proposal is unlikely to create significant environmental impacts as a result of acid sulphate soils. The Port Stephens Acid Sulfate Soils Planning Map, identifies the site as containing class 5 soils (requiring consent for works within 500m of adjacent soil classes).

		This represents a low risk from acid sulfate soils. Any further assessment of Acid Sulfate Soils can occur at the development application stage. The Planning Proposal is consistent with this direction.
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 <i>Floodplain Development Manual 2005</i>, and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	The site is not mapped as flood prone on Councils Flood Planning Map under the PS LEP2013. The Planning Proposal is consistent with this direction.
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 subject lands are identified within a buffer on Councils bushfire prone land maps. The Proponent submits the lands mapped as bushfire hazard to the south has mostly been developed resulting in a decrease in vegetation and fuel loads. A <i>Bushfire Threat Assessment</i> (Firebird, January 2014) has been undertaken for a development application on 142 Kindlebark Drive. This report showed the Bushfire Attack Level for the site as BAL-LOW - No Requirement. While the report was written specifically for extensions

		to the Cellar Door it demonstrates that bushfire is not an impediment to development of the site. The Planning Proposal is likely to satisfy this direction however consultation can occur with the Rural Fire Service to clarify any impact. The Planning Proposal is consistent with this direction.
5. REGIONAL PLANNING		
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 <i>Lower Hunter Regional Strategy</i> identifies Medowie as a proposed urban area with boundaries to be defined by local planning. It seeks to maximise redevelopment and infill opportunities for medium and high density housing within walking distance of centres. The Planning Proposal is consistent with the Strategy because it facilitates planning proposal requests an amendment to facilitate increased housing density on land which is in an existing urban area, in close proximity to the town centre and adjacent to a public transport route. The <i>Lower Hunter Regional Strategy</i> aims to facilitate the concentration of activities along transport routes and within and adjacent to

		centres. Development of the site is consistent because it is located on a main transport route Medowie Road. The Planning Proposal is considered consistent with this direction.
6. LOCAL PLAN MAKING		
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This direction applies because the Planning Proposal seeks to amend the existing LEP to permit site specific uses via Schedule 1 of the PS LEP 2013. The introduction of a Schedule 1 has planning merit compared to rezoning of the site to a commercial zone. A commercial zone would have the potential to introduce undesirable land uses and excess floorspace that would detract from and compete with the existing Medowie town centre. Introducing a Schedule 1 Additional Permitted Uses clause, as described in Part 2 of this Planning Proposal, provides certainty to the potential future development of the land and expansion of the existing uses on site without compromising the viability of the existing town centre. The Planning Proposal is considered consistent with this direction.

SECTION C – Environmental, Social and Economic Impact

7. 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?

Given the past uses of the site and current site condition of the subject land, it is unlikely to comprise any significant vegetation, habitat or ecological communities.

Environmental impacts can be managed at the development application stage. The subject sites are predominantly cleared with only a few remnant trees. The *Port Stephens Comprehensive Koala Plan of Management* identifies part of the site as buffer to Preferred Koala Habitat and the remnant trees could be feed or refuge trees. This issue can be addressed through further assessment at the development application stage.

Any future development application would need to ensure connectivity is maintained and preferably enhanced. Potential development controls may include the following:

- The requirement of a pre-clearing protocol to be written that will detail felling techniques that are sensitive to arboreal mammals and bird species;
- A covenant to ensure the safe movement of Koala through the site including Koala friendly fencing, ropes for pools and restriction on the ownership of dogs;
- The requirement for the planting of Koala feed trees of a substantial size; and
- A mechanism to protect the remaining vegetation on site outside of the nominated building envelopes.

Upon Gateway Determination approval a report shall be prepared if necessary, however the planning proposal is not considered to result in any adverse environmental impacts.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Water Catchment

The subject lands are partly located in the Grahamstown Dam Water Catchment (refer to Drinking Water Catchment Map of LEP 2013). Any future development will have to ensure consideration on water quality and adequate water quality measures. It is recommended that the Planning Proposal be referred to the Hunter Water Corporation for comment.

9. Has the planning proposal adequately addressed any social and economic effects?

a) Rezoning to R2 Low Density Residential

The Planning Proposal will have a positive social and economic effect through the provision of a lot yield of 15 residential allotments in a town identified for urban growth in strategic plans, in a location close to services, public transport and

pedestrian linkages. The additional population will also support local businesses in Medowie.

b) Additional Permitted Uses Provision

The inclusion of a Schedule 1 – Additional Permissible Uses clause for a portion of the subject site will ensure the ongoing viability, and allow for the growth of, the existing Pioneer Ridge Boutique Winery business. The increase in uses on the site will correspond with job creation and an increase in the local economy. The proximity to Medowie Road, the corner allotment siting, coupled with the existing commercial use of the land is expected to create minimal or manageable amenity impacts.

The Schedule 1 – Additional Permissible Uses clause is considered the most acceptable and appropriate approach to deliver the desired outcomes on the site. The alternative to rezone the land to a commercial zone was not a desirable option as it could give a wide range of uses that would conflict and detract from the town centre and create excess commercial floor space.

Further economic advice will be required post-Gateway Determination if the Planning Proposal is to be supported. The advice should be undertaken by a suitability qualified economist to demonstrate the economic merit and demand for facilities outside of the existing town centre.

SECTION D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Traffic

The proposal is likely to contribute to additional vehicular traffic by intensifying commercial and residential land use on site. However, it is noted the site is located on a primary transport axis (the corner of Medowie Road and Kindlebark Drive) and is bound on three sides by the road network. The site will be primarily accessed from the west generating minimal additional through-traffic to existing residential areas. The site's location on Medowie Road also makes the tourist component of the site ideally placed for future growth.

A traffic report will be required to demonstrate management of any intensification of the sites (particularly in relation to the Schedule 1 Additional Permitted Uses clause) having specific regard to current access, parking and current road network constraints. Consideration should also be given on the impact of potential intensification on traffic movements to Kindlebark Drive due to the location of traffic islands which restrict turning movement to and from the subject land.

A traffic impact assessment will be required post-Gateway Determination if the Planning Proposal is to be supported. The assessment will be required to demonstrate management of any intensification of the sites having specific regard to current access, parking and current road network constraints.

Stormwater

Impacts relating to stormwater and drainage are to be investigated. The proponent submits through appropriate development controls the site will have no adverse impact on the catchment and downstream properties.

The sites Lot 1-6 DP 270731 have previously gained consent for the purpose of a Seniors Living development. The proponent states during this process issues relating to stormwater and drainage were resolved, indicating that this issue is able to be resolved.

Water Delivery and Wastewater Transport

Part of the subject site currently has consent for seniors living, which has a similar density to the proposed R2 Low Density Residential zone. The subject lands are currently serviced by reticulated water and reticulated sewer.

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

No formal consultation with public authorities has been undertaken at this time.

Following a Gateway Determination the following public authorities/groups will be consulted with:

- NSW Roads and Maritime Services
- NSW Office of Environment and Heritage
- NSW Rural Fire Service
- Ausgrid
- Hunter Water Corporation
- Department of Defence
- Worimi Local Aboriginal Land Council

Part 4 - Mapping

- Attachment 1 – Existing Land Zoning Map
- Attachment 2 – Proposed Land Zoning Map
- Attachment 3 – Existing Lot Size Map
- Attachment 4 – Proposed Lot Size Map
- Attachment 5 – Existing Height of Building Map
- Attachment 6 – Proposed Height of Building Map

Part 5 – Community Consultation

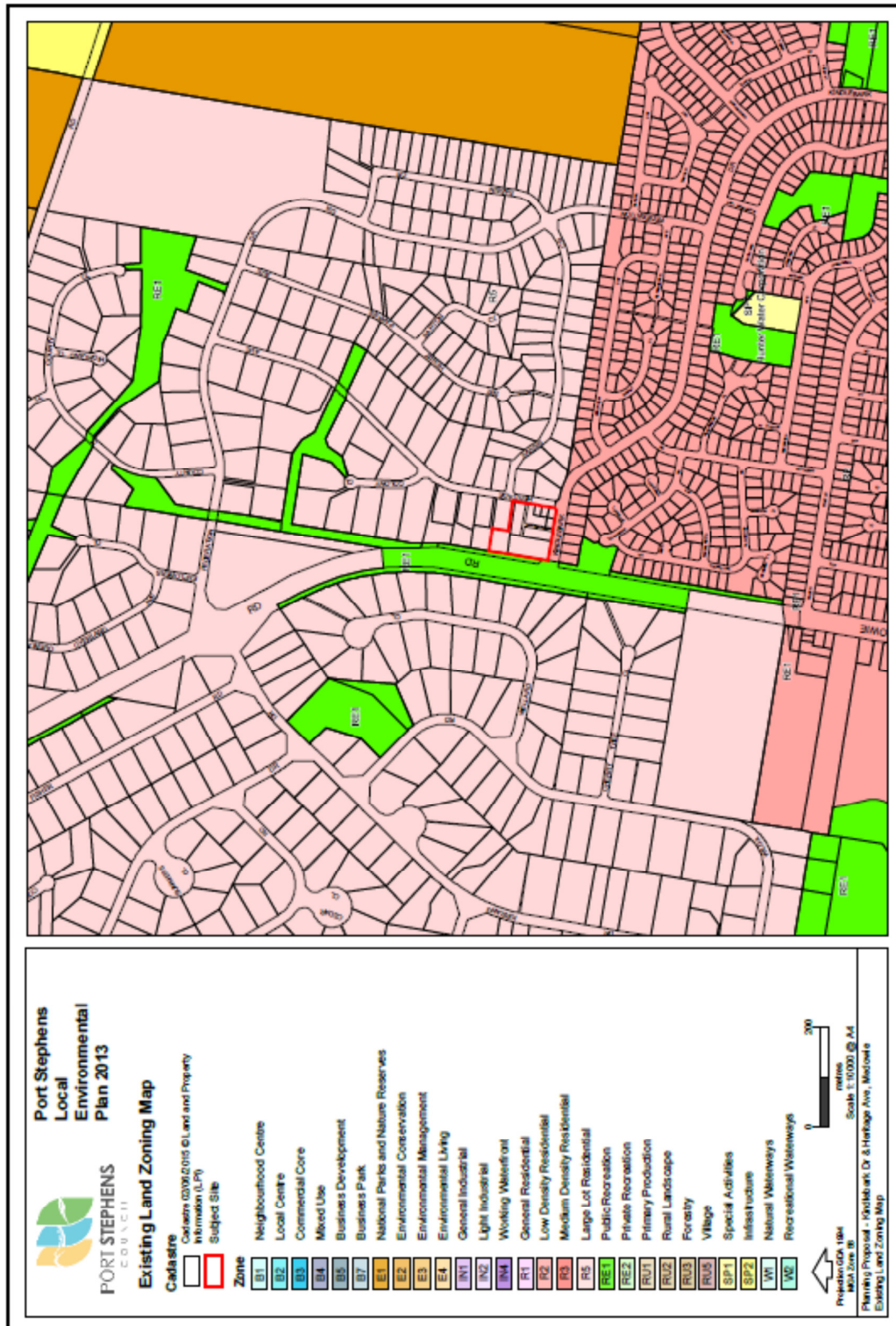
It is recommended to place the Planning Proposal on public exhibition for 28 days.

Part 6 – Project Timeline

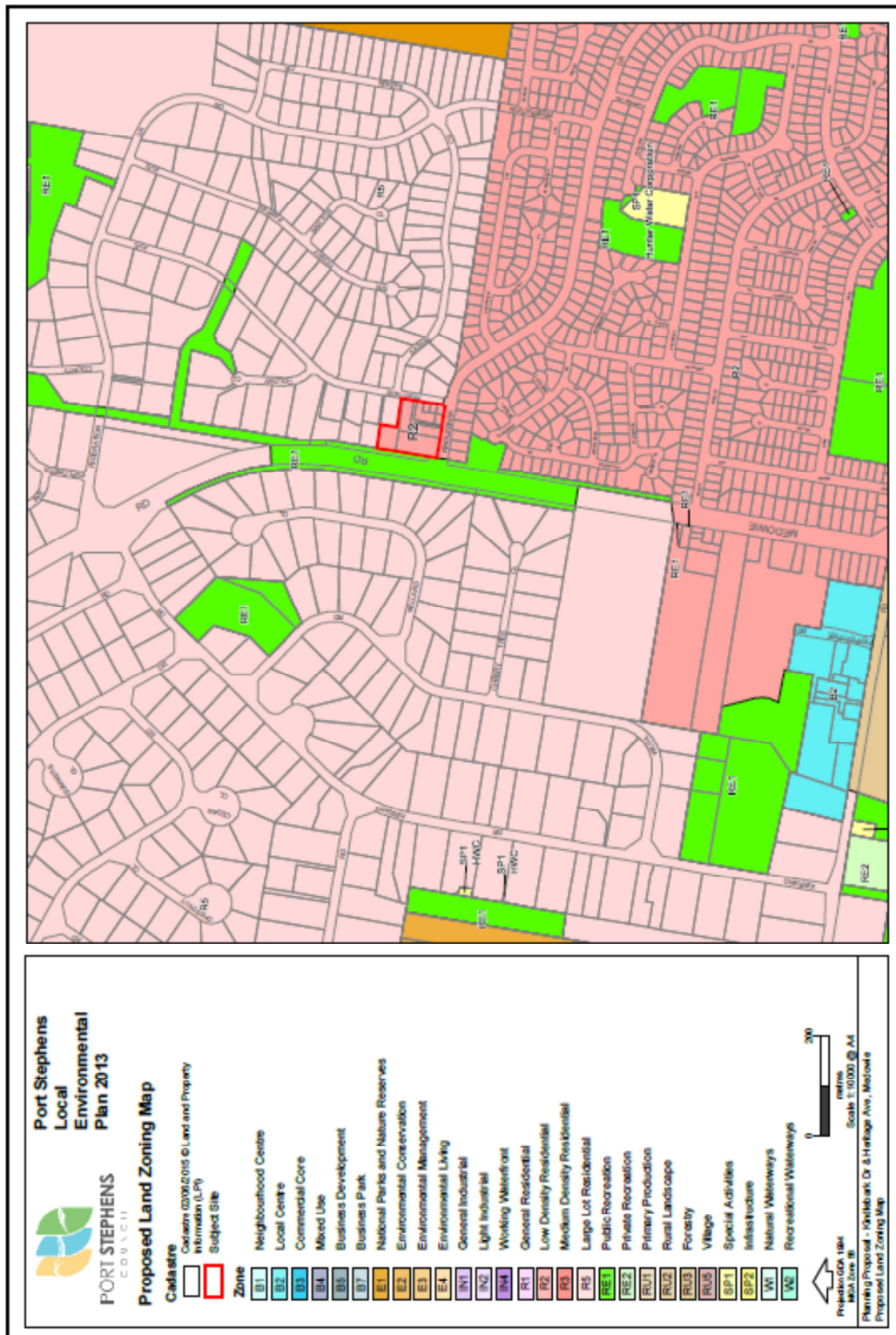
The following timetable is proposed:

	Task Description	Estimated Timeline
1.	Gateway Determination	September 2015
2.	Completion of required technical information	October – December 2015
3.	Government agency consultation	January 2015
4.	Community consultation period	February 2015
5.	Consideration of submissions and finalise the draft Plan	April 2015
7.	Submission to Department with request to make the Plan.	May 2015
8.	Legal drafting and making of the Plan	June – July 2015

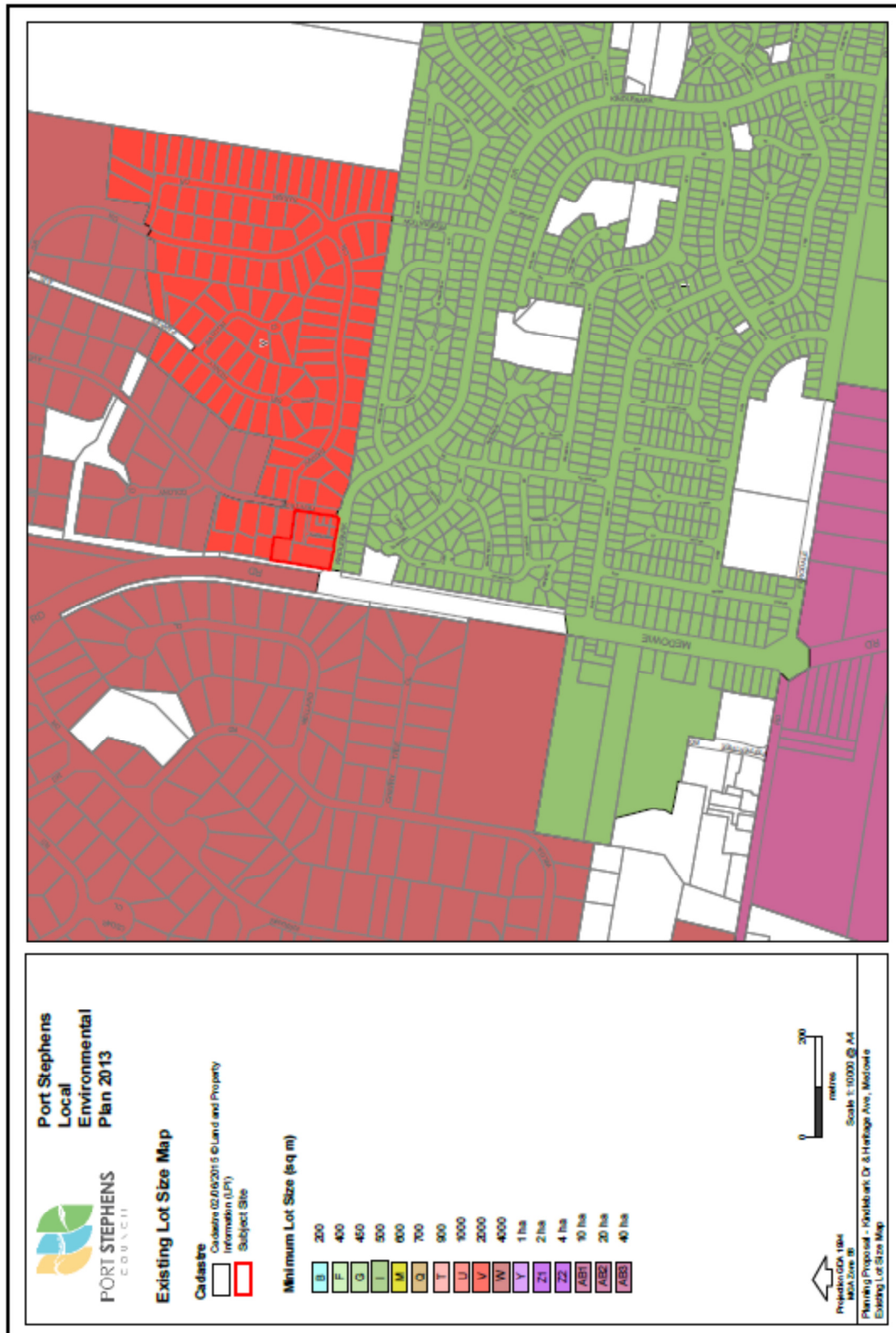
Attachment 1 – Existing Land Zoning Map



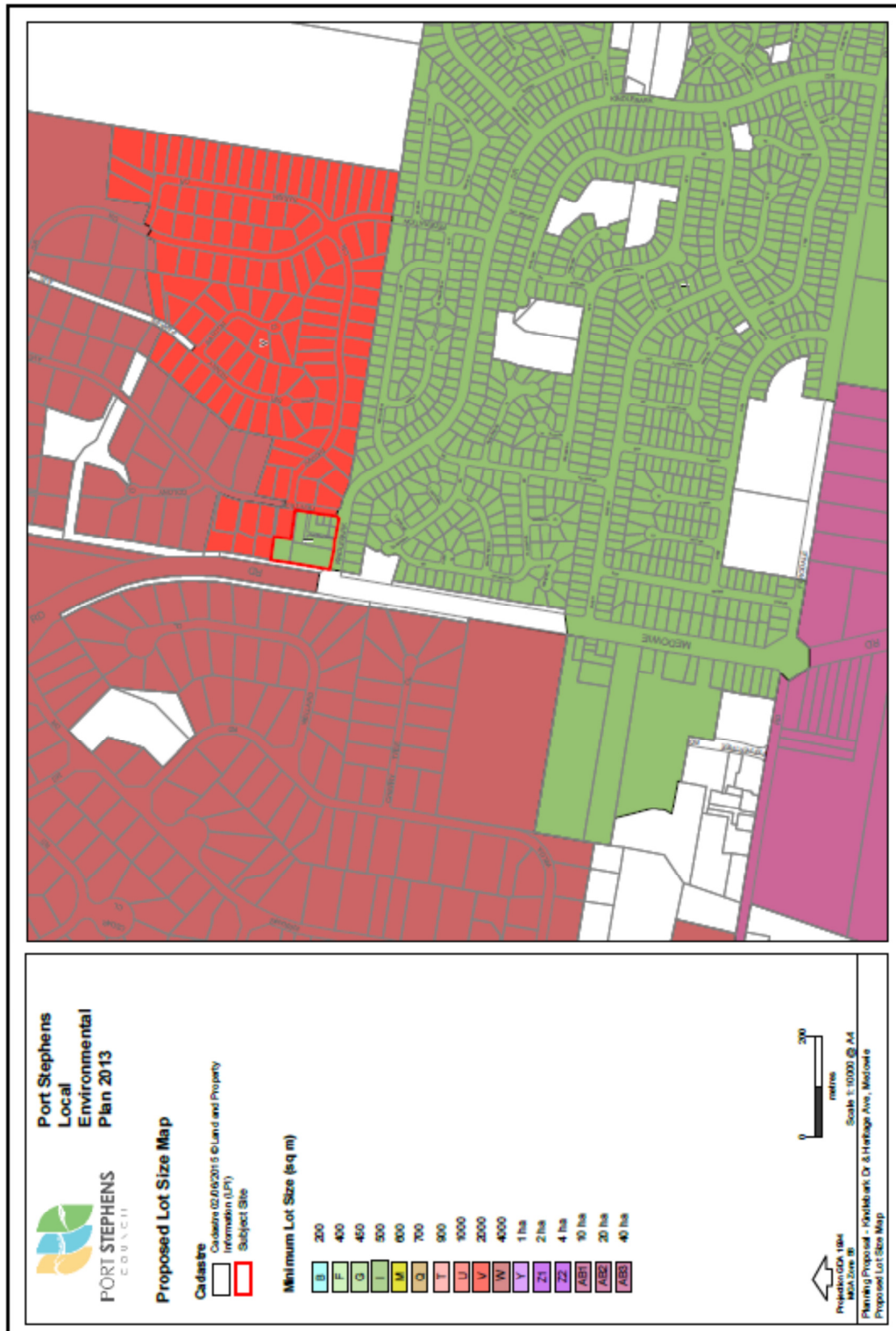
Attachment 2 - Proposed Land Zoning Map



Attachment 3 - Existing Lot Size Map



Attachment 4 – Proposed Lot Size Map



Attachment 5 – Existing Height of Building Map



Attachment 6 - Proposed Height of Building Map

