

ITEM NO. 12

**FILE NO: 17/146425
RM8 REF NO: PSC2014-02874**

**PLANNING PROPOSAL TO AMEND THE ZONING AND MINIMUM LOT SIZE AT
5A & 5B FERODALE ROAD AND 9 WAROPARA ROAD, MEDOWIE.**

REPORT OF: MICHAEL MCINTOSH - GROUP MANAGER DEVELOPMENT
SERVICES
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal under the *Environmental Planning and Assessment Act 1979 (NSW) (s55)* to amend the *Port Stephens Local Environmental Plan 2013* for land at 5A & 5B Ferodale Road and 9 Waropara Road, Medowie to:
 - a) Rezone Lots 1 and 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from RU2 Rural Landscape to R5 Large Lot Residential;
 - b) Reduce the minimum lot size for Lot 110, DP 1082077 (9 Waropara Road, Medowie) and Lots 1 & 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from 20ha and 1ha to 8,000sqm.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment for a gateway determination;
- 3) Request an authorisation to exercise delegation of plan making functions for the planning proposal.

**ORDINARY COUNCIL MEETING - 1 AUGUST 2017
MOTION**

198	Mayor Bruce MacKenzie Councillor Ken Jordan It was resolved that Council: 1) Adopt the planning proposal under the <i>Environmental Planning and Assessment Act 1979 (NSW) (s55)</i> to amend the <i>Port Stephens Local Environmental Plan 2013</i> for land at 5A & 5B Ferodale Road and 9 Waropara Road, Medowie to: a) Rezone Lots 1 and 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from RU2 Rural Landscape to R5 Large Lot Residential; b) Reduce the minimum lot size for Lot 110, DP 1082077 (9 Waropara Road, Medowie) and Lots 1 & 2, DP 1711455 (5A & 5B Ferodale Road, Medowie) from 20ha and 1ha to 8,000sqm. 2) Forward the planning proposal to the NSW Department of Planning and Environment for a gateway determination; 3) Request an authorisation to exercise delegation of plan making functions for the planning proposal.
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MINUTES ORDINARY COUNCIL - 1 AUGUST 2017

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, Sally Dover, Ken Jordan, John Nell and Steve Tucker.

Those against the Motion: Cr Peter Kafer.

BACKGROUND

The purpose of this report is to advise Council of a request to amend the zoning and minimum lot size at 5A & 5B Ferodale Road and 9 Waropara Road, Medowie (the site) in accordance with the planning proposal (the proposal) (**ATTACHMENT 1**). The proposal seeks to facilitate subdivision of the site to create an addition four lots.

A summary of the proposal is provided below:

Proponent:	Le Mottee Group Pty Limited (on behalf of landowners).
Site:	Lot 110, DP 1082077 - 9 Waropara Road; Lot 1, DP 1711455 - 5B Ferodale Road; and Lot 2, DP 1711455 - 5A Ferodale Road.
Current Zoning:	Lots 1 and 2 DP 1711455 – RU2 Rural Landscape; Lot 110, DP 1082077 – No change.
Proposed Zoning:	Lots 1 and 2 DP 1711455 – R5 Large Lot Residential.
Current Minimum Lot Size:	Lot 1 and 2 DP 1711455 - 20ha; and Lot 110, DP 1082077 - 1ha.
Proposed Minimum Lot Size:	8,000m ² .

The site is located on the corner of Waropara Road and Ferodale Road. This could be considered to be on the fringe of the existing Medowie rural-residential area. The site is within walking distance of the town centre, public transport and local schools.

The site is identified by the Medowie Planning Strategy (the strategy) as a small precinct suited for rural residential development with a minimum lot size of 8000m² and a recommended rural residential zoning. As the proposal seeks to amend the LEP, it is consistent with the vision, objectives and principles of the strategy.

It is therefore considered that the proposal has sufficient merit to proceed to the gateway panel. Post-gateway will result in consultation with state government agencies and the community through a public exhibition period.

COMMUNITY STRATEGIC PLAN

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

FINANCIAL/RESOURCE IMPLICATIONS

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

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Section 94	No		Future development in the form of subdivision will be subject to local infrastructure contributions in accordance with the Port Stephens Local Infrastructure Contributions Plan 2007.
External Grants	No		
Other	No	10,500	The proposal was categorised as Category B under Council's Fees and Charges Schedule. The Stage 1 fee of \$10,500 was paid.

LEGAL, POLICY AND RISK IMPLICATIONSEnvironmental Planning and Assessment Act 1979 (NSW)

Under the *Environmental Planning & Assessment Act 1979 (Part 3) (NSW)*, only the Minister or Council can initiate a local environmental plan. If Council resolves to proceed with the recommendation and adopt the planning proposal, it will be forwarded to the NSW Department of Planning and Environment for a gateway determination. This will include a request for the delegation of plan making functions.

Regional Planning

The Hunter Regional Plan 2036 projects a population increase of 18,550 persons for the Port Stephens LGA. The proposal will assist in providing housing for that population increase by enabling subdivision for residential accommodation.

Local Planning

The proposal is consistent with the Port Stephens Planning Strategy (PSPS) and the Medowie Planning Strategy (the Strategy). The PSPS identifies Medowie as a town centre. This identification is provided further guidance by the Strategy.

The site is identified in the Strategy as a small 'Precinct R' rural residential with an 8,000 m² minimum lot size. The proposal is consistent with this identification.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the process for amending the local environmental plan is not followed.	Low	Review the progress of the proposal against the legislative framework and outline that progress within a future report back to council on the exhibition period.	Yes
There is a risk that the community does not feel that they have enough time to make an informed comment.	Low	The proposal recommends that the matter is placed on public exhibition for a minimum period of 28 days following public exhibition.	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

Social and Economic Implications

The proposal will have positive economic and social implications through the provision of an estimated six rural residential lots in proximity to existing services, roadways, public transport and pedestrian access to the Medowie Town Centre.

Residential development will result in the loss of vegetation. However, the size of the lots will enable for the retention of vegetation that could not be achieved on smaller lots. This retention will assist in reducing the potential impact on species. Targeted surveys will be undertaken post-gateway to address ecological impacts.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section.

Internal

The proposal has been subject to internal referral with environmental and drainage issues to be addressed post-gateway and prior to public exhibition stage.

Amending the minimum lot size of the site is not expected to result in any adverse environmental impacts.

Preliminary service advice addressing waste management has been sort from Hunter Water Corporation with indications that some upgrade works may be required to connect the site to water and sewer infrastructure.

Water quality modelling demonstrating neutral or beneficial effect on water quality will be required to be undertaken post-Gateway Determination.

External

Formal consultation requirements will be set by a gateway determination. It is also recommended that the proposal be referred to the NSW Rural Fire Service in relation to bushfire, Commonwealth Department of Defence in relation to aircraft noise and the Office of Environment & Heritage in relation to vegetation.

If the proposal proceeds past gateway determination, it is recommended that the proposal be placed on public exhibition for a minimum of 28 days and that adjoining landowners will be notified in writing.

OPTIONS

- 1) Accept the recommendations and forward the Planning Proposal to the NSW Department of Planning and Environment for a Gateway Determination and request Council has delegation on the plan.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning Proposal - 5A and 5B Ferodale Road and 9 Waropara Road Medowie.
(Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

