

Planning Proposal – Medowie Road Morris Land

Part 1 – Objectives or Intended Outcomes

The planning proposal aims to rezone land at 2 Kingfisher Close and 507 Medowie Road, Medowie, for residential, commercial and open space purposes generally in accordance with Council's adopted Medowie Strategy.

Part 2 – Explanation of Provisions

The proposal will be implemented by amendment of the Port Stephens Local Environmental Plan 2000 Zoning Map in accordance with the proposed map shown on the attached map, which will:

- Rezone Lot 412 in DP 1063902 to part 2(a) Residential "A" Zone, part 3(a) Business General "A" Zone and part 6(a) General Recreation "A" Zone
- Rezone Lot 413 in DP 1063902 to part 2(a) Residential "A" Zone and Part 1(c5) Rural Small Holdings "C5" Zone.

Note: Minimum lot sizes for the 2(a) Residential "A" Zone and 1(c5) Rural Small Holdings are set down in the Port Stephens Local Environmental Plan 2000.

Part 3 – Justification

Section A – Need for the planning proposal.

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

Yes. The site is identified for urban development in the Medowie Strategy. The Medowie Strategy is a local planning strategy adopted by Council in March 2009. It provides a framework for urban growth and development in Medowie. The Medowie Strategy was prepared in response to Medowie's identification as a proposed urban area in the NSW Department of Planning's Lower Hunter Regional Strategy.

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

Yes. The existing 1(c1) and 1(c2) Rural Small Holdings zone applying to the land have limited permissible uses, large lot sizes and inconsistent objectives compared to the intended use of the land under the Medowie Strategy. A change of zoning via an amendment to the Port Stephens Local Environmental Plan 2000 is the only available option to facilitate the proposed development of the land.

Is there a community benefit?

Yes. The site is located at Medowie, a recognised growth area under the Lower Hunter Regional Strategy.

The proposal will not create a precedent, change the expectations of other landowners in the locality or lead to other 'spot' rezoning requests. Development of the site is generally consistent with the Medowie Strategy.

The proposal should result in an increase in permanent employment generating activities as a result of additional demand for goods and services in the area generally and the proposed commercial area on the site. There will short-term employment benefits because of construction work.

The proposal will create additional supply of residential land of various sizes. This should impact positively upon the supply of residential land and housing supply and affordability. Based upon a density of 12 dwellings per hectare and a zoned area of approximately 10 hectares, a broad estimate is that the recommended proposal could yield between 70 to 100 dwellings.

Public infrastructure is generally available in the locality. Consultation with utility providers will take place during the consultation process to confirm availability. Provision for pedestrian and cycle access will be included in the final subdivision design. Public transport is able to be provided to the site.

The proposal includes the provision of land for a local neighbourhood shopping centre. This will limit the need to travel to larger commercial centres. The proposal will see an increase in choice and competition by increasing the number of retail and commercial premises operating in the area. Its limited scale means that it should not compete with higher order centres.

As a result of the increased population in the area, the planning proposal will inevitably result in an increase in the reliance on the car for transport to employment and other services not available in the immediate locality. There will be some adverse amenity impacts likely to arise from the development of vacant rural land for urban purposes. Road safety will be addressed via appropriate traffic management. Road infrastructure may require upgrading, including intersection works. This will be confirmed through the rezoning process.

There are no significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal in a negative way. A positive impact may be the provision of additional housing in proximity to the Williamstown RAAF Base, a major employer in the Hunter Region.

It is considered that the planning proposal is in the public interest. It is generally consistent with the long term development strategies for the area.

The implications of the development not proceeding include a deficiency in the supply of land and housing in the area and the underutilisation of land suitable for urban purposes.

Section B – Relationship to strategic planning framework.

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

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy identifies Medowie as a proposed urban area with boundaries to be defined through local planning. The local planning was undertaken by Council through the development and adoption of the Medowie Strategy in March 2009, which identifies parts of the site as suitable for rezoning for urban development.

A strict interpretation of the Lower Hunter Regional Strategy identifies the land in the Watagan Stockton Green Corridor, where rezoning for urban development is to be excluded. In this instance, however, the land has considerable merit for being investigated for rezoning to support development because of site characteristics (it is

cleared land to a large extent) and also its identification for development in the adopted Medowie Strategy.

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

Medowie Strategy

The land is identified for development in the Medowie Strategy, adopted by Council in March 2009. The proposal is generally in accordance with the Medowie Strategy by proposing primarily residential development and a small commercial area and land for recreation.

Under the Medowie Strategy, the site is identified for a mixture of rural small holdings, residential, commercial, open space and community uses. At the time of adopting the Medowie Strategy the site was associated with a proposed expansion of the Pacific Dunes Golf Course across Medowie Road. Given that the respective landowners are no longer proceeding with a joint arrangement, the current proposal differs from the Medowie Strategy with respect to facilities that may have been provided in association with expansion of the golf course.

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

SEPP 14 Coastal Wetlands

Council mapping indicates that a SEPP 14 Coastal Wetland is located on the south west part of Lot 412 in DP 1063902. The location of 'wetland vegetation' has been identified in the attached Ecological Constraints Report (Wildthing Environmental Consultants, July 2010). The proposed zone footprint avoids land mapped as SEPP 14 and areas of 'wetland vegetation' and there is suitable buffer distance available.

SEPP 44 Koala Habitat Protection

The Port Stephens Comprehensive Koala Plan of Management (CKPoM) applies in Port Stephens Local Government Area. Existing mapping in the CKPoM for the site has been confirmed as accurate in fieldwork undertaken for the Ecological Constraints Study Report (Wildthing, July 2010). Areas of Swamp Sclerophyll Forest, a Preferred Koala Habitat, have been identified on the site. The revised zone layout

shows that only small areas of Swamp Sclerophyll Forest are identified for rezoning for urban development. The main area of potential impact is at the southern end of Kingfisher Close to allow for a potential road connection.

SEPP 55 Remediation of Land

A Preliminary Contamination Assessment has been submitted (Coffey Environments, Preliminary Contamination Assessment Proposed Mixed Use Rezoning Medowie Road, Medowie NSW, June 2010). The conclusion and recommendations of the assessment are as follows:

Environmental soil samples were taken from areas of fill across the site (the two fill mounds surrounding the racing track and the gravel driveway). The results of the laboratory analysis of the samples indicated that significant contamination is unlikely to be present in these fill areas.

A number of Areas of Environmental Concern (ECS) identified at the site were not investigated during the PCA. The AECs not investigated during this assessment included the buildings currently on the site, the septic tanks, the wastewater treatment plant and the electrical substation.

Coffey recommends that a Phase 2 Environmental Site Assessment (ESA) be carried out at the Development Application stage. The following works should be included in the Phase 2 ESA:

- Additional investigations targeting the septic tanks, the electrical transformer, areas of previous agricultural activity and the site boundary adjacent to the wastewater pumping station;*
- A hazardous materials survey on the buildings currently on the site if these are to be removed during construction works; and*
- If the wastewater treatment plant and / or the electrical transformer yard are to be removed during construction works, additional sampling of the resultant excavations should be carried out.*

The fill currently on the site in the mounds around the racing track and the gravel driveway is suitable to remain on site.

Waste classification of material to be disposed offsite may be required during the construction of the buildings on the site. The need for waste classification would be more satisfactorily assessed once the final lot areas and locations and building designs are identified.

Based on the above conclusions, it is considered that the land is suitable for rezoning for residential use.

Is the planning proposal consistent with applicable Ministerial Directions?

Direction 1.1 Business and Industrial Zones

The objectives of the Direction are to encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of existing centres. The proposal is consistent with the objectives of this Direction. The proposal is seeking a mixture of land uses. The size of the proposed commercial zone should not detract from the existing commercial area of Medowie and will support the growth of the immediate area by providing additional services to the local population. The proposed commercial zone is consistent with the Medowie Strategy.

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land. The proposal is consistent with this Direction. The land is currently used for rural residential purposes, including a go-kart track, and does not support agricultural production. The proposed use will not result in the decrease of agricultural production on the land.

Direction 1.5 Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes. The proposal is consistent with this Direction. The land is currently used for rural residential purposes, including a go-kart track, and does not support agricultural production.

Direction 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. The proposed zone layout has been amended to minimise impact on vegetated areas. The main area of potential impact is at the southern end of Kingfisher Close to allow for a potential road connection.

The proposal seeks to retain the existing 1(a) Rural Agriculture zone that applies to the residual areas of the site.

Direction 3.1 Residential Zones

The objectives of this Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs; to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and to minimise the impact of residential development on the environment and resource lands. The proposal is consistent with these objectives. The concept supports a range of housing types on the site. Future residents will have access to infrastructure and services on-site and locally within Medowie. The zone layout seeks to minimise vegetation removal and impact on areas of Swamp Sclerophyll Forest, although there is likely to be some clearing required in the northern area of the site.

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 following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport, and
- increasing the choice of available transport and reducing dependence on cars, and
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- supporting the efficient and viable operation of public transport services, and
- providing for the efficient movement of freight.

The proposal is consistent with this Direction. The site is located on Medowie Road which is the main transport route into Medowie, providing good opportunity for the

future provision of public transport. A small area of commercial zoned land is also proposed on the site to service new and existing residents in the immediate area, reducing travel distance and encouraging walking and cycling. The proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP, 2001), and The Right Place for Business and Services – Planning Policy (DUAP, 2001).

Direction 3.5 Development near Licensed Aerodromes

The objectives of this Direction are to:

- ensure the effective and safe operation of aerodromes;
- ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity and;
- ensure development for residential purposes or human occupation, if situated on land within Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The proposal is consistent with this Direction. The 2025 ANEF map impacts the south-west corner of the site. The 2025 ANEC map dated 1st September 2010 also affects the south-west part of the site but to a lesser extent. However, no part of the site mapped within ANEF or ANEC contours is proposed to be rezoned for urban development and no noise attenuation of dwellings will be required.

Direction 4.1 Acid Sulphate Soils (ASS)

The objective of this Direction is to avoid significant adverse environmental impacts from the use of the land that has a probability of containing acid sulphate soils. The proposal is consistent with this Direction. The revised zone layout proposes urban development on low risk class 4 and class 5 acid sulphate soils only. There is existing provision in the Port Stephens LEP 2000 to direct development on land where acid sulphate soils are present.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure that development on flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and to ensure that the provisions of an

LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. The proposal is consistent with this Direction. Parts of the land are mapped as flood prone, particularly the north and west parts of Lot 413 in DP 1063902 and the south and west parts of Lot 412 in DP 1063902. The revised zone layout generally avoids these areas. Only minor parts of the site are proposed for urban development and on this basis the impact of any filling is expected to be minimal. A draft master plan prepared for the site shows that lowing lying areas in the northern part of the site may serve as a detention basin.

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 and to encourage sound management of bush fire prone areas. The proposal is consistent with this Direction. Although the land is mapped as bushfire prone any subsequent subdivision will be designed in accordance with the provisions of Planning for Bushfire Protection.

Direction of 5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. The proposal is located within the Watagan Stockton Green Corridor in the Lower Hunter Regional Strategy. However, the land proposed for urban development is primarily cleared of vegetation and the site is identified for urban development within the Medowie Strategy, which was adopted by Council in March 2009.

Section C – Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An Ecological Constraints Study has been carried out by Wildthing Environmental Consultants (Ecological Constraints Study, Wildthing Environmental Consultants, July 2010). Note: the Ecological Constraints Study is based on a more extensive urban development footprint that has since been revised to avoid land that is significantly constrained.

The various vegetation assemblages on the site are identified on page 12 of the Ecological Constraints Study. Swamp Sclerophyll Forest, an Endangered Ecological Community, was found to be present on the site. The zone footprint has been revised to reduce impact on this vegetation type; however there may be potential for impact in the vicinity of Kingfisher Close as a result of a potential road connection and landfill or detention basin. Further investigation of any impacts will be considered through the rezoning or development application process however the level of disturbance should be minimal.

The Ecological Constraints Study notes that the Wallum Froglet was observed calling from the large wetland area in the west of the site. The two small wetlands in the north-west of the site are also considered to be habitat for this species. The revised zone footprint does not impact upon these wetlands.

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

Part of Lot 412 in DP 1063902 is mapped as having a SEPP 14 Coastal Wetland located upon it. The proposed zone footprint avoids this area and there is adequate provision for a buffer to be provided.

The revised zone layout has minimised environmental impact by proposing rezoning development primarily on cleared land.

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

Yes. The social and economic benefits to the community are those usually associated with the provision of employment opportunities within the commercial area; provision of additional transport opportunities; and the provision of additional housing choice and supply of land to the market.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The provision of public infrastructure for growth in Medowie is being investigated by Council and these investigations are ongoing.

The Medowie Strategy contains information concerning the provision of basic infrastructure. An infrastructure plan is to be prepared for Medowie to address growth under the Medowie Strategy.

If the proposal is to proceed prior to completion of the infrastructure plan, detailed investigation will be required during the rezoning process to identify any infrastructure required, including implementation and funding mechanisms. In particular, infrastructure for flooding and drainage and traffic will need to be confirmed and clarified prior to finalising any rezoning of the land.

Hunter Water Corporation, the RTA and electricity providers will be further consulted during the referral process to identify their infrastructure requirements.

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

The views of State and Commonwealth public authorities will be sought as part of the consultation process.

Part 4 – Community Consultation

The following agencies or authorities will be consulted during the preparation of the proposal:

- Utility providers (e.g. Hunter Water Corporation, Energy Australia)
- Department of Defence
- Department of Environment, Conservation, Climate Change and Water
- Roads and Traffic Authority

Notice of the proposal will be placed in the local newspaper and Council's website. Adjoining landowners will be notified in writing.

Exhibition documentation will be made available at local libraries and on Council's website, and will include at least the following:

- This Planning Proposal
- Medowie Strategy
- Planning Proposal as submitted by HDB Town Planning and Design (August 2010) incorporating:
 - Ecological Constraints Study (Wildthing Environmental Consultants, July 2010)
 - Preliminary Contamination Assessment (Coffey Geotechnics, June 2010)
 - Aboriginal Heritage Due Diligence Assessment (Len Roberts, July 2010)

It is proposed to put the planning proposal on public exhibition for 14 days because it is generally consistent with the adopted Medowie Strategy.