

REVISED PLANNING PROPOSAL

IN RESPONSE TO REFERRAL COMMENTS

**Proposed amendment to Port Stephens
Local Environmental Plan 2013:**

Proposal to amend the Land Zoning Map,
Minimum Lot Size Map, and Building Height Map
Lot 1 D.P.1019113, No. 98 Coachwood Drive, Medowie

April 2015

PLANNING PROPOSAL – Coachwood Drive, Medowie

Local Government Area: Port Stephens Council

Address: Lot 1 D.P.1019113, No. 98 Coachwood Drive, Medowie

PART 1 – Objectives and intended outcomes of the proposed LEP

1. To enable the development of parts of the site for large lot residential development with a minimum lot size of 1500m² and 2000m², as indicated on the proposed zoning map.
2. To place part of the site with high conservation value within an environment protection zone as indicated on the proposed zoning map. This includes areas of Endangered Ecological Community; Swamp Mahogany – Paperbark Forest and Riparian Melaleuca Swamp Woodland.

PART 2 – Explanation of provisions to be included in the proposed LEP

The intended outcomes for the land are proposed to be achieved through the following amendments to Port Stephens LEP 2013:

1. Amend the Zone Map in relation to the subject land from E2 Environmental Conservation zone to;
 - a. R2 Low Density Residential zone over areas suitable for development and of lower conservation value,
 - b. E1 National Parks and Nature Reserves zone over the remainder of the site with high conservation value.
2. Amend the Minimum Lot Size Map to show areas of minimum lot size of 1500m² and 2000m² over the proposed R2 Low Density Residential zone and remove minimum lot size from the region of the proposed E1 Nature Reserve Zone.
3. Amend the height of building map to show a maximum building height of 9m over the proposed R2 Low Density Residential zone within the subject land.

PART 3 – Justification

SECTION A – Need for the Planning Proposal

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

Lower Hunter Regional Strategy (LHRS) 2006 – 2031

Medowie and North Raymond Terrace (Kings Hill) have been identified in the LHRS as the two primary areas available for urban growth in the Port Stephens LGA. The Strategy sets a target of 12,500 new dwellings for Port Stephens by 2031 and recommends a variety of housing types be provided for. The planning proposal's intention to provide large lot residential housing stock is unlikely to meet the latent short term demand, despite potential supply from alternative proposals currently under investigation.

Port Stephens Planning Strategy (PSPS) 2011-2036

The PSPS being one of a number of high level strategic documents doesn't refer specifically to the planning proposal site however, the proposal does reflect recommendations and guidelines in the document as follows.

The proposal provides much needed urban growth "around centres and directing urban expansion to suitable areas near existing centres and services". Medowie has been identified as one of Port Stephens Council's main urban release areas and falls within the medium to long term "Eastern Growth Corridor" area due to its proximity to the employment and service centres of Williamstown RAAF Base/ Newcastle Airport and Raymond Terrace respectively.

The proposal will provide further support for the existing public transport, thus strengthening their commercial viability and range of services, as encouraged in the Strategy. Moreover, the proposal will facilitate the extension of shared pedestrian cyclepaths between the site and Medowie town centre which will benefit existing urban areas as recommended in the document.

Being an unfragmented site under one ownership, of sufficient size, opportunities exist to develop an urban population necessary to the critical support a number of the economic development strategies referred to in the Strategy such as accommodation for employment at the RAAF Base Williamstown, further expansion of the airport (passenger and freight) and Defence Aviation and Related Employment Zone (DAREZ), Raymond Terrace as the LGA's primary services centre and indirectly supporting the provision of essential infrastructure including adequate roads, public transport and broadband.

The Strategy seeks to promote urbanisation of land holdings of areas greater than 50 hectares. The majority of land holdings in the Medowie region are substantially less than 50 hectares due to fragmented ownership and environmental constraints, thus limiting opportunity for development. The subject site of the planning proposal is one of the largest single parcels in the area under one ownership and available for immediate development and sales release.

The proposal doesn't contradict the Rural Lands Strategy in that; it avoids development in areas of conservation significance, limits expansion to those settlements that have the infrastructure capacity and land capability to support growth and avoids loss of sustainable agricultural production. In doing so, the proposal will provide the necessary land under one ownership to commence achieving the Strategic goal of supplying housing for an additional 6,309 people.

Medowie Strategy (MS) 2009

The MS will be the key guiding document for Council in its consideration of rezoning requests for urban development in Medowie. The Strategy establishes Statutory and Planning Context under which rezoning proposals are to be examined including Sec. 117 Directions of the EPA Act.

PSC is in the process of reviewing the MS, and among other initiatives, seeks to identify more achievable urban growth opportunities. The subject site is being considered for

inclusion as potential urban development subject to investigation under the Gateway process. The subject site is one of the few development opportunities within the Medowie township of sufficient size and yield not hindered by the constraints of; fragmented ownership, remoteness from community and utility services, flooding, drainage to a drinking water catchment and limited public transport.

The Implementation Strategy detailed within Appendix 4 of the MS refers to the establishment of “Infrastructure Planning Sectors” (IPS) as a basis for logically ordering development. It is intended that planning proposals will be required to provide a master plan incorporating an entire IPS indicating how development will not prejudice surrounding development within the sector. The planning proposal is characterised as urban infill development by virtue of its abutment to the existing Kindlebark residential area and access to supporting infrastructure. The Infrastructure Assessment Report (2015) identifies current capacity in the following;

- Roads,
- Sewer,
- Water,
- Power,
- Telecommunications,
- Public Transport (bus),
- Recreational Parkland,
- Schools,
- Commercial centre, cafés, restaurants, hotel,
- Churches.

The proximity of the planning proposal to the adjoining Kindlebark Estate and broader Medowie village characterise it as “infill development”. The opportunity to utilise and fund existing public infrastructure and provide additional community services satisfies the objectives of current sustainability principles. (Infrastructure Assessment Report January 2015)

The Watercycle Management Plan (BMT WBM 2014) has identified inadequacies in the existing water quality management systems serving the upstream Kindlebark estate and provides in the development recommendations for replacement and compensatory sizing to rectify the shortfalls. The planning proposal stormwater management plan recommends the;

- Site can be developed in a manner that would achieve a net-reduction in stormwater pollutant loads discharged to Moffats Swamp.
- Development would augment and upgrade existing treatment systems that are currently relatively ineffective at capturing pollutants.
- The treatment strategy comprises a series of treatment measures positioned in a distributed manner throughout the development site to mitigate risks to water quality of any particular measure failing.
- The SQIDs would be arranged and configured in a manner that will enable good access for future maintenance.

Staging criteria used by Council to assess proposals fall under the three themes of strategic delivery, namely; strategy delivery, infrastructure delivery and market dynamics. The planning proposal responds to the various criteria as follows;

Strategy Delivery Criteria	Planning Proposal Response
<ul style="list-style-type: none"> Spatial element – logical town growth (see FigA 4.3) 	<p>The site immediately adjoins the existing Kindlebark Estate urban development and includes two road entry points created under early Medowie masterplaning.</p>
<ul style="list-style-type: none"> Demonstration that if clearing is required, a biodiversity offset can be delivered to the satisfaction of DECC; and 	<p>The large lot residential proposal creating 2,000m² lots supported by tree retention covenants will limit vegetation loss to roads and dwelling footprints only, resulting in a nominal tree retention of 70%. The area of the proposed E1 zone and tree retention covenants is twice that of the development area.</p>
<ul style="list-style-type: none"> Illustrate that development of the site will not prejudice orderly development of the IPS in its entirety. 	<p>The development of the site represents the logical extension and support of the Kindlebark Estate community and doesn't overlap IPS boundaries.</p>
<ul style="list-style-type: none"> Coordination of landowners in regards to joint rezoning and DCP, agreement on infrastructure provision and positioning, road network alignments, open space, drainage structures etc to the satisfaction of council; and 	<p>As the planning proposal site falls under the one ownership the development is not subject to complications arising from multiple ownership agreements and potential land area and cost inequalities.</p>
<ul style="list-style-type: none"> Minimum rezoning area of 10 hectares to provide efficient delivery and coordination of infrastructure; and 	<p>The site is in excess of 61ha comprising 25ha urban development and 36ha conservation areas thus facilitating the efficient delivery and upgrade of community and services infrastructure.</p>
<ul style="list-style-type: none"> Management of stormwater, water quality flooding and hydrological systems as per A4.1.11 through the delivery of drainage and flooding study for the whole of the catchment area pertaining to the rezoning; and 	<p>The site falls within the Moffats Swamp catchment. The proposed R2 zone lies outside the 1:100 flood zone. A Water Cycle Management Plan prepared by BMT WBM has informed the Concept Masterplan with respect to stormwater, water quality flooding and hydrological systems.</p> <p>Stormwater, water quality flooding and hydrological system management is contained within the R2 zone with no net increased nutrient or runoff quantities. Additional improvements to existing systems treating upstream water are included in the management plan.</p>
<ul style="list-style-type: none"> Demonstrate how all participating landowners will work collaboratively to guarantee infrastructure corridors and critical infrastructures are provided such as roads, drainage, open space utilities and easements. 	<p>The site falls under the one ownership and doesn't rely upon participating landowners to provide the necessary infrastructure.</p> <p>Currently shared infrastructure is has sufficient capacity for the planning proposal therefore does not require participating landowners.</p>

Infrastructure Delivery Criteria	Planning Proposal Response
<ul style="list-style-type: none"> • Demonstrated delivery of major infrastructure including water, sewer, energy, telecommunications; and 	<p>Preliminary Hunter Water Corp advice indicates that sufficient capacity is available for both sewer and water services to the site. Power supply has sufficient capacity however the proposal will provide funding towards proposed regional upgrades.</p>
<ul style="list-style-type: none"> • Upgrade and/or construction of necessary roads and drainage infrastructure; and 	<p>The proposal will provide contribution funding toward future upgrading of the Medowie to Raymond Terrace sewer transfer main and regional roads. Dilapidated and non-functioning drainage and stormwater quality infrastructure within the site servicing the upstream catchment will be upgraded as part of the proposal for the protection of public safety and downstream sensitive wetland areas.</p>
<ul style="list-style-type: none"> • Demonstrated delivery (legal & physical) of major downstream drainage infrastructure including trunk drainage systems, overland flow paths, water quality structures, easements and/or drainage reserves; and 	<p>All water quality and quantity control infrastructure is contained within the site as per the Water Cycle Management Plan prepared by BMT WBM mitigating the need for easements or drainage reserves over adjoining properties.</p>
<ul style="list-style-type: none"> • Illustrate provision for all public thoroughfares and public open space indicated by the Medowie Strategy and Structure Plan; and 	<p>The planning proposal Masterplan allows for public thoroughfare and public open space areas as well as construction of shared pedestrian/cycleways connecting the Medowie Town Centre.</p>
<ul style="list-style-type: none"> • Ensure efficient provision of public infrastructure on a catchment scale to minimise on-going maintenance costs; and 	<p>The additional residents will provide further demand for existing bus transport and facilitate commercial viability of additional services.</p>
<ul style="list-style-type: none"> • Ensure rezoning facilitates cooperative expansion of development land and infrastructure and will not prejudice the orderly development of surrounding properties; and 	<p>The planning proposal site is stand alone and does not impact upon or compromise future development of adjoining lands.</p>
<ul style="list-style-type: none"> • Ensure adjoining landowners outside of the rezoning alliance are not disadvantaged (ie potential lot yield or configuration cannot make development economically or practically inviable); and 	<p>The planning proposal site is stand alone and does not impact upon or compromise future development of adjoining lands.</p>
<ul style="list-style-type: none"> • Agreement with council that adequate provisions or progress has occurred for coordinated development of road networks, bus routes, street tree master planning, and 	<p>Masterplaning of the proposal includes provision for road networks, bus routes, street tree master planning, pedestrian and cycleway links, public domain access as per The Urban Design Report by Design Partnership.</p>
<ul style="list-style-type: none"> • Adequate Developer Contributions plans are in place; and 	<p>Subject to the Development Consent and Gateway negotiations.</p>
<ul style="list-style-type: none"> • Contributions to required facilities and services in accordance with Section 94 or developer agreements. 	<p>Subject to the Development Consent and Gateway negotiations.</p>

Market Dynamics	Planning Proposal Response
<ul style="list-style-type: none"> • Competition through spatial distribution of key development areas as per Staging Plan; and 	The proposal represents an opportunity to provide housing stock currently in high demand and not expected to be met by similar proposals currently under investigation.
<ul style="list-style-type: none"> • Delivery of diverse range of housing types. 	Opportunity for delivery of under supplied large lot residential housing products in the MS is limited. The Proposal Masterplan will provide a range of housing types based on 1,500m2 and 2,000m2 lot sizes.

The Concept Masterplan prepared for the planning proposal is informed by expert consultant investigation and environmental studies as follows;

- Flora and Fauna Assessment (RPS Aust 2013)
- Preliminary Bushfire Assessment and Analysis (RPS Aust 2013)
- Landscape and Public Domain Concept (The Design Partnership 2013)
- Water Cycle Management Plan (BMT WBM Pty Ltd 2013)
- Infrastructure Assessment Report (Carman Surveyors 2015)

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

- 1. To enable the development of parts of the site for low density residential development with a minimum lot size of 1500 to 2000m2, as indicated on the proposed zoning map.*

The immediate and predicted high demand for a range of housing stock in the LGA's eastern growth corridor can best be achieved through the development of unfragmented sites under the one ownership of sufficient scale to achieve the commercial viability necessary to fund the public infrastructure and community initiatives presented in the Strategy.

Large lot residential development comprising allotments of 1,500 to 2,000m2 within the proposed R2 Low Density Residential zone will provide a highly sought after housing option whilst retaining the majority of site vegetation. Surveyed tree locations and Dept. Land and Property Information registered building and site covenants will enforce house design and tree retention outcomes similar to Murrays Beach residential project which has retained 70% of trees.

The main map of the Medowie Strategy shows allotments of 1,000 to 1,500 m2 are located on the periphery of growth areas. The planning proposal reflects this outcome. Similarly, the proposed E1 National Parks and Nature Reserves zone will provide ongoing protection and maintenance of the ecologically higher valued portion of the site.

Without the planning proposal outcomes the site biodiversity will continue to deteriorate through uncontrolled stormwater discharge, dumping and illegal uses of the site by others.

Section 94 contributions and ongoing annual revenue from additional households immediately adjacent to existing transport and public utility infrastructure will serve to make the ongoing maintenance and necessary upgrading commercially viable. Increased population within the existing urban fabric will support the proposed expansion of the Medowie shopping centre and proposed Secondary School.

2. To place part of the site with high conservation value within an environment protection zone as indicated on the proposed zoning map.

The Strategy's environmental objectives can be achieved over the high conservation value portion of the site as a result of the planning proposal. The degraded stormwater management structures, failing quality control devices, incursion of exotic weed and plant species from upstream sources and impact of illegal dumping and off road vehicles within the site can be overcome through the masterplanned development of the site.

Landscaped stormwater management and quality control corridors will serve as environmental and aesthetic buffers to conservation zone as well as providing passive recreational activity zones. The proposal includes seed funding and infrastructure for the development of a local Landcare group operated by neighbourhood residents and school groups for community strengthening and ownership purposes under a Voluntary Conservation Agreement (VCA) designed to preserve and support ongoing management of the four vegetation communities considered to be of high ecological value is proposed in the manner encouraged under the LHRCP. The VCA will include mechanisms for community interaction and "ownership" through active and passive recreation and management opportunities.

The proposed E1 National Parks and Nature Reserves zone adjoins state and federally owned land and falls within the regional biodiversity corridor associated with the Watagan Stockton Green Corridor. Ownership will transfer to National Parks and Wildlife asset upon completion of remediation and stormwater management works.

3. Is there a community benefit

The planning proposal allows for the following community benefits;

- Providing approximately 100 large lot housing opportunities with an environmentally sustainable outcome to satisfy immediate and forecast high demand in the locality and region,
- The increase in residential population will positively contribute to the economic viability and prosperity of the Medowie township, supporting existing retail business services,
- Remediation and proposed transfer of 34ha of the site to public ownership for permanent protection high conservation value land containing MU 42 Riparian Melaleuca Swamp Woodland and MU 37 Swamp Mahogany – Paperbark Forest.

- Implementation of innovative watercycle management infrastructure which allows for passive recreational and community activity areas whilst resolving historical stormwater management inadequacies currently impacting downstream wetlands.
- Protection of existing and proposed dwellings through planned bushfire management techniques including perimeter roads and APZ setbacks.
- Shared pedestrian cycleway connecting Medowie East urban zone with Medowie town centre.

SECTION B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (LHRS) 2006 – 2031

The site is being considered for inclusion in 'Future Urban' areas of Medowie and falls within a western fringe of the Watagan Stockton Green Corridor.

However, Section 8 Environmental and Natural Resources (LHRS) specifically refers to development in the Medowie region viz. *"The combination of environmental values, hazards and the distance to serviced centres means that the area is unsuitable for new large scale urban development, other than building on the existing community at Medowie and employment land at Tomago."*

The Strategy and associated Regional Conservation Plan endeavours to *"secure a consistent ownership and management regime for the significant green corridors of the Region"* and has identified a reserve expansion proposal that will allow the creation of new reserves under the *National Parks and Wildlife Act 1974* so that these corridors are managed for their biodiversity and conservation values.

The planning proposal sets aside 34ha of environmentally significant land for permanent protection through the proposed E1 National Parks and Nature Reserves zoning, and subsequent dedication of the land as a new reserve under the *National Parks and Wildlife Act 1974*. The remainder of the site, outside of the redefined Green Corridor extents and immediately adjacent to the existing East Medowie urban zone, is proposed to be R2 Large Lot zone. This new release urban area will contribute to Council's ability to meet the LHRS forecasted demands for dwellings over the next 25 years.

An assessment of the proposed urban area within the planning proposal against the LHRS Sustainability Criteria is provided in the table below.

Table 1: Sustainability Criteria

Threshold Sustainability Criteria	Assessment of Measureable Criteria	Compliance
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided	<ul style="list-style-type: none"> • Consistent with the principles of LHRS, LHRCP, PSPS • Urban infrastructure and public utility services are available to the site • Proposed development will provide funding for the upgrade and ongoing justification of existing services 	YES

in a timely and efficient way		
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided	<ul style="list-style-type: none"> Land has frontages to existing road and bus network Existing transport networks have sufficient capacity to support the proposal Proposal includes shared pedestrian/cycle link to Medowie commercial centre 	YES
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be accommodated	<ul style="list-style-type: none"> The proposed land use allows for a broader range of housing options thus supporting generational growth in Medowie. The proposed minimum lot size ensures that the housing density can be adjusted to suit LEP objectives and market demands. 	YES
4. Employment Lands Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies	<ul style="list-style-type: none"> Maintains support of local employment including Williamstown Airbase, by providing additional customer base and employee housing Provides support to ongoing development of existing commercial centre and professional services. 	YES
5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided	<ul style="list-style-type: none"> All proposed residential development will be above 1:100yr flood zone. No physically constrained land Consistent with adjacent existing land use. Multiple on-road evacuation routes for bushfire hazard occurrences. 	YES
6. Natural Resources Natural resource limits not exceeded/environmental footprint minimised	<ul style="list-style-type: none"> Sufficient capacity in water supply infrastructure to support the proposal The scale, orientation and topography of the site provides opportunity for energy efficient lot layouts and dwelling designs. 	YES
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	<ul style="list-style-type: none"> Proposed zoning of the new Nature Reserve is Consistent with Lower Hunter Regional Conservation Plan. Endangered Ecological Communities (EEC) of Swamp Mahogany – Paperbark Forest and Riparian Melaleuca Swamp Woodland are included within the proposed Nature Reserve. The proposal will have no significant effects upon air quality. Proposed water quality control measures will replace inadequate and neglected water quality treatment ponds. 	YES
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other Government services are accessible	<ul style="list-style-type: none"> The Wirreanda Public School (K-6) site has sufficient capacity for expansion to a secondary school. Additional dwellings within the catchment will provide more potential enrolments to support the expansion. Health Services are currently at capacity, but the Medowie Strategy supports the development of medical services within the town centre. The proposal includes the development of a Landcare group and shared pathways connecting the towncentre. 	YES

Lower Hunter Regional Conservation Plan (LHRCP) 2009

The LHRCP establishes a strategy to inform conservation planning in the Lower Hunter Valley over a 25 year program. It sets out a full range of Government planning policies and identifies proposed areas of growth. It identifies a 'Green Corridor' stretching from the Watagan Ranges, through Hexham Swamp to Port Stephens.

The planning proposal allows for the addition of environmentally sensitive wetland areas to be added to the Green Corridor as biodiversity offset to the development of historically degraded portions of the site under 'improve or maintain' principles. In doing so, optimal land management boundaries and buffer zones will be established.

The large lot development concept will support the retention of vegetation within the proposed R2 Zone through implementation mechanisms referred to in the LHRCP (Section 8 pp44) as follows.

Covenants - Legal restrictions on use of land are able to be developed and implemented under the Conveyancing Act 1919. Restrictions on the uses can be applied as a condition of consent at the subdivision stage of a development. Covenants can restrict land use and may be linked to management plans and other agreements (Fallding 2004).

Management agreements - Management agreements are legal agreements or contracts to manage specific land parcels or restrict land use or activities. These agreements may also be linked to covenants, development rights, consent conditions or financial incentives and may be registered on land title and be binding on subsequent owners or, be a contract for a certain number of years (Fallding 2004).

Tree mapping and the creation of building envelope covenants to minimise clearing is likely to retain up to 70% of trees as has been achieved in similar developments in the region.

The planning proposal has identified the proposed E1 National Parks and Nature Reserves zone to be suitable for transferring to the adjacent National Park reserve. A Planning Agreement will be the enabling mechanism for the transfer and will establish the necessary funds required to facilitate ongoing maintenance of the zone. Bushland regeneration, improvements and maintenance will be carried out over the duration of the development prior to handing over.

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

Port Stephens Council Integrated Plans (PSIPs) 2012-2022

The Port Stephens Integrated Plans contained in the PSC Integrated Strategic Plans document are the Community Strategic Plan – Port Stephens 2021, containing the Strategic Directions agreed with the community of the LGA; a four year Delivery Program 2012-2016, which sets out what Council will deliver to achieve the long term strategic directions; and the Operational Plan 2012-2013, which sets out the actions that Council will undertake in that year.

Environmental Management

Item 3.1 Maintain and improve existing biodiversity levels through development and implementation of conservation programs; under Environmental Management strategic directions identifies a number of deliverables consistent with outcomes of the planning proposal namely;

Operational Plan 2012-2013		Planning Proposal response
3.1.1	Increase environmental awareness and continue the implementation of Council's programs to protect and improve biodiversity across the LGA.	Preservation of SEPP 14 Coastal Wetland within the subject land by inclusion within the proposed 34ha E1 National Parks and Nature Reserves zone.
3.1.3	Review land use strategies and policies with a view to increased protection for biodiversity and water quality.	Create suitable buffer zones between proposed R2 Low Density Residential Zoning and E1 National Parks and Nature Reserves zone containing masterplanned water cycle management infrastructure landscaped to transition between zones.
3.1.4	Promote good land management practices on private and government land to protect flora and fauna and water quality.	Create large lots (2000m ²) suitable for creating building covenants to retain vegetation on each lot. Implement VCA to establish Landcare centre managed by local residents for community engagement and "ownership" of flora and fauna and water cycle management zone. Provide access and activity zones suitable for school group educational interaction.

Sustainable Development

Item 3.8 Develop strategic land use plans including a community strategy Operation Plan 2011-2012.

3.8.1 Identify suitable land for rezoning

The Medowie Strategy currently under review is considering the site for potential inclusion for investigation purposes.

Transport

Strategic measures identified under Transport directions include; Reliable Public Transport and Maintained road infrastructure. *Item 4.7 Provide linkages between transport services, infrastructure, residential and employment service nodes* under Transport directions is achieved by the planning proposal as follows;

- The development is located directly adjacent to the existing Kindlebark Estate residential community and utilises several access (stub) roads left in previous subdivisions, as provided for in the original masterplan, for that purpose.
- The planning proposal is adjacent to the existing bus route and will accommodate an efficient detour through the site,
- The additional 120 lots helps achieve the necessary critical mass required to ensure a reliable public transport (bus) system can be sustained and increased as indicated by the bus company,

- The proposal allows for the extension of the shared pedestrian cycleway connecting the Medowie town centre to the site and through the proposed open space public domain masterplanned as a recreational destination,
- Additional annual revenue will provide support for maintaining road infrastructure in the region.

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

Consistency of the planning proposal with State Environmental Planning Policies is outlined in the table below.

Table 2: Consideration of State Environmental Planning Policies

Name of State Environmental Planning Policies (SEPP)	Applicable	Consistency & Implications
SEPP No.6 - Number of Storeys in a Building	No	
SEPP No.14 - Coastal Wetlands	Yes	The Planning Proposal shall preserve and protect the area of SEPP 14 Coastal Wetland within the subject land by inclusion within the proposed E1 National Parks and Nature Reserves zone. The National Parks and Wildlife Act 1974 shall apply in lieu of SEPP No.14 upon amendment of the LEP.
SEPP No.15 - Rural Landsharing Communities	No	
SEPP No.21 - Caravan Parks	No	
SEPP No.22 - Shops and Commercial Premises	No	
SEPP No.26 - Littoral Rainforests	No	
SEPP No.30 - Intensive Agriculture	No	
SEPP No.32 - Urban Consolidation (Redevelopment of Urban Land)	No	
SEPP No.33 - Hazardous and Offensive Development	No	
SEPP No.36 - Manufactured Home Estates	No	
SEPP No.41 - Casino Entertainment Complex	No	
SEPP No.44 - Koala Habitat Protection	Yes	A Koala Habitat Assessment was undertaken in accordance with Council's Comprehensive Koala Plan of Management by RPS (Aust) 2013. The proposed E1 National Parks and Nature Reserves zone contains identified Core Koala Habitat and buffer zones. More detailed review of the Concept Masterplan can be considered following a Gateway determination.
SEPP No.50 - Canal Estate Development	No	
SEPP No.55 - Remediation of Land	Yes	The subject site has no indications of potential contamination from previous land use. A detailed assessment will be required at development stage.
SEPP No.62 - Sustainable Aquaculture	No	
SEPP No.64 - Advertising and Signage	No	
SEPP No.70 - Affordable Housing	No	

(Revised Schemes)		
SEPP No.71 - (Coastal Protection)	No	
SEPP (Affordable Rental Housing) 2009	Yes	The additional housing stock will help mitigate the current affordability crisis by increasing supply.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The proposed R2 Low Density Residential Zoning supports the aim of the SEPP by allowing the development of housing for seniors and people with disability.
SEPP (Infrastructure) 2007	No	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	
SEPP (Rural Lands) 2008	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency of the planning proposal with Ministerial Directions (Section 117(2) of the *Environmental Planning & Assessment Act 1979*) is outlined in the table below.

Table 3: Consideration of s.117 Ministerial Directions

Ministerial Direction	Applicable	Consistency & Implications
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Employment zones	No	
1.2 Rural Zones	No	The site has no agricultural value.
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	Yes	The proposal affects land that is currently zoned as E2 Environmental Conservation, to which this direction applies. This direction and the objectives of the associated SEPP (Rural Lands) 2008 do not prohibit the rezoning of the land for Urban use. This direction will not apply upon amendment of the LEP.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	Yes	The proposal is consistent with the direction in that it provides increased protection to the environmentally sensitive areas of the site by means of rezoning to E1 National Parks and Nature Reserves. An ecological assessment of the site has identified 22.22 ha of vegetation listed as Endangered Ecological Community (EEC) under the <i>Threatened Species Conservation Act 1995</i> . The proposed E1 zone will incorporate 19.4 ha (87.3%) of this vegetation. The Concept Masterplan presented for the subsequent development of the site shows that 2.37 ha (10.7%) of the EEC will be retained within public reserves, 0.38 ha (1.7%) may be affected by proposed Access Roads and 0.07 ha (0.3%) by the proposed residential area. The proposal is consistent with the Lower Hunter Regional Strategy objective for the Watagan Stockton Green Corridor, in that the proposed E1 zone consists of "Areas of high conservation values joining key

		corridors through the region that will be managed for conservation purposes” and that the Strategy makes the provision for development of lands around Medowie.
2.2 Coastal Protection	No	
2.3 Heritage Conservation	No	
2.4 Recreation Vehicle Areas	No	
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Yes	<p>The proposal is consistent with the direction in that the R2 Large lot residential zone will supply a housing type that is in high demand throughout the broader Port Stephens region.</p> <p>The large lot residential zone with significant tree retention mechanisms will provide a suitable transition from the existing urban development to the proposed E1 conservation areas.</p> <p>The immediate proximity of the R2 zone to the adjacent urban development means the proposal is making efficient use of existing infrastructure and services. Additionally, the proposal will provide funding for the enhancement of insufficient and failing infrastructure such as shared cycleways and stormwater management devices respectively.</p>
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	Yes	The proposal is consistent with the direction in that the proposed R2 Low Density Residential Zone allows home occupations without the need for development consent.
3.4 Integrated Land Use and Transport	Yes	<p>The proposal capitalises on and extends existing public transport (bus) and shared pedestrian cycleways to provide better services to jobs, Medowie town centre and recreational areas.</p> <p>The close proximity of the proposal to existing services, jobs and housing reduces distances travelled, especially by car.</p> <p>Additional population comprising a broader housing demographic (affordable, community, first home ownership, etc) creates critical mass necessary to sustain viable public transport services (bus).</p>
3.5 Development Near Licensed Aerodromes	Yes	Draft F35 Strikefighter EIS and proposed 2025 ANEF contours indicate that the proposal is not impacted by RAAF activities.
3.6 Shooting Ranges	No	
4. HAZARD AND RISK		
4.1 Acid Sulphate Soils	No	
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	Yes	The proposal falls within the Moffatts Swamp catchment with the proposed R2 Low Density Residential Zone limited to contours above the 1:100 yr flood level as provided by Council. The draft Water Cycle Management plan and Development Masterplan layout have taken into consideration PSC advice regarding flood prone land hazard

		considerations and stormwater management principles.
4.4 Planning for Bushfire Protection	Yes	The proposed R2 Low Density Residential Zone and Development Masterplan layout has taken into consideration the draft Bushfire Hazard Assessment and Management Plan to ensure the requirements of the RFS can be met.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Yes	The proposal is consistent with the Lower Hunter Regional Strategy objective for the Watagan Stockton Green Corridor, in that the proposed E1 zone consists of “Areas of high conservation values joining key corridors through the region that will be managed for conservation purposes” and that the Strategy makes the provision for development of lands around Medowie. The site is being considered for inclusion within the Medowie Strategy review for potential development subject to investigation.
5.2 Commercial and Retail Development along the Pacific Highway, North Coast	No	
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

SECTION C – Environmental, Social and Economic Impact

8. 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?

A Flora and Fauna Assessment prepared by RPS Australia East (August 2013) to inform the planning proposal and Gateway Determination provided the following conclusions;

In total, twenty one threatened species and eight flora species listed under the Threatened Species Conservation Act 1995 were identified with potential or known habitat within the site. Of these, twenty one fauna and one flora species were assessed as having potential to occur within impacted areas. Assessments of Significance concluded that the proposal was unlikely to significantly impact upon any of these threatened species.

In total, five threatened fauna species and seven threatened flora listed under the Environmental Protection and Biodiversity Conservation Act 1999 were assessed to possibly occur on the site or the site supports preferred habitat for the species. Of these, five threatened fauna and one threatened flora species was assessed as having potential to occur within impact areas. Assessments under the EPBC Act concluded that the proposed activity was unlikely to significantly impact on any of the identified species.

Assessment under the CKPoM found that Preferred Koala Habitat, Habitat Buffers, and Habitat Linking Areas occur on site. Koala SATs were used to assess activity levels on site.

SATs recorded no koala activity, and therefore Habitat Buffers were set at the minimum 50 meters around Preferred Koala Habitat. All koala food trees found within potential impact areas were recorded on GPS and marked with flagging tape.

Field surveys undertaken within the site resulted in the identification of three threatened fauna species, namely the Grey-headed Flying-fox (*Pteropus poliocephalus*), Little Bentwing-bat (*Miniopterus australis*), and Glossy Black-cockatoo (*Calyptorhynchus lathami*). No threatened flora species were identified within the site during field surveys.

Four vegetation communities, MU 30 Smooth Barked Apple Woodland, MU 37 Swamp Mahogany – Paperbark Forest (EEC), MU 42 Riparian Melaleuca Swamp Woodland (EEC), and MU 44 Coastal Wet Sand Cyperoid Heath, were delineated on site through rapid data point surveys and consultation with existing literature.

The habitats on site were of good quality due to the presence of hollow-bearing trees, diverse stratum of understorey shrubs, and dense ground cover of logs, leaf-litter, grasses, and sedges. The habitats on site are contiguous with extensive surrounding native bushland.

A number of key threatening processes listed under the TSC Act exist or are a result of the proposal however with recommendations to mitigate and minimise environmental impacts these processes can be controlled through appropriate land use zoning boundary locations.

The Medowie State Conservation Area to the west of the proposed northern precinct has been investigated for fauna population and activity and found to be of significantly low ecological value due to vegetation clearing and recreational activities. Adjoining urban infrastructure to the west and the above historical impacts, reduce the requirement for east west connectivity within the site.

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

Flora and Fauna

Critical flora and fauna communities identified on the site have been located and the proposed E1 National Parks and Nature Reserves land use zoning mapped accordingly. Buffer corridors of 100m or greater have been included in the zone. Development infrastructure including bushfire management buffers and stormwater management devices are contained within the R2 Low Density Residential Zone.

The minimum lot size allocation of 2,000m² to the northern precinct of the Proposal along with LPI registered lot covenants will ensure tree retention outside the prescribed building envelopes is achieved. Additional controls contained within the covenants such as open fencing types, pet prohibitions and pool departure mechanisms will;

- Establish and maintain mature vegetation corridors for East – West fauna linkages between the Medowie State Conservation Area to the west and the proposed E1 zone to the east,
- Provide koala activity with safe passage through the site.

Flooding and Drainage

Although the Moffatts Swamp catchment is not subject to the same downstream flood prone land inundation issues characterised by the Campvale Catchment, the planning proposal masterplan has taken into account findings of the Water Cycle Management Plan (WCMP) prepared by BMT WBM (July 2013). The WCMP utilised innovative water sensitive urban design principles to ensure stormwater quantity and quality as a result of urban development within the proposed R2 Low Density Residential Zone does not impact the downstream aquatic ecosystems and Moffatts Swamp that form the key receiving environment for the development.

The stormwater management systems are designed to integrate into the natural environment utilising a series of stormwater quality improvement devices (SQIDs) that do not require maintenance. The SQID system forms a perimeter to the urban zone and fall within the proposed R2 zone and outside the riparian zones and endangered ecological communities.

The WCMP and development masterplan allows for the removal of the existing dilapidated stormwater quality control ponds and utilises the proposed SQIDs to manage the stormwater discharge from the upstream development.

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

Social Benefits

Medowie provides a mix of housing opportunities including rural, rural residential, residential and town house dwelling. It is this wide range of land use types that creates the diversity that typifies the Medowie community. The further urban development of the area will provide support for the growing social services such as medical, educational, commercial, recreational and community based facilities.

The Medowie Strategy and the Port Stephens Planning Strategy seek to capitalise on this strength by ensuring future urban growth retains suitable proportions of such housing stock.

It is through the provision of a wide range of housing types, style and affordability that a community develops a diversity of cultures, family structures, generations and interest groups.

Housing affordability is now acknowledged as community risk with little opportunity for first home owners to enter the market or renters to find affordable accommodation. Further restrictions to supply only serve to impact upon the social environment of Medowie with long term negative effects.

The planning proposal will provide a large lot housing option which adds to the accommodation mix proposed in the MS and not in ready supply throughout the region. Anecdotally, demand for this housing type is in strong demand according to real estate agents in the area.

The immediate and short term demand for housing is generated by; latent demand through low supply, lack of unfragmented developable land under one ownership that doesn't cause downstream flooding issues and is commercially viable, recent and ongoing development of the RAAF Williamstown Airbase and Newcastle Airport, increasing employment demands of the Medowie town centre, lack of affordable housing stock in the broader region and increasing population of the Lower Hunter.

Additionally, the increased population generated by the proposal will provide student numbers required to enable the proposed Dept Education secondary school to be built at the Wirreanda site on Ferodale Road. This will relieve the local students of the need to travel to and from Raymond Terrace each day.

Economic benefits

Subsequent to the construction phase of the planning proposal, which will provide immediate economic benefit to the local and broader community, is the ongoing wealth generating activity of the daily service consumption requirements of the additional residents. The multiplier effect of each new resident will serve to increase the economic strength of Medowie and the wider area.

Immediate proximity of the site to the Kindlebark Estate ensures efficiencies are achieved in the delivery of public infrastructure and utility services. Existing public transport (bus) routes adjacent to the proposal will benefit from the increased demand, making the service more sustainable.

Additional revenue from Section 94 Contributions and annual council rates contribute towards the ongoing upgrade and maintenance of public infrastructure in the area.

The proposal will provide contribution funding toward future upgrading of the Medowie to Raymond Terrace sewer transfer main and power supply infrastructure.

SECTION D – State and Commonwealth interests

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

The main objectives of the draft Infrastructure Assessment Report prepared by Carman Surveyors (2013) are to provide an initial overview of; existing local and regional infrastructure that can be utilised to support the planning proposal, new infrastructure that may be required to facilitate the proposed land uses and future development within the site and constraints and opportunities relevant to the site in terms of infrastructure, topography and environmental factors, over the four key components of infrastructure; Transportation, Stormwater Management, Utilities and Community Facilities.

The report indicates that;

Transportation –

Coachwood drive is the nearest existing road to the site, which is classified by the Structure Plan as a Local Street. However, with a carriageway width of 11m and a 22m road reserve, the characteristics of Coachwood Drive are similar to that of a Collector Road which provides sufficient capacity for existing and proposed traffic loads.

There are two existing 17m frontages to Coachwood Drive, which were provided by the Kindlebark subdivision as future road connections to the site. A road connection to the southern end of the site from Ferodale Road may also be possible through a Public Reserve that currently serves as a formed Right of Carriageway to HWC land.

Hunter Valley Buses provides regular bus services and school bus services to the local areas. Existing bus stops are located at Laurina Street, 300m from the northern site access point, and at Ferodale Road, 160m from the potential southern site access point. The following bus services are available:

- Route 136 (Laurina Street & Ferodale Road) - Raymond Terrace to Stockton via Newcastle Airport
- Route 137 (Ferodale Road) - Raymond Terrace to Lemon Tree Passage
- Wirreanda School Service (Laurina Street & Ferodale Road)

Hunter Valley Buses have indicated that the proposed residences would support additional services to those above as well as a route diversion through Coachwood Drive.

The main cycleway to Raymond Terrace commences on Ferodale Road, west of Grey Gum Street, approximately 1km west of the potential southern site access point. There are small isolated sections of cycleway in a few parklands within Medowie, but none are within the immediate vicinity of the site. The DCP requires a Dual Use Path or Cycleway to be provided for roads classified as Collector Roads or higher. The planning proposal includes provision for the extension of the Dual Use Pathway to and within the site thus completing the link to the Medowie town centre and Raymond Terrace.

There is an existing concrete footpath providing pedestrian access along the eastern side of Coachwood Drive to Ferodale Road, apart from a section near Robina Avenue, where there is no formal footpath provided for approximately 280m. The planning proposal includes provision for the extension of the pedestrian pathway to and within the site.

Stormwater Management –

Drainage Systems

There are no waterways within the site, as defined by the Water Management (General) Regulation 2011. This is based on inspection of the reference Topographic Map, Karuah (9232-1S) 1976 edition, as specified by Schedule 2 of the regulation.

The site generally drains towards the eastern portion of the site, where there is a State Environmental Planning Policy (SEPP) No. 14 Coastal Wetland known as Moffets Swamp. The required buffer distance of 100m has been allowed for between any future development and the wetland.

Stormwater runoff from existing residential areas is discharged directly onto the site from Coachwood Drive and Barrington Close. Provision for the management of existing and proposed flows has been modelled and allowed for in the planning proposal masterplan.

Water Quality

There are two existing water quality treatment ponds within the site that treat stormwater runoff from the adjoining residential areas. It is apparent that these ponds may not be performing as originally intended, due to weed infestation, siltation and erosion of embankments. Provision for the management of existing and proposed stormwater quality management has been modelled and allowed for in the planning proposal masterplan.

Flooding

Port Stephens Council's Flood Prone Land Map (2009) identifies parts of the site as being within the Flood Planning Area. The Flood Planning Level as specified by PSC is the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

The R2 Low Density Residential zone and stormwater management devices are limited to natural surface levels equal to or above the 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

Utilities -

Sewerage

Developer advice provided by the Hunter Water Corporation indicates that sufficient capacity exists to service the planning proposal via Medowie WWPS No.9 and Medowie WWPS No.10 with upgrade works required for the transfer main to Raymond Terrace Waste Water Treatment Works at some time in the future.

Water Supply

An existing 200mm diameter water main is located on the eastern side of Coachwood Drive. Preliminary advice from Hunter Water Corporation is that there is sufficient capacity in the local water supply system for additional development.

Electrical Network

Inquiries with Ausgrid indicate that sufficient capacity is available in the current supply system although augmentation is required in the near future. The planning proposal will provide financial support for the regional augmentation works.

Telecommunications

Underground Telstra cables provide telephone services to the adjoining residences of Coachwood Drive. There is an underground cable that crosses the southern end of the site to service the Hunter Water Corporation owned land.

The expected commencement date for construction of the National Broadband Network in Medowie is not currently shown on NBN Co's rollout map. The final planned date for connection of all residences in Australia is 2021.

Gas Supply

A reticulated gas supply is currently not available within the vicinity of the site.

Community Facilities

Education

The site is located within the catchment for Wirreanda Public School (K-6), which provides capacity for 600 local students. Before and after school care facilities are also available.

The Medowie Strategy states that the Department of Education site is sufficient for secondary school expansion, which would be of great benefit to Medowie, as there are currently no local government high schools. The Dept has indicated a senior school is to be built at the Wirreanda site in the near future, this will relieve a significant number of students from having to travel to and from Raymond Terrace each day.

There are two other schools located within Medowie, Medowie Public School (K-6) and Medowie Christian School (Non-Government K-10). Two pre-schools are also located in the area, Medowie Community Pre-School and The Medowie Gumnut Preschool.

Recreation

Kindlebark Oval is located approximately 300m west of the site and provides playground, picnic, and BBQ facilities. The oval has lighting for organised sporting events such as athletics, cricket and soccer.

The Planning Proposal Concept provides additional parkland passive recreational spaces to complement the nearby formal sporting facilities at Kindlebark Oval. The bushland setting around the perimeter road will be an attractive environment for pedestrians and cyclists.

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

The views of the relevant public authorities will be sought following an LEP Gateway determination from the Department;

- Ausgrid
- Catchment Management Authority
- Department of Primary Industries
- Department of Defence
- Hunter Water Corporation
- Office of Environment and Heritage
- Roads and Maritime Services
- Rural Fire Service
- NBN

- Telstra

However, initial discussions and advice obtained for planning proposal masterplanning purposes from the salient authorities are as follows;

Hunter Water Corporation

Water Supply - Sufficient capacity exists within the current water supply system to service the proposed development.

Wastewater Transportation – Sufficient capacity exists within the Medowie No. 6 and No.9 WWPS which service the site and the regional transfer main to Raymond Terrace WWTW. However, further urban development within the Medowie catchment may be constrained by the need to upgrade the transfer main. The proposed development will provide funding for a servicing and upgrade strategy that would benefit the future population growth in the Medowie region.

Wastewater Treatment – There is sufficient capacity at Raymond Terrace WWTW to service the proposed development.

Department of Defence

2025 ANEF Mapping for the proposed F-35A Lightning II aircraft operating at the Salt Ash Air Weapons Range draft EIS 2014, indicates the site falls outside the 20 ANEF contour.

Office of Environment and Heritage

Search results of the AHIMS Web Service indicate that no aboriginal sites or places have been recorded or been declared with respect to the site.

PART 4 – Mapping

The planning proposal seeks to amend the following maps within Port Stephens LEP 2013:

- Land Zoning Map
- Minimum Lot Size Map
- Height of Buildings Map

The following maps are included to illustrate the mapping amendments proposed:

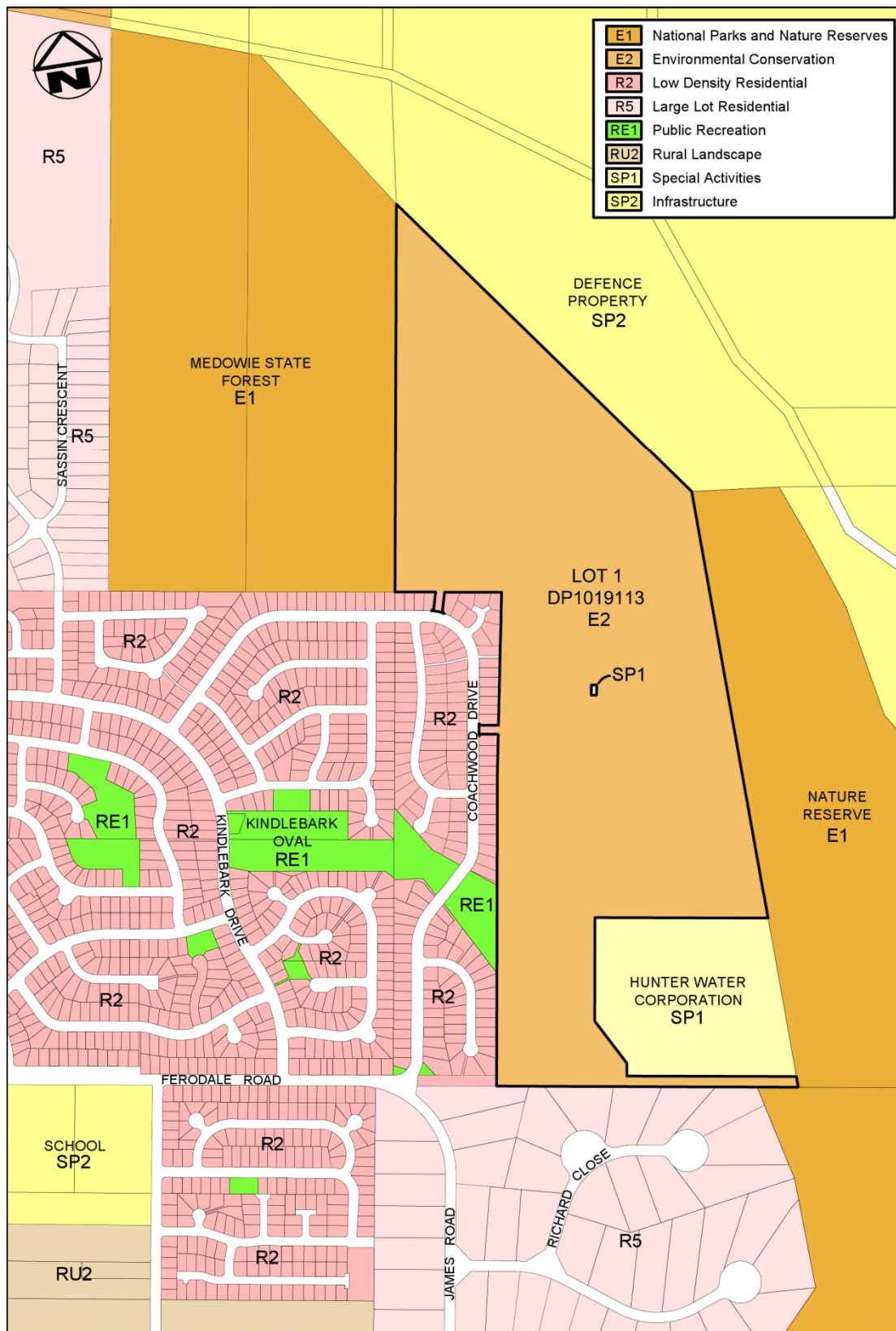


Figure 1 - Current Land Zoning

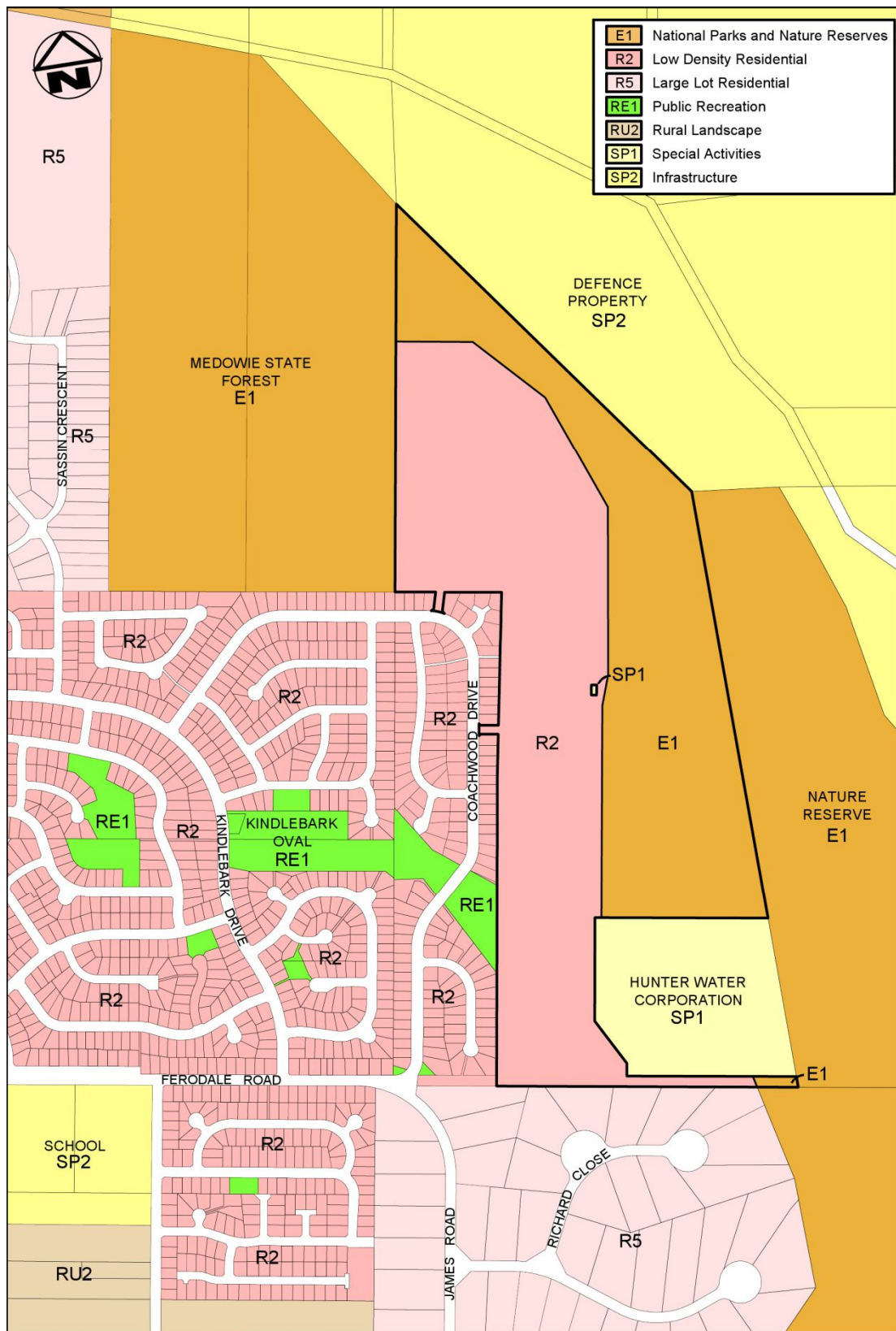


Figure 2 - Proposed Land Zoning

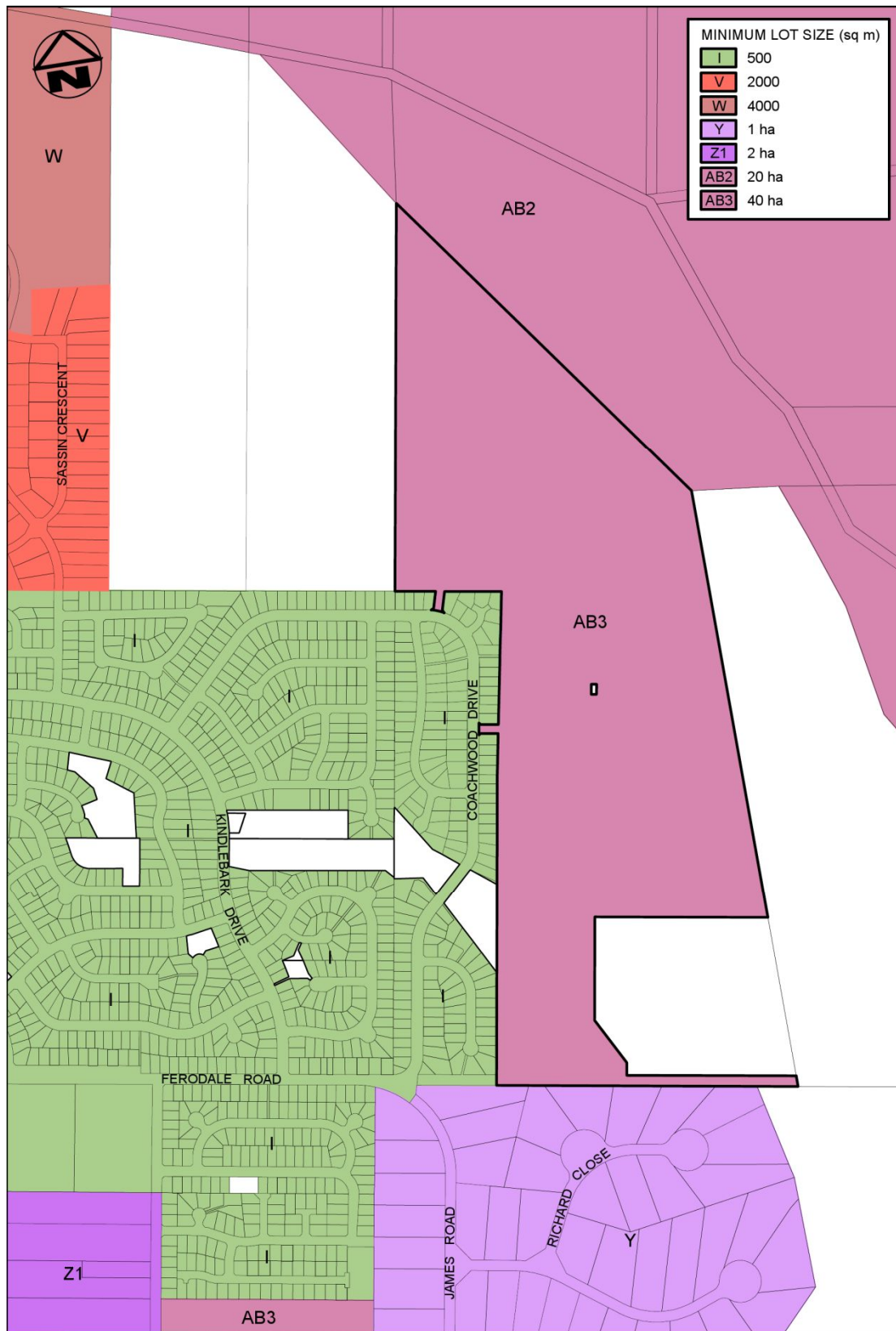


Figure 3 - Current Minimum Lot Size

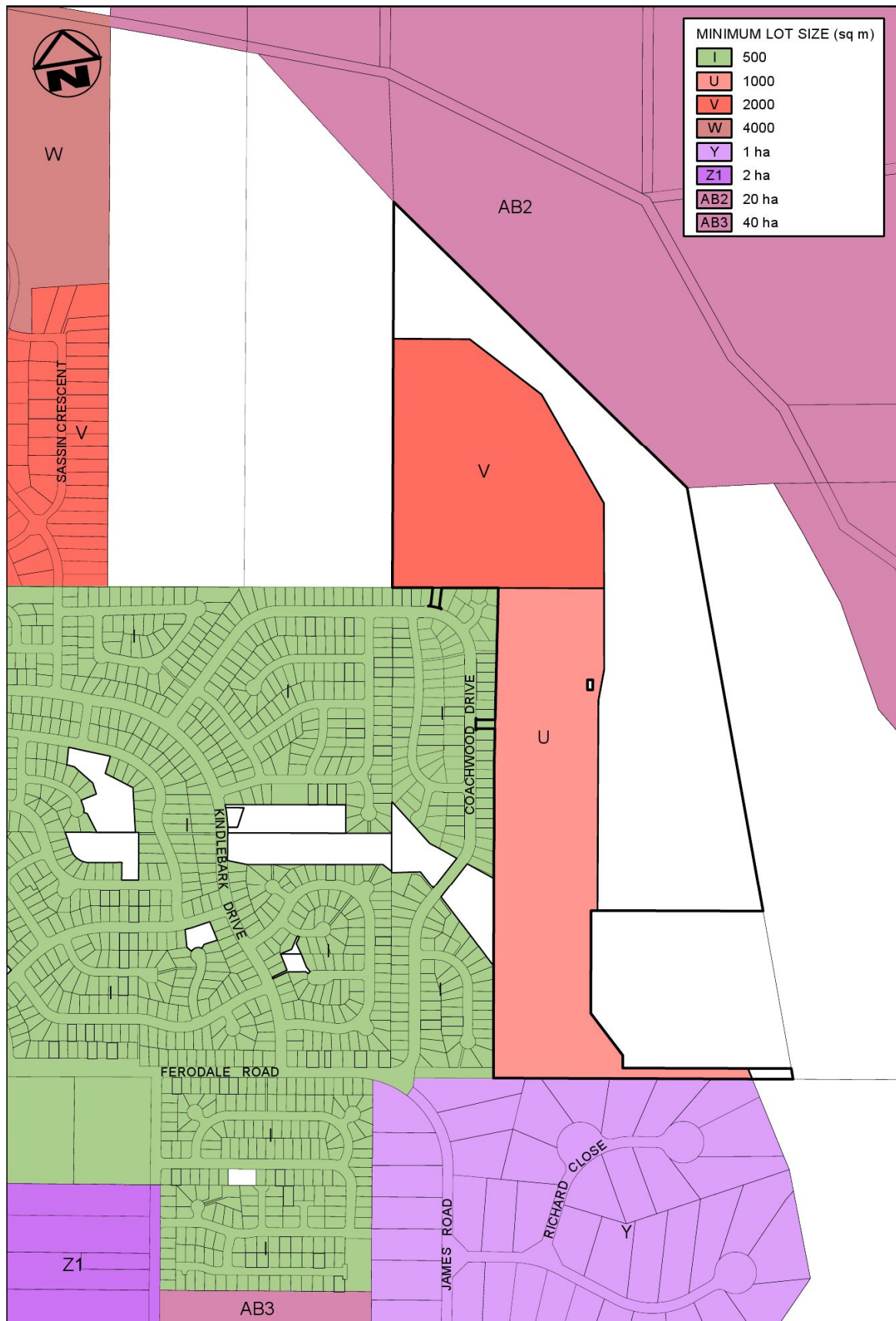


Figure 4 - Proposed Minimum Lot Size

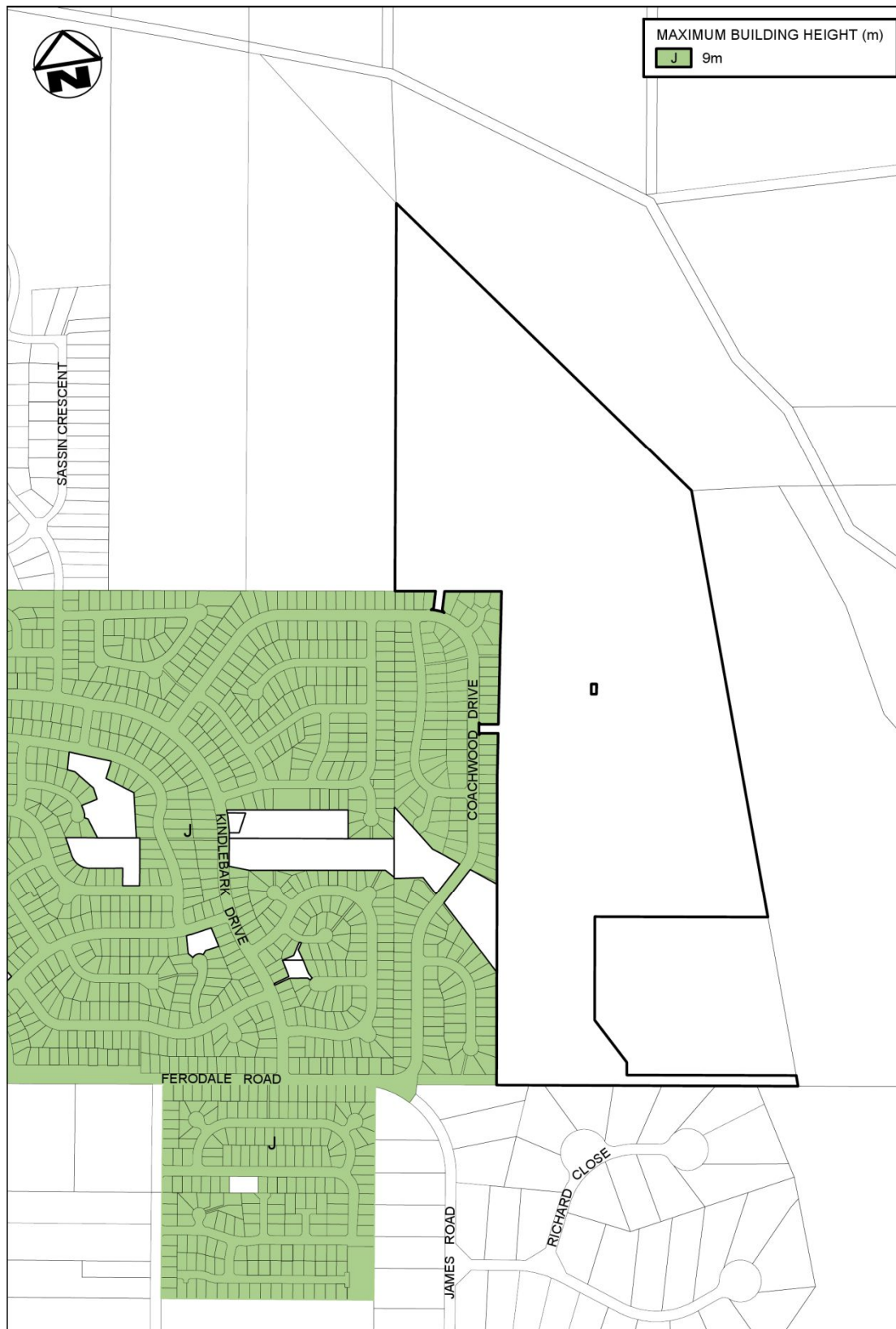


Figure 5 - Current Maximum Height of Buildings



Figure 6 - Proposed Maximum Height of Buildings

PART 5 – Details of Community Consultation

A 28 day exhibition period is considered to be appropriate for the Planning Proposal.

It is anticipated that notice of the public exhibition will be:

- Placed in a local newspaper circulating in the area,
- On Council's website at www.portstephens.nsw.gov.au
- In writing to adjoining landowners.

Relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – Timeframes

The project is expected to be completed within 8 months from Gateway Determination. The following timetable is proposed:

	Task Description	Estimated Timeline										
		April 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	
1.	Gateway Determination											
2.	Completion of required technical information											
3.	Government agency consultation											
4.	Public exhibition period											
5.	Consideration of submissions and finalise the Planning Proposal											
6.	Submission to Department with request to prepare the Draft LEP											