

Port Stephens LEP 2000 - Amendment - Medowie Road (South Street Neighbourhood)

Proposal Title : **Port Stephens LEP 2000 - Amendment - Medowie Road (South Street Neighbourhood)**

Proposal Summary : **To rezone land at Medowie Road, Medowie from rural small holdings zones to residential, open space and commercial purposes in accordance with the South Street Neighbourhood Structure Plan identified in the Medowie Strategy.**

PP Number : **PP_2011_PORTS_004_00** Dop File No : **11/05766**

Planning Team Recommendation

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

S.117 directions :

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

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the Planning Proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 14 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)**
 - (c) supporting maps identifying current zones under the Port Stephens LEP 2000, vegetation and koala habitat, flood prone land, aerial photos and site location must be exhibited with the planning proposal.**
- 2. Consultation with the Office of Environment and Heritage is to be undertaken to specifically determine if urban development of the subject site as proposed will not affect the conservation integrity of the Watagan & Stockton Corridor.**
- 3. Residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).**
- 4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - Commonwealth Department of Defence**
 - NSW Office of Environment & Heritage**
 - NSW Roads and Traffic Authority**
 - NSW Rural Fire Service**
 - Energy Australia**
 - Hunter Water Corporation**

5. No public hearing is required under the Local Government Act.

6. The time frame for completing the LEP is 12 months from the week following the date of the Gateway Determination.

7. The DG (or delegate) agrees to the inconsistency with S117 Direction 1.1 Business and Industrial Zones, Direction 1.2 Direction Rural Zones, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies as the inconsistencies are justified by a study (Medowie Strategy) prepared in support of the planning proposal which gives consideration to the objectives of this direction, and are considered minor.

Supporting Reasons :

The proposal is consistent with the strategic framework and will enable urban development of the subject site for residential, open space and commercial purposes in accordance with the South Street Neighbourhood Structure Plan in the Medowie Strategy. Areas of the South Street Neighbourhood to the west of the subject site not included in the PP can be considered as a separate proposal when supporting flood and ecological studies are available to adequately inform a rezoning.

The inconsistency of the PP with the LHRS Map is considered justified on merit in the context of the discussion of the mapped area as intended -- ie to guide investigation into opportunities for urban intensification within Medowie and not intended to define the limits of 'growth potential' within the existing footprint.

The site is cleared of native vegetation, adjoining a proposed urban area identified in the LHRS, and is identified as suitable for urban development in the Medowie Strategy. The LHRS Map gives strategic direction to land use at a regional scale but now needs to be interpreted and updated in the upcoming review of the LHRS to better reflect its original planning purpose at this location, and the detailed local planning that has been undertaken since release of the LHRS to clearly define strategic outcomes and land use directions in Medowie.

Panel Recommendation

Recommendation Date : 19-May-2011

Gateway Recommendation : Rejected

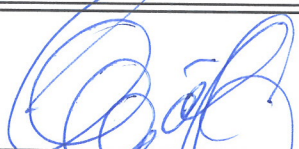
Panel

The Planning Proposal should not proceed for the following reasons:

Recommendation :

1. The planning proposal is not adequately justified.
2. The planning proposal is inconsistent with the adopted Lower Hunter Regional Strategy in that it proposes to rezone rural land that is not identified as an urban release area for urban development purposes.
3. The planning proposal is inconsistent with the adopted Lower Hunter Regional Strategy in that it requires a rezoning of land that is identified as part of the existing Green Corridor in the Lower Hunter Regional Strategy.
4. The planning proposal is also inconsistent with a number of s117 Directions, in particular, 1.1 Business and Industrial Zones, 1.2 Rural Zones, 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies.

Signature:



Printed Name:

Neil McCaffrey

Date:

30.5.11