

ITEM NO. 2**FILE NO: PSC2012-03912****PLANNING PROPOSAL FOR LOT 100 AND LOT 101 DP 583216 CORNER OF FERODALE AND FAIRLANDS ROADS MEDOWIE**

REPORT OF: BRUCE PETERSEN – COMMUNITY PLANNING AND ENVIRONMENTAL SERVICES SECTION MANAGER
GROUP: DEVELOPMENT SERVICES]

RECOMMENDATION IS THAT COUNCIL:

- 1) [Adopt the revised Planning Proposal at **(ATTACHMENT 3)** in respect of Lot 100 and Lot 101 DP 583216 to rezone the subject land to R5 Large Lot Residential (with a minimum lot size of 1,000m²) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 and seek a Gateway Determination, noting the requirement for the Proponent to provide an infrastructure strategy.]

ORDINARY COUNCIL MEETING – 25 FEBRUARY 2014**COMMITTEE OF THE WHOLE RECOMMENDATION**

Cr Paul Le Mottee left the meeting at 6.08pm, prior to Item 2.

	Councillor Geoff Dingle Councillor Steve Tucker
	That the recommendation be adopted.

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 Peter Kafer, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

MOTION

Cr Paul Le Mottee left the meeting at 6.37pm, prior to Item 2.

034	Councillor John Nell Councillor John Morello
	[It was resolved that Council adopt the revised Planning Proposal at

	(ATTACHMENT 3) in respect of Lot 100 and Lot 101 DP 583216 to rezone the subject land to R5 Large Lot Residential (with a minimum lot size of 1,000m ²) for the purposes of Section 55 of the Environmental Planning and Assessment Act 1979 and seek a Gateway Determination, noting the requirement for the Proponent to provide an infrastructure strategy.
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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 Peter Kafer, Ken Jordan, Chris Doohan, Steve Tucker, Geoff Dingle, John Nell and John Morello.

Those against the Motion: Nil.

BACKGROUND

[The purpose of this report is to present a Planning Proposal to Council for its consideration.

Council has received a request from the Le Mottee Group to prepare a planning proposal to amend the Port Stephens Local Environmental Plan 2013 from RU2 Rural Landscape (20 hectares) to R5 Large Lot Residential (1000m²) for Lot 100 DP 583216.

The purpose of this report is to present the Le Mottee Group's request and to seek Council's decision whether to submit a revised planning proposal as recommended for Gateway Determination to include Lot 101 DP 583216 in the planning proposal.

Title of Planning Proposal:	Lot 100 and Lot 101 DP 583216, Corner of Ferodale and Fairlands Roads Medowie
Proponent:	Le Mottee Group
Date Lodged:	November 2013
Subject Land:	Lot 100 DP 583216 Lot 101 DP 583216
Subject Land Area:	8 hectares (approximate)
Existing Zoning and Minimum Lot Size:	RU2 Rural Landscape (20 hectares)
Recommended Zoning and Minimum Lot Size:	R5 Large Lot Residential (1000m ²)

Proceeding with a planning proposal to rezone the site for urban development is consistent with strategic planning strategies for the area subject to the resolution of infrastructure issues.]

FINANCIAL/RESOURCE IMPLICATIONS

[There are no financial/resource implications if Council resolves to proceed with the recommendation of this report.]

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	Yes		Future subdivision of the site will be subject to Section 94 Developer Contributions.
External Grants	No		
Other	Yes	10,500	Stage 1 Rezoning Fee.

LEGAL, POLICY AND RISK IMPLICATIONS

Lower Hunter Regional Strategy

Medowie is identified in the Lower Hunter Regional Strategy as a proposed urban area with boundaries to be defined through local planning. The Planning Proposal is consistent with the Lower Hunter Regional Strategy.

Port Stephens Planning Strategy 2011-2036

Medowie is identified in the Port Stephens Planning Strategy as a Priority 1 Infill and New Release Area to be developed over a 25 year period.

Medowie Strategy

The large lot residential land use sought in the Planning Proposal is consistent with the Medowie Strategy however site-specific and broader infrastructure issues require resolution, including adequate provision of and contribution towards flooding and drainage, traffic and general infrastructure.

A comprehensive infrastructure strategy is being undertaken for Medowie and includes the Medowie Flood Study (initial stages completed) and Medowie Traffic Study (completed). These studies are informing the review of the Medowie Strategy.

Planning Proposals that proceed prior to completion of necessary infrastructure planning are required to comprehensively resolve infrastructure issues. If the Planning Proposal is to proceed it needs to address the provision of infrastructure and it is a recommendation of this report that the Proponent provides an infrastructure strategy.

It is estimated an additional 40 residential lots will be created from the planning proposal.

Port Stephens Local Environmental Plan 2013

The Planning Proposal will amend the Port Stephens Local Environmental Plan 2013 by applying the R5 Large Lot Residential Zone and a minimum lot size of 1,000m².]

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
[There is a risk that the land will not be developed in accordance with the Medowie Strategy because of inadequate and uncoordinated infrastructure provision.]	[Medium]	[Require the Proponent to undertake an infrastructure strategy as part of the planning proposal process; or Defer the Planning Proposal until the review of the Medowie Strategy is completed.]	[Yes]

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

[There are minimal social, economic or environmental implications anticipated for Council if it proceeds with the recommendation of this report subject to the Proponent can adequately address the provision of infrastructure and resolve staging and drainage issues.

Deferring the Planning Proposal until the review of the Medowie Strategy is completed may provide more guidance on these issues however this will delay consideration of the Planning Proposal. The Proponent has an opportunity to address these issues through the Gateway Determination process.

The site is cleared of vegetation with the exception of a small number of trees in the south west corner. This issue can be addressed following a Gateway Determination.]

CONSULTATION

[Consultation requirements will be set by a Gateway Determination. It is proposed to exhibit the Planning Proposal for 14 days because the subject land is included in the Medowie Strategy.

The Planning Proposal lodged by the Proponent is for Lot 100 DP 583216 (17 Fairlands Road) only. This report recommends the inclusion of the adjoining Lot 101 DP 583216 (2 Ferodale Road) as a logical addition to the Planning Proposal. It is recommended that Council consult with the owner of Lot 101 DP 583216 Ferodale Road following a Gateway Determination.]

OPTIONS

- 1) Proceed with a revised Planning Proposal at **(ATTACHMENT 3)** to rezone the subject lands subject to the provision of an infrastructure strategy. This will include establishing that appropriate infrastructure can be delivered to the site to achieve the development sought by the Medowie Strategy;
- 2) Proceed with a Planning Proposal as lodged by the Proponent. The Proponent's submitted Planning Proposal is consistent with the recommended Planning Proposal (including proposed land use) however it does not require a strategy to ensure infrastructure delivery if the land is rezoned;
- 3) Defer consideration of the Planning Proposal until the review of the Medowie Strategy is completed. This may delay the rezoning of the land but ensure an improved approach to coordination of overall development under the Medowie Strategy;
- 4) Refuse the Planning Proposal.]

ATTACHMENTS [- All listed below are provided under separate cover.

- 1) Location Map;
- 2) Recommended Draft Port Stephens Local Environmental Plan 2013 Maps;
- 3) Recommended Planning Proposal;
- 4) Proponent's Planning Proposal.]

COUNCILLORS ROOM

[Nil.]

TABLED DOCUMENTS

[Nil.]