



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

October 2014

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 low density residential development with a minimum lot size of 500m², 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.

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,
 - b. E1 National Parks and Nature Reserves zone over the remainder of the site.
2. Amend the Minimum Lot Size Map to show a minimum lot size of 500m² 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 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 is referred to in the LHRS as a township with the potential to contribute towards the regionally required 69,000 new greenfield lots over 25 years. Key to success of the Strategy is maintaining the character of existing suburbs, providing greater housing choice and maximising use of existing infrastructure such as public transport while identifying and protecting environmental assets. The planning proposal supports these high level criteria.

Additionally, housing stock in close proximity to the RAAF Base Williamstown – Newcastle Airport Employment Zone referred to in the Strategy is increasingly in greater demand.

The Strategy strongly promotes the need for a greater mix of housing types. The planning proposal includes a range of community and affordable housing stock, more standard housing product and to a lesser degree, higher value housing opportunities. Community and

affordable housing stock will include smaller, lower maintenance homes, units and attached dwellings for older people and young singles or couples.

The planning proposal satisfies the Strategies' recommendation that release areas are greater than 50 hectares. The majority of land holdings in the Medowie region are substantially less than 50 hectares thus limiting opportunity for development.

The residential component of the planning proposal is consistent with the strategic outcomes of the LHRS with respect to;

- Housing,
- Transport,
- Environment and Natural Resources,
- Natural Hazards,
- Water and
- Heritage.

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.

A Voluntary Conservation Agreement (CVA) 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 CVA will include mechanisms for community interaction and ownership through active and passive recreation and management opportunities.

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 demand upon the existing public transport services thus strengthening its viability as encouraged in the Strategy. Moreover, the development of proposed pedestrian and cyclepaths between the site and Medowie town centre will support 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 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.

The Strategy details various physical and statutory constraints to development including; government owned or affected land, flood prone land, ecological constraints, biodiversity corridors, koala habitat, conservation significance, aircraft noise, traffic loadings and road capacities. The planning proposal is not adversely constrained by the constraints referred to in the Strategy.

The structure plan identifies seven distinct Neighbourhoods, the planning proposal immediately adjoins the Wirreanda Neighbourhood 500m pedestrian catchment with the majority of the site falling within the 750m zone of influence which also includes Medowie Public School and the proposed Secondary School site.

Neighbourhood parks and community gardens are strongly supported under the MS in order to attract a wider population demographic and supporting housing types not providing large open space elements. The planning proposal seeks to enhance existing public domain by extending open space corridors within the Kindlebark Estate through the site and incorporating active and passive recreational infrastructure. Additionally, an affordable housing precinct located within the southern section of the site will include the following elements;

- Proximity to public transport,
- Pedestrian access to the Medowie Town Centre via a shared pedestrian/cycleway,
- Community gardens,
- Landcare and bush management facility,

- Public domain infrastructure such as active and passive recreational facilities.

Benefits of community and public domain infrastructure include;

- Additional food source,
- Community engagement,
- Job skills training for youth,
- Small business enterprise such as organic food retail, nurseries, etc
- Personal and social wellbeing through horticultural therapy,
- Building and strengthening community relations,
- Educational programs such as school groups and
- Integrated use of urban space and resources.

The Strategy suggests that with respect to urban development capacity within the Wirreanda Neighbourhood, 353 standard residential lots, 173 villas and townhouses, 15 home enterprise lots, can be achieved. However, closer inspection of undeveloped land in the Neighbourhood indicates that isn't the case. Drainage corridors, NSW Dept of Education ownership and previously developed land comprise a large proportion of the area. However, this planning proposal which is located immediately adjacent to the Wirreanda Neighbourhood zone as illustrated in the Strategy, provides the opportunity to more closely achieve the MS goals including Community Use, Parks and Reserves and Potential Carbon Offsetting areas referred to in Appendix 3.

The Implementation Strategy detailed within Appendix 4 of 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.

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) 	The site immediately adjoins the existing Kindlebark Estate urban development and includes two road entry points in accordance with early masterplan layouts.
<ul style="list-style-type: none"> • Demonstration that if clearing is required, a biodiversity offset can be delivered to the satisfaction of DECC; and 	Proposed biodiversity offsets areas of high conservation quality exceed clearing for development areas.
<ul style="list-style-type: none"> • Illustrate that development of the site will not prejudice orderly development of the IPS in its entirety. 	The development of the site represents the logical extension of the Kindlebark Estate and doesn't overlap IPS boundaries.
<ul style="list-style-type: none"> • Coordination of landowners in regards to joint rezoning and DCP, agreement on infrastructure provision and positioning, road 	As the planning proposal site falls under the one ownership the development is not subject to complications arising from multiple ownership

network alignments, open space, drainage structures etc to the satisfaction of council; and	agreements and potential land area and cost inequalities.
<ul style="list-style-type: none"> Minimum rezoning area of 10 hectares to provide efficient delivery and coordination of infrastructure; and 	The site is in excess of 61ha comprising 28ha urban development and 33ha conservation areas.
<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 	The site falls within the Moffats Swamp catchment and is not affected by flooding. A Water Cycle Management Plan prepared by BMT WBM has informed the development masterplanning phase with respect to stormwater, water quality flooding and hydrological systems.
<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. 	Stormwater, water quality flooding and hydrological system management is contained within the site with no net increased nutrient or runoff quantities. Additional improvements to existing systems treating upstream water are included in the management plan.

Infrastructure Delivery Criteria	Planning Proposal Response
<ul style="list-style-type: none"> Demonstrated delivery of major infrastructure including water, sewer, energy, telecommunications; and 	Preliminary Hunter Water Corp advice indicates that sufficient capacity is available for both sewer and water services to the site.
<ul style="list-style-type: none"> Upgrade and/or construction of necessary roads and drainage infrastructure; and 	The proposal will provide contribution funding toward future upgrading of the Medowie to Raymond Terrace sewer transfer main and regional roads. Local dilapidated and non-functioning drainage and water 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.
<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 	All water quality and quantity control infrastructure is contained within the site as per the Water Cycle Management Plan prepared by BMT WBM.
<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 	The planning proposal masterplan allows for considerable public thoroughfare and public open space areas. Additionally, construction of shared pedestrian/ cycleways connecting the Medowie Town Centre.
<ul style="list-style-type: none"> Ensure efficient provision of public infrastructure on a catchment scale to minimise on-going maintenance costs; and 	The site is sufficiently large to ensure all public infrastructure is developed internally thus eliminating maintenance costs.
<ul style="list-style-type: none"> Ensure rezoning facilitates cooperative expansion of development land and infrastructure and will not prejudice the 	The planning proposal site is stand alone and does not impact upon adjoining lands.

orderly development of surrounding properties; and	
<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 	The planning proposal site is stand alone and does not impact upon adjoining lands.
<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 	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.
<ul style="list-style-type: none"> Adequate Developer Contributions plans are in place; and 	Subject to the Development Consent and proposed Voluntary Conservation Agreement (CVA).
<ul style="list-style-type: none"> Contributions to required facilities and services in accordance with Section 94 or developer agreements. 	Subject to the Development Consent and proposed Voluntary Conservation Agreement (CVA).

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.
<ul style="list-style-type: none"> Delivery of diverse range of housing types. 	The proposal allows for standard residential, affordable housing and community housing products as Torrens Title and/or Community Title format.

Stage 1 Development areas identified in the Strategy, particularly within the prescribed Neighbourhood areas, at present are typically characterised by fragmented ownership and unsuitable lot sizes in less than efficient subdivision patterns. Commercial feasibility, as demonstrated in similar circumstances in other LGA's, has resulted in little or no development within such areas for periods well in excess of the timeframe under which the Medowie Strategy has been envisioned due to this constraint. The site subject to this planning proposal represents an unfragmented parcel under the one ownership of sufficient size to create the number of lots necessary to initiate a majority of the social, commercial, community and infrastructure goals identified in the Strategy.

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

- To enable the development of parts of the site for low density residential development with a minimum lot size of 500m², 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.

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 (CVA) 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 CVA will include mechanisms for community interaction and ownership through active and passive recreation and management opportunities.

The proposed Environmental Protection 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 230 housing allotments to satisfy immediate and forecast high demand, including standard first and second home ownership demographics, affordable housing (smart lots) and community housing (masterplanned cluster housing incorporating common recreational and activity areas).
- Remediation and proposed transfer of 26ha 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.
- Offset loss of vegetation under an 'improve and maintain' philosophy in accordance with NSW OEH guidelines and agreements.
- Implementation of innovative watercycle management infrastructure incorporated into the landscaped masterplan design which allows for passive recreational and

community activity areas whilst resolving historical stormwater management inadequacies currently impacting downstream wetlands.

- Establishment of a community based Landcare group and supporting infrastructure.
- Protection of existing and proposed dwellings through planned bushfire management techniques including perimeter roads and APZ setbacks.
- Establishment of community garden and infrastructure.
- Exclusion of illegal dumping and off road vehicular activity on the site.
- 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 located outside the nominated ‘Future Urban’ areas of Medowie and is adjacent to 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 26ha 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 Low Density Residential 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,	<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	YES

open space and communication are provided in a timely and efficient way	<ul style="list-style-type: none"> Proposed development will provide funding for the upgrade and ongoing justification of existing services 	
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 broad range of housing options including standard dwellings, dual occupancy, group homes, multi-dwelling, affordable and seniors housing. 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 Williamtown Airbase, by providing additional customer base and employee housing Provides support to ongoing development of existing commercial centre 	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 facilities along with an affordable housing community and garden. 	YES

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 27ha 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.	Establish and seed fund 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 3.6 Develop strategic land use plan and infrastructure plans and maintain statutory planning instruments (LEPs), Development Control Plans and policies; under Sustainable Development direction seeks to the Community Strategic Plan Measures are achieved, namely; Affordable housing, Quality of life and Environmental Management.

The planning proposal satisfies these directions by providing opportunity for a number of affordable housing initiatives, including;

- First home ownership house design and lot size configuration,
- Affordable housing (smart lots) and
- Community housing (masterplanned cluster housing incorporating common recreational and activity areas).

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 Kindiebark Estate residential community and represents the logical extension of several access (stub) roads left in previous subdivisions for that purpose.
- The planning proposal is adjacent to the existing bus route and will accommodate an efficient detour through the site,
- The additional approximately 230 lots helps achieve the necessary critical mass required to ensure a reliable public transport (bus) system can be sustained,
- 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, and has defined 22.22 hectares of Preferred Koala Habitat within the site. In relation to the Concept Masterplan presented for the subsequent development of the site, 0.38 ha (1.7%) of the Habitat would be affected by proposed Access Roads and 0.07 ha (0.3%) by the proposed residential area. The E1 National Parks and Nature Reserves zone will include 19.4ha (87.3%) of the Habitat. Further considerations will be required at development stage to minimise and ameliorate likely impacts upon the Habitat.
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 (Revised Schemes)	No	
SEPP No.71 - (Coastal Protection)	No	
SEPP (Affordable Rental Housing) 2009	Yes	The proposed R2 Low Density Residential Zoning supports the aim of the SEPP by allowing the development of housing that supports disadvantaged people, including group homes and supportive accommodation.
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".
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	The proposal is consistent with the direction in that the proposed R2 Low Density Residential Zone, combined with the proposed minimum lot size, shall broaden the choice of building types and locations available in the housing market. Compared to Rural Residential zoning, the proposal makes more efficient use of existing infrastructure and services, and more efficient use of land area for housing. The proposal minimises the impact of residential development on the environment and resource lands by limiting residential zones to areas of low environmental value whilst creating a buffer to higher environmental lands through innovative landscape design water cycle management areas. It is a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it).
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	The proposal capitalises on and extends existing public transport (bus) and shared pedestrian

		<p>cycleways to provide better services to jobs, Medowie town centre and recreational areas.</p> <p>Thus reducing the dependence upon cars.</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 contour. 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	No	Although not specifically included in the Medowie Strategy the planning proposal site satisfies a range of objectives identified in the Lower Hunter Regional Strategy and Lower Hunter Regional Conservation Plan.
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.

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. 100m buffer corridors have been included in the zone.

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 and 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 biodiversity buffer but 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 provides a range of accommodation to satisfy the immediate demand for housing. The housing types proposed for the development include; lots suitable for first and second home ownership house designs, affordable housing (smart lots) and community housing (masterplanned cluster housing incorporating common recreational and activity areas).

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. 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)

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.

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 Barringum 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 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.

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 planning proposal may help to increase potential enrolments to a point where provision of high school facilities will become viable.

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 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, and there is potential for the provision of pedestrian access to Moffats Swamp for the viewing and appreciation of the coastal wetland environment

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:

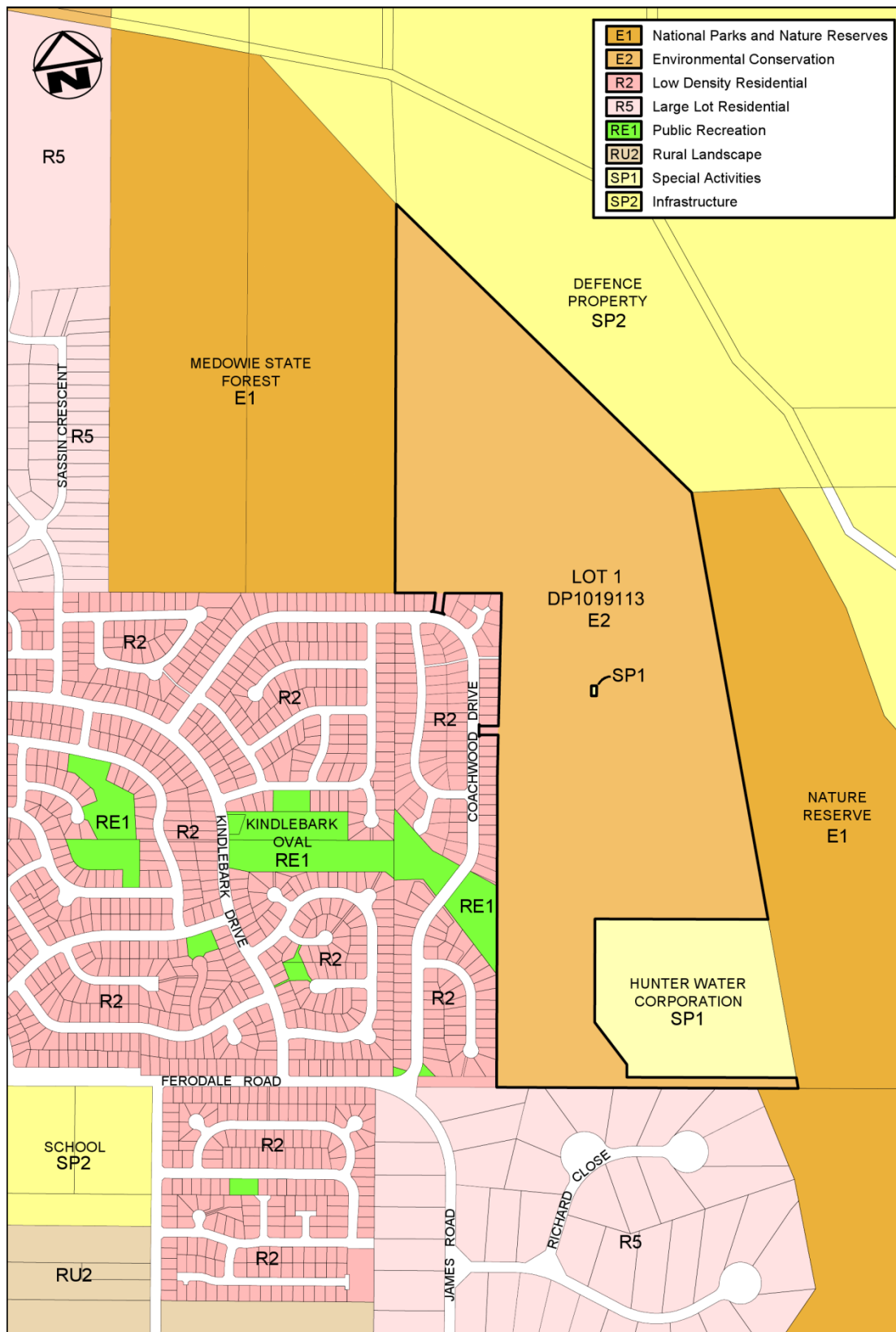


Figure 1 -

Current Land Zoning

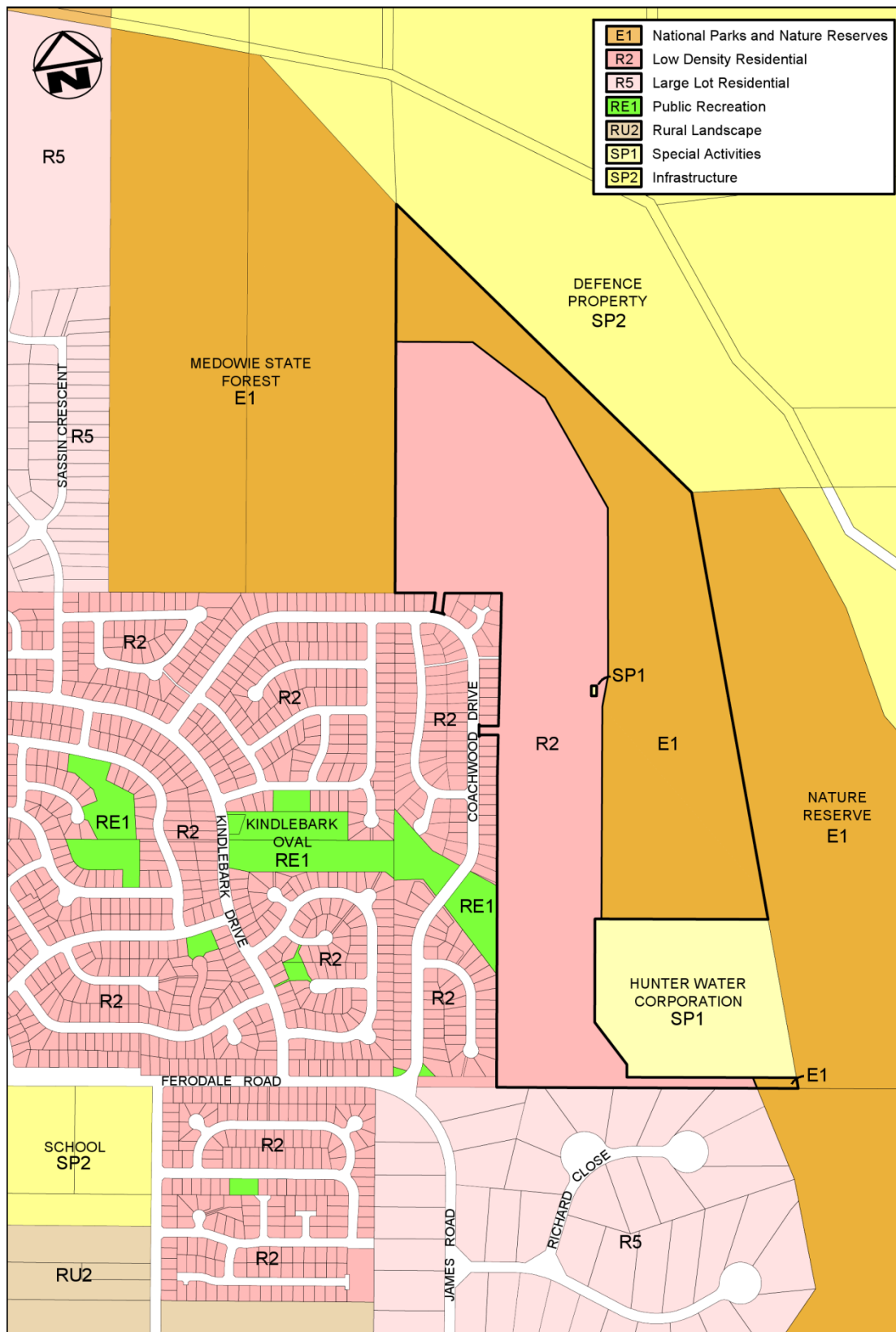


Figure 2 -

Proposed Land Zoning

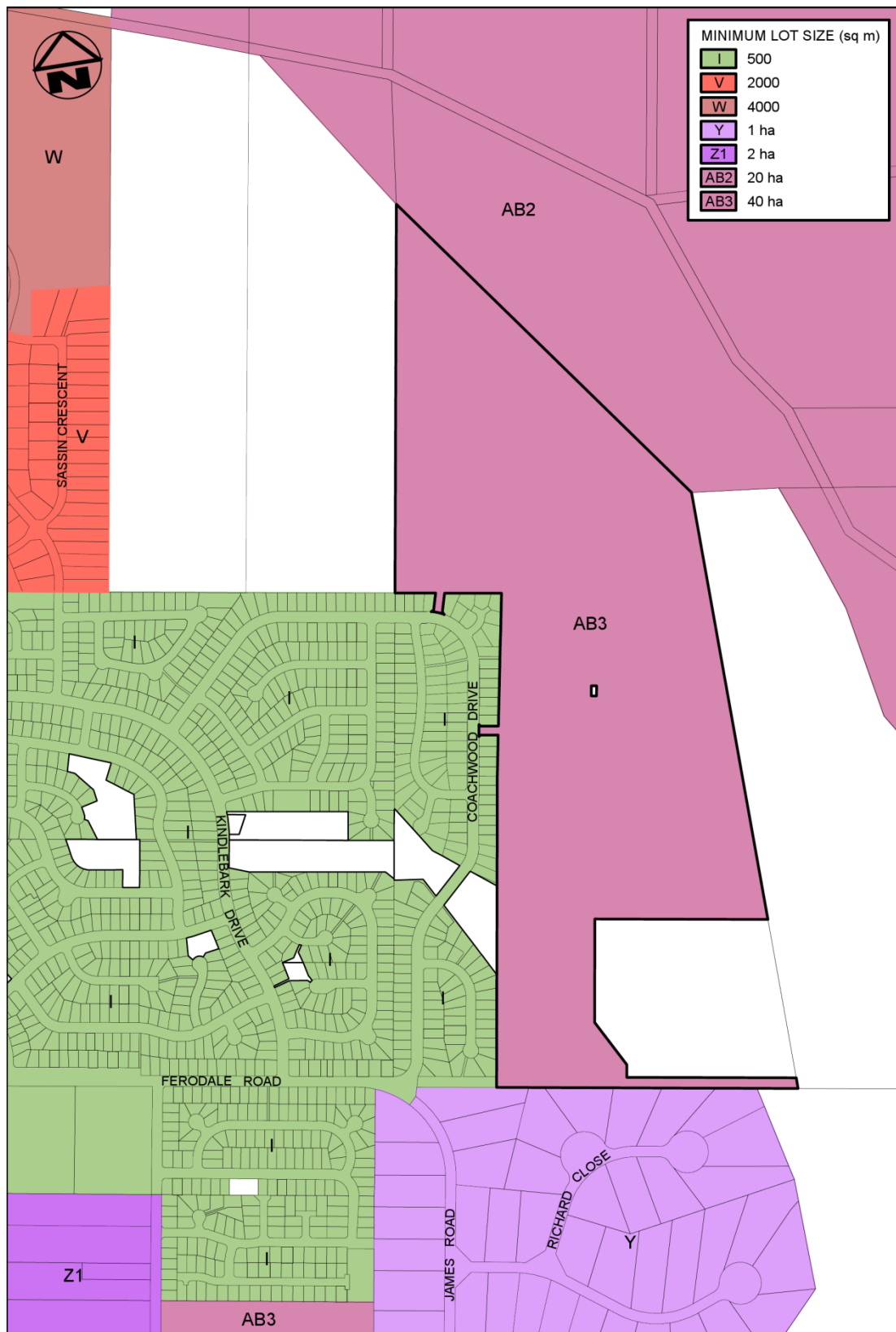


Figure 3 - Current Minimum Lot Size

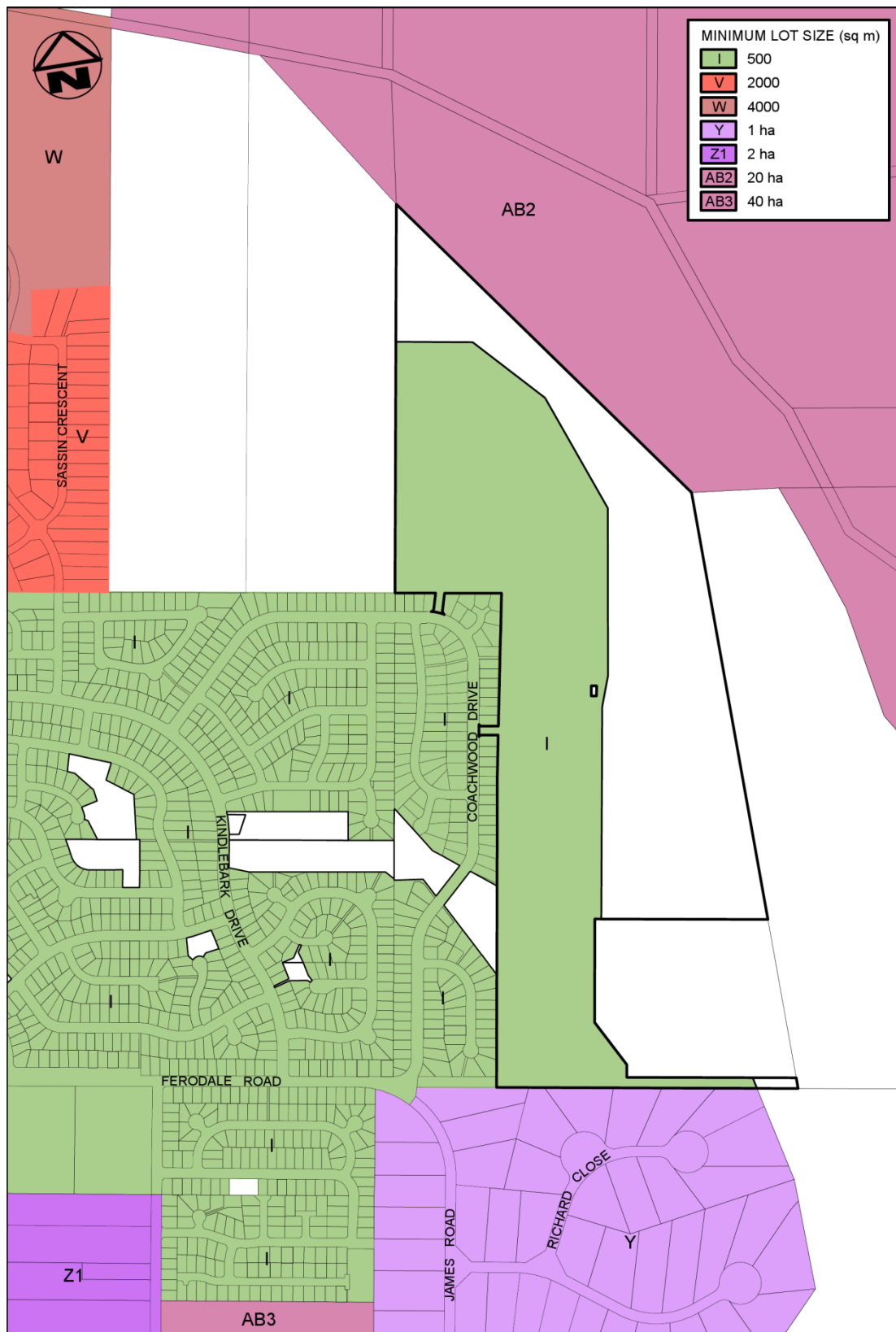


Figure 4 - Proposed Minimum Lot Size

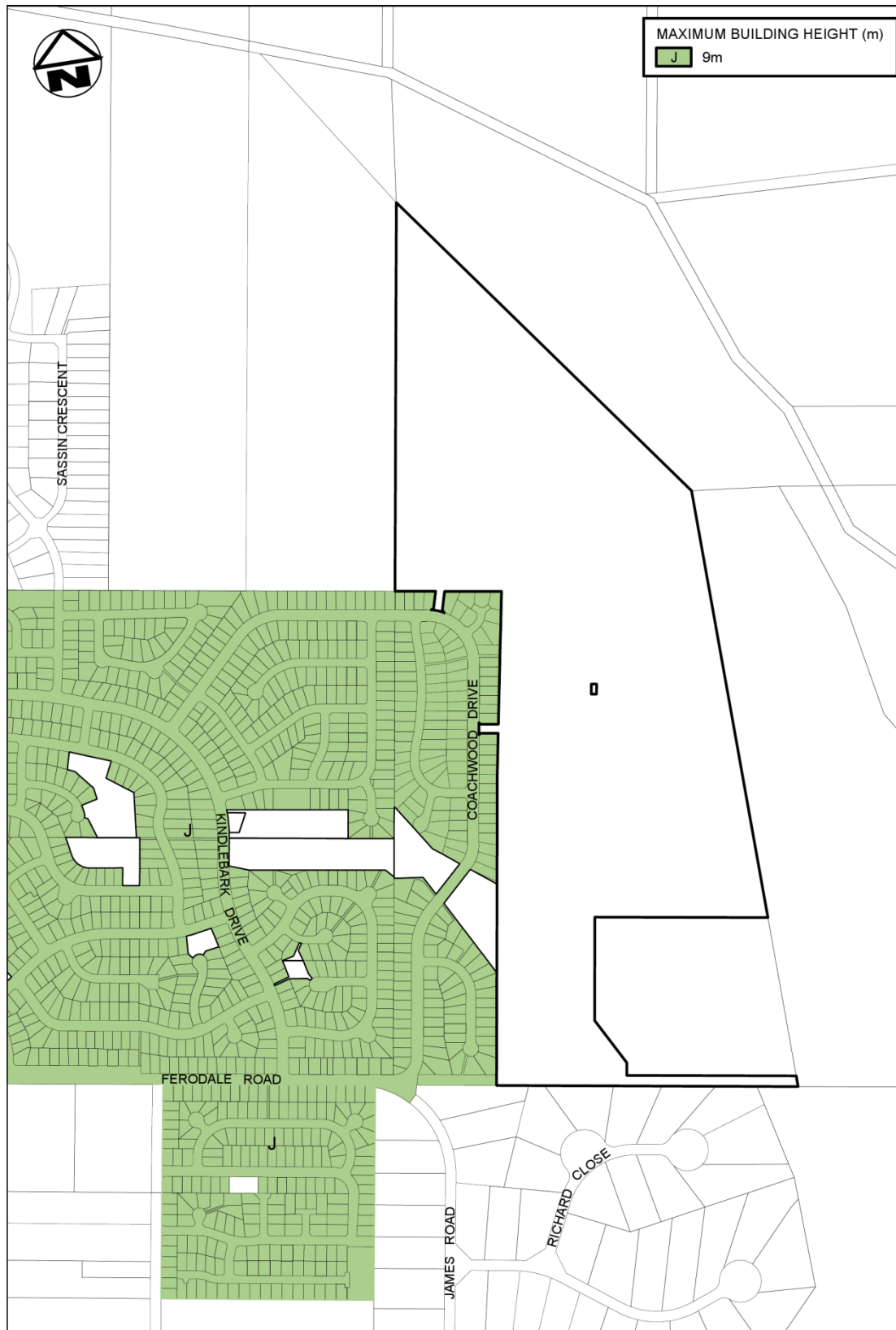


Figure 5 - Current Maximum Height of Buildings



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									
		Oct 14	Nov 14	Dec 14	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15
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										