

ITEM NO. 4

**FILE NO: 16/427156
RM8 REF NO: PSC2016-01959**

**PLANNING PROPOSAL TO AMEND ZONING AND MINIMUM LOT SIZE
PROVISIONS AT BOUNDARY RD MEDOWIE (LOTS 93-96 DP 753194)**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 2**) for the purpose of section 55 of the *Environmental Planning and Assessment Act 1979* (NSW) to amend the *Port Stephens Local Environmental Plan 2013* in respect of part of lots 93-96 DP 753194 to:
 - a) amend the Land Zone Map to rezone the subject land from R5 Large Lot Residential to R2 Low Density Residential;
 - b) amend the Lot Size Map to reduce the minimum lot size from 1,000m² to 500m² within the proposed R2 Low Density Residential zone;
 - c) amend the Height of Buildings Map to apply a corresponding height limit of 9m within the proposed R2 Low Density Residential zone; and
 - d) amend the boundary of the E2 Environmental Conservation zone located within the subject land.
- 2) Submit the planning proposal to the NSW Department of Planning and Environment for a gateway determination including a request for the delegation of plan making functions.

**ORDINARY COUNCIL MEETING - 8 NOVEMBER 2016
MOTION**

328	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the planning proposal (ATTACHMENT 2) for the purpose of section 55 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) to amend the <i>Port Stephens Local Environmental Plan 2013</i> in respect of part of lots 93-96 DP 753194 to:<ol style="list-style-type: none">a) amend the Land Zone Map to rezone the subject land from R5 Large Lot Residential to R2 Low Density Residential;b) amend the Lot Size Map to reduce the minimum lot size from 1,000m² to 500m² within the proposed R2 Low Density Residential
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	zone;
c)	amend the Height of Buildings Map to apply a corresponding height limit of 9m within the proposed R2 Low Density Residential zone; and
d)	amend the boundary of the E2 Environmental Conservation zone located within the subject land.
2)	Submit the planning proposal to the NSW Department of Planning and Environment for a gateway determination including a request for the delegation of plan making functions.

In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to recommend that Council prepare a planning proposal to amend the *Port Stephens Local Environmental Plan 2013* to land within the new residential estate at Boundary Road, Medowie, from R5 Large Lot Residential to R2 Low Density Residential and amend lot size and building height maps to reflect the proposed zone change. A minor amendment to the E2 zone boundary is also proposed as part of the planning proposal to better align with survey data.

A summary of the planning proposal is below:

Subject Land:	(ATTACHMENT 1) Part of Lot 93 DP 753194 (63 Boundary Rd) Part of Lot 94 DP 753194 (65 Boundary Rd) Part of Lot 95 DP 753194 (67 Boundary Rd) Part of Lot 96 DP 753194 (69 Boundary Rd)
Subject Land Area:	38 hectares (approximate)
Existing Zoning:	R5 Large Lot Residential
Recommended Zoning:	R2 Low Density Residential
Existing Minimum Lot Size:	1,000m ²
Recommended Minimum Lot Size:	500m ²
Recommended Planning Proposal:	(ATTACHMENT 2)
Proponent Planning Proposal:	(ATTACHMENT 3)
Proponent:	McCloy Group Pty Ltd

Recommended Planning Proposal

The planning proposal applies to approximately 38 ha of existing R5 zoned land within the new residential estate at Boundary Road as shown at **(ATTACHMENT 1)**. Development consent has been granted for a 345 lot residential subdivision under DA 16-2015-336-1 on part of the subject land. The site is under single ownership facilitating a coordinated and master-planned development.

The planning proposal seeks rezoning of part of the developable area from R5 Large Lot Residential to R2 Low Density Residential and to amend the respective minimum lot size from 1,000m² to 500m². Both minimum lot sizes reflect the objective of the proposed R2 zone to provide for the housing needs of the community within a low density residential environment.

The effect of the planning proposal is an overall indicative increase in lot yield at the estate from 345 to approximately 480 lots (135 lot increase). It presents an effective approach to increasing the supply of land for housing in Medowie on land that is comparatively unconstrained. It will make more efficient use of infrastructure which will be provided under the existing development consent (subject to confirmation of any further upgrades e.g. sewer and water). It will also support a greater range of residential development to be delivered (e.g. seniors housing and multi-dwelling housing).

In addition, a strip of existing R5 zoned land between Boundary Rd and the proposed R2 zone will be retained to provide a transition from existing approved larger lots to the proposed smaller housing lots within the proposed R2 zone. The aim is to maintain the existing character at the interface between the new and existing approved housing areas.

A further and minor component of the planning proposal is to amend the boundary of a 0.9ha pocket of land zoned for environmental conservation within the developable area. The purpose is to create a more accurate and regular-shaped zone boundary without reducing its size or the number of affected koala feed trees.

Additional information to support the planning proposal will be required from the proponent as part of a conditional gateway determination (to be requested from the NSW Department of Planning and Environment). This information is to confirm site suitability for potential increased future development under the planning proposal and to update existing studies for public exhibition to reflect the planning proposal for the following key issues: bushfire; traffic and transport; servicing infrastructure (sewer and water provision) and flora and fauna.

The planning proposal as lodged by the proponent **(ATTACHMENT 3)** sought to retain a greater portion of land zoned large lot residential with a minimum lot size of 1,000m² around the periphery of the subject land. However the recommended planning proposal is desirable to achieve a further increase the supply of land for housing with limited or no additional comparative environmental effect.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications if Council resolves to proceed with the planning proposal.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		Not applicable.
Reserve Funds	No		Not applicable.
Section 94	Yes		Future subdivision will be subject to local infrastructure contributions in accordance with the <i>Port Stephens Development Contributions Plan 2007</i> .
External Grants	No		
Other	Yes	5,250	Category B Stage 1 – Lodgement (up to Gateway) rezoning fee in accordance with <i>Port Stephens Fees and Charges Schedule 2016-2017</i> .

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979 (NSW)

Council is the relevant planning authority for the preparation of the planning proposal under the *Environmental Planning and Assessment Act 1979* (NSW). If Council resolves to adopt the planning proposal it will be forwarded to the NSW Department of Planning and Environment for a gateway determination including a request for the delegation of plan making functions.

Regional Planning

The site was previously rezoned to facilitate development following consideration under the *Lower Hunter Regional Strategy*. The *Hunter Regional Plan* and *Plan for Growing Hunter City* (both draft) indicatively show the site as an urban area. The

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recommended planning proposal is consistent with the relevant direction and action to investigate opportunities for housing growth including to identify opportunities for development in Medowie that do not affect water quality. The site is identified as an urban area and is not located within the Grahamstown Dam Drinking Water Catchment.

Local Planning

The recommended planning proposal is in effect consistent with the *Port Stephens Planning Strategy* (2011) and the *Medowie Strategy* (2009). The site is included in the *Medowie Strategy* as large lot residential with a minimum lot size of 1,000m². Existing approved development will effectively present as low density residential development (i.e. residential dwellings on quarter-acre lots). Both the existing and proposed minimum lot size (500m²) are consistent with the objective of the proposed R2 zone to provide for the housing needs of the community within a low density residential environment. The revised draft *Medowie Planning Strategy* accordingly identifies the subject land as residential.

Port Stephens Local Environmental Plan 2013

The planning proposal will be implemented through the amendment of *Port Stephens Local Environmental Plan 2013* mapping for land zoning, building height and minimum lot size as recommended.

Port Stephens Development Control Plan 2014

If the planning proposal receives a gateway determination permitting further investigation, it will be recommended at a later date that Council also review the site-specific chapter of the *Port Stephens Development Control Plan 2014* for the site to ensure the controls remain relevant with particular regard to setbacks and tree retention within residential lots.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that increasing lot yield will effect infrastructure servicing provision (traffic, drainage, sewer and water provision).	Low	Proponent to prepare updated supporting studies for review following gateway determination and prior to public exhibition.	Yes

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Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that tree retention within residential lots will be further reduced.	Low	Proponent to prepare updated supporting flora and fauna report following gateway determination and prior to public exhibition. Prepare a revised updated site-specific development control plan.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

There are positive social and economic implications in proceeding with the planning proposal by increasing the overall total potential residential lot yield at the estate from 345 to 480 lots. Environmental implications that may result are minimal, with no significant increase in size or change in location of urban lands resulting from the proposal. The objective of amending the boundary of the pocket of environmental conservation land within the subject land is to create a regular-shaped and accurate zone boundary. There will be a slight indicative increase in its area from 0.9 ha to 1.0 ha and no reduction in the number of koala feed trees affected.

MERGER PROPOSAL IMPLICATIONS

There are no merger implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section. The objective of the consultation was to review the proponent's planning proposal prior to recommending whether Council should resolve to prepare a planning proposal for the subject land.

Internal

Facilities and Services Group advises that the potential lot yield under the recommended planning proposal is unlikely to have any significant impact on the operation of the local road network. Preliminary modelling indicates that a high level of service would be maintained at key intersections. No objections were raised for rezoning in relation to flooding and drainage.

Development Assessment and Compliance Team advised DA 16-2015-336-1 was referred to the NSW Rural Fire Service (RFS) and concerns related to the 'bottle neck' access point at Boundary Road raised. As a result the applicant was required to provide an alternate access point to fire trail standard from the eastern part of the development and through the electricity easement and connecting with County Close.

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Given previous access concerns the planning proposal will be referred to the RFS for comment. Development Assessment and Compliance Team also recommend reviewing outcomes achieved by retention of the 'pocket' of land zoned E2 Environmental Conservation, however it is recommended to retain this particular area in the planning proposal because it comprises a concentration of koala feed trees.

External

Formal consultation requirements will be set by a gateway determination issued by the NSW Department of Planning and Environment. It is intended to consult with: Hunter Water Corporation; NSW Roads and Maritime Services; NSW Rural Fire Service; NSW Office of Environment and Heritage. If the planning proposal proceeds past gateway determination it will be placed on public exhibition and adjoining landowners will be notified of any public exhibition period.

OPTIONS

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

ATTACHMENTS

- 1) Subject Land.
- 2) Recommended Planning Proposal. (Provided under separate cover)
- 3) Proposed Planning Proposal. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

