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Information Package referencing Group Referral Responses to;

PLANNING PROPOSAL

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

February 2015

PSC Facilities and Services Group comments in blue

Proponents clarifications in black

Clarification of Referral Responses received from PSC Facilities and Services Group

Traffic and Transport

- Site access via the existing vacant frontages to Coachwood Drive will provide adequate vehicular and pedestrian access. Sight distance from the northern proposed access may be marginal and may need further investigation.

  Preliminary traffic analysis indicates that the sight distance for vehicles entering Coachwood Drive from the site is approximately 75m at the south eastern approach and over 100m to the western approach. Both of which are within safe sight distances for vehicles travelling at the currently signed 50km/h speed limit.

- The environmental constraints of the site may make it impractical to develop the whole site as proposed which could leave isolated pockets of development off each access road which will not be acceptable.

  The concept masterplan was prepared in accordance with the findings and recommendations of the comprehensive Flora and Fauna Assessment and Water Cycle Management Plan. More detailed consideration of the proposal under the Gateway process may review the Concept Masterplan.

- Roads proposed to be constructed across flood prone area will not be accepted as an asset by Council.

  The position of the road proposed to be constructed across flood prone areas will be re-considered under a more detailed consideration of the proposal which may require modifications to the Concept Masterplan.

- A southern access route is proposed to be via a formed gravel road from Coachwood Drive immediately adjacent to the Ferodale Road intersection. Currently a gravel track east of Coachwood Drive is graded as far as the water treatment site owned by Hunter Water Corporation. However, the 150m length at the rear of Barringum Close is dedicated as Public Reserve and not Public Road. In addition, the proximity of the gravel track intersection with Coachwood Drive would result in unsafe traffic conditions at the intersection. The use of the track and public reserve is not supported for a southern access to the site.

  More detailed consideration of the proposal under the Gateway process may review the Concept Masterplan.

- The road layout proposes a number of 4-way intersections. The urban design details indicate alternate textures and raised thresholds. The connections to Coachwood Drive also have timber sleepers embedded into the pavement and illuminated poles along the verge together with planted street trees. The final details for these elements is subject to assessment of traffic safety and maintenance implications. However, Council will not accept the ownership of assets embellished to a level which increases the cost of standard maintenance levels.

The proposed embellishments are designed to generate a more unique living environment for this precinct. The distinctive design will create a stronger sense of place and responsibility towards the adjoining bushland and conservation zones. A Voluntary Planning Agreement (VPA) can be used to define a commercial framework for this outcome.

The public domain design incorporates the philosophy of the Power of 10. The Power of 10 offers an easy framework that motivates residents and stakeholders to revitalize urban life, and shows that by starting efforts at the smallest scale you can accomplish big things. The concept also provides people something tangible to strive for and helps them visualize what it takes to make their community great.

At the core of the Power of 10 is the idea that any great place itself needs to offer at least 10 things to do or 10 reasons to be there. These could include a place to sit, playgrounds to enjoy, art to touch, music to hear, food to eat, history to experience, natural environment to enjoy and people to meet. Ideally, some of these activities are unique to that particular spot and are interesting enough to keep people coming back

- A traffic and transport report has not been provided. A preliminary appraisal is required pre any Gateway Determination and a comprehensive report after any Gateway Determination. This further investigation is required to establish whether the local road network has the capacity to support additional traffic generated by the proposed development. The existing major intersection at Medowie/Ferodale Roads is approaching capacity and with other developments in Medowie already approved or nearing approval it may be that capacity upgrades will be required in order to support the Planning Proposal.

  Reports should be undertaken by a qualified traffic engineer and include but not be limited to:

  - Capacity of roads and intersections.
  - Considerations and recommendations for the future internal road network.
  - Transport assessment for bus, vehicle, pedestrian and cyclists.
  - An assessment of traffic issues for the site with access only via the two 'stub' roads from Coachwood Drive.

  A preliminary transport and traffic report will be obtained on the basis of the site being included in the current Medowie Strategy review as the Strategy will more closely verify traffic volumes regionally. It is envisaged that the planning proposal will provide substantial funding for local and regional traffic upgrades.

  The two stub roads were created under the original Medowie East “Kindlebark Estate” Masterplan to facilitate development of the subject land.

- The portion of Coachwood Drive adjacent to the site is not currently a bus route but could easily become one without major disruption to existing services.

  Preliminary discussions with Hunter Valley Buses confirm this to be the case and that current services to the area will be substantially increased with the additional residents in the catchment.

- Extension of the Medowie Shared Path Network would be a good outcome for the community however construction of paths along flood-ways could be problematic from a maintenance perspective.

Path location and design in accordance with the Water Cycle Management Plan recommendations will mitigate public risk and maintenance costs.

Flooding and Drainage

- In the context of flooding and drainage the site is complex. There are multiple floodway and drainage systems running through the site. The major floodway from north to south-east carries floodwaters from the majority of the catchment area north of Moffats Swamp and a minor floodway from west to east carries stormwater from west of Moffats Swamp. The Report indicates that the development footprint will be outside the floodway and flood prone area. However the actual flood boundary must be located physically and the development footprint must then be located outside the flood prone area.

  A detailed topographical survey has been carried out to determine the site contours on AHD. The Water Cycle Management Plan and subsequent Concept Masterplan have relied on the actual site contours, flood levels provided by Council and catchment modelling to define the development footprint. The development footprint and stormwater management systems are outside the 1:100yr ARI flood prone land with an additional 500mm freeboard.

- The proposed road from Ferodale Road to the north through the development area would act as a barrier to the west-east floodway. The road may back up the water upstream to Coachwood Drive and therefore, the culverts under this road would need to be designed to cater for 1% AEP without any backflow of water. The culvert under this road must also be designed using a tail-water level of 9.5m AHD.

  More detailed consideration of the proposal under the Gateway process may require modifications to the Concept Masterplan however, the Water Cycle Management Plan and preliminary engineering design concept has taken these measures into account.

- Any water quality structures such as water quality ponds, bio-retention swales and other water quality structures should be located off-line to the water-ways/flood-ways.

  The Water Cycle Management Plan and topographical detail survey has taken this requirement into account.

- Future drainage must consider whole-of-catchment flows and detailed design must be carried out using minor/major concepts outlined in *Australian Rainfall Runoff* and Council's *Stormwater Management Code*.

  The Water Cycle Management Plan has modelled the entire stormwater catchment. The proposed stormwater management ponds and drainage systems have been designed to compensate for inadequacies in the existing upstream systems.

Recreation Areas

- Facilities are proposed within Council's adjacent reserve area; however these additional assets are not required in this location. The Proposal also proposes to dedicate a reserve area on the southern part of the site which currently includes EECs and is proposed to have additional facilities such as fitness equipment, paths etc. Council does not require this area and therefore does not wish to accept the offer of dedication.

  The Concept Masterplan is precursive and subject to further review and consideration.

- The ecological assessment provided confirms the conservation value of this area, accurately reflecting the intent of its E2 zoning. The proposal is not appropriate development in consideration of the performance criteria for rezoning in the CKPoM. The greater detail provided also reflects previous assessments finding that the site is severely constrained.

  The ecological assessment, Flora and Fauna Assessment and Report (RPS 2013), identifies the distinction between the site areas of greater and lesser conservation value. The proposed E1 National Parks and Nature Reserves zone intends to retain the higher valued areas whilst the proposed R2 Low Density Residential zone is limited to areas of marginal or low conservation value. The ecological assessment was carried out in accordance with the CKPoM guidelines the results of which informed the placement of buffer and preferred habitat zones. Ecological constraints and buffers recommended in the various policies have been implemented in a conservative manner.

  The rezoning of the site from Rural 1a to E2 Environmental Conservation was made as a departmental change using aerial photography and without site investigation or ecological assessment. The Flora and Fauna Assessment and Report (RPS 2013) provides a more accurate reference for this purpose.

- The proposed E1 area does seek to preserve the majority of preferred koala habitat and EECs on site already conserved on site. However the validity of the proposed E1 area as an offset to justify the removal of the already E2 conserved flora and fauna in the proposed R2 area should be assessed using OEH biobanking guidelines.

  OEH Biobanking guidelines and offset requirements are precursive at this stage and will be investigated under the Gateway consideration process using the Frameworks or Bio-Diversity Assessment.

- The ecological assessment establishes that the proposed removal of vegetation will not result in a significant impact on threatened species and EECs. However the assessment does not adequately apply OEH biobanking guidelines to consider the preservation of proposed E1 zoned area as an offset and mitigation measure for the loss of habitat and EEC. Similarly the assessment does not adequately assess the offsetting of the removal of Preferred Koala Habitat under the CKPoM.

  OEH Biobanking guidelines and offset requirements are precursive at this stage and will be investigated under the Gateway consideration process using the Frameworks or Bio-Diversity Assessment.

  The ecological assessment was carried out in accordance with the CKPoM guidelines the results of which informed the placement of buffer and preferred habitat zones.

- Comprehensive Koala Plan of Management Appendix 2 of the CKPoM provides Performance Criteria for Rezoning Requests. The proposed removal of preferred koala habitat and a preferred buffer is not consistent with criteria that rezoning should not result in development within areas of Preferred Koala Habitat or defined habitat buffers. Council has previous allowed removal of such areas if the lost habitat was offset. Both E. robsusta and E.

tereticornis will be removed as part of the proposed development footprint, these trees are important koala feed trees and no compensatory measures have been investigated.

The ecological assessment was carried out in accordance with the CKPoM guidelines, the results of which informed the placement of buffer and preferred habitat zones. Offsets or planting of compensatory areas will be established under the Masterplan review during the Gateway process.

- Fauna Corridors - The northern area (proposed R2 area above the limit of the existing residential area and adjacent to the Medowie State Forest) in particular is a core habitat area (Suitable contiguous patches of habitat large enough to sustain a viable population) for the Phascogale and Squirrel Glider with Landscape Links (contiguous patches of vegetation within which species move and forage between areas of dwelling habitat) for the koala and Black Bittern. Due the proximity of the National Park to the east and Medowie SF to the west this area should not be developed as it is an important E-W corridor link.

  The ecological assessment identified the Medowie State Forest to the west of the site as being low conservation value due to clearing and other factors. The close proximity of the urban development to the west and the low conservation value of the Medowie State Forest limits the value of an East –West corridor link through the northern portion of the site. The validity of the area as a biodiversity link can be investigated in greater detail under the Gateway process and subsequent Concept Masterplan review.

- The current development footprint will leave the Medowie State Forest area isolated and technically under s5A(d)(ii) (in relation to the habitat of a threatened species, population or ecological community : whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action). It will be a significant impact on isolating any threatened species, such as the koala, phascogale or squirrel glider, that maybe found in the forest.

  The ecological assessment identified the Medowie State Forest to the west of the site as being low conservation value due to vegetation clearing and other factors. The close proximity of the urban development to the west and the low conservation value of the Medowie State Forest limits the value of an East –West corridor link through the northern portion of the site. Threatened species, such as the koala, phascogale or squirrel glider were not evident in these areas. The validity of the area as a biodiversity link can be investigated in greater detail under the Gateway process and subsequent Concept Masterplan review.

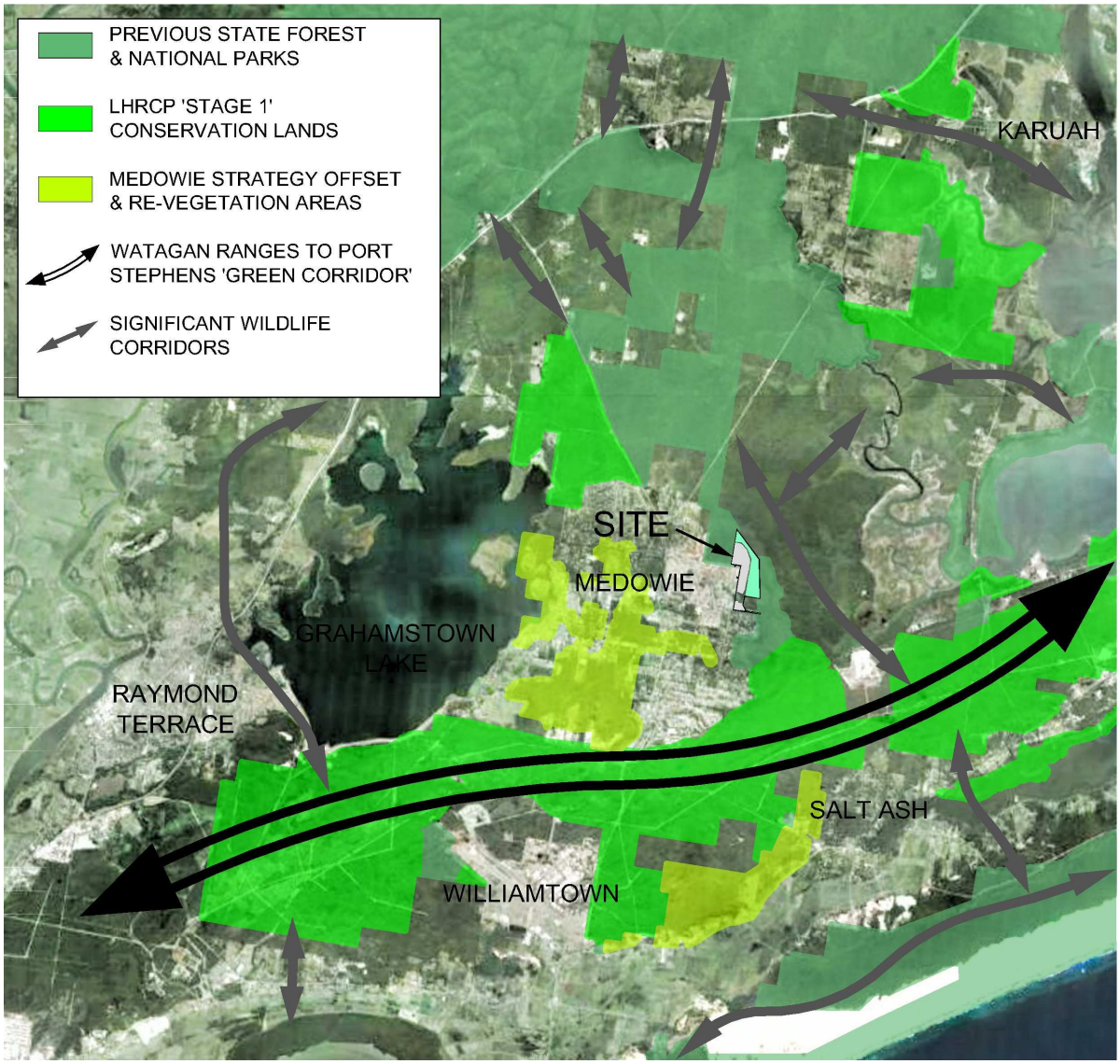
- EEC – there is removal of some swamp sclerophyll EEC (also known as preferred koala Habitat), this too has not been offset.

  The preliminary Concept Masterplan may require revision to mitigate this occurrence if bio-diversity offset arrangements are not considered appropriate.

- To assess the validity of the proposed E1 land and to maybe offset some the loss of the koala habitat, EEC and the northern fauna corridor of the proposed footprint, the Proponent must look at biobanking offset lands in the vicinity and the E1 areas should be assessed as an offset under OEH biobanking guidelines.

  Frameworks for Bio-diversity Assessment will be used to consider the offset requirements of the revised Concept Masterplan when investigated under the Gateway consideration process.

Biodiversity - The site of the planning proposal is located on the western edge of the Watagans to Stockton Green Corridor (LHRS 2006) and adjoins the eastern boundary of existing urban development. The relative area of the proposed R2 Low Density Residential zoning to the forested region adjoining to the north, east and south of the Medowie is less then 0.1%. As illustrated in the following map which identifies the site with respect to the Medowie section of the 'Green Corridor' and the adjoining east Medowie Kindlebark Estate urban area.



The site of the planning proposal is currently degraded and subject to illegal dumping, vehicular activities and ineffective stormwater management facilities which continue to threaten the downstream wetland systems. The proposed E1 National Parks and Nature Reserve zone conserves the portion of the site identified in the Flora and Fauna Assessment and Report (RPS 2013) as being of higher biodiversity value. The planning proposal will remediate the site, establish effective stormwater management infrastructure, prohibit ongoing dumping and facilitate community custodianship of the valuable biodiversity areas through seed funding and initiating a community based environmental "landcare" group. Turning the community towards the bushland through the use of innovative town planning concepts and public domain design will overcome the negative results of the current development which turns its back on the forested areas.

Medowie Strategy review – Inclusion of the site within the current Medowie Strategy review for investigation purposes will provide opportunity for the site to be considered more fully as is expected under the Gateway process. Similarly, investigation of the northern portion of the proposed development under the Gateway process will provide opportunity for a more comprehensive analysis of the site, the adjoining land uses and biodiversity, bushland connectivity, bushfire risk and management, community expectations and recreational activities and town planning design and innovation.

S117 Directions – The current land use zone for the site was converted to E2 Conservation from Rural 1a using air photography, without site analysis or specific flora and fauna studies to support the conversion. The planning proposal based on scientific investigation provides a more accurate reflection of the site's constraints and opportunities. The proposal to transfer proposed E1 zoned land to National Parks and Wildlife Service is based on a reasonable number of rezoning precedents and common expectations of the community. Further investigation can be carried out to this end under the usual Gateway processes.

Koala Habitat – The Flora and Fauna Assessment and Report (RPS 2013) accurately identifies the site conditions in accordance with the CKPoM methodology and applies conservative buffers to proposed urban land uses. If necessary, biodiversity offsetting specifically targeting koala habitat and feed trees, can be implemented in more critical areas of the Medowie region. This can be investigated more fully under the Gateway process and Frameworks for Biodiversity Assessment.

EEC and BioBanking – The planning proposal has limited R2 land use zones to non EEC areas only. Moreover, conservative buffer widths in excess of the guidelines have been implemented between proposed R2 land uses and EEC areas. The ratio of proposed E1 National Parks and Nature Reserve zone to R2 Low Density Residential zoning areas is 26.58ha to 27.91ha respectively. Similar offset ratios, nominally 1:1 have been adopted in the region recently. Further investigation and discussion to maximise the benefits to stakeholders, particularly with respect to the Medowie Strategy objectives, can be carried out under the usual Gateway processes and Frameworks for Biodiversity Assessment.

Voluntary Planning Agreement (VPA) – A Voluntary Planning Agreement (VPA), formally agreed to between stakeholders, defining; remediation requirements, maintenance standards, commercial terms, management, resourcing and proponent responsibilities will form the basis for the discussion on potential inclusion of lands to the Medowie SCA. The VPA will establish a funding mechanism for ongoing maintenance and control of the conservation zone.

Concept Masterplan and Planning for Bushfire – The review of the northern portion of the planning proposal referred to above will consider the use of a perimeter road. The perimeter road provides a number of benefits to the master plan namely;

- House design and activities directed towards the bushland and public domain,
- Provides more comprehensive passive surveillance of bushland and public domain,
- Discourages illegal dumping and use of the bushland,
- Satisfies planning for bushfire principles for the site (APZ, fire installation access, etc),
- Contains and directs stormwater flows towards water quality control and management devices.

Flooding – The Water Cycle Management Plan (BMT WBM 2013) was prepared after extensive discussion with PSC stormwater engineers to ensure outcomes are compatible with Council policy

and maintenance guidelines. The document is a preliminary report based on whole of catchment modelling for Gateway consideration only. MUSIC modelling was used to determine catchment discharges both before and after proposed development as well as suitable sizes and locations for stormwater quality improvement devices (SQIDS). Tailwater levels provided by Council and professionally surveyed site contours based on a topographical and detail survey were inputs to the model. Although the Moffatts Swamp catchment is not considered critical to downstream flooding, increased runoff volumes have the potential to impact adversely on the hydrologic regime and ecology of Moffats Swamp. The concept Masterplan is based upon Water Sensitive Urban Design (WSUD) principles recommended in the Plan.

Port Stephens Council is seeking to improve the management of stormwater runoff quality and quantity from new developments, whilst also ensuring that the systems implemented are financially sustainable to maintain. Stormwater Quality Improvement Devices (SQIDs) assist to manage stormwater quality and quantity from development. SQIDs function by detaining, retaining, harvesting, screening, filtering, infiltrating and/or biologically treating stormwater runoff to reduce the concentrations and loads of pollutants discharged to the receiving environments. SQIDs can also assist with reducing stormwater runoff volumes to reduce impacts on the wetting and drying cycles of natural wetlands. SQIDs are proposed throughout the development to intercept and treat stormwater runoff prior to discharge into the receiving environment.

The existing and poorly operating stormwater quality control systems within the site along with undersized upstream drainage structures will be replaced with appropriately designed and located stormwater management infrastructure.

Detailed design principles and calculations will be tabled for discussion and review under the Gateway process as the concept Masterplan is reconfigured under the more exhaustive investigation process.

Aboriginal Cultural Heritage – A due diligence search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) for the following area at Lot: 1 DP: DP1019113 with a Buffer of 50 meters in July 2013, has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location

A more detailed aboriginal heritage survey and report will be carried out under the Gateway process as is typically the case.