

MINUTES ORDINARY COUNCIL - 12 JULY 2016

ITEM NO. 1

FILE NO: 16/349511
RM8 REF NO: PSC2016-00122

PLANNING PROPOSAL FOR PART OF LOT 1 DP 1215257 (795 MEDOWIE ROAD MEDOWIE)

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Defer from the Planning Proposal Part of Lot 1 DP 1215257 west of Peppertree Road, Medowie.
- 2) Adopt the Planning Proposal at (**ATTACHMENT 4**) for part of Lot 1 DP 1215257 east of Peppertree Road (only) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 (NSW) and seek amendment to the Port Stephens Local Environmental Plan 2013 to: rezone the subject land from R2 Low Density Residential to part B2 Local Centre; amend the Height of Buildings Map to apply a height limit of 8m; and amend the lot size map to remove minimum lot size provisions.
- 3) Submit the recommended Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.

ORDINARY COUNCIL MEETING - 12 JULY 2016 MOTION

205	Councillor Paul Le Mottee Councillor Steve Tucker It was resolved that Council move into Committee of the Whole.
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Councillor John Nell left the meeting at 05:30pm, during Item 1 in Committee of the Whole.

Councillor John Nell returned to the meeting at 05:32pm, during Item 1 in Committee of the Whole.

Councillor John Nell left the meeting at 05:33pm, during Item 1 in Committee of the Whole.

Councillor John Nell returned to the meeting at 05:34pm, during Item 1 in Committee of the Whole.

MINUTES ORDINARY COUNCIL - 12 JULY 2016

COMMITTEE OF THE WHOLE RECOMMENDATION

	Councillor Geoff Dingle Councillor Ken Jordan That the recommendation be adopted.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

ORDINARY COUNCIL MEETING - 12 JULY 2016 MOTION

206	Councillor Ken Jordan Councillor John Nell It was resolved that Council: 1) Defer from the Planning Proposal Part of Lot 1 DP 1215257 west of Peppertree Road, Medowie. 2) Adopt the Planning Proposal at (ATTACHMENT 4) for part of Lot 1 DP 1215257 east of Peppertree Road (only) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 (NSW) and seek amendment to the Port Stephens Local Environmental Plan 2013 to: rezone the subject land from R2 Low Density Residential to part B2 Local Centre; amend the Height of Buildings Map to apply a height limit of 8m; and amend the lot size map to remove minimum lot size provisions. 3) Submit the recommended Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination.
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In accordance with Section 375 (A) of the *Local Government Act 1993*, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to recommend that Council adopt a planning proposal to rezone land east of Peppertree Road (only) for commercial use consistent with the *Medowie Strategy* and to seek a Gateway Determination from the NSW Department of Planning and Environment.

Subject Land:	(ATTACHMENT 1) Part of Lot 1 DP 1215257 (1.7ha) East of Peppertree Road (only)
Current Zoning:	(ATTACHMENT 2) R2 Low Density Residential (1.7ha)
Recommended Zoning:	(ATTACHMENT 3) B2 Local Centre (1.7ha)
Recommended Planning Proposal:	(ATTACHMENT 4)
Proponent Planning Proposal:	(ATTACHMENT 5) RPS Pty Ltd
Land Owner:	Port Stephens Council

Site Description

The site is located within the Medowie town centre. It has an area of approximately 1.7 hectares and is zoned R2 Low Density Residential. It comprises the part of Lot 1 DP 1215257 located east of Peppertree Road (only) **(ATTACHMENT 1)**. This part is unconstrained being flood-free and cleared of native vegetation. Land to the west of Peppertree Road is of higher environmental value and is recommended to be deferred from the submitted Planning Proposal. The current zoning is shown in **(ATTACHMENT 2)**.

Recommended Planning Proposal

The Recommended Planning Proposal seeks to rezone unconstrained land east of Peppertree Road from R2 Low Density Residential to B2 Local Centre. The purpose is to facilitate its potential development for commercial use consistent with the current *Medowie Strategy*. The recommended zoning is shown in **(ATTACHMENT 3)** and the recommended Planning Proposal is at **(ATTACHMENT 4)**.

Proponent Planning Proposal

The Proponent Planning Proposal is at **(ATTACHMENT 5)**. It includes requesting rezoning the land east of Peppertree Road as recommended. In addition it seeks to rezone a strip of vegetated land to the west of Peppertree Road from a majority part R2 Low Density Residential and smaller part RE1 Public Recreation to allow for commercial use consistent with the *Medowie Strategy*. Environmental impacts are proposed to be offset using bio-banking.

MINUTES ORDINARY COUNCIL - 12 JULY 2016

Proceeding with part of the land west of Peppertree Road will have environmental implications including:

- The potential removal of 1.7 ha of native vegetation (including 1.2 ha of Swamp Sclerophyll Forest Endangered Ecological Community – this vegetation community also represents Preferred Koala Habitat and koalas have been recorded);
- The removal of potential habitat for 20 fauna species listed under the *Threatened Species Conservation Act 1995* (NSW) and *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth); and
- Reduction of an existing wildlife corridor from 240m to 100m.

It is recommended to defer inclusion of the land west of Peppertree Road being sought for rezoning for commercial use for further information and consultation with the NSW Office of Environment and Heritage (notwithstanding its current inclusion in the Medowie Strategy and majority R2 Low Density Residential Zoning). Its inclusion may also delay consideration of the unconstrained land east of Peppertree Road.

Preliminary discussions with officers from the Office of Environment and Heritage and Council's Natural Resources team indicate these issues may impede the progression of the proposal at this time if it is to include lands west of Peppertree Road.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no additional financial/resource implications to assess the Planning Proposal. This report does not address the commercial financial implications for Council in pursuing the Planning Proposal.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes		Future development will be subject to Section 94 local infrastructure contributions
External Grants	No		

MINUTES ORDINARY COUNCIL - 12 JULY 2016

Source of Funds	Yes/No	Funding (\$)	Comment
Other	Yes	10,500	Stage 1 rezoning fee

LEGAL, POLICY AND RISK IMPLICATIONS

Environmental Planning and Assessment Act 1979 (NSW)

Council is the relevant Planning Authority for preparing 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.

Local Government Act 1993 (NSW)

The site is Council-owned and currently classified as "operational land" under the *Local Government Act 1993* (NSW) (the LGA Act). This classification is to be retained.

Regional Plans

The *Lower Hunter Regional Strategy* identifies Medowie as a proposed urban area with boundaries to be defined by local planning (i.e. the *Medowie Strategy*).

Medowie is located with Hunter City Northern Gateways District for the purposes of the *Draft Hunter Regional Plan & Draft Plan for Growing Hunter City*. The Planning Proposal is consistent with the relevant directions and actions for growth. It is not confirmed that the Planning Proposal satisfies the relevant direction to protect the natural environment and biodiversity. Additional information to confirm the satisfactory management of water quality will be provided following a Gateway Determination.

Local Planning Strategies

Medowie is identified as an urban growth area in the *Port Stephen Planning Strategy*. The *Medowie Strategy* and *Draft Revised Medowie Planning Strategy* and the *Draft Town Centre Master Plan* identify the unconstrained eastern part of Peppertree road for commercial use. The land west of Peppertree Road is also identified for potential development however it is not demonstrated that the ecological issues can be resolved.

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.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the Planning Proposal will not receive a Gateway Determination.	Low	Adopt the recommended Planning Proposal for unconstrained land east of Peppertree road (only) and seek a Gateway Determination from the NSW Department of Planning and Environment.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The economic implications of the Planning Proposal are to be established by further economic analysis following a Gateway Determination. This includes a retail needs assessment with an updated retail floor space demand and supply estimate for Medowie using expenditure based approach to retail modelling.

There are no environmental implications if Council resolves to proceed with the recommended Planning Proposal limited to changing the zoning to lands east of Peppertree Road.

MERGER PROPOSAL IMPLICATIONS

There are no merger proposal implications.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section to assess the Planning Proposal.

Internal

Natural Resources Team advice is the vegetated area west of Peppertree Road has high ecological value and warrants exclusion from development and consideration for rezoning to E2 Environmental Conservation at this time. Further information to justify ecological assessment findings submitted by the Proponent for that part is also recommended.

Facilities and Services Group advises that local infrastructure contribution planning provides for future intersection upgrade works in the town centre. The need for this infrastructure will become more pressing if the land is rezoned and developed for commercial purposes.

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 the Hunter Water Corporation; NSW Roads and Maritime Services; NSW Rural Fire Service; NSW Office of Environment and Heritage; and Worimi Local Aboriginal Land Council; and to notify adjoining landowners.

OPTIONS

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

ATTACHMENTS

- 1) Site Location. (Provided under separate cover)
- 2) Current Zoning. (Provided under separate cover)
- 3) Recommended Zoning. (Provided under separate cover)
- 4) Recommended Planning Proposal. (Provided under separate cover)
- 5) Proponent Planning Proposal. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.