

ITEM NO. 1

FILE NO: PSC2006-0191

PLANNING PROPOSAL TO AMEND THE PORT STEPHENS LOCAL ENVIRONMENTAL PLAN (KINGS HILL, NORTH RAYMOND TERRACE) 2010

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

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Planning Proposal to amend the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 at **Attachment 1** in accordance with Section 55 of the Environmental Planning and Assessment Act for the purposes of obtaining a Gateway determination and agreement for public exhibition from the Department of Planning and Infrastructure;
 - 2) Exhibit the Planning Proposal for at least the minimum period specified following the Gateway determination.
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COUNCIL COMMITTEE MEETING – 12 JUNE 2012**RECOMMENDATION:**

	Councillor Bob Westbury Councillor Sally Dover
	That the recommendation be adopted.

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

Those for the motion: Crs Sally Dover, Bob Westbury, Geoff Dingle, Frank Ward, Glenys Francis, John Nell, Peter Kafer, Shirley O'Brien and Steve Tucker.

Those against the motion: Nil.

ORDINARY COUNCIL MEETING – 26 JUNE 2012

135	Councillor Steve Tucker Councillor Shirley O'Brien
	It was resolved that the recommendation be adopted.

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

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BACKGROUND

The purpose of this report is to seek Council's agreement to progress a Planning Proposal to amend the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 in order to facilitate the development of the land.

Proposal details

Planning Proposal: Refer to Attachment 1.

Subject land: All land within the Kings Hill Urban Release Area.

Proponent: Various landowners.

Current zones: R1 Residential, B2 Local Centre, B4 Mixed Use, E2 Environmental Conservation, and E3 Environmental Management.

Proposed zones: No new zones. Change to the boundary of the E2 Environmental Conservation zone and a corresponding increase in the area of land zoned R1 Residential and B4 Mixed Use.

Other provisions:

Include additional land uses in the B4, E2 and E3 zones.

Provide additional flexibility in minimum lot sizes for dwellings.

Provide flexibility in the lot size of a residual area of land zoned E2 Environmental Conservation within a split zoned lot in a new subdivision.

Adjust the E2 Environmental Conservation Zone boundaries to more accurately reflect those areas of environmental significance and those areas which may provide biodiversity offsets, and to provide flexibility as detailed site planning proceeds.

Provide for a biodiversity map layer and associated "biodiversity protection" clause associated with the rezoning of narrow areas of E2 Environmental Conservation zoned land to R1 Residential and B4 Mixed Use Zones.

Address a number of other matters including additional land uses in the R1 Residential, B4 Mixed Use, and E3 Environmental Management zones.

The proposed amendments have been made necessary as a result of the draft Local Environmental Plan for Kings Hill submitted by Council in 2010 being amended by the Department of Planning and Infrastructure prior to its publication and to address a range of matters arising from more detailed site planning undertaken by the landholders.

Additional land uses

It is proposed to include the following uses as "permitted with consent":

"Car parking" in the B4 Mixed Use zone. This is to permit standalone car parks or those in conjunction with development on the adjacent B2 Local Centre zoned sites in the Town Centre.

"Ecotourist facilities", "flood mitigation works", "sewerage systems", and "water supply systems" in E3 Environmental Management Zone. This is to align the permitted uses with those in the E2 Environmental Conservation zone and to permit hydraulic utilities and flood mitigation works in the zone.

Additional Flexibility in Lot Sizes

This proposed clause applies to land in the R1 Residential, B2 Local Centre or B4 Mixed Use zones and permits development that incorporates lots smaller than the minimum permitted lot size where a single development application is received for both subdivision and residential or commercial development on the lots.

Subdivision of certain Split Zone lots containing E2 zoned land

The proposed clause addressing this matter permits the subdivision of lots that contain more than one zone (one of which is an E2 zone) to create a lot which contains less than the minimum permitted lot size for the E2 zoned land provided that the lot contains all the E2 zoned land in addition to the minimum permitted lot size in a residential or commercial zone.

An additional subclause to the above addressing this matter permits the subdivision of lots that contain more than one zone (one of which is an E2 zone) to create a lot which contains less than the minimum permitted lot size for the E2 zoned land provided that a satisfactory Vegetation Management Plan has been lodged in addition to arrangements for the ongoing management of the Vegetation Management Plan. The Vegetation Management Plan is necessary to provide a formal plan of how the biodiversity values of the land are to be conserved.

Ecotourism

This clause describes the circumstances under which consent may be granted for an ecotourism facility. The amendment to include development requirements for ecotourist facilities as an additional land use in the E2 and E3 zones arises because the Department of Planning and Infrastructure only permitted this land use in a land use table after the publication of the Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010.

Biodiversity Protection

This clause seeks to provide a biodiversity map layer over the existing E2 Environmental Conservation zoned land proposed to be zoned to R1 Residential.

Rezoning the "fingers" of E2 Environmental Conservation land to R1 General Residential and other minor adjustments to the E2 Environmental Conservation zone boundary will provide flexibility to enable detailed subdivision planning to be undertaken and for service infrastructure and roads to be constructed. Recent detailed surveying and site investigation by landowners has shown that the boundaries of environmentally significant areas are inaccurate. The purpose of this component of the Proposal is to address these inaccuracies as well as to provide greater flexibility in detailed design. The qualities of riparian areas and related areas of environmental significance will be retained and protected by a "Biodiversity protection" clause in the Local Environmental Plan that specifies development considerations, and an associated map. This is consistent with the biodiversity offset arrangements agreed with the Office of Environment and Heritage.

Manufactured home estates

It is proposed to include manufactured home estates as an additional permitted land use in the R1 Residential zoned land on Lot 481 DP 804971 and Lot 4822 DP 852073 owned by Gwynvill. These lots are on the eastern side of Kings Hill, adjacent to the Pacific Highway.

Map amendments

The LEP maps will be amended to reflect changes to the E2 zone boundary. Consequential mapping changes to the Height of Buildings and Lot Size Maps to reflect the zone changes is necessary.

A biodiversity map layer is proposed which will define areas of environmental significance which will be protected by a "biodiversity protection" clause.

FINANCIAL/RESOURCE IMPLICATIONS

The Planning Proposal will be progressed using existing budget allocations and the rezoning fees for the Planning Proposal that have been paid by the landowners.

LEGAL, POLICY AND RISK IMPLICATIONS

The Planning Proposal is proposed to be progressed in a manner consistent with statutory and policy requirements. The Planning Proposal is consistent with the Port Stephens Planning Strategy and the Lower Hunter Regional Strategy. The risks associated with progressing the Planning Proposal are minimal.

From a development perspective, the Planning Proposal will provide greater flexibility and certainty in designing and implementing new urban development. Consequently, the Planning Proposal reduces development risk.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
Due process not followed	Low	Care is taken to ensure due process is followed	Yes
Planning Proposal does not proceed	Low	Ensure that planning issues are identified during the Planning Proposal process are addressed efficiently and effectively	Yes
Planning proposal is amended during the decision making process	Low	Ensure that any amendments are consistent with ensuring that the objectives of the Planning Process are met	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Planning Proposal seeks to facilitate the development of the Kings Hill Urban Release Area. The development of Kings Hill will deliver a greater supply and greater diversity of housing to the area. It will create employment during the construction and operation of the Urban Release Area.

Rezoning a number of narrow corridors" of E2 Environmental Conservation land to R1 General Residential and other minor adjustments to the E2 Environmental Conservation zone boundary will provide flexibility to enable detailed subdivision planning to be undertaken and for service infrastructure and roads to be constructed. Recent detailed surveying and site investigation by landowners has shown that the boundaries of environmentally significant areas are inaccurate. The purpose of this component of the Proposal is to address these inaccuracies as well as to provide greater flexibility in detailed design. The qualities of riparian areas and related areas of environmental significance will be retained and protected by a "Biodiversity protection" clause in the Local Environmental Plan

that specifies development considerations, and an associated map. This land is not proposed to be used for biodiversity offsets.

CONSULTATION

Should the Planning Proposal proceed to public exhibition, it will be notified in the newspaper and exhibited in the Administration Centre, the Raymond Terrace Library and on the Council website. The exhibition will take place for at least the minimum period specified in the Gateway determination.

Consultation with relevant Government agencies as specified by the Gateway determination will be undertaken. Consultation has already been held with the Office of Environment and Heritage and the Department of Planning and Infrastructure. Additional consultation will be held with these agencies.

Submissions will be considered by Council officers in the finalisation of the Planning Proposal, and reported to Council.

OPTIONS

- 1) Adopt the recommendations of this Report to submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination, and henceforth a public exhibition. This is the recommended option.
- 2) Amend one or more of the provisions of the Planning Proposal prior to submitting the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination, and public exhibition. This is not recommended;
- 3) Amend the recommendations of this Report to submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway determination only. A further Council report would be necessary to seek agreement for a public exhibition of the Planning Proposal. This is not recommended because it is considered unnecessary unless substantive amendments are made to the Planning Proposal prior to exhibition.
- 4) Reject the recommendations of this Report and not initiate the rezoning process. This is not recommended because it will impede the development of Kings Hill.

ATTACHMENTS

- 1) Planning Proposal to amend the Local Environmental Plan (Kings Hill Raymond Terrace) 2010. (Under Separate Cover).

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM NO:

FILE NO: PSC2006-191

Council Meeting Date: 12 June 2012

Draft Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2011 – various matters (Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 – Revision of planning controls for riparian and related conservation areas and other amendments to increase flexibility

ATTACHMENT 1

