

MINUTES ORDINARY COUNCIL - 9 MAY 2017

Councillor Ken Jordan left the meeting at 7:54pm, in Open Council.

Councillor Paul Le Mottee left the meeting at 7:54pm, in Open Council, and did not return to the meeting.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 17/80839

RM8 REF NO: PSC2010-04979

REZONING - 111 SOUTH STREET AND 1C SYLVAN AVENUE, MEDOWIE

**COUNCILLOR: GEOFF DINGLE
PETER KAFER**

THAT COUNCIL:

- 1) Commence the process of rezoning 111 South Street (Lot 14 DP 1079392) and 1C Sylvan Avenue (Lot 11 DP 1105086) from the current zoning R2 to R5. This provides consistencies with surrounding zoning and prevents subdivision into smaller lots creating traffic parking hazards and have a significant impact on the amenity and streetscape of the surrounding area.

ORDINARY COUNCIL MEETING - 9 MAY 2017 MOTION

113	Councillor Geoff Dingle Councillor Peter Kafer It was resolved that Council that Council commence the process of rezoning 111 South Street (Lot 14 DP 1079392) and 1C Sylvan Avenue (Lot 11 DP 1105086) from the current zoning R2 to R5. This provides consistencies with surrounding zoning and prevents subdivision into smaller lots creating traffic parking hazards and have a significant impact on the amenity and streetscape of the surrounding area.
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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: Crs Geoff Dingle, Chris Doohan, Peter Kafer and Steve Tucker.

Those against the Motion: Crs Sally Dover, John Morello and John Nell.

BACKGROUND REPORT OF: DAVID ROWLAND – STRATEGY AND ENVIRONMENT SECTION MANAGER

BACKGROUND

Site Context

The subject land 111 South Street (Lot 14 DP 1079392) and 1C Sylvan Avenue (Lot 11 DP 1105086) is located on the north side of the intersection of South Street and Sylvan Avenue. Under the Port Stephens Local Environmental Plan 2013 the current zoning is R2 Low Density Residential with a minimum lot size of 450m². The attached maps show the site context (**ATTACHMENTS 1, 2 and 3**).

The current minimum lot size of 450m² for the subject land was not intended. Its application occurred during the transition from the former Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013 (published on 23 December 2013 and commenced 22 February 2014). The minimum lot size was intended to be a minimum 700m² to be consistent with previous resolutions of Council (outlined below).

History

Under Port Stephens Local Environmental Plan 2000 the subject land was zoned 1(c5) Rural Small Holdings with a minimum lot size of 2,000m².

In August 2010 Council received a planning proposal to facilitate additional development at Pacific Dunes Estate. The initial planning proposal did not include the subject land.

8 February 2011 Council resolved to defer consideration of the proposal in order to facilitate additional consultation with residents.

February 2012 the proponent lodged a revised planning proposal for the Pacific Dunes Estate. The revised planning proposal added the subject land.

24 April 2012 Council resolved to prepare a planning proposal including to amend the zoning of the subject land to 2(a) Residential and 720m² (or 700m² for NSW Standard Instrument LEP purposes).

The planning proposal was placed on public exhibition from 21 February to 7 March 2013 including the subject land. Council records indicate that notification letters were sent to adjoining landowners on 20 February 2013. Eleven submissions were received from the community.

13 August 2013 Council resolved to proceed with the planning proposal, post-exhibition, including the subject land with a zoning of 2(a) Residential and a minimum lot size of 700m².

The current minimum lot size of 450m² was not intended and occurred with the transition from the former Port Stephens Local Environmental Plan 2000 to the Port Stephens Local Environmental Plan 2013.

It is intended to address the lot size as a part of the forthcoming 'housekeeping' amendment to the Port Stephens Local Environmental Plan 2013 to apply a minimum lot size of 700m² consistent with previous resolutions of Council. This process is estimated to take 12 to 18 months.

Notice of Motion

Amending the zoning of the subject land to R5 Large Lot Residential and applying a minimum lot size of 2,000m² will require a resolution to prepare a separate planning proposal for the subject land (only) and setting out a revised land use planning assessment for the proposed changes to land use planning controls. This process may take approximately 12 months from a Council resolution.

ATTACHMENTS

- 1) Subject Land.
- 2) Current Zoning.
- 3) Current Minimum Lot Size.





