

MINUTES ORDINARY COUNCIL - 9 OCTOBER 2018

Councillor Paul Le Mottee left the meeting at 7:07pm in Open Council.

ITEM NO. 4

FILE NO: 18/140315
EDRMS NO: 58-2018-16-1

PLANNING PROPOSAL - 5 SPEEDY LOCK LANE HEATHERBRAE

REPORT OF: STEVEN PEART - STRATEGY & ENVIRONMENT SECTION
MANAGER

GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal (**TABLED DOCUMENT**) to amend the *Port Stephens Local Environmental Plan 2013* for land at 5 Speedy Lock Lane, Heatherbrae to:
 - a) Rezone part of the land from RU2 Rural Landscape to R2 Low Density Residential and R5 Large Lot Residential.
 - b) Amend the minimum lot size from 20ha to 500m² for all land proposed to be rezoned to R2 Low Density Residential.
 - c) Specify a maximum height of buildings of 9 metres for all land proposed to be rezoned to R2 Low Density Residential.
 - d) Amend the minimum lot size from 20ha to 2000m² for all land proposed to be rezoned R5 Large Lot Residential.
- 2) Submit the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination and request delegated authority to make the plan.

ORDINARY COUNCIL MEETING - 9 OCTOBER 2018 MOTION

119	<p>Councillor Glen Dunkley Councillor Chris Doohan</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the Planning Proposal (TABLED DOCUMENT) to amend the <i>Port Stephens Local Environmental Plan 2013</i> for land at 5 Speedy Lock Lane, Heatherbrae to:<ol style="list-style-type: none">a) Rezone part of the land from RU2 Rural Landscape to R2 Low Density Residential and R5 Large Lot Residential.b) Amend the minimum lot size from 20ha to 500m² for all land proposed to be rezoned to R2 Low Density Residential.c) Specify a maximum height of buildings of 9 metres for all
-----	--

MINUTES ORDINARY COUNCIL - 9 OCTOBER 2018

	land proposed to be rezoned to R2 Low Density Residential. d) Amend the minimum lot size from 20ha to 2000m ² for all land proposed to be rezoned R5 Large Lot Residential. 2) Submit the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination and request delegated authority to make the plan.
--	--

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

Those for the Motion: Mayor Ryan Palmer, Crs Giacomo Arnott, Chris Doohan, Glen Dunkley, John Nell, Sarah Smith and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is for Council to adopt a Planning Proposal to amend the *Port Stephens Local Environmental Plan 2013* (LEP 2013) to rezone part of the land at 5 Speedy Lock Lane, Heatherbrae, from RU2 Rural Landscape to R2 Low Density Residential and R5 Large Lot Residential. The Planning Proposal will also result in amendments to the minimum lot size and height of building maps to reflect the proposed rezoning.

A locality map is attached (**ATTACHMENT 1**).

A summary of the Planning Proposal and property details are included below:

Date lodged:	13 March 2018
Proponent:	Le Mottee Group
Subject land:	5 Speedy Lock Lane, Heatherbrae
Lot number:	LOT: 173 DP: 808771
Total site area;	58.5ha
Site area proposed to be rezoned:	6.3ha
Existing Zoning:	RU2 Rural Landscape
Proposed Zoning:	R2 Low Density Residential and R5 Large Lot Residential (ATTACHMENT 2)
Existing Minimum Lot Size:	20ha
Proposed Minimum Lot Size:	R2 zoned land - 500m ² R5 zoned land - 2000m ²
Existing Maximum Building Height:	No maximum building height specified
Proposed Maximum Building Height:	R2 zoned land – 9 metres R5 zoned land – No change proposed

Existing and Current Uses

The subject site is an irregular shaped parcel of land consisting of approximately 58.5ha of RU2 Rural Landscape zoned land. It is currently used for primary production, with associated farming infrastructure consisting of fencing, all weather access roads, a dwelling and outbuildings to support agricultural production. Access to the site is via Speedy Lock Lane, which lies to the east.

The site is located approximately 2.5 kilometres south of Raymond Terrace town centre and lies between the Pacific Highway, to the east, and the Hunter River to the west. To the south east, on the opposite side of the Pacific Highway, is the Heatherbrae bulky goods and industrial precinct.

Land used for agricultural purposes adjoins the site to the north. The Hunter River High School and the subject site share a boundary to the south east. Following the southern boundary in a westerly direction, is a drainage reserve which discharges to the Hunter River.

Five other allotments rely on Speedy Lock Lane for access, including three dwellings, an automotive recyclers (operating under existing use provisions), and a caravan park as detailed in **(ATTACHMENT 1)**.

Council records show a number of development consents over the subject land, dating back to 1989. The nature of the consents relate to the agricultural use of the site and also additions and alterations to the existing dwelling.

Purpose of the Amendment

The purpose of the proposed amendment is to rezone a 6.3ha portion of the site from RU2 Rural Landscape to the R2 Low Density Residential and R5 Large Lot Residential zones. The 6.3ha affected by the Planning Proposal is located in the eastern portion of the site and with direct access to Speedy Lock Lane **(ATTACHMENT 2)**. The majority of the land proposed to be rezoned is above the flood planning level.

The proposed amendment will include changes to the development standards for minimum lot size and the height of buildings for the land proposed to be rezoned R2 Low Density Residential. This will ensure the development that occurs on this land is consistent with other R2 zoned land.

The proposed amendment includes changes to the development standards for minimum lot size for the land proposed to be rezoned R5 Large Lot Residential. There are no changes proposed to limit the height of buildings on this part of the land. This is consistent with other R5 zoned land in the locality.

An indicative subdivision plan was provided as part of the supporting documentation **(TABLED DOCUMENT)** and demonstrates the site potentially providing 39 low

MINUTES ORDINARY COUNCIL - 9 OCTOBER 2018

density residential allotments and five (5) large lot residential allotments, should the land be rezoned and a future development consent be granted. The balance of the site (52ha) is proposed to remain zoned RU2 Rural Landscape.

Suitability of the Subject Land

The Port Stephens Planning Strategy (PSPS) identified Heatherbrae as a key centre for light industrial and bulky goods retail. The lands identified for industrial and bulky goods in the strategy are located to the south east of the Pacific Highway and will not be detrimentally impacted by the proposal.

The site is identified as appropriate for future residential development in the Raymond Terrace and Heatherbrae Strategy 2015-2031 (RTHS). Action 19 of the RTHS identifies the site as appropriately located adjacent to existing residential areas and sufficiently removed from the Heatherbrae industrial and bulky goods precinct so as to not compromise the long term viability of this economic hub.

The RTHS identifies the site as a preferable location for future residential development as it will provide housing in close proximity to existing community and social services.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2018-2021
Thriving and Safe Place to Live	Provide land use plans, tools and advice that sustainably support the community.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council as a consequence of the recommendation of this report.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes	\$5,319	Stage 1 Rezoning fees paid 1 March 2018.
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

There are no foreseen legal, policy or risk implications for Council as a consequence of the recommendation of this report.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the NSW Department of Planning and Environment will not support the proposed amendment.	Low	Further information to justify and support the Planning Proposal can be provided to the NSW Department of Planning and Environment if necessary.	Yes
There is a risk that the future residential use of the land could create land use conflict with the existing businesses operating in Speedy Lock Lane.	Low	The distance between the existing businesses in Speedy Lock Lane and the proposed residential zoned land is considered sufficient to minimise potential land use conflicts.	Yes

Port Stephens Local Environmental Plan 2013

The Planning Proposal will facilitate the rezoning of a 6.3ha portion of the site from RU2 Rural Landscape to the R2 Low Density Residential zone and R5 Large Lot Residential zones under the LEP 2013 to facilitate residential development **(ATTACHMENT 2)**.

The objectives of the R2 and R5 residential zones are listed in the LEP 2013 as:

R2 Low Density Residential:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.
- To protect and enhance the existing residential amenity and character of the area.
- To ensure that development is carried out in a way that is compatible with the flood risk of the area.

R5 Large Lot Residential:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed rezoning includes corresponding changes to the development standards for minimum lot size and maximum building heights. The changes proposed will ensure the development standards that apply in the proposed R2 and R5 zones are consistent with other land zoned R2 and R5 in the locality.

The rezoning will permit residential development in accordance with Council's strategies and retaining the RU2 Rural Landscape zone over the remainder of the site will allow for a transition from higher density residential uses to the surrounding rural land uses.

Environmental Planning and Assessment Act 1979

Under Part 3 of the EP&A Act, only the Minister or Council can initiate a Local Environmental Plan. If Council resolves to proceed with the recommendation to adopt the Planning Proposal, it will be forwarded to the NSW Department of Planning and Environment for gateway determination. This will include a request for the delegation of plan making functions.

Hunter Regional Plan 2036

Raymond Terrace/Heatherbrae is identified within the Hunter Regional Plan as a strategic centre. The aims of the Hunter Regional Plan are to encourage initiatives that revitalise centres, improve housing choice and make better use of existing infrastructure.

The Planning Proposal is consistent with the actions in the Hunter Regional Plan that require Councils to support infill housing in strategic centres such as Raymond Terrace.

Port Stephens Planning Strategy 2011

The Port Stephens Planning Strategy (PSPS) identifies Heatherbrae as a specialist bulky goods and light industrial precinct.

The PSPS recognises that supply of unconstrained land, within Port Stephens, is in short supply and acknowledges that housing supply within Raymond Terrace and Heatherbrae would largely consist of infill, with limited scope for greenfield development. Consideration of future development should support the objectives of the strategy, which seek to strengthen the position of Raymond Terrace as a regional centre and support Heatherbrae as a specialist centre.

It is considered that the proposal is appropriately located adjacent to an existing residential area and is sufficiently removed from the Heatherbrae industrial and bulky goods precinct so as to not compromise the long term viability of the specialist centre as an economic hub.

Raymond Terrace and Heatherbrae Strategy 2015 – 2031

The Raymond Terrace and Heatherbrae Strategy (RTHS) identify the land proposed to be rezoned as potential future greenfield development to assist in achieving the housing targets identified for Raymond Terrace.

Port Stephens Rural Residential Policy

The Port Stephens Rural Residential Policy (PSRRP) seeks to exclude rural residential development from land that is located within a future urban growth area. The purpose is to ensure future urban growth is not compromised by inappropriate rural residential development. In this instance, the site is identified in the RTHS for potential rezoning to R2 Low Density Residential to support higher density urban development.

The Planning Proposal will rezone only 6.3ha of the 58.5ha site for urban development. As the PSRRP seeks to limit rural residential development where higher densities can be accommodated, and because the site has been identified as having the potential to support urban development, it could be considered that the Planning Proposal should incorporate more land in the proposed R2 Low Density Residential zone.

However, it is considered that the scope of the proposed rezoning is appropriate and the proposal facilitates a variety of lot sizes and will allow for a transition from higher density residential uses to the surrounding rural land uses.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The subject site has been used exclusively for primary production for a considerable period of time, with past agricultural practices removing significant vegetation from the site for farming purposes. As such, there is unlikely to be any significant loss of habitat or vegetation as a result of the Planning Proposal.

Part of the land proposed to be rezoned to the R5 Large Lot Residential zone is located below the flood planning level. The flood affected land will form part of future rural residential allotments, however there is considered sufficient elevated flood free areas available for any future dwellings to be located above the flood planning level.

Positive economic and social outcomes are likely to result from the Planning Proposal given the proximity of the subject site to the existing social and commercial services of Raymond Terrace and Heatherbrae centres.

CONSULTATION

Internal

Consultation was undertaken with internal stakeholders including the Engineering, Natural Resources, Social Planning and Economic Development Units. No major concerns were identified with the Planning Proposal. All associated impacts are considered able to be dealt with during the assessment stage of any future development applications.

External

Community consultation and consultation with Government agencies will be undertaken in accordance with the gateway determination.

OPTIONS

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

ATTACHMENTS

- 1) Locality Plan and Current Land Use Zoning.
- 2) Proposed Zoning Map.

COUNCILLORS ROOM

- 1) Planning Proposal - Combined Attachments.

TABLED DOCUMENTS

- 1) Planning Proposal.



