

ITEM NO. 1

**FILE NO: 23/203854
EDRMS NO: 58-2023-1-1**

**PLANNING PROPOSAL FOR 39, 39A AND 41 BROCKLESBY ROAD, MEDOWIE
(PRECINCT F)**

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 for land at 39A, 39 and 41 Brocklesby Road, Medowie (Lots 1 and 2 DP 1291794 and Lot 2 DP 508780) to:
 - Rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential
 - Reduce the minimum lot size from 2 hectares to 350m²
 - Introduce a new height of buildings limit of 9 metres
 - Identify the subject land as an urban release area.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
- 3) Exhibit the draft Port Stephens Development Control Plan 2014 (**ATTACHMENT 2**) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).

**ORDINARY COUNCIL MEETING - 10 OCTOBER 2023
MOTION**

232	<p>Councillor Jason Wells Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) adopt the planning proposal (ATTACHMENT 1) to amend the Port Stephens Local Environmental Plan 2013 for land at 39A, 39 and 41 Brocklesby Road, Medowie (Lots 1 and 2 DP 1291794 and Lot 2 DP 508780) to:<ul style="list-style-type: none">• Rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential• Reduce the minimum lot size from 2 hectares to 350m²
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	<ul style="list-style-type: none">• Introduce a new height of buildings limit of 9 metres• Identify the subject land as an urban release area. <p>2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.</p> <p>3) Exhibit the draft Port Stephens Development Control Plan 2014 (ATTACHMENT 2) for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 (NSW) and Environmental Planning and Assessment Regulation 2000 (NSW).</p>
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Peter Francis, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to submit the planning proposal **(ATTACHMENT 1)** to amend the Port Stephens Local Environmental Plan 2013 (LEP) to NSW Department of Planning and Environment (DPE) for a Gateway determination.

The planning proposal seeks to rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential as well as reduce the minimum lot size to 350m² and apply a height of buildings limit of 9 metres. The subject site is nominated as "Precinct F" within the Medowie Planning Strategy 2016 and identified for future residential purposes.

A draft Development Control Plan 2014 – Chapter D16 Medowie Planning Strategy (draft DCP) **(ATTACHMENT 2)** has been prepared to support the planning proposal. The draft DCP identifies local infrastructure including indicative roads, footpaths, stormwater management basins and a potential new bus stop to guide future development of the subject land.

The subject land is located close to Wirreanda Public School, adjacent to the existing residential known as "The Gardens" and approximately 1km from the Medowie Town Centre. A Strategic Planning Assessment Report (SPAR) for this planning proposal is within **(ATTACHMENT 3)**.

Should Council resolve to endorse the planning proposal, it will be forwarded to the DPE requesting a Gateway determination. Council will be requesting to be made the

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plan making authority for the proposal. Following the issuing of the Gateway determination, the planning proposal would be publicly exhibited in accordance with any gateway conditions from DPE, prior to being reported to Council for determination.

A summary of the planning proposal and property details are provided below.

Date lodged	1 June 2023
Proponent	McCloy Project Management Pty Ltd
Subject property	Lots 1 & 2 DP 1291794 and Lot 2 DP 508780 being 39A, 39 and 41 Brocklesby Road Medowie NSW 2318
Total area	5.1 hectares
Current zoning	RU2 Rural Landscape
Current use	Rural residential use with 3 single dwellings and predominantly cleared land
Proposed changes	Rezone the land for residential subdivision and development
Lot yield	Approximately 62 residential lots

Suitability of the site

The site is considered suitable for residential development for the following reasons:

- The site is relatively unconstrained due to its predominantly cleared nature and topography
- The site is considered unsuitable for agricultural purposes due to its size and proximity to residential development
- The site is identified for future residential purposes in the Medowie Planning Strategy 2016 and Medowie Place Plan
- The site is located within Medowie, which is identified as a priority area for future housing in the Hunter Regional Plan 2041
- The site is located adjacent to the Gardens estate and will provide connection of the residential area between Medowie Road and Brocklesby Road
- The site is well situated within an existing residential area in close proximity to the town centre, community facilities and schools.

Servicing

The site can be connected to existing services within the area including reticulated electricity, water, sewer and telecommunications. There is sufficient capacity in these networks to support the proposal.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

Financial and resourcing implications for Council as a consequence of the recommendations of this report are outlined below.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		Stage 1 planning proposal fees of \$13,860 were paid 1 June 2023. Subsequent fees will be payable to progress the planning proposal.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications for Council as a result of the recommendation of this report.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources ?
There is a risk that the housing needs in Port Stephens will not be met if suitable land supply is not identified.	Medium	Accept the recommendation.	Yes
There is a risk that without the draft DCP the future subdivision of the subject land could lead to poorly designed planning outcomes.	Low	Accept the recommendation.	Yes

Environmental Planning and Assessment Act, 1979

The planning proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to endorse the planning proposal, it will be forwarded to DPE for a Gateway determination, including a request for Council to be made the Plan Making Authority.

Port Stephens Local Environmental Plan 2013 (LEP)

The planning proposal would amend the LEP to rezone the subject land from RU2 Rural Landscape to R2 Low Density Residential, reduce the minimum lot size from 2 hectares to 350m², apply a building height limit of 9 metres and identify the land as an urban release area.

Hunter Regional Plan 2041 (HRP)

The HRP has projected a need for an additional 11,000 dwellings in Port Stephens to 2041. This planning proposal seeks to provide additional residential land in a strategic location to support the provision of new housing that meets the objectives set out in the HRP.

The planning proposal is consistent with the objectives of the HRP as the site is strategically located in an existing residential area in close proximity to services and facilities to support walking, cycling and public transport in 15 minute neighbourhoods. The planning proposal will support the desired priorities and objectives to provide greater housing choice and encourage residential development within proximity to Medowie Town Centre, and the employment hubs of Newcastle Airport, Williamtown RAAF Base, Tomago and Heatherbrae.

The proposed minimum lot size of 350m² further supports the HRP priorities with regard to housing density and diversity by facilitating the development of small lot housing in this area.

Local Strategic Planning Statement 2020 (LSPS)

The Planning Proposal is consistent with the LSPS, which identifies Medowie as an 'Emerging Strategic Centre', with the potential for residential growth to play an important role both within Port Stephens and Greater Newcastle.

The planning proposal would give effect to, the following planning priorities from the LSPS:

- Priority 1: Support the growth of strategic centres and major employment areas
- Priority 4: Ensure suitable land supply (for housing)
- Priority 5: Increase diversity of housing choice
- Priority 6: Plan infrastructure to support communities.

Port Stephens Local Housing Strategy 2020 (LHS)

The planning proposal is consistent with the LHS as it seeks to provide additional residential land to ensure suitable land supply, increase housing diversity, improve housing affordability and facilitate liveable communities.

The planning proposal is also consistent with the locational and constraints criteria set out in the LHS for greenfield housing.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal is likely to deliver a range of social and economic benefits, including:

- The provision of increased housing in accordance with local planning strategies and within an existing low density residential neighbourhood.
- Employment opportunities within the Port Stephens LGA and the Hunter Region through construction and future maintenance of the development.
- Stimulation of local economic activity through increased local spending - an increased population will support the existing neighbourhood centre of Medowie and enhance the viability of new services, facilities, and public transport in the area.
- Provision of additional dwellings with easy access to major employment precincts such as the Williamstown RAAF Base, Nelson Bay, Newcastle Airport and Tomago.
- Additional housing choices that caters for future population growth.
- Contribution toward investment in social infrastructure in the surrounding locality via additional funding through the Section 7.11 Local Infrastructure Contributions Plan.
- Improved pedestrian, cycle and road connectivity between Brocklesby Road and Medowie Road.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategic Planning unit. Consultation was undertaken with Development Engineering and Natural Systems on the planning proposal and draft DCP. Preliminary consultation with State agencies was also undertaken during the assessment of the scoping proposal.

Internal

Consultation was undertaken with Development Engineering, Natural Systems and Development Planning during the review of the planning proposal. Amendments were made to the proposal to respond to matters that were raised through this consultation. In addition to this a draft DCP has been prepared to address particular issues with regard to drainage, roads and pathway improvements, public transport and biodiversity.

External

Consultation with the following state agencies was undertaken as part of the scoping proposal assessment:

- Department of Planning and Environment - Planning
- Department of Planning and Environment - Biodiversity and Conservation Division
- Department of Education - School Infrastructure NSW
- Department of Primary Industries – Agriculture
- Transport for NSW
- Hunter Water Corporation
- Rural Fire Services

The above agencies were generally supportive with no objections to the proposal received. Recommendations were made for the preparation of a Biodiversity Development Assessment Report, Traffic Impact Assessment, and Strategic Bushfire Assessment to support a planning proposal. Each of these studies have been prepared as attachments to the planning proposal.

Further consultation or referral of the planning proposal to authorities and government agencies is anticipated after Gateway determination, as set out under Section 9.1 of the EP&A Act, a Gateway condition may be imposed where an authority or agency has an interest in the proposal.

The draft planning proposal and draft DCP would be publicly exhibited together, in accordance with the Gateway determination.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning Proposal 39-41 Brocklesby Road, Medowie.
- 2) Draft Development Control Plan 2014 - D16 Medowie Planning Strategy (Precinct E and F).
- 3) Strategic Planning Assessment Report - 39-41 Brocklesby Road, Medowie.

COUNCILLORS ROOM

Note: Any third party reports referenced in this report can be inspected upon request.

TABLED DOCUMENTS

Nil.



Medowie Precinct F Planning Proposal

**Proposed amendment to Port Stephens Local
Environmental Plan 2013**
Rezoning of Lots 1 & 2 DP 1291794 and Lot 2 DP
508780, Brocklesby Road, Medowie



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.

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ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.**VERSION CONTROL**

Version	Date	Details
1	June 2023	Planning proposal as submitted to Council
2	August 2023	Updated to Council template

ATTACHMENTS

- ATTACHMENT 1** – Existing and Proposed Land Zoning Maps
- ATTACHMENT 2** – Existing and Proposed Lot Size Maps
- ATTACHMENT 3** – Existing and Proposed Height of Buildings Map
- ATTACHMENT 4** – Existing and Proposed Urban Release Area Map
- ATTACHMENT 5** – Draft Development Control Plan – Chapter D16 Medowie Planning Strategy (Precinct E and F)
- ATTACHMENT 6** – Aboriginal Cultural Heritage Assessment
- ATTACHMENT 7** – Biodiversity Development Assessment Report
- ATTACHMENT 8** – Stormwater Management Report
- ATTACHMENT 9** – Strategic Bushfire Study
- ATTACHMENT 10** – Preliminary Servicing Advice (Hunter Water)
- ATTACHMENT 11** – Traffic Impact Assessment
- ATTACHMENT 12** – Preliminary Contamination Assessment
- ATTACHMENT 13** – Detailed Contamination Assessment

FILE NUMBERS

Council: 58-2023-1-1

Department: PP-2023-1060

SUMMARY

Subject land: Lots 1 & 2, DP 1291794 and Lot 2 DP 508780 Brocklesby Road Medowie NSW 2318

Proponent: McCloy Project Management Pty Ltd

Proposed changes: Rezone the subject land to R2 Low Density Residential (including an amendment to the Lot Size Map to 350m2 and Height of Buildings map to 9m)

Area of land: ~ 5.1 hectares

Lot yield: ~ 60 lots

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BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable residential development at 39, 39A and 41 Brocklesby Road, Medowie.

The subject site is currently zoned RU2 Rural Landscape and the planning proposal seeks to rezone the land to R2 Low Density Residential (including amendments to the Lot Size Map and Height of Buildings Map), and identification as an Urban Release Area.

The justification for the planning proposal is in accordance with the Medowie Planning Strategy adopted by Council on the 13 December 2016.

As identified in this planning proposal, the following additional investigations will be provided following a Gateway determination:

The following additional investigations are provided with this Planning Proposal:

- Strategic Bushfire Strategy
- Biodiversity Development Assessment Report (BDAR)
- Preliminary and Detailed Contamination Assessment
- Aboriginal Cultural Heritage Assessment (ACHA)
- Stormwater Management Report
- Preliminary Servicing Advice
- Traffic Assessment Report

SITE

The subject site is approximately 5.1 hectares and comprises of Lots 1 & 2, DP 1291794 and Lot 2 DP 508780. **Figure 1** (p. 6) identifies the subject land.

The site is rectangular in shape, with a combined frontage of approximately 140m, and site depth of approximately 362m. Each lot currently contains a single residential dwelling and associated outbuildings, with each comprising vast areas of undeveloped landscaped space. None of the vegetation on site is identified as High Biodiversity Value on the Biodiversity Values Map.

The site is currently zoned RU2 Rural Landscape and has a minimum lot size of 2ha. Historical aerial photography identified that the lots predominantly consisted of agricultural row plantings from 1954 to 1984, which were eventually replaced with radiata pine in the early 1990s.

The site is bordered to the north by Wirreanda Public School, zoned SP2 Infrastructure (School), with R2 Low Density Residential zoned areas to the rear (adjacent to the western boundary) and across Brocklesby Road, to the east. RU2 zoned land continues approximately 1km to the south, bounded by Brocklesby Road.

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To facilitate this planning proposal, an amendment to the LEP to rezone the land needs to be undertaken. It is estimated that approximately 60 lots can be created from the proposed rezoning, which is in line with the yield, identified in the Medowie Planning Strategy.

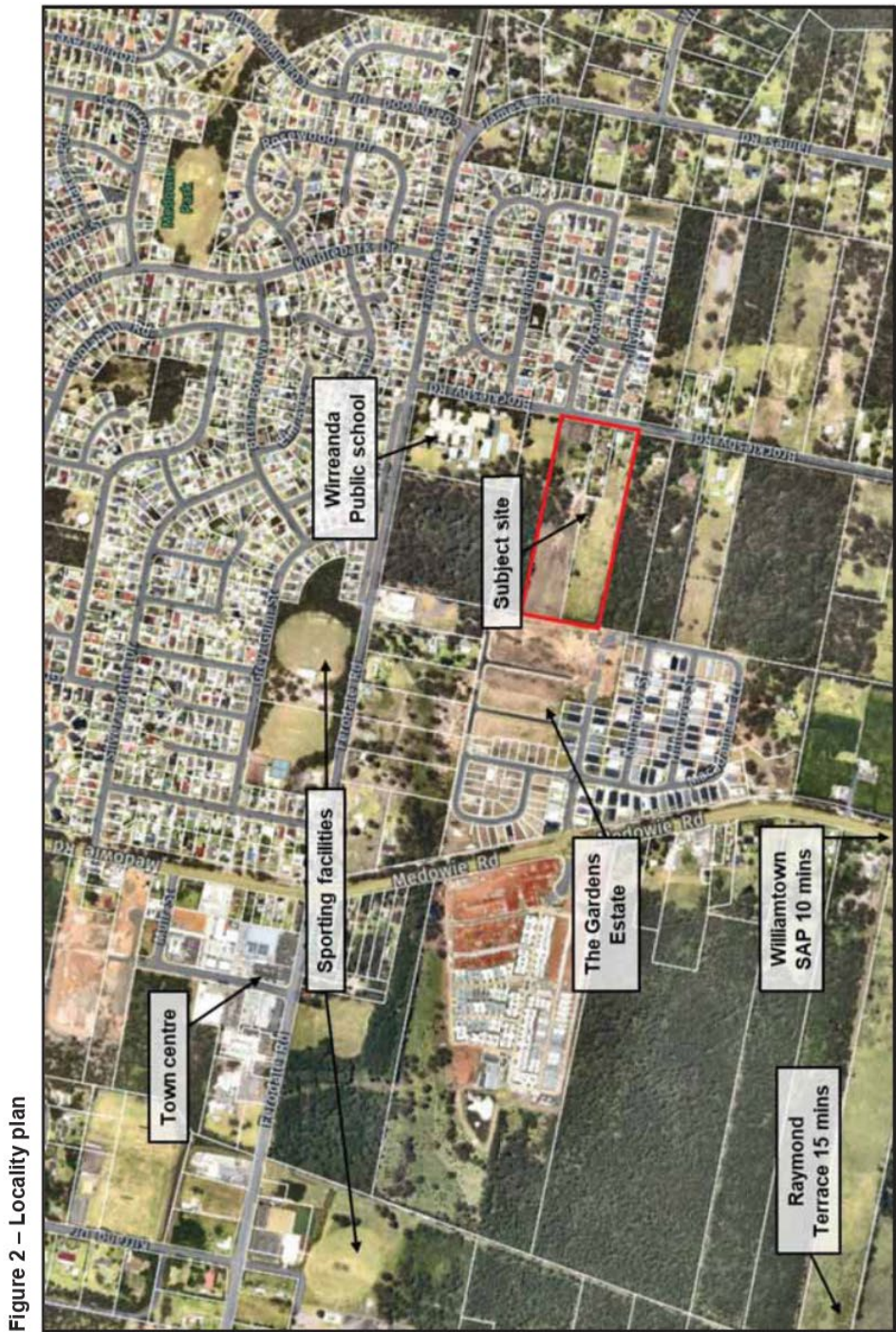
Rezoning the site to R2 Low Density Residential will also include amendments to the current the Lot Size Map from 2ha to 350m², and the associated Height of Buildings Map to be 9m, consistent with surrounding R2 zoned sites.

Figure 1 – Subject site



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ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.**PART 1 – Objectives or intended outcomes**

The intended outcome of the planning proposal is to facilitate Precinct F of the Medowie Planning Strategy by enabling residential development at 39, 39A and 41 Brocklesby Road, Medowie.

PART 2 – Explanation of provisions

The objectives of the planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Amend Land Zoning Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 from RU2 Rural Landscape to R2 Low Density Residential (**ATTACHMENT 1**)
- Amend Lot Size Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 from 2 ha to 350m² (**ATTACHMENT 2**)
- Amend Height of Buildings Map for Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 to apply a building height of 9m (**ATTACHMENT 3**)
- Amend Urban Release Area Map to identify Lot 1 DP 1291794, Lot 2 DP 1291794 and Lot 2 DP 508780 as an urban release area (**ATTACHMENT 4**)

Figures 3 - 6 identify the proposed changes to the *Port Stephens Local Environmental Plan 2013*.

These amendments will be supported by a site-specific Development Control Plan (DCP) to facilitate coordinated development at the development application stage. A draft site-specific DCP (**ATTACHMENT 5**) has been prepared and will be publicly exhibited alongside the planning proposal.

Figure 3 – Existing and proposed land zoning map



ITEM 1 - ATTACHMENT 1

PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.

Figure 4 – Existing and proposed lot size map



Figure 5 – Existing and proposed height of buildings map



Figure 6 – Existing and proposed urban release area map



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.**PART 3 – Justification of strategic merit and site specific merit**

Strategic merit**Section A – Need for the planning proposal****Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

The planning proposal is the result of the Medowie Planning Strategy, adopted by Council on 13 December 2016, which provides local direction for land use planning and sustainable growth over the next 20 years in Medowie.

The Medowie Planning Strategy identifies the subject site as Precinct F. Precinct F is identified as a potential future residential release area with an estimated yield of 60 dwellings.

Medowie is also identified as a growth area in the Port Stephens Planning Strategy and as a priority location for future housing in the Hunter Regional Plan 2041.

The planning proposal will enable directions from the Medowie Planning Strategy, the Port Stephens Local Strategic Planning Statement and the Hunter Regional Plan to deliver housing.

The proposal's consistency with local and regional plans is provided in more detail in Section B below.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In order to achieve the intended outcome, the following options were considered:

- **Rezone the subject site to R2 Low Density Residential with a minimum lot size of 500m²**

This option was considered to be less desirable as it would not contribute to achieving the housing density targets set out in the Hunter regional Plan 2013.

- **Rezone the subject site to R3 Medium Density Residential**

This option was considered to be inappropriate given the neighbouring development pattern and the distance between the site and the town centre.

- **Rezone the subject site to R2 Low Density Residential with a minimum lot size of 350m²**

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This option is considered the best means of achieving the objectives of the planning proposal as it proposes a residential zone consistent with the Medowie Planning Strategy and has a reduced minimum lot size to better achieve the housing density targets set out in the Hunter Regional Plan 2041.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) applies to the Port Stephens LGA and is an applicable consideration for this planning proposal. The HRP identifies Medowie as a priority location for future housing to service the Williamstown Special Activation Precinct (SAP).

The HRP has projected a need for an additional 11,100 dwellings in Port Stephens to 2041. This planning proposal seeks to provide additional residential land in a strategic location to support the provision of new housing that meets the objectives set out in the HRP.

As identified in **Figure 2** (page 7), the subject site is strategically located in an existing residential area in close proximity to services and facilities to support walking, cycling and public transport in 15 minute neighbourhoods. The planning proposal will support the desired priorities and objectives to provide greater housing choice and encourage residential development within proximity to Medowie Town Centre, and the employment hubs of Newcastle Airport, Williamstown RAAF Base, Tomago and Heatherbrae.

The planning proposal's consistency with the priorities, strategies and objectives in the HRP is addressed in detail below.

Hunter Regional Plan 2041	
Objectives	Consistency
3 - Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities	The subject site is within close proximity to the Medowie town centre which includes shopping, schools and nearby recreation facilities.
4 - An inter-connected and globally focused Hunter without car dependent communities	The proposed DCP chapter identifies future footpaths and a potential bus shelter to encourage active and public transport.
5 - Plan for 'nimble neighbourhoods', diverse housing and sequenced development	The proposed minimum lot size of 350sqm will help provide more diverse housing options.

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Hunter Regional Plan 2041	
	Following the rezoning, the subdivision of the land can be sequenced to follow the development of the adjacent site "The Gardens" which is nearing completion.
6 - Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments	The attached Aboriginal Cultural Heritage Assessment (ATTACHMENT 6), Biodiversity Development Assessment Report (BDAR) (ATTACHMENT 7) and Stormwater Management Report (ATTACHMENT 8) demonstrate there will be no significant impacts on heritage, landscapes, environmentally sensitive areas, waterways or drinking water catchments.
9 - Sustain and balance productive rural landscapes	The rezoning of the subject site from RU2 Rural Landscape will not alter the productive rural landscapes in the area due to the existing fragmented nature of the land.
Strategies	Consistency
6.3 - Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. The removal of this vegetation will be offset during the development application stage.
6.4 - Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.	The proposed DCP identifies the location of catchment wide drainage reserves to ensure water quality is not impacted as a result of development.
6.11 - Planning proposals will demonstrate that development within a drinking water catchment or sensitive receiving water catchment will achieve a neutral or beneficial effect (NorBE) on water quality.	While the subject site is not located within a drinking water catchment, the western portion drains towards a drinking water catchment. A Stormwater Management Report (ATTACHMENT 8) has been prepared for the proposal, which demonstrates NorBE can be achieved.

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Hunter Regional Plan 2041	
Greater Newcastle District Priorities	Consistency
1 - Prioritise housing within 30 minutes of Williamtown SAP	The subject site is within 10 minutes of the Williamtown SAP.
9 - Protect drinking water catchments	Refer to Strategy 6.11 response above.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) applies to part of the Port Stephens LGA, including Medowie. The GNMP identifies Medowie for new housing.

The planning proposal is consistent with the GNMP as it will deliver houses close to jobs and contribute to meeting housing targets. The consistency of the planning proposal with the GNMP is addressed in detail below.

Greater Newcastle Metropolitan Plan 2036	
Strategies	Consistency
9 - Plan for jobs closer to homes in the metro frame	The subject site is located close to the town centre of Medowie, the strategic centre of Raymond Terrace, as well as significant employment clusters at the Williamtown SAP, Tomago and Heatherbrae.
12 - Enhance the Blue and Green Grid and the urban tree canopy	The proposed DCP includes controls to require vegetation management plans be implemented.
14 - Improve resilience to natural hazards	The subject site is not located within flood prone land. The subject site is classified as being within bushfire hazard category 1 and 3 as well as buffer. A Strategic Bushfire Study (ATTACHMENT 9) has been prepared to support the proposal and a site specific DCP has been prepared with a layout consistent with Planning for Bushfire Protection 2019.
16 - Prioritise the delivery of infill housing opportunities within existing urban areas	While the planning proposal is seeking a greenfield residential outcome, it is located within an existing urban existing area with surrounding lands zoned R2 Low density Residential. Additionally, a minimum lot

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Greater Newcastle Metropolitan Plan 2036	
	size of 350sqm is being proposed to encourage higher density development.
17 - Unlock housing supply through infrastructure coordination and delivery	The subject site benefits from significant existing infrastructure, however a draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities. Preliminary Servicing Advice from Hunter Water demonstrates that reticulated water and sewer is feasible.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Port Stephens Local Strategic Planning Statement (LSPS) 2020

The Port Stephens LSPS identifies the 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered.

The Planning Proposal is consistent with the Port Stephens LSPS, which identifies Medowie as an 'Emerging Strategic Centre', with potential for residential growth to play an important role both within Port Stephens and Greater Newcastle.

The planning proposal's consistency with the planning priorities of the LSPS as addressed in detail below.

Local Strategic Planning Statement 2020	
Planning Priorities	Consistency
1 - Support the growth of strategic centres and major employment areas	The planning proposal seeks to provide additional housing in close proximity to existing and emerging employment clusters at Raymond Terrace and Williamstown.
4 - Ensure suitable land supply	The planning proposal seeks to provide additional land supply suitable for residential development in Medowie, which has been identified for future residential.
5 - Increase diversity of housing choice	A minimum lot size of 350sqm is being proposed to encourage the development of smaller lot housing and increase the diversity of housing choice.

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Local Strategic Planning Statement 2020	
6 - Plan infrastructure to support communities	The subject site benefits from significant existing infrastructure, however a draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities. Preliminary Servicing Advice from Hunter Water (ATTACHMENT 10) demonstrates that reticulated water and sewer is feasible.
7 - Conserve biodiversity values and corridors	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. The removal of this vegetation will be offset during the development application stage.
10 - Create people friendly spaces in our local centres where people can come together	A draft site specific DCP has been prepared to support the planning proposal. The DCP ensures the proposed development will provide footpaths to link to existing footpaths to recreational facilities and the town centre.
11 - Integrate land use and transport planning	The planning proposal is supported by a Traffic Impact Assessment (ATTACHMENT 11) and a draft site specific DCP chapter which identifies future footpaths and a potential bus shelter to encourage active and public transport.

Port Stephens Local Housing Strategy (Live Port Stephens) 2020

The planning proposal will give effect to Live Port Stephens which provides criteria for the consideration of new greenfield housing.

Port Stephens Local Housing Strategy 2020 – Greenfield Criteria	
Locational Criteria	Consistency
Land identified in a local area strategy	The land is identified in the Medowie Planning Strategy for residential use.
Aircraft Noise	The land is not impacted by the Australiana Noise Exposure Forecast.
Bushfire	The land is bushfire prone. A Strategic Bushfire Study (ATTACHMENT 9) consistent with the Planning for Bush Fire Protection 2019 has been prepared to support the planning proposal.

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Port Stephens Local Housing Strategy 2020 – Greenfield Criteria	
Locational Criteria	Consistency
Flooding	The subject land is not flood prone.
Land slope	The land is relatively flat with a maximum slope of 1.43 degrees.
Biodiversity	The site contains approximately 0.43 hectares of supplementary koala habitat and 3 preferred koala feed trees. A Biodiversity Development Assessment Report (ATTACHMENT 7) has been prepared to support the proposal.
Mineral resources	The land is greater than 500m from any known mineral resource.
Non-Aboriginal Cultural Heritage	The land does not contain any items of environmental heritage.
Aboriginal Cultural Heritage	An Aboriginal Cultural Heritage Assessment (ACHA) (ATTACHMENT 6) has been prepared to support the proposal. No Aboriginal sites, potential archaeological deposits or areas of sensitivity were identified during the ACHA survey. There are no proposed impacts to Aboriginal sites of archaeological or cultural significance.
Drinking Water Catchment	The site is not located within a drinking water catchment, but the western portion of the site drains towards one. A Stormwater Management Report (ATTACHMENT 8) has been prepared to support the planning proposal. The report demonstrates that the proposal can achieve NorBE on water quality. Additionally, the site will be connected to reticulated sewer.
Infrastructure and Services	The land benefits from access to existing infrastructure and will be connected to reticulated water, sewer and electricity. Road upgrades and the provision of pathways and bus stops are identified in a draft site-specific DCP chapter (ATTACHMENT 5).
PFAS (per- and poly-fluoroalkyl substances)	The site is not impacted by PFAS.

In addition to the Greenfield Criteria, the proposal is also consistent with the outcomes of Live Port Stephens as addressed in detail below.

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Port Stephens Local Housing Strategy 2020	
Outcome	Consistency
1 - Ensure suitable land supply 1.1 - Ensure adequate supply of new housing.	The planning proposal seeks to provide additional land supply suitable for residential development in Medowie, which has been identified for future residential.
2 - Improve housing affordability 2.1 - Respond to housing stress 2.2 - Provide more affordable housing near jobs	The planning proposal seeks to provide additional housing to ease housing stress and improve affordability. The subject site is also located in close proximity to jobs at Raymond Terrace, Williamtown and Tomago.
3 - Increase diversity of housing choice 3.1 - Facilitate new housing within existing urban areas 3.2 - Encourage a range of housing types and sizes	The planning proposal seeks to provide housing adjacent to existing residential housing and will utilise existing infrastructure. A minimum lot size of 350sqm is proposed to encourage smaller homes, and increased housing diversity and density.
4 - Facilitate liveable communities 4.1 - Housing enhances local character 4.2 - Communities are connected	The subject site is owned by the adjacent residential estate "The Gardens" which will extend this estate forming a connection between the existing estate and Brocklesby Road. The development of the subject site will improve connectivity for the neighbouring residential properties by providing a direct pathway from "the Gardens" to Wirreanda Public School.

Medowie Planning Strategy 2016

The Medowie Planning Strategy provides local direction for land use planning and sustainable growth over the next 20 years. The Medowie Planning Strategy identifies the subject site as a future residential release area "precinct F" with an estimated yield of 60 dwellings.

The planning proposal is seeking a low-density residential zone in accordance with the Strategy and is consistent with its key principles including infrastructure, water quality, flooding and biodiversity corridors.

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Figure 7 – Identification of the subject site in the Medowie Planning Strategy



Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Consideration was given to other State and regional strategies, including *A 20 Year Economic Vision for Regional NSW* (updated February 2021) and the *Future Transport Strategy 2056* (updated November 2020). Although these documents do not strictly relate to the planning proposal, the planning proposal is not inconsistent with these high-level State strategies.

Q6. Is the planning proposal consistent with applicable SEPPs?

An assessment of the relevant applicable State Environmental Planning Policies (SEPPs) against the planning proposal is provided in the table below.

SEPP	Consistency and Implications
SEPP (Housing) 2021	
Chapter 3 Diverse Housing	The planning proposal is consistent with the principles of the SEPP (Housing) 2021. The proposal seeks to rezone land for residential purposes in a location that can capitalise on existing infrastructure and services, can provide reasonable amenity, will not require clearing or the fragmentation of environmental lands

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	and can encourage smaller homes by proposing a small minimum lot size of 350sqm.
SEPP (Primary Production) 2021	
Chapter 2 Primary production and rural development	<p>The SEPP (Primary Production) 2021 applies to land across NSW and aims to facilitate the orderly economic use and development of lands for primary production.</p> <p>The relevant Ministerial Direction is discussed below, which provides greater relevance to the rezoning of rural lands through a planning proposal.</p>
SEPP (Resilience and Hazards) 2021	
Chapter 2 Coastal Management	The site is not located within the Coastal Zone Footprint Map.
Chapter 4 Remediation of Land	<p>The site has historically been utilised for rural residential and agricultural purposes with a history of past cropping and orchards. A Preliminary Contamination Assessment (ATTACHMENT 12) identified potential contamination due to the previous agricultural uses, on-site sewer, stockpiling and the age of the buildings on site.</p> <p>A Detailed Contamination Assessment (DCA) (ATTACHMENT 13) was prepared to support the planning proposal. The results found isolated elevated levels of zinc near a galvanised shed, a fragment of asbestos containing material, and a history of on-site sewer.</p> <p>The DCA considers the site can be made suitable for residential development following the recommended management options relating to the decommissioning of the septic tanks and preparation of an asbestos removal plan.</p>
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	<p>A Traffic Impact Assessment (ATTACHMENT 11) and draft site specific DCP has been prepared to support the planning proposal.</p> <p>The site benefits from an existing transport network with capacity to support the proposal. Road upgrades where the subject site adjoins Brocklesby Road, pathways and a new bus stop have been identified in the draft DCP and will be required at the development stage.</p> <p>Reticulated electricity, sewer and water are available in close proximity to the site. The subject site is also</p>

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	located within an existing residential precinct in close proximity to public services and facilities.
SEPP (Biodiversity and Conservation) 2021	
Chapter 3 Koala habitat protection 2020	This SEPP is applicable as the site is currently zoned RU2 Rural Landscape. The subject site contains 0.43 hectares of supplementary koala habitat. The site does not contain core koala habitat.
Chapter 4 Koala habitat protection 2021	This SEPP is applicable as the planning proposal seeks to rezone land containing supplementary koala habitat to R2 Low Density Residential. A BDAR (ATTACHMENT 6) has been prepared to support the planning proposal which includes assessment of the proposal against the CKPoM. The assessment found: <ul style="list-style-type: none"> the rezoning will not result in the development on land defined as Preferred Koala Habitat. the proposal will impact 0.43 ha of Supplementary Koala Habitat. Habitat compensatory measures are proposed for this removal. the proposal may remove three koala feed trees. The removal of the supplementary koala habitat and 3 koala feed trees will be offset during the development application stage.

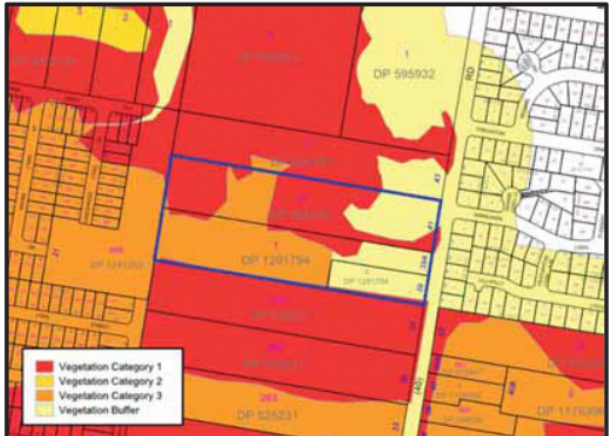
Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Ministerial Direction	Consistency and Implications
1. Planning Systems	
1.1 Implementation of Regional Plans	The Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan 2036 are both applicable to this planning proposal. As demonstrated in response to Q3 (pages 11-14), the planning proposal is consistent with both strategies as it seeks to provide additional residential development in an area identified in a local strategy, located in proximity to existing urban areas and the Williamstown SAP and benefitting from existing infrastructure. The planning proposal is consistent with this direction.

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3. Biodiversity and Conservation	
3.1 Conservation Zones	<p>The subject site does not contain environmentally sensitive land and is not mapped as containing biodiversity values.</p> <p>The planning proposal is consistent with this direction.</p>
3.2 Heritage Conservation	<p>An Aboriginal Cultural Heritage Assessment (ACHA) (ATTACHMENT 6) was prepared to support the planning proposal. The ACHA concluded there were no Aboriginal sites, potential archaeological deposits or areas of sensitivity identified within the subject site. It is considered there are no impacts to Aboriginal cultural values as a result of the proposed works.</p> <p>The planning proposal is consistent with this direction.</p>
4. Resilience and Hazards	
4.1 Flooding	<p>The subject site is not flood affected or isolated during a flood event.</p> <p>Figure 8 – Flood mapping</p>  <p>The map shows various flood-prone areas and planning zones. The subject site, located at 39-41 Brocklesby Road, is highlighted in red and is not within a flood-prone area. The map includes a legend for 'Flood Mapping Port Stephens LGA' with categories for 'Flood Prone Land' and 'Flood Planning Area'.</p>
4.3 Planning for Bushfire Protection	<p>The subject site is classified as being within bushfire hazard categories 1, 3 and buffer. A Strategic Bushfire Study (SBS) (ATTACHMENT 9) was prepared to support the planning proposal which demonstrates the proposal's compliance with <i>Planning for Bushfire Protection 2019</i>. The SBS found that the proposed rezoning and road layout was appropriate. The proposed road network is identified in the draft DCP (ATTACHMENT 5) prepared for the site layout includes perimeter roads along the northern and western edges of the site to prevent any lots being located within flame zones. Additionally the site will have an eastern road frontage to Brocklesby Road as well as connection to the west through the Gardens Estate onto Medowie Road.</p>

	<p>Consultation was undertaken with the Rural Fire Services (RFS) during the scoping stage. RFS reviewed the proposed layout and SBS and raised no objections.</p> <p>Figure 9 – Bushfire hazard mapping</p>  <p>The planning proposal is consistent with this direction.</p>
<p>4.4 Remediation of Contaminated Land</p>	<p>The site has historically been utilised for rural residential and agricultural purposes with a history of past cropping and orchards. A Preliminary Contamination Assessment (ATTACHMENT 12) identified potential contamination due to the previous agricultural uses, on-site sewer, stockpiling and age of the buildings on site.</p> <p>A Detailed Contamination Assessment (DCA) (ATTACHMENT 13) was prepared to support the planning proposal. The results found isolated elevated levels of zinc near a galvanised shed, a fragment of asbestos containing material, and a history of on-site sewer.</p> <p>The DCA considers the site can be made suitable for residential development following the recommended management options relating to the decommissioning of the septic tanks and preparation of an asbestos removal plan.</p> <p>The planning proposal is consistent with this direction.</p>
<p>4.5 Acid Sulfate Soils</p>	<p>The site is mapped as Class 5 Acid Sulfate Soils under the Port Stephens LEP and has a low probability of containing acid sulfate soils. Additionally, the DCA found the site is located within an area of no known occurrence of acid sulfate soils.</p> <p>The planning proposal is consistent with this direction.</p>

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5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>The proposal seeks to create a residential zone on the subject site. A Traffic Impact Assessment has been prepared to support the planning proposal (ATTACHMENT 11).</p> <p>Consideration has been given to Improving Transport Choice – Guidelines for planning and development (DUAP 2001). The Right Place for Business and Services – Planning Policy (DUAP 2001) was reviewed; however, it is was not applicable given it relates to commercial / business development as opposed to residential.</p> <p>The planning proposal is considered to be generally consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> including:</p> <ul style="list-style-type: none"> • Concentrate in centres – The proposal seeks to rezone land from rural to residential within an existing urban area surrounded by residential development in close proximity to the town centre. • Link public transport with land use strategies – The proposal sits within an existing public transport network and proposes to provide an additional bus stop in consultation with service providers. • Connect streets – The proposal will have a direct eastern access onto Brocklesby Road, a local collector street as well as connection through to the adjacent residential precinct to the west via Macadamia Circuit which feeds onto Medowie Road, a regional road. • Improve pedestrian access - Pathways are proposed to be provided within the subject site that connect to neighbouring areas improving pedestrian access in the area by providing a shorter route to the local shops and primary school for neighbouring precincts. • Improve cycle access – Proposed pathways and internal roads can be utilised by cyclists. <p>The planning proposal is consistent with this direction.</p>
6. Housing	
6.1 Residential Zones	<p>The proposal seeks to facilitate housing in a strategic location within an existing urban area with access to infrastructure and services. A minimum lot size of 350sqm is proposed to encourage a greater housing diversity and choice. The subject site is relatively unconstrained land and was identified in the Medowie Planning Strategy for future residential purposes.</p> <p>The planning proposal is consistent with this direction.</p>

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9. Primary Production	
9.1 Rural Zones	<p>The planning proposal seeks to rezone land from RU2 Rural Landscape to R2 Low Density Residential.</p> <p>The planning proposal is justified as it has been identified for residential purposes in the Medowie Planning Strategy.</p> <p>The planning proposal is justifiably inconsistent with this direction.</p>
9.2 Rural Lands	<p>The planning proposal seek to rezone land from RU2 Rural Landscape to R2 Low Density Residential and reduce the minimum lot size from 2 hectares to 350m².</p> <p>The planning proposal is justified as it has been identified for residential purposes in the Medowie Planning Strategy.</p> <p>Additionally, the Department of Primary Industries Agriculture raised no objections to the proposal during consultation and advised it would not have a significant impact on agriculture resources to the existing fragmentation of the land.</p> <p>The planning proposal is justifiably inconsistent with this direction.</p>

Site-specific merit

Section C – Environmental, social and economic impact

Potential environmental, social and economic impacts are identified below.

Q8. 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?

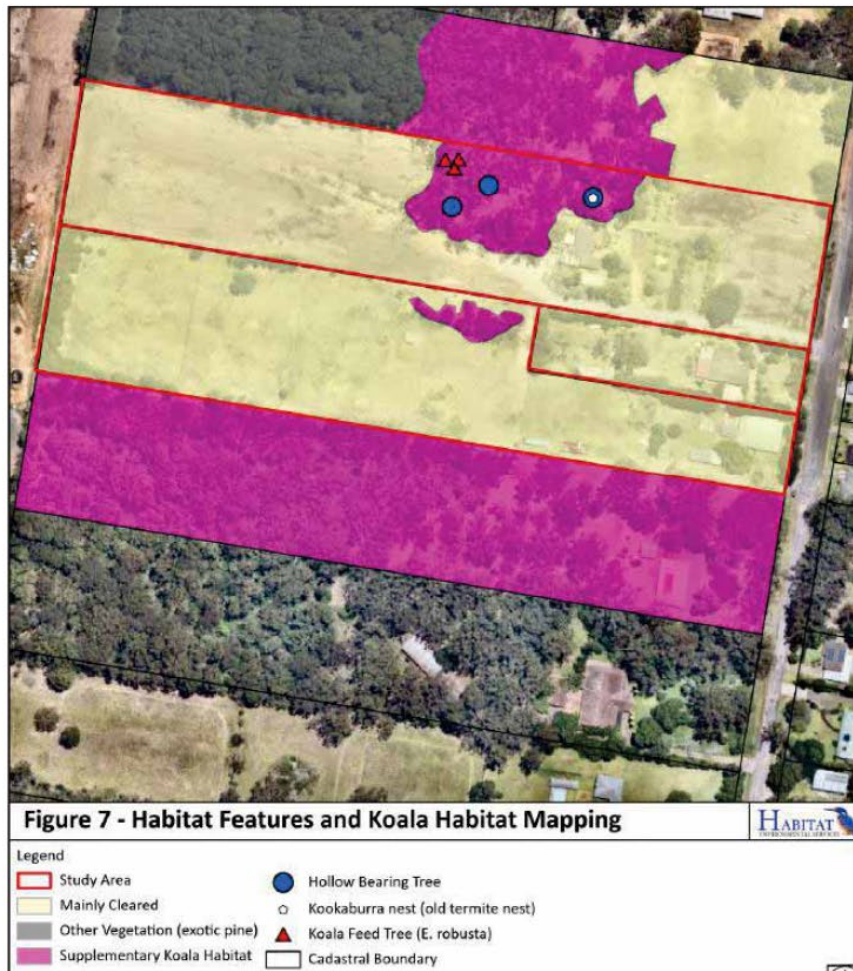
The subject site contains approximately 0.43 hectares of native vegetation. This vegetation is not identified as high biodiversity values on the Biodiversity Values Map but is identified as marginal koala habitat under the Port Stephens Comprehensive Koala Plan of Management (CKPoM). Additionally, parts of the site form buffer to-preferred koala habitat to the south of the subject site.

The attached Biodiversity Development Assessment Report (BDAR) (**ATTACHMENT 7**) has assessed the site in accordance with the CKPoM and identified one species of preferred koala food tree, *Eucalyptus robusta* (Swamp Mahogany), with 3 individuals within the site. The native vegetation within and to the immediate north and south of the site is commensurate with tall open Blackbutt and Sydney Red Gum Forest which best aligns with supplementary koala habitat, rather than preferred, under the definitions within the CKPoM.

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Figure 11 – Identification of supplementary koala habitat across the site (BDAR, attachment 7, page 35)



The proposal would result in the clearing of approximately 0.43 hectares of supplementary koala habitat which will be offset during the development application stage.

The BDAR did not identify any threatened fauna on the site, including koalas. One threatened flora species (Rough Macadamia) was identified although it is noted that this species has been planted and cultivated. Three hollow bearing trees were identified. Relevant measures to manage flora and fauna moving forward were identified in the ecological assessment. No significant impacts under the Environment Protection and Biodiversity Conservation (EPBC) Act were identified. There are no species at risk of Serious and Irreversible Impacts as a result of the proposal.

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Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Hydrology

The site is not identified as Flood Planning Area (FPA), nor does it contain any mapped watercourses or waterbodies. The site is not within a drinking water catchment but the western portion of the site drains towards one. The Stormwater Management Report (**ATTACHMENT 8**) demonstrates that NorBE can be achieved across the site with the provision of two stormwater basins at the development stage.

Access and Transport

The site has direct frontage to Brocklesby Road to the east and will have direct access to Macadamia Circuit to the west when the approved subdivision is completed. The proposed site layout is identified in the draft site specific DCP chapter (**ATTACHMENT 5**). **Figure 12** identifies this proposed network.

Figure 12 – Proposed Locality control maps, draft DCP – Chapter D16 Medowie Planning Strategy (Precinct E and F)



Brocklesby Road is 20m wide, sealed with some portions having kerb and gutter. The site frontage onto Brocklesby Road will be upgraded in accordance with Port Stephens's Infrastructure Specifications at the subdivision stage. Macadamia Circuit will be 16m wide and will be sealed with a kerb and gutter. Both of these roads are not classified.

An existing pedestrian pathway runs from the eastern boundary of site to the Medowie Town Centre along Brocklesby Road, and then Ferodale Road. Another pedestrian pathway will run from the western boundary of the site along Gardenia Drive to Medowie Road and continue up towards Ferodale Road and the Town Centre. Pedestrian footpaths will be provided along all local streets within the site footprint.

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The attached Traffic Impact Assessment (TIA) (**ATTACHMENT 11**) has been prepared to support the planning proposal. The TIA found:

- The existing road network around the site is operating below its technical and environmental capacity thresholds and has capacity to accommodate additional traffic from the planning proposal.
- There is sufficient spare capacity within the immediate road network to cater for the proposed residential subdivision without the need to upgrade the adjoining local and state road network.
- The proposed location of the subdivision access intersection at Brocklesby Road provides suitable safe intersection sight distance, is located according to Austroads and therefore a suitably safe access intersection (BAR/BAL) can be constructed.
- The internal road layout and subdivision design is satisfactory and compliant with Port Stephens Council requirements and current best practice.

Geology/Contamination

A review of historical aerial photography identified that the lots predominately consisted of agricultural row plantings from 1954 until 1984. The imagery from 1993 then shows the replacement of these agricultural plants with radiata pine, which extends to the adjoining northern school site.

A Detailed Contamination Assessment (**ATTACHMENT 13**) has been prepared to support the planning proposal which demonstrates the site can be made suitable for residential use with the following recommendations:

- If the septic/infiltration area is proposed to be decommissioned on Lot 301, the septic tank and effluent disposal area will require decommissioning in accordance with relevant guidelines and the area assessed, prior to the proposed development.
- Management of SP1 (20m3), located in the south eastern portion of Lot 301 (39 Brocklesby Road), including:
 - Preparation of an Asbestos management plan (AMP), and placement of SP1 below surface soils, Qualtest recommends placement at depths greater than 0.5m below final site surface levels; or
 - Preparation of an Asbestos Removal Plan (ARP) and disposal of SP1 offsite in accordance with the NSW EPA (2014) Waste Classification Guidelines.
- Removal of waste materials for aesthetic purposes and disposal offsite in accordance with the NSW EPA (2014) Waste Classification Guidelines; and/or
- Hazardous materials in buildings (if any) are removed in accordance with relevant laws and guidelines, and clearances provided by appropriately qualified and licensed person/consultant; and,
- An unexpected find procedure is developed and included in the Construction Environmental Management Plan for the subdivision works.

ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.**Q10. Has the planning proposal adequately addressed any social and economic effects?**Archaeology and Heritage

The site does not contain an item of environmental heritage as listed under the Port Stephens Local Environmental Plan 2013 (Schedule 5 – Environmental Heritage).

The Aboriginal Cultural Heritage Assessment (ACHA) (**ATTACHMENT 6**) concluded there were no Aboriginal sites, potential archaeological deposits or areas of sensitivity identified within the subject site. It is considered there are no impacts to Aboriginal cultural values as a result of the proposed works with the following recommendations:

- All on-site personnel are to be made aware of their obligations under the National Parks and Wildlife Act 1974 (NSW).
- In the unlikely event that Aboriginal, or suspected Aboriginal archaeological material is uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The Project Manager is to contact the Heritage Consultant to make an assessment as to whether the material is classed as Aboriginal object/s under the National Parks and Wildlife Act 1974 (NSW) and advise on the required management and mitigation measures. Works are not to recommence in the cordoned off area until heritage clearance is given and/or the required management and mitigation measures have been implemented.
- In the very unlikely event that human remains, or suspected human remains are uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The Project Manager is to contact the NSW Police to establish whether the area is a crime scene. If it is not a crime scene, and the remains are determined to be Aboriginal ancestral remains, then Heritage NSW is to be notified via the Environment Line on 131 555 and management measures are to be devised in consultation with the local Aboriginal community. Works are not to recommence in the area until the management measures have been implemented.

Social and Economic Effects

The proposal will further result in the following positive social and economic effects:

- The provision of increased housing in accordance with local planning strategies and within an existing low density residential neighbourhood;
- Employment opportunities within the Port Stephens LGA and the Hunter Region through construction and future maintenance of the development;
- Stimulation of local economic activity through increased local spending - an increased population will support the existing neighbourhood centre of Medowie and enhance the viability of new services, facilities, and public transport in the area;
- Provision of additional dwellings with easy access to major employment precincts such as Newcastle Airport and Tomago.
- Additional housing choices which caters for future population growth;

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- Provision of housing diversity which can provide housing affordability;
- Contribution toward investment in social infrastructure in the surrounding locality via additional funding through the Section 7.11 Contribution Plan; and
- Improved pedestrian, cycle and road connectivity between Brocklesby Road and Medowie Road.

Section D – Infrastructure (Local, State and Commonwealth)**Q11. Is there adequate public infrastructure for the planning proposal?**

The subject site benefits from significant existing infrastructure, however a draft DCP chapter (**ATTACHMENT 5**) has been prepared identifying infrastructure to be provided by the developer at the subdivision stage. The draft DCP identifies the locations of future footpaths, internal roads, Brocklesby Street road and guttering upgrades and a proposed bus stop on Brocklesby Road.

The site can be connected to all essential services including electricity, telecommunications, water and sewer. Preliminary Servicing Advice from Hunter Water (**ATTACHMENT 10**) demonstrates that reticulated water and sewer is feasible.

No additional community or social infrastructure is required as a result of the rezoning.

Section E – State and Commonwealth Interests**Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The following agencies were consulted with during the scoping phase of this planning proposal:

- Department of Planning and Environment
- Biodiversity and Conservation Division (BCD)
- Transport for NSW
- Rural Fire Services (RFS)
- Department of Primary Industries - Agriculture (DPI - Ag)
- Hunter Water Corporation
- School Infrastructure

No agencies raised any objections to the planning proposal. Hunter Water, DPI - Ag, and the RFS supported the planning proposal.

BCD requested a BDAR be prepared to support the proposal and an assessment of consistency with the CKPoM. The planning proposal has provided a BDAR which has assessed the proposal against Appendix 6 of the CKPoM.

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Transport for NSW advised the planning proposal should address how required infrastructure will be provided and funded. A draft DCP chapter has been prepared identifying infrastructure to be provided by the developer at the subdivision stage including footpaths, road upgrades and bus stop facilities.

School Infrastructure advised the planning should consider active and public transport opportunities including footpaths and bus stops. The draft DCP addresses these concerns.

PART 4 – Mapping

The proposed map layer amendments are included as attachments to the planning proposal as follows:

Attachment 1 – Existing and Proposed Land Zoning Maps

Attachment 2 – Existing and Proposed Lot Size Maps

Attachment 3 – Existing and Proposed Height of Buildings Map

Attachment 4 – Existing and Proposed Urban Release Area Map

PART 5 – Community consultation

Community consultation will be undertaken in accordance with the Gateway determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Medowie Community Centre, corner of Medowie and Ferodale Streets, Medowie

The planning proposal will also be available on Council's website.

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PART 6 – Project timeline

The additional technical information, studies and investigations identified in the planning proposal will be completed within the timeframes listed below, should the planning proposal receive a Gateway determination:

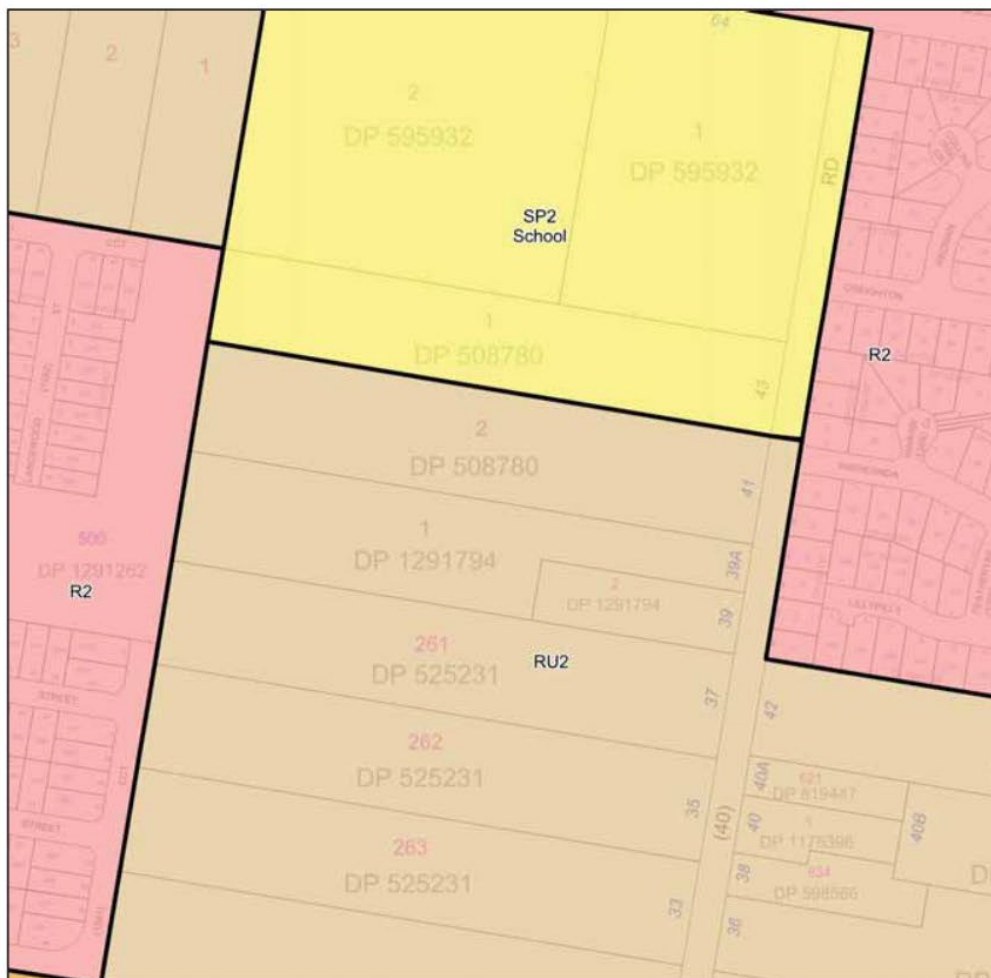
The planning proposal is expected to be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024
<i>Gateway Determination</i>								
<i>Additional Studies</i>								
<i>Agency Consultation</i>								
<i>Public Exhibition</i>								
<i>Consider submissions</i>								
<i>Council Report</i>								
<i>Parliamentary Counsel</i>								

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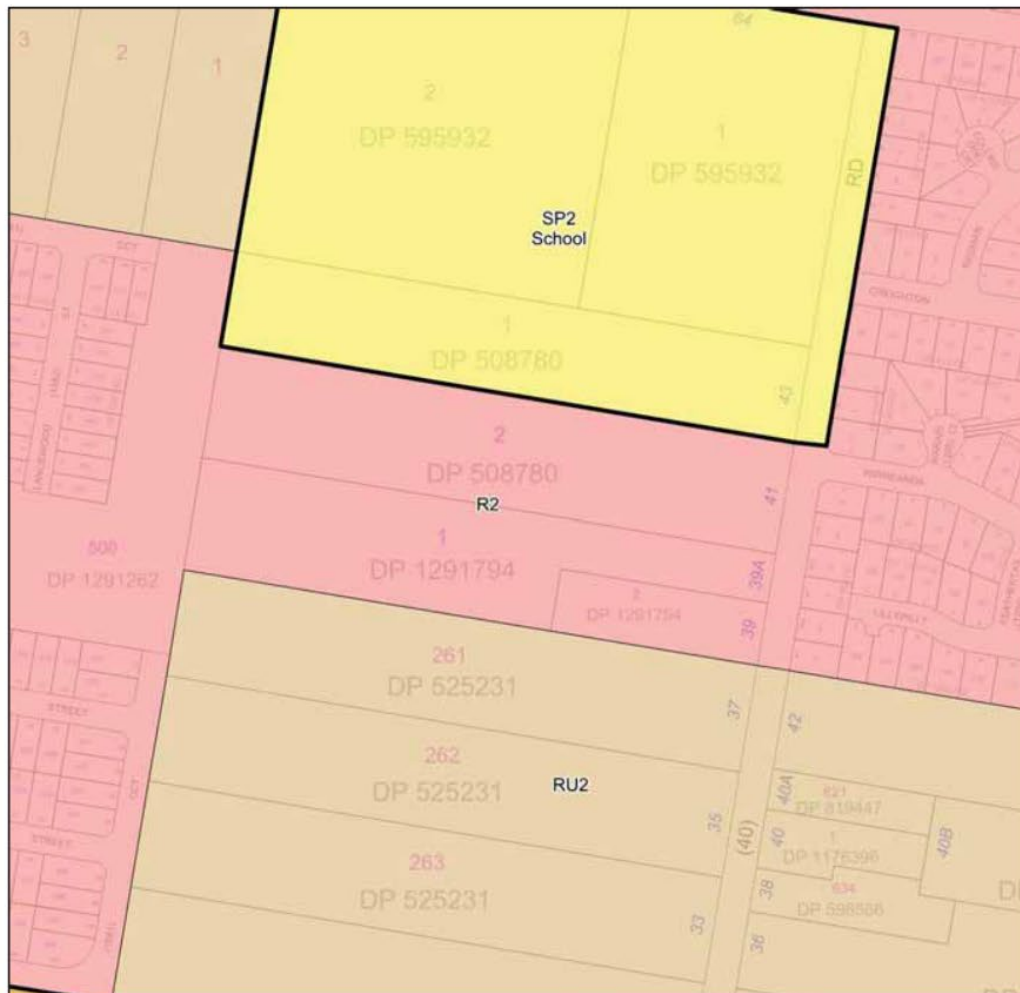
Attachment 1 – Existing and Proposed Land Zoning Maps

Existing



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Proposed



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.

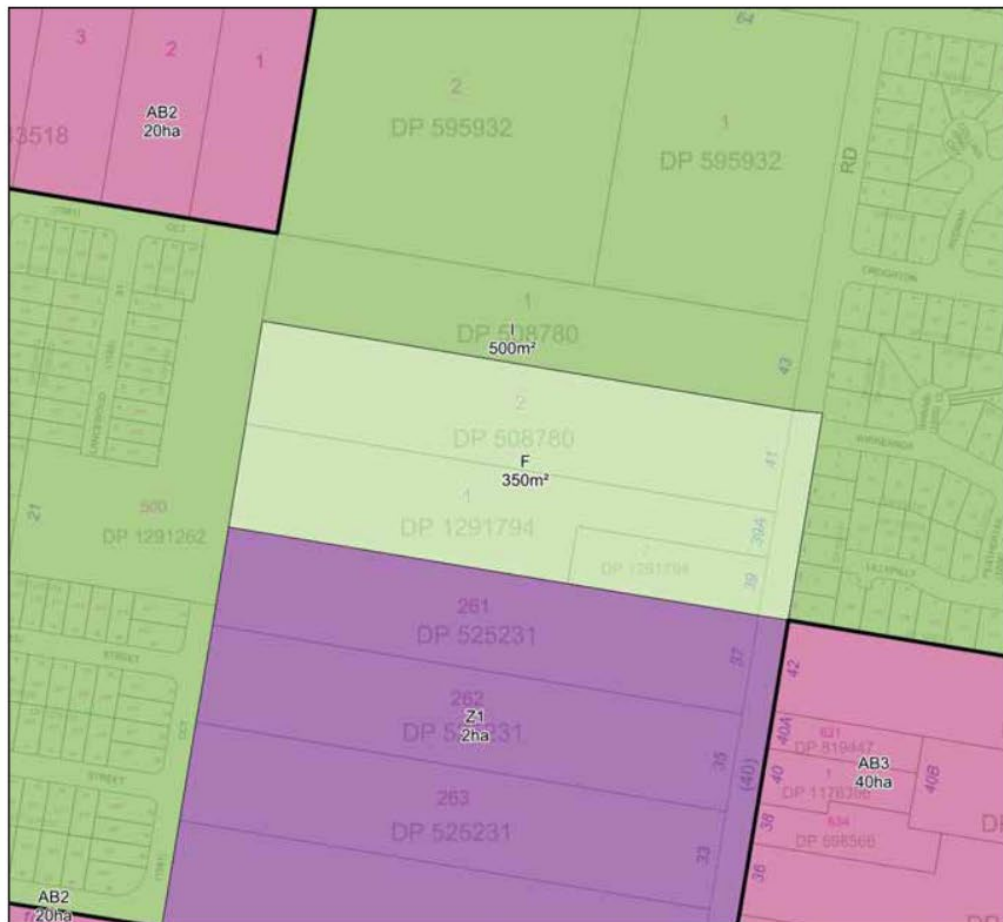
Attachment 2 – Existing and Proposed Lot Size Maps

Existing



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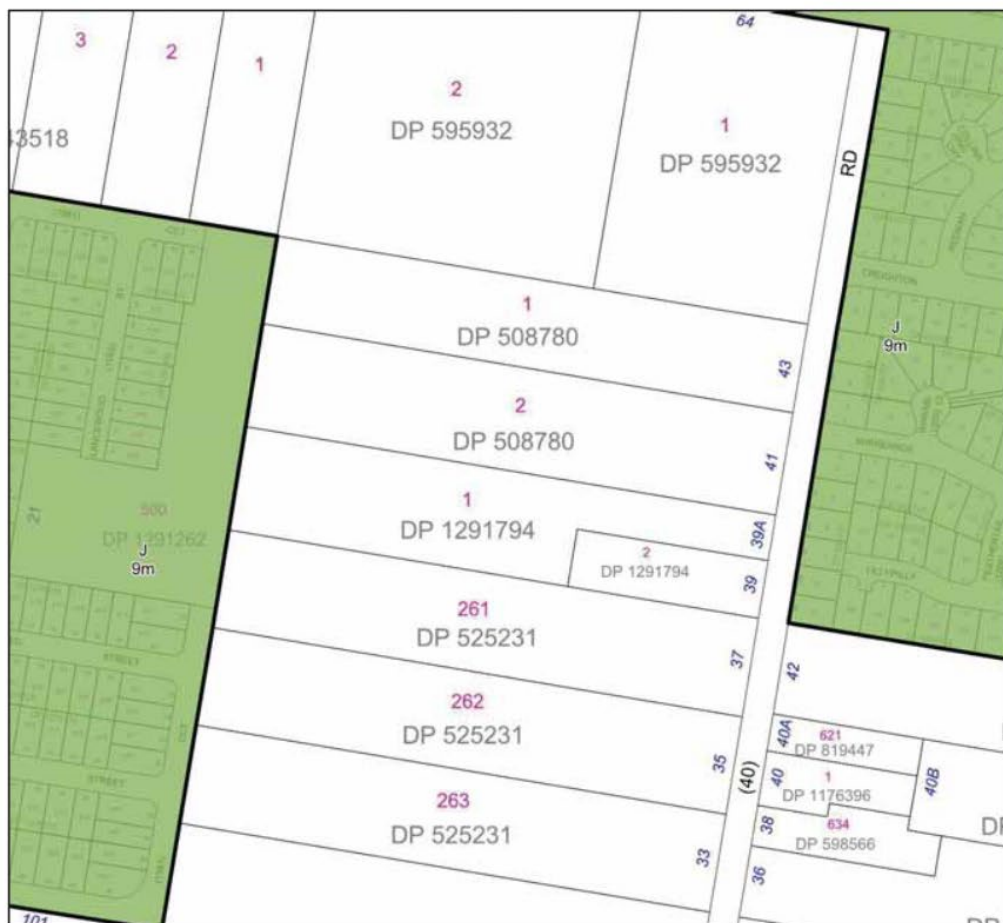
Proposed



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.

Attachment 3 – Existing and Proposed Height of Buildings Map

Existing



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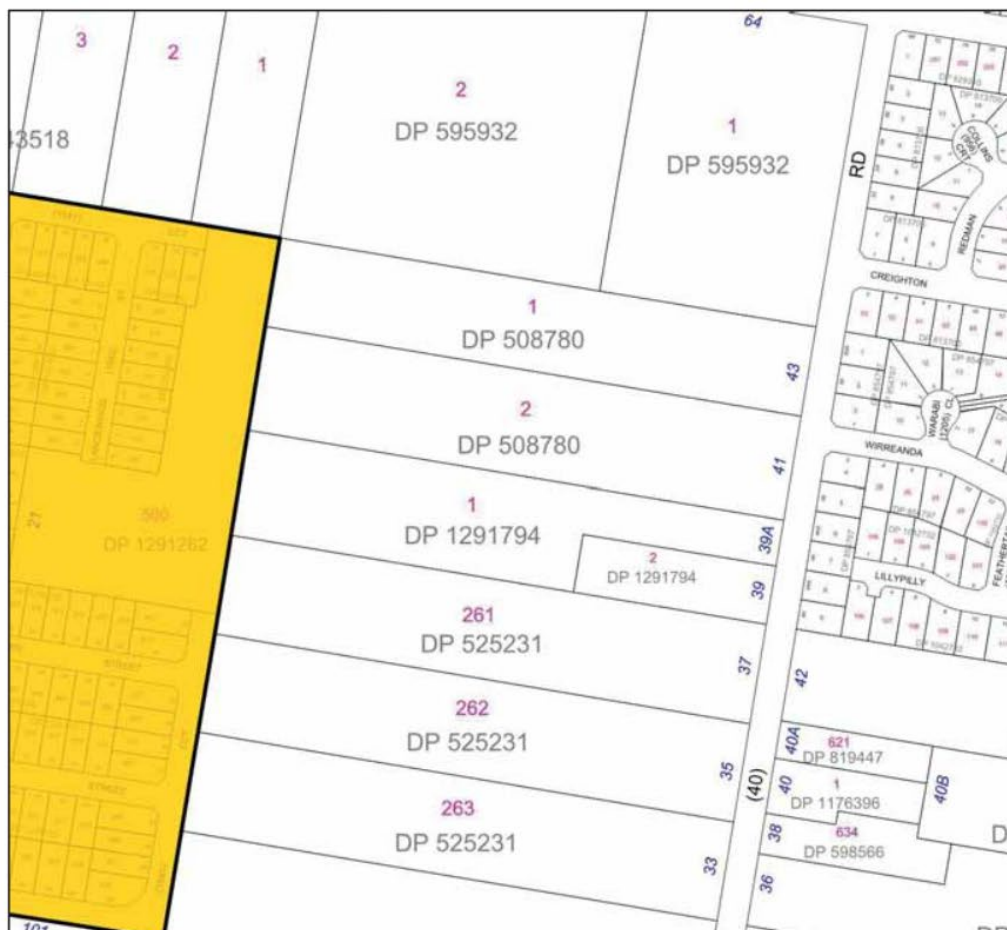
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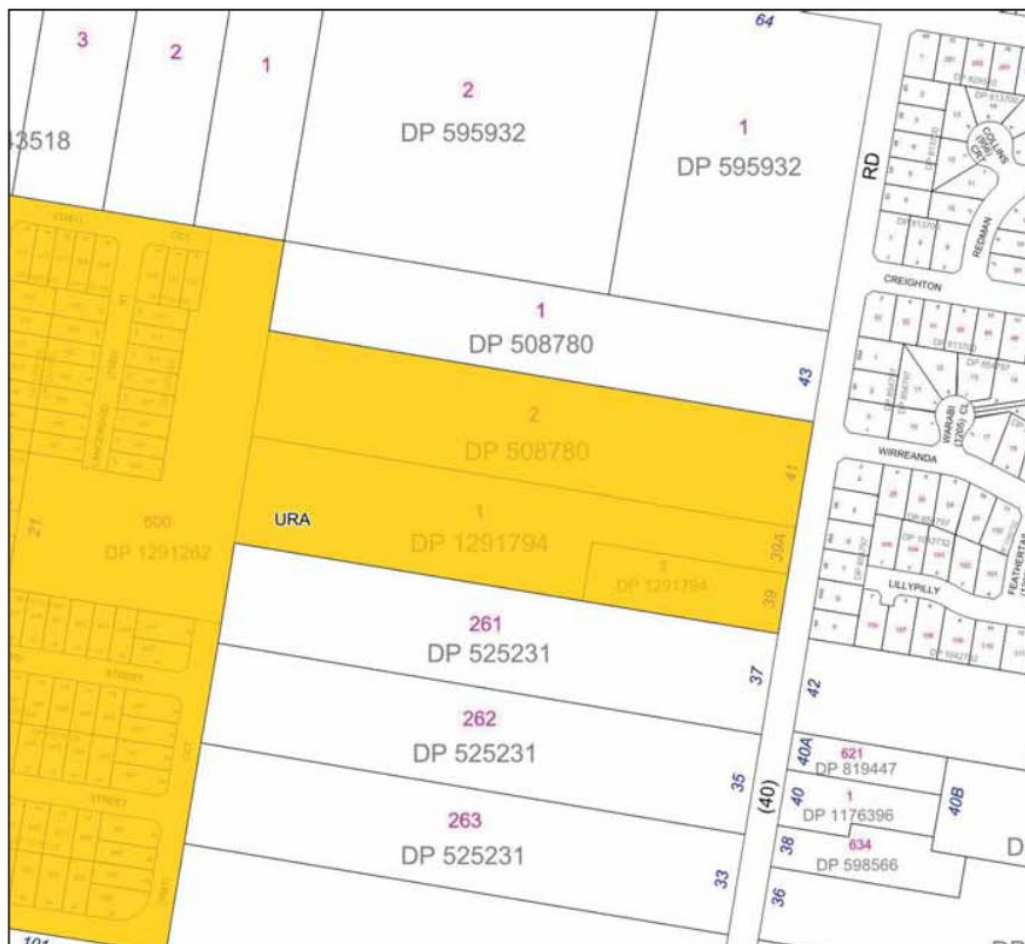
Attachment 4 – Existing and Proposed Urban Release Area Map

Existing



ITEM 1 - ATTACHMENT 1 PLANNING PROPOSAL 39-41 BROCKLESBY ROAD, MEDOWIE.

Proposed



ITEM 1 - ATTACHMENT 2 DRAFT DEVELOPMENT CONTROL PLAN 2014 -
D16 MEDOWIE PLANNING STRATEGY (PRECINCT E AND F).

D16 Medowie Planning Strategy (Precinct E and F)

Application

This Part applies to the land identified in Figure DAH Medowie Planning Strategy (Precinct E and F) land application map

D16.A Layout and staging

Objectives

- To ensure the timely and efficient release of urban land.
- To make provision for necessary infrastructure and sequencing.
- To ensure consideration is given to the overall planning and coordination of development within the precinct and sub-precincts.

Development controls

Layout

D16.1 Overall **development** layout needs to be consistent with the Figure DA1.

Staging

D16.2 A **development application** for large-scale **residential accommodation** or **major subdivision** must include a staging plan demonstrating that **development** will occur in a coordinated sequence.

D16.3 Initial **residential accommodation** or **major subdivision** is to take place in proximity to the main intersection with Medowie Road and be staged sequentially from that location.

Sub-precincts

D16.4 A **development application** for large-scale **residential accommodation** or **major subdivision** is able to occur separately within 'sub-precincts': one on the western side of Medowie Road and another on the eastern side of Medowie Road.

Lifestyle developments

D16.5 A **development application** for 'lifestyle' residential accommodation must include a master plan demonstrating consideration and achievement of the objectives of C5 Multi Dwelling Housing or Seniors Living and identifying key common **development** design controls for dwellings (for example **dwelling** setbacks).

ITEM 1 - ATTACHMENT 2 DRAFT DEVELOPMENT CONTROL PLAN 2014 - D16 MEDOWIE PLANNING STRATEGY (PRECINCT E AND F).

D16

D16.B Natural resources Biodiversity

Objectives

- To provide an overall landscaping strategy for the protection and enhancement of riparian areas and areas of urban habitat linkage and remnant vegetation, including visually prominent locations, and landscaping requirements for both the public and private domain.
- To provide an attractive and low maintenance landscape along Medowie Road.
- To protect and enhance koala habitat.

Development controls

General

- D16.64 Environmental areas, corridors and additional planting with koala feed trees will be retained and enhanced in general accordance with Figure DAI.

Precinct F

- D16.5 Within Precinct F, road and drainage networks must use native landscaping to retain and enhance the urban landscape, and where appropriate koala feed trees shall be planted.

- D16.6 The indicative green street within the Eastern Precinct will provide for fauna connectivity. Development fronting the indicative green street must:

- Provide minimum road verges of 8m;
- Restrict fencing within the front setback; and
- Enhance fauna connectivity through landscaping

- D16.7 Within the Eastern Precinct, drainage infrastructure must be designed to facilitate ecologically beneficial landscaping and enhance fauna connectivity.

Vegetation management and biodiversity offsets

- D16.78 **Development** must take into consideration the implications of the **vegetation management plan** that applies to land within the precinct.

- D16.89 Clearing of land on the eastern side of the precinct shall not occur until the requirements of the associated **vegetation management plan** are implemented (a **vegetation management plan** has been prepared that provides for vegetation offsets and improvements to vegetation corridors within the site – refer to **vegetation management plan**, Kleinfelder, 10 March 2017).

Landscaping along Medowie Road

- D16.9 A **landscaping plan** for major residential **development** or **major subdivision** must provide for an attractive and low maintenance landscape along the frontage with Medowie Road and Brocklesby Road.

- D16.11 Landscaping provided with any new **development** should use locally endemic koala preferred species

ITEM 1 - ATTACHMENT 2 DRAFT DEVELOPMENT CONTROL PLAN 2014 - D16 MEDOWIE PLANNING STRATEGY (PRECINCT E AND F).

D16

D16.C Transport movement hierarchy

Objectives

- To provide an overall transport movement hierarchy for major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- To maintain good traffic flow and safety along Medowie Road.
- To achieve connection between adjoining land and potential future residential precincts identified by the Medowie Planning Strategy.
- To ensure pedestrian and cycle connections are provided to the town centre, the Ferodale Park Sports Complex and the Medowie Community Centre for precinct residents and the broader community.

Development controls

General Street layout

D16.12 The transport movement hierarchy for private vehicles, pedestrians and cyclists needs to be generally consistent with the layout shown in precinct plan at Figure DAI.

Note: C1.12 requires streets to comply with the Infrastructure Specification¹²

D16.13 The **subdivision** of a lot that proposes a road layout that prevents the effective connectivity of the wider street network will not be supported. **Development applications** must provide for wider street network connectivity in a grid-like structure.

D16.14 **Subdivisions** that propose street networks are to be informed by road connections to future subdivisions on adjoining land. **Development applications** shall identify future road connections to adjacent land where necessary.

D16.15 Long straight roads include local area traffic management devices to slow traffic in accordance with the Infrastructure Specification¹².

Road connections to other precincts

D16.16 The road layout must provide for potential future connections to other potential future residential planning precincts identified by the Medowie Planning Strategy including Brocklesby Road.

Road connections to Medowie Road

D16.12 A roundabout intersection must be provided to Medowie Road to serve as the main access point for development.

D16.13 The main roundabout intersection must be designed to accommodate upgrades for increased future traffic flows along Medowie Road identified by the Medowie Planning Strategy.

D16.14 The main roundabout intersection may be provided by a staged approach to facilitate development of a single sub-precinct. Consideration for the future roundabout intersection must be included in the design and construction of any interim intersection.

ITEM 1 - ATTACHMENT 2 DRAFT DEVELOPMENT CONTROL PLAN 2014 - D16 MEDOWIE PLANNING STRATEGY (PRECINCT E AND F).

D16

Development controls

D16.15	Additional intersections (intersections in addition to the main roundabout intersection with Medowie Road) must be limited in number and provided as left-in/left-out only.
D16.16	No direct driveway access to and from Medowie Road is permitted.
Road connections to Brocklesby Road	
D16.17	Road widening must be provided along the frontage of Brocklesby including road drainage, kerb and gutter and pathways.
D16.18	No direct driveway access to and from Brocklesby Road is permitted.
Shared path connections	
D16.19	Walking and cycling infrastructure which connects the precinct to adjacent areas must be made accessible to precinct residents and the broader community.
D16.18	A shared path must be provided along the eastern side of Medowie Road, in conjunction with the development of the land on the eastern side of Medowie Road. The shared-use path must be provided along the eastern frontage with Medowie Road and connect north to Ferodale Road (to the extent that a shared path is able to be accommodated).
D16.19	A shared path must be provided along the western side of Medowie Road, in conjunction with the development of land on the western side of Medowie Road. The shared path must be provided along the western frontage with Medowie Road and connect north to Ferodale Road and connect south to the small local neighbourhood centre (to the extent that a shared path is able to be accommodated).
D16.20	A shared path must be provided directly linking the precinct to the Ferodale Sports Complex, in conjunction with the development of land on the western side of Medowie Road - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.
D16.21	Consideration must be given to a potential mid-block shared path linking the western sub-precinct to the Medowie Community Centre - subject to engineering, risk, and cost/benefit assessment. Alternative solutions and routes can be considered.
Public transport	
D16.23	Access to public transport routes or to future public transport stops should be no more than 400m walk by the most direct route.

D16.D Managing risk from agricultural land uses

Objectives

- To ensure the land is suitable for residential occupation in relation to previous agricultural land uses.
- To ensure the potential for negative effects from the operation of poultry sheds on residential amenity are adequately managed.

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D16

Development controls

Managing the potential requirement for land remediation

D16.22 A **development application** for large-scale **residential accommodation** or **major subdivision** must be accompanied by the contamination and remediation reports identified by NSW **SEPP** (Resilience and Hazards) 2021 with particular regard to the previous agricultural activities on the subject land.

Managing potential risk from odour and noise from poultry farming

D16.23 New residential allotments and dwellings must not be constructed until the poultry sheds at 733 Medowie Road (Lot 199 DP 17437) are decommissioned.

~~D16.E Road noise~~

~~Objective~~

To ensure that **development** is not adversely affected by noise and vibration from traffic on Medowie Road

~~Development controls~~

~~Considering road noise from Medowie Road~~

~~D16.24 A **development application** for large-scale **residential accommodation** or **major subdivision** must demonstrate by provision of an acoustic report that future residential development will meet appropriate noise and vibration standards for **development** along Medowie Road.~~

D16.F Stormwater **drainage and water quality**

Objectives

- To provide for common and adequate stormwater management within the precinct.
- To ensure environmentally sustainable and affordable water management solutions are implemented on a catchment-wide basis and not compromised by development on a single site.
- To improve or maintain water quality within the Grahamstown Dam Drinking Water Catchment.
- To ensure that stormwater from development is adequately managed to provide for common stormwater management infrastructure.

Development controls

~~Stormwater basins~~ Drainage reserves

D16.25 ~~Stormwater basins~~ Drainage reserves are located in general accordance with Figure DAI.

D16.26 All new **development** must demonstrate that there would be no adverse impact on the operation of the drainage reserve or adjoining land on which stormwater is discharged.

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D16

Development controls

Stormwater basins Drainage reserves

On-site detention / on-site infiltration

D16.27 **On-site detention / on-site infiltration** is required for all new development where impervious areas are proposed.

D16.28 The **on-site detention / on-site infiltration** is to be:

- Sized so that the post-development flow rate and volume equals the predevelopment flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event; and
- Provided by underground chambers, surface storage or a combination of the two.

Note: Part B4 provides further consideration towards on-site detention / on-site infiltration.

Note: Pre-development is prior to any development occurring on the land.

D16.29 When a **development application** is received for subdivision greater than three lots or would result in an impervious area greater than 70% of the site area, it must demonstrate that the quality of water that is released into public drainage meets the required water quality targets.

Stormwater culverts under Medowie Road

D16.26 **Development** must address the potential effect on the two main culverts under Medowie Road (the desirable design standard for these culverts is 1% AEP +0.3m obvert freeboard for 2100 climate change conditions).

D16.G Williamtown RAAF Base - aircraft safety

Objective

- To ensure that development adequately considers aircraft safety.

Development controls

Williamtown **RAAF** Base - aircraft safety

D16.27 Any requirements for dwellings are placed on the title of the land (for example for extraneous lighting and building height).

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D16

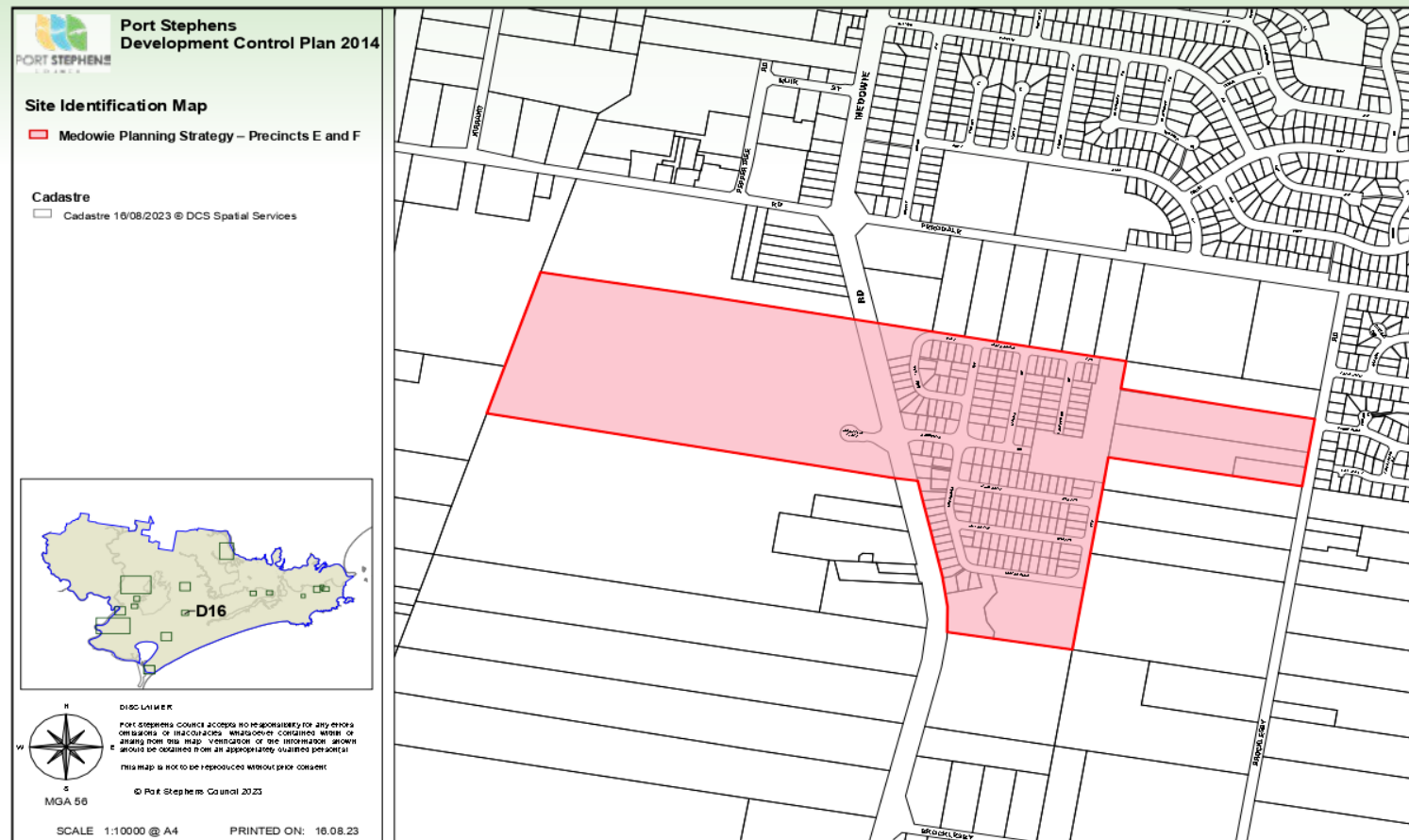
Figure D16: Medowie Planning Strategy (Precinct E) land application map



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D16

Figure DAH: Medowie Planning Strategy (Precinct E and F) land application map



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D16

Figure DAI: Medowie Planning Strategy (Precinct E) locality controls map

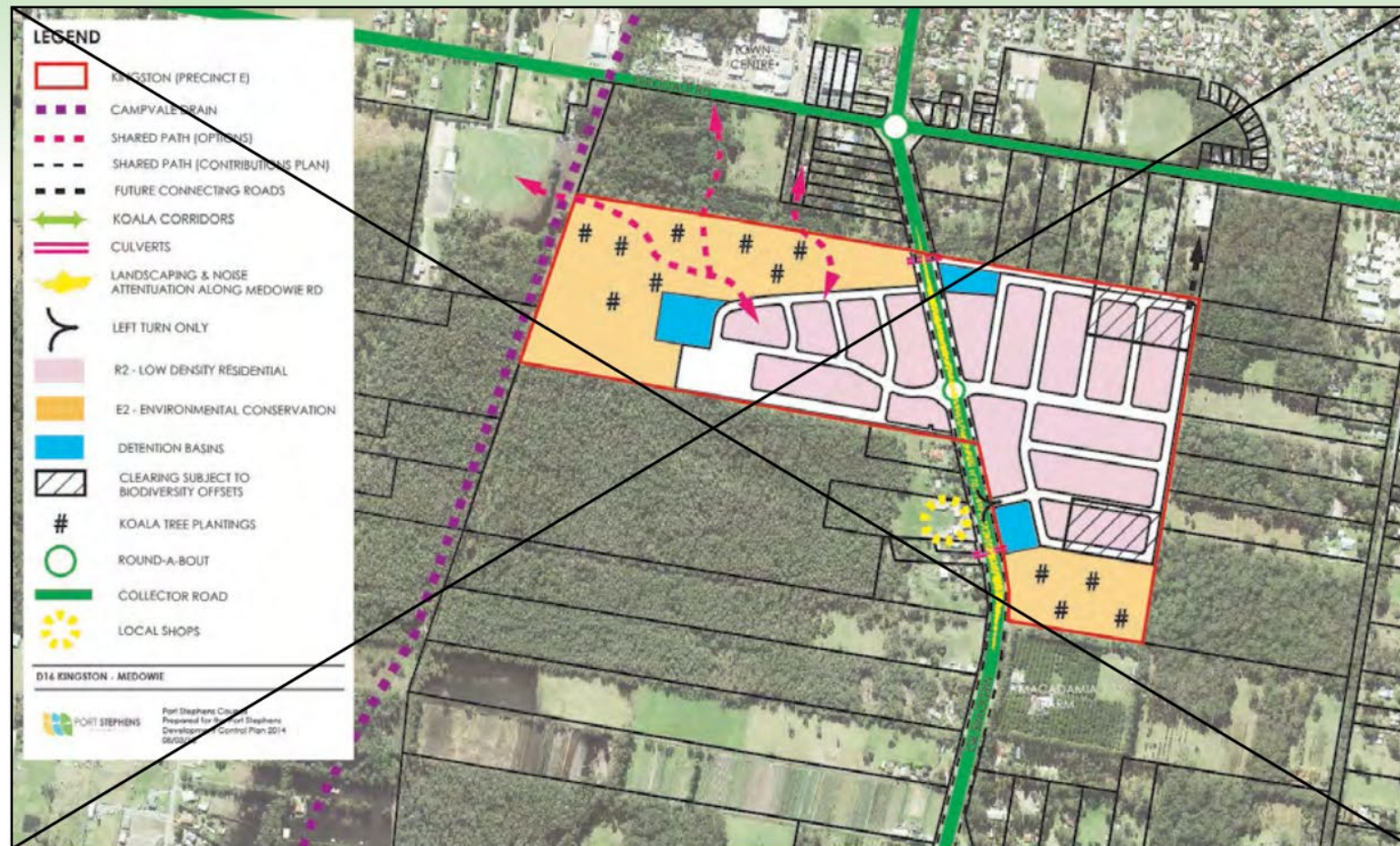


Figure DAI: Medowie Planning Strategy (Precinct E and F) locality controls map



ITEM 1 - ATTACHMENT 3 STRATEGIC PLANNING ASSESSMENT REPORT -
39-41 BROCKLESBY ROAD, MEDOWIE.



STRATEGIC PLANNING ASSESSMENT REPORT (SPAR)

Application No.	58-2023-1-1
Applicant Name	McCloy Project Management Pty Ltd
Applicant Address	PO Box 2214, DANGAR NSW 2309
Site Location Details	39, 39A & 41 Brocklesby Road, Medowie – Lots 1 & 2, DP 1291794 and Lot 2 DP 508780 Rezone the subject land to R2 Low Density Residential, including an amendment to the Lot Size map to 350m ² and Height of Buildings map to 9m.
Proposal Summary	The proposal estimates a potential future yield of 62 lots. The site has an area of approximately 5.1 hectares and is identified for residential use in the Medowie Planning Strategy (Precinct F) and the Medowie Place Plan.



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Information	Assessment																
Internal referrals																	
Development Engineering	Council Engineers identified concerns relating to the stormwater design and water quality. The Stormwater Management Report was updated to respond to concerns. Council engineers were satisfied with the revised report.																
Natural Systems	Natural Systems identified concerns relating to koala movement through the site due to koala habitat located to the north and south of the site. Natural Systems recommended identifying faunal connectivity in the site specific DCP. The Biodiversity Development Assessment Report provides assessment against the CKPoM and identifies the supplementary koala habitat to the north of the site as unlikely to support koala populations due to its isolated nature.																
State agency referrals – preliminary scoping proposal referrals	<table><tr><th>Sent</th><th>Received</th></tr><tr><td>Department of Planning and Environment</td><td>2/02/2023</td></tr><tr><td>Biodiversity and Conservation Division</td><td>3/03/2023</td></tr><tr><td>Transport for NSW</td><td>1/02/2023</td></tr><tr><td>Rural Fire Service</td><td>5/04/2023</td></tr><tr><td>Department of Primary Industries</td><td>17/02/2023</td></tr><tr><td>Hunter Water Corporation</td><td>10/02/2023</td></tr><tr><td>School Infrastructure NSW</td><td>8/03/2023</td></tr></table>	Sent	Received	Department of Planning and Environment	2/02/2023	Biodiversity and Conservation Division	3/03/2023	Transport for NSW	1/02/2023	Rural Fire Service	5/04/2023	Department of Primary Industries	17/02/2023	Hunter Water Corporation	10/02/2023	School Infrastructure NSW	8/03/2023
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Information	Assessment
Department of Planning Guide to preparing planning proposals	
Part 1 – Statement of objectives or intended outcomes of the proposed instrument	The statement of objectives or intended outcomes of the proposed instrument is adequate to enable assessment. The planning proposal seeks to amend the LEP to enable residential development consistent with the Medowie Planning Strategy (Precinct F).
Part 2 – Explanation of the provisions that are to be included in the proposed instrument	<p>The planning proposal adequately explains the provisions that are proposed to be included in the draft instrument:</p> <ul style="list-style-type: none"> • Amend the zone from RU2 Rural Landscape to R2 Low Density Residential • Amend the minimum lot size from 2 ha to 350m² • Amend the building height from no nominated maximum building height to 9 metres
Part 3 – Justification for the objectives, outcomes and provisions of the proposed instrument, and whether it will give effect to, or is a product of, a local planning priority or action in an endorsed local strategic planning statement.	The justification provided for the objectives, outcomes and provisions of the proposed instrument, and whether it will give effect to, or is a product of, the local planning statement, is considered to be appropriate.
Section A – Need for the planning proposal	
Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?	The planning proposal is the result of the Medowie Planning Strategy, adopted by Council December 2016, which provides local direction for land use planning and sustainable growth over the next 20 years in Medowie. The site is identified for residential development in the Medowie Planning Strategy (Precinct F). Medowie is identified as a priority location for future housing in the Hunter Regional Plan 2041 and Medowie Place Plan.
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>The intended outcome of the planning proposal is to enable low density residential development in accordance with adopted local planning strategies and enable development that is compatible with the character of the existing surrounding residential neighbourhood.</p> <p>The planning proposal is the best means of achieving the objectives or intended outcomes</p>

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Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?	The planning proposal gives effect to the Hunter Regional Plan 2041, the Greater Newcastle Metropolitan Plan 2036.
Assessment of consistency with the Hunter Regional Plan 2041.	The Hunter Regional Plan 2041 has identified Medowie as a priority location for future housing to service the Williamstown RAAF Base.
Assessment of consistency with the Greater Newcastle Metropolitan Plan 2036.	The planning proposal is consistent with the GNMP as the site is located near the town centre of Medowie, which will allow easy and convenient access to the economic hub and provide job opportunities, whilst assisting in unlocking housing supply.
Responding to a change in circumstances	The planning proposal is responding to a change in circumstances and is an appropriate response to the demand for land for housing and the regional housing crisis.
Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?	<p>The planning proposal gives effect to and is consistent with the Port Stephens Local Strategic Planning Statement (LSPS).</p> <p>The LSPS identifies Medowie as an 'Emerging Strategic Centre' with potential for residential growth to play an important role both within Port Stephens and Greater Newcastle. The planning proposal will ensure suitable land supply as it is consistent with the directions for housing in the local Medowie Planning Strategy.</p> <p>The planning proposal is consistent with the Planning Priorities for Housing in the LSPS including:</p> <ul style="list-style-type: none"> • Priority 4: Ensure suitable land supply. The proposal will facilitate approximately 60 residential lots. • Priority 5: Increase diversity of housing choice. The proposed zoning R2 Low Density Residential will permit a range of dwelling types including multi-dwelling housing.
Is the planning proposal consistent with relevant precinct plan(s) (including structure plans and master plans and any exhibited draft plan(s))	The planning proposal is consistent with the Medowie Place Plan which identifies the site for "future residential" and that the Medowie Planning Strategy should be referred to for further details.
Is the planning proposal consistent with relevant Council strategy (or strategies)	The planning proposal is consistent with the relevant Medowie Planning strategy. The

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endorsed by the NSW Department of Planning and Environment, including an endorsed local strategic planning statement.	planning proposal seeks to amend the LEP to enable residential development consistent with the Medowie Planning Strategy (Precinct F).
Is the planning proposal consistent with the Local Housing Strategy?	<p>The planning proposal is consistent with the Port Stephens Local Housing Strategy (Live Port Stephens). The planning proposal will provide additional land supply in Medowie.</p> <p>The planning proposal satisfies the Locational Criteria for consideration set by Live Port Stephens with the site being identified in a local area strategy (the Medowie Planning Strategy). The site also satisfies the applicable Constraints Criteria.</p> <p>The future subdivision of the site will provide for a range of lot sizes and housing types within close proximity to the Medowie Town Centre consistent with the applicable Outcomes and related Priorities of Live Port Stephens for housing.</p>
Is the planning proposal consistent with a relevant local area strategy	The planning proposal is consistent with the Medowie Planning Strategy which identifies the site as a priority residential urban release area to accommodate urban growth. The site is located within Precinct F for consideration for residential zoning.
Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	There are no further applicable State and regional studies or strategies applicable to the planning proposal.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) ASSESSMENT

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

SEPP	Assessment
SEPP (Housing) 2021	
Chapter 3 - Diverse housing	<p>The information lodged for the proposal demonstrates consistency with the SEPP by rezoning the subject site from RU2 Rural Landscape to R2 Low Density Residential and amending the minimum lot size to 350sqm. This will enable a range of lot sizes. The R2 Zone residential Zone permits a range of dwelling typologies.</p> <p>The information lodged for the proposal demonstrates consistency with the SEPP.</p>

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SEPP (Biodiversity and Conservation) 2021

Chapter 3 - Koala habitat protection 2020	The site is currently zoned RU2 Rural Landscape and contains supplementary koala habitat and 3 preferred koala feed trees. The information lodged for the proposal demonstrates consistency with the SEPP.
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Chapter 4 - Koala habitat protection 2021	The site contains supplementary koala habitat and 3 preferred koala feed trees. The information lodged for the proposal demonstrates consistency with the CKPoM and this SEPP.
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SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land	The site has historically been utilised for rural residential and agricultural purposes. A contamination assessment has been prepared, which provides consideration to the suitability of the site based on contamination. The information lodged for the proposal demonstrates consistency with the SEPP.
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SEPP (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure	There is sufficient infrastructure capacity in the existing surrounding networks to support the proposal, including the existing road networks. All relevant services and infrastructure are available within the area and are capable of being connected as part of future subdivision and development of the site. The information lodged for the proposal demonstrates consistency with the SEPP.
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SEPP (Primary Production) 2021

Chapter 2 – Primary production and rural development	The information lodged for the proposal demonstrates consistency with the SEPP.
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MINISTERIAL DIRECTION ASSESSMENT

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Ministerial Direction	Assessment
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Focus area 1: Planning Systems

1.1 Implementation of Regional Plans	The proposal has been prepared in line with the ministerial direction and the project conforms to goals, directions and actions contained within the applicable regional plans. The information lodged for the proposal demonstrates consistency with the direction.
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**ITEM 1 - ATTACHMENT 3 STRATEGIC PLANNING ASSESSMENT REPORT -
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Focus area 3: Biodiversity and Conservation

3.1 Conservation Zones	The proposal does not relate to land within an existing or proposed environmental protection zone. Consistency with the direction is not relevant to the proposal.
3.2 Heritage Conservation	The site does not contain any heritage items/places listed in the Port Stephens Local Environmental Plan 2013. The Aboriginal Cultural Heritage Assessment (ACHA) concludes that 'No Aboriginal sites, potential archaeological deposits or areas of sensitivity were identified during the survey of the Project Area. There are no proposed impacts to Aboriginal sites of archaeological or cultural significance'. Consistency with the direction is not relevant to the proposal.

Focus area 4: Resilience and Hazards

4.1 Flooding	The proposal does not relate to flood prone land within the meaning of the NSW Government's 'Floodplain Development Manual 2005'. Consistency with the direction is not relevant to the proposal.
4.3 Planning for Bushfire Protection	The proposal relates to bushfire prone land. The information lodged for the proposal demonstrates consistency with the direction. NSW Rural Fire Service raised no objection to the scoping proposal and notes the Bushfire Strategic Study. Further appropriate consultation will be undertaken should Gateway determination be issued.
4.4 Remediation of Contaminated Land	The proposal affects land to which this direction applies. The information lodged for the proposal demonstrates consistency with this direction.
4.5 Acid Sulfate Soils	The site is mapped as containing Class 5 acid sulfate soils which is the lowest risk category. The proposal is very unlikely to affect acid sulfate soils. The planning proposal is consistent with this direction.

Focus area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	The site is well-located in proximity to the Medowie town centre and can support alternative transport methods including walking and cycling to nearby facilities which include sports ovals and schools. The planning proposal is consistent with this direction.
5.3 Development Near Regulated Airports and Defence Airfields	The site is not located within Australian Noise Exposure Forecast (ANEF) contours. The planning proposal is consistent with this direction.

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Focus area 6: Housing

- | | |
|-----------------------|--|
| 6.1 Residential Zones | <p>The proposal relates to land within a proposed residential zone. The planning proposal will facilitate housing consistent with planning strategies and will enable a range of potential housing typologies.</p> <p>The planning proposal is consistent with this direction.</p> |
|-----------------------|--|

Focus area 7: Industry and Employment

- | | |
|----------------------|--|
| 7.1 Employment Zones | <p>Consistency with the direction is not directly relevant to the proposal. The proposal does not relate to land within an existing or proposed business or industrial zone. The site is well located to commercial employment land in the town centre and will provide housing options in proximity to major employment areas such as the Williamstown RAAF Base.</p> |
|----------------------|--|

Focus area 9: Primary Production

- | | |
|-----------------|--|
| 9.1 Rural Zones | <p>The proposal relates to land within an existing rural zone.</p> <p>The NSW Department of Primary Industries (DPI) Agriculture considers the proposed development will not have a significant impact on agricultural resources due to the land's existing fragmented nature.</p> <p>DPI supports and recommends a higher density residential zoning to meet the actions in the Hunter Regional Plan.</p> <p>The planning proposal is consistent with this direction.</p> |
| 9.2 Rural Lands | <p>The proposal relates to land within an existing rural zone.</p> <p>DPI considers that residential development on this site will not impact existing agricultural industries.</p> <p>Studies show the Land and Soil Capability is Class 6 which is unsuitable for agricultural purposes.</p> <p>The planning proposal is consistent with this direction.</p> |

Information	Assessment
Section C – Environmental, social and economic impact	
Q8. 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?	<p>The site is adjacent to supplementary koala habitat to the north and south and may have an impact on the movements of koalas in this area.</p> <p>The proposal may have an environmental impact.</p>
Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	<p>There will likely be environmental effects as a result of the planning proposal. These effects are justified. The site is identified in local planning strategies including the Medowie Planning Strategy and the Medowie Place Plan for residential use.</p>

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Information	Assessment
Q10. Has the proposal adequately addressed any social and environmental effects?	<p>There will likely be positive social and economic effects as a result of the planning proposal.</p> <p>The proposal will further result in the following positive social and economic effects:</p> <ul style="list-style-type: none"> • Employment opportunities within the Port Stephens LGA and the Hunter Region from construction works; • The provision of increased housing in accordance with local planning strategies and within an existing low density residential neighbourhood; and • An increased population to support the existing neighbourhood centre of Medowie. <p>No additional community or social infrastructure is required as a result of the rezoning.</p>
Section D – Infrastructure (Local, State and Commonwealth)	
Q11. Is there adequate public infrastructure for the planning proposal?	<p>There is adequate public infrastructure for the planning proposal. The proposal will require new stormwater basins to manage stormwater quality and quantity from the future subdivision. The site can be connected to all essential infrastructure services (water, sewer, electricity, tele-communications).</p>
Section E – State and Commonwealth Interests	
Q12. What are the views of state and federal public authorities consulted in order to inform the Gateway determination?	<p>Preliminary consultation was undertaken with various state authorities as identified in this assessment report for the scoping proposal phase, and their advice has been used to assist in informing the preparation of the planning proposal.</p> <p>Consultation with relevant State and Commonwealth agencies will be undertaken following a Gateway Determination.</p>
Part 4 – Maps containing sufficient detail to indicate the substantive effect of the planning proposal.	<p>The maps included in the planning proposal adequately identify the substantive effect of the planning proposal.</p>
Part 5 – Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument	<p>The proposed community consultation in the planning proposal is considered appropriate.</p>
Part 6 – Projected timeline of the plan making process	<p>The projected timeline as detailed in the planning proposal is considered adequate.</p>

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TECHNICAL CONTENT ASSESSMENT

Assessment of technical information

Supporting plans and studies	Assessment
Site Specific DCP	A proposed concept layout and DCP map to inform the preparation of an amendment to existing site-specific DCP Chapter D16 Medowie Planning Strategy (Precinct E) to extend to the adjoining site of the planning proposal (Precinct F). The proposed DCP layout includes indicative road layouts, road connections and drainage reserves to assist in guiding a future development application.
Strategic Bushfire Study	Strategic Bushfire Study, Bushfire Planning Australia, 18 May 2023. The Bushfire Assessment Report determined redevelopment of the site would not expose future residents to unacceptable risk and therefore considered it appropriate in its bushfire context, subject to the capacity of the road network being sufficient.
Biodiversity Development Assessment Report (BDAR)	Streamline Biodiversity Development Assessment Report, Habitat Environmental Services, 28 April 2023. The report identified supplementary koala habitat and 3 preferred koala feed trees on the site. No preliminary candidate threatened flora species were determined and no threatened fauna species were detected during the assessment.
Preliminary Contamination Assessment and Detailed Contamination Assessment	Preliminary Contamination Assessment, Qualtest Laboratory (NSW) Pty Ltd, 8 February 2023. Detailed Contamination Assessment, Qualtest Laboratory (NSW) Pty Ltd, 21 April 2023. The submitted reports identify low levels of asbestos in limited locations on the site. The reports include measures to manage and remove asbestos to support the intended future residential use of the site.
Stormwater Management Report	Engineering Report, ACOR Consultants Pty Ltd, 11 August 2023 The Stormwater Management Report adequately demonstrates that stormwater can be managed with the future development of the site.
Water and Wastewater – Preliminary Servicing Advice (Hunter Water)	Preliminary Servicing Advice, Hunter Water Corporation, 12 January 2023. The proponent has undertaken preliminary consultation with service providers including Hunter Water Corporation to demonstrate the

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Supporting plans and studies	Assessment
	future capacity and requirements to provide sewer and water to the site.
Aboriginal Cultural Heritage Assessment Report (ACHA)	Aboriginal Cultural Heritage Assessment Report, Heritage Now, 10 May 2023. The ACHA determines that no Aboriginal sites, potential archaeological deposits or areas of sensitivity were identified during the survey of the site.
Traffic Impact Assessment	Traffic Impact Assessment, Intersect Traffic, April 2023. The report indicates the existing road network has sufficient capacity to accommodate additional traffic from the proposed residential subdivision without the need to upgrade the adjoining network.

RECOMMENDATION

Based on the information lodged with the rezoning request, the planning proposal is considered to have sufficient merit to proceed to Gateway.

PART 5 – Determination

The planning proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 and is considered to be consistent with relevant local and regional plans, State Environmental Planning Policies and Ministerial Directions. Where there is an inconsistency, this inconsistency is justified.

As a delegate for Port Stephens Council and in accordance with the Rezoning Request Policy, I, Mathew Egan, the Strategic Planning Coordinator at Port Stephens Council, endorse the planning proposal to rezone the subject land to R2 Low Density Residential (including an amendment to the Lot Size Map to 350m², Height of Buildings map to 9m, and Urban Release Areas Map to include the site as an Urban Release Area) on land at 39, 39A and 41 Brocklesby Road, Medowie, to be submitted to the Department of Planning and Environment, in accordance with section 3.34(1) of the Environmental Planning and Assessment Act 1979, with a request for a Gateway determination. Authorisation to make the plan under section 3.34(2)(g) of the EP&A Act is to be requested.

SIGNATURE**DATE**

Mathew Egan, Strategic Planning Coordinator