
10.4 PLANNING PROPOSAL TO REZONE PART OF LOT 5 DP 1137052, 39 DUNMORE ROAD, LARGS FROM RU1 PRIMARY PRODUCTION TO R5 LARGE LOT RESIDENTIAL

FILE NO:	RZ 19/001
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Planning Proposal (udner separate cover) 2. Flow Chart 3. Subdivision Plan
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MAITLAND +10	Outcome 7. Diverse and affordable housing
COUNCIL OBJECTIVE:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

Council received a rezoning submission in November 2018 relating to a site at Lot 5 DP 1137052, Dunmore Road Largs. The submission seeks to rezone part of the site from RU1 Primary Production to R5 Large Lot Residential to enable subdivision of the site into three (3) large lot residential lots and the subsequent erection of a dwelling-house on each of the two (2) vacant lots. The proposal also seeks to amend the minimum lot size applicable to the proposed R5 Large Lot Residential zoned area to facilitate a subdivision layout that responds to the existing environmental constraints of the site and is compatible with the land's flood hazard.

The site is located on the eastern side of Dunmore Road, approximately one (1) kilometre south of the intersection of Dunmore road with Paterson Road. The lot is an irregular shaped parcel with an area of approximately 4.6 hectares. The front portion of the site is currently zoned R5 Large Lot Residential, whilst the remainder of the site is zoned RU1 Primary Production. There is an existing dwelling and a shed situated in the centre of the site. A large proportion of the site is flood-prone (i.e. below the Flood Planning Level).

The site is identified as a potential urban extension site in the Maitland Urban Settlement Strategy 2012 (MUSS 2012), providing the strategic framework to consider the proposed rezoning of the site for large lot residential purposes. The site is not identified in the Maitland Local Strategic Planning Statement 2040+(LSPS). The site is not identified in the NSW State Government's Greater Newcastle Metropolitan Plan. However, it is consistent with the strategies, specifically Strategy 18, in this plan as it is planning for delivery of well-planned large lot residential housing that minimises potential conflicts with productive agricultural areas and environmental constraints, including flooding, and does not increase pressures on infrastructure.

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Council's assessment of the site constraints and supporting studies has informed the preparation of the planning proposal.

The site issues of contamination, extent of flood free access issues, and Aboriginal cultural heritage assessment require further investigation and assessment. However, it is considered this can occur post Gateway determination. The proposed amendment to rezone the site has strategic and site-specific merit to progress to the NSW Department of Planning, Industry and Environment for a Gateway assessment.

The Planning Proposal – Dunmore Road, Largs (Large Lot Residential) is provided as Attachment 1 to this report for Council's consideration.

OFFICER'S RECOMMENDATION

THAT:

- 1. Pursuant to section 3.34(1) of the *Environmental Planning and Assessment Act 1979*, Council submit the attached planning proposal to the Minister for Planning and Public Spaces seeking a Gateway determination.**
- 2. Following issues of a Gateway determination, Council undertake consultation with the community and relevant government agencies in accordance with section 3.34 and Schedule 1 of the *Environmental Planning and Assessment Act 1979* the requirements of the Gateway determination.**
- 3. A further report be presented to Council following public exhibition of the planning proposal to demonstrate compliance with the Gateway determination and provide consideration of any submissions received during the community consultation process.**
- 4. The Department of Planning, Industry and Environment be advised that Council is seeking authorisation to use its delegated functions under section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the Plan, following completion of community consultation.**

REPORT

The purpose of this report is to:

- 1. Provide a background to the assessment process undertaken prior to this point for the site described as Lot 5 DP 1137052, Dunmore Road Largs,**
- 2. Provide information to enable Council to determine whether an amendment to MLEP 2011 should proceed for the purpose of rezoning the flood free part of the site from RU1 Primary Production to R5 Large Lot Residential, and**

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3. Provide a summary of the planning proposal for the site for submission to the NSW Department of Planning, Industry and Environment for Gateway assessment, seeking a Gateway determination.

The process for making or amending a Local Environmental Plan normally involves the following key components:

- Submission of a proposal to the relevant planning authority (Council),
- Pre Gateway including preparation of a planning proposal,
- Gateway assessment,
- Issuing of a Gateway determination,
- Gateway implementation including government agency and community consultation on the planning proposal (as required),
- Finalisation of the planning proposal,
- Drafting of the LEP (legal instrument),
- Making the plan, and
- Notifying the LEP on the NSW Government Legislation website.

A flow chart detailing the LEP plan making process is provided in Attachment 2.

This report related to the first stage of the LEP plan making process.

BACKGROUND

Council received a rezoning submission in November 2018 relating to a site at Lot 5 DP 1137052, Dunmore Road Largs. The submission seeks to rezone part of the site from RU1 Primary Production to R5 Large Lot Residential to enable subdivision of the site into three (3) large lot residential lots and the subsequent erection of a dwelling-house on each of the two (2) vacant lots. The proposal also seeks to amend the minimum lot size applicable to the proposed R5 Large Lot Residential zoned area to facilitate a subdivision layout that responds to the existing environmental constraints of the site and is compatible with the land's flood hazard.

An assessment of the site constraints and supporting studies has informed the preparation of the planning proposal, provided as Attachment 1 to this report.

There are outstanding issues to be further addressed as the planning proposal progresses. These include contamination, extent of flood free access required and Aboriginal cultural heritage assessment. Council has provided a summary and recommendations relating to these issues in this report. Council considers these matters appear capable of resolution. Further supporting information and government agency consultation will help determine the subdivision plan and development footprints within the proposed R5 Large Lot Residential zone. This additional work will occur post the Gateway determination and prior to development assessment.

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SITE DESCRIPTION

The site is known as Lot 5 DP 1137052 Dunmore Road, Largs.

The site is located on the eastern side of Dunmore Road, approximately one (1) kilometre south of the intersection of Dunmore road with Paterson Road. The site is an irregular shaped parcel with a total area of 4.65 hectares. The front portion of the site is currently zoned R5 Large Lot Residential with a minimum lot size of 2000 sqm, whilst the remainder of the site is zoned RU1 Primary Production with a minimum lot size of 40 hectares.

The site is gently undulating. Adjoining land to the north and west comprises large lot residential development. Land to the south and east comprises low-lying agricultural land. The subject land is predominantly cleared, containing exotic pasture grasses and a few scattered trees and shrubs. The understorey has historically been grazed by cattle. The site contains a small dam in the front (western) portion of the site, as well as a large dam, an area of wetland and a man-made canal in the rear (eastern) portion. The site is predominately flood-prone (i.e. below the Flood Planning Level). There is an existing dwelling and a shed situated in the centre of the site. Access to the existing dwelling is via a gravel access track over the existing farm dam embankment.

A locality map, flood planning area map and copies of the existing and proposed land use zoning and applicable minimum lot size maps are provided in the planning proposal, included as Attachment 1 to this report.

SITE HISTORY

Council granted development consent for a staged six (6) lot subdivision of Lot 220 DP 1137051 (the parent lot) on 19th January 2007 (i.e. DA 06-3021). Stage 1 of the development, creating four (4) rural residential lots fronting Dunmore Road, was registered in May 2009. Lot 5 (the subject land) was created as the residue lot. Stage 2 of the development, being the further subdivision of Lot 5 into two (2) lots, was never completed. A copy of the approved six (6) lot subdivision plan is included as Attachment 3.

In January 2017, Council received an initial inquiry from Pulver, Cooper & Blackley (PCB) regarding the possibility of rezoning the subject land to enable Lot 5 DP 1137052 to be subdivided into four (4) lots. A pre-lodgment meeting was subsequently held at Council offices on the 1st February 2017, to discuss Council's requirements for the submission of a planning proposal, including advice that four lots could not be considered due to the site constraints. In a letter dated 2nd February 2017, Council advised that the submission of a planning proposal to rezone the land for urban purposes would need to be supported by the following information:

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- Agricultural Capability Assessment,
- Contamination Report,
- Flooding Assessment including dwelling sites/envelopes and access road,
- Visual Amenity Assessment,
- Aboriginal/European Assessment,
- Traffic Report, and
- Flora/Fauna Report.

A subsequent rezoning submission was received by Council in November 2018 to rezone part of the site for large lot residential purposes.

REQUEST FOR ADDITIONAL INFORMATION

Council reviewed the rezoning submission including several site-specific studies relating to flooding, ecology, contamination, agricultural capability, visual amenity, traffic and access and heritage/archeological assessments.

Council requested further information to support the rezoning submission on 1st March 2019 and 6th June 2019. The additional information requested included by was not limited to site contamination, visual impacts, ecological impacts and flooding.

The proponent provided an ecological assessment in March 2019 and a revised flood assessment in January 2020. A Phase 2 contamination assessment and a revised visual impact assessment was provided in March 2020. The Phase 2 Contamination assessment required further soil sampling and analysis, this was communicated to the proponent at a meeting in May 2020. A revised Phase 2 report was provided in September 2020. Council has completed a cumulative assessment of the site-specific studies to inform the preparation of the planning proposal. Details of the assessment of site studies is provided in the planning proposal attached to this report.

PLANNING PROPOSAL

The objective of the planning proposal is to amend the Maitland LEP 2011 by rezoning part of Lot 5 DP 1137052, 39 Dunmore Road, Largs for large lot residential purposes to facilitate subdivision of the site into three (3) rural residential lots and the subsequent erection of a dwelling-house on each of the two (2) vacant lots so created. The proposal also seeks an amendment to the applicable minimum lot size to facilitate a subdivision layout that responds to the existing environmental constraints of the site and is compatible with the land's flood hazard.

The intended outcome will be achieved by rezoning approximately 9,240m² of land above the Flood Planning Level (FPL) from RU1 Primary Production to R5 Large Lot Residential.

It is also proposed to amend the LEP minimum lot size map to apply a minimum lot size of 3,000m² to the portion of the site proposed to be zoned R5 Large Lot

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Residential and a minimum lot size of 40 hectares to the remainder of the site being retained as zone RU1 Primary Production.

The proposal will involve amendments to the following LEP maps:

- Land Zoning Map (Sheet LZN_004C); and
- Lot Size Map (Sheet LSZ_004C).

The existing and proposed land use zones and minimum lot sizes are detailed in Part 4 of the planning proposal attached to this report.

In accordance with the Department of Planning, Industry and Environment's *Guide to Preparing Planning Proposals*, there are several matters that are required to be addressed to justify the rezoning of any land, namely:

- need for the planning proposal,
- relationship to strategic planning framework,
- environmental, social, and economic impact, and
- State and Commonwealth interests.

A detailed assessment of the proposal against each of the above matters is provided in Part 3 of Council's planning proposal, attached to this report as Attachment 1.

OUTSTANDING ISSUES

Following assessment of the site-specific studies, the following matters are considered outstanding issues and require further consideration and assessment post Gateway determination. Council provides specific recommendations relating to these issues.

Contamination

In accordance with *Ministerial Direction 2.6 - Remediation of Contaminated Land*, in preparing a planning proposal to rezone land that has previously been used for agricultural purposes, Council is required to consider whether the land is contaminated and if the land is contaminated, that the land is suitable in its contaminated state (or will be suitable after remediation) for all of the purposes for which land in the zone concerned is permitted to be used.

The "Managing Land Contamination Planning Guidelines", set out the requirements for a *Stage 1 - Preliminary Site Investigation* and state that where contaminating activities are suspected to have had an impact on the land, sampling and analysis will be required to confirm and support any conclusion reached from the site history appraisal. Through the assessment and sampling results, an assessment of contamination can be established. The results of this sampling and analysis will determine whether a *Phase 2 - Detailed Site Investigation* will be required.

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Whitehead and Associates conducted a Phase 1 Environmental Site Assessment (ESA) of the site in September, 2019, which included a desktop review, a review of available site history information, a site walkover and limited surface soil sampling at three (3) nominated locations, with samples analysed for environmental contaminants, including heavy metals and pesticides.

The investigation found two (2) areas on the site containing imported fill material. One area near the western property boundary comprising a cut/fill building platform with a finished surface elevation at approximately the 1% AEP flood level. It is understood that this area was filled to create a flood-free pad for a future dwelling-house, in accordance with an approval granted by Council in 2008. The other area containing fill being the existing causeway/farm dam embankment that provides vehicular access to the existing dwelling-house. Some excess fill material from the causeway construction is stockpiled along the south side of the driveway.

The importation of VENM/ENM soil for the purposes of constructing a private access road and dam wall was approved by Council under DA 11-760, in August 2011. However, it is understood that the proponent did not obtain certification of this material to verify its source and VENM/ENM classification, which was a condition of the consent.

The Phase 1 investigation also found a risk of contamination present in the vicinity of the existing dwelling-house and storage shed that could preclude the proposed residential development. In particular, lead and zinc were reported in the sample taken from the yard area near the existing dwelling-house, in concentrations exceeding the health-based investigation levels (HIL) for residential use.

Given this finding, as well as the incomplete information regarding the contamination status of imported fill material on the site, further investigation in the form of a Phase 2 ESA was recommended.

A Phase 2 ESA report prepared by Whitehead and Associates was submitted to Council in March 2020. However, upon review of the Phase 2 report, Council raised concerns in relation to the adequacy of sampling across the site to meet the ENM guidelines. Accordingly, in correspondence dated 22 May 2020, Council requested further testing of COCs, including hydrocarbons and heavy metals, around the existing dwelling-house and shed. In addition, Council requested retrospective classification of the fill material under the Protection of the Environment Operations Act 1997 and the Waste Regulation for importation of waste to the site in compliance with the ENM Resource Recovery Exemption. This triggered the requirement for a 'revised' Phase 2 ESA.

A revised Phase 2 ESA report detailing the results of the ENM classification and additional sampling with AEC2 was submitted to Council in September 2020.

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The ENM assessment of the in-situ fill and stockpiled material found the majority of the material to be compliant with the EPA's ENM classification criteria. Some non-compliances were identified in the heavy metal concentrations (i.e. copper, lead and zinc) in several samples, as well as PAHs in one sample. Based on this, minor remedial actions are recommended in the form of aglime application to surface soils, as well as off-site disposal of the residual stockpiled fill material to the nearest licenced waste landfill facility.

The results of the additional soil sampling around the existing dwelling-house and shed found that there remains a relatively low risk of lead, hydrocarbon and zinc contamination. Slightly elevated zinc concentrations in the soil are recommended to be remediated through aglime application at the prescribed rate to neutralise and buffer soil PH to inhibit the uptake of zinc by plants.

Based on the results of the 'revised' Phase 2 ESA, Whitehead and Associates recommend that a Remedial Action Plan (RAP) be developed, as a condition of the subdivision DA, incorporating the recommended remedial actions outlined above.

Recommendation: For Council to be satisfied that the land can be made suitable for all uses permitted in the proposed zone, in accordance with Ministerial Direction 2.6, Council will require a Remedial Action Plan (RAP) detailing how the site will be remediated, to make it suitable for future residential use, to be submitted prior to finalisation of the planning proposal. It is anticipated that this further work will be required as a condition of the Gateway determination.

Visual Impacts

Greenspace Planning Co (GSP) undertook a residential visual amenity assessment of the site in March 2020. The primary objective of the assessment was to address Council's concerns relating to the potential impacts of future development of the site on the adjoining resident's visual amenity.

The visual context surrounding the site to the north, west and south is predominantly characterised by one and two storey residential developments, most of which have been constructed in the last two decades. Extending from the eastern site boundary is low-lying agricultural land of the Paterson River floodplain.

The assessment found that the proposal will present a moderate to high visual impact, primarily due to the close proximity of the adjoining residential properties.

It is accepted that a potential introduction of additional built elements would form a noticeable visual change, however, it is not considered that the impact will dominate views within the surrounding landscape. The subject adjoining individual receivers currently view an existing series of buildings on site, in addition to the other adjoining houses. The scale and pattern of the proposal is compatible with the surrounding landscape character and thereby able to accommodate change without unacceptable adverse effects on its character.

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Further, having regard for the nature of the proposal, factoring the proposed large lot sizes and staggered pattern and setbacks of building envelopes, these effects are considered to not be 'overbearing' or 'overwhelming' as a consequence on views. It is also not expected that the proposal would adversely impact other factors relevant to amenity, such as access to direct sunlight, daylight and ventilation.

Recommendation: Several measures are recommended to further mitigate any adverse visual impacts on adjoining residential properties, specifically:

- *All existing trees on the site should be retained.*
- *Boundary planting of a mix of canopy trees and shrubs should be provided to create a visual buffer between the site and the adjoining residential properties. Plant species selected for visual screening should be typical of the area.*
- *Future dwellings should be sited, designed, and constructed of appropriate materials and colours to ensure they are not visually obtrusive or detract from the surrounding landscape character of the area.*

Ecological Impacts

Firebird ecoSultants Pty Ltd carried out a preliminary ecological assessment of the site in May 2018, which combined a literature review and desktop research with flora and fauna surveys and a habitat assessment.

A freshwater wetland complex occurs to the rear of the site which is commensurate with Freshwater Wetlands on Coastal Floodplains listed as an EED under the TSC Act. The wetland is disturbed and is currently subject to cattle grazing. There are also two (2) dams on the site and although they are subject to cattle grazing, they contain some areas of dense riparian and aquatic vegetation. The remainder of the site consists of derived, exotic grassland and scattered trees. Five (5) large mature hollow-bearing trees occur on the site. Two (2) threatened species listed under the Biodiversity Conservation Act 2016 were recorded on the site (Blue-billed Duck and Grey-headed Flying Fox). The site could potentially provide habitat for several other threatened fauna species.

No direct or indirect evidence of *P. cinereus* (Koala) was found on the site. The site contains some scattered *E. tereticornis* (Forest Red Gum), a preferred Koala feed tree. However, the tree cover on the site is considered too sparse to provide suitable habitat for Koalas.

The Firebird report concludes that the baseline ecological investigations carried out to date are sufficient to justify a "Gateway" decision to proceed with a planning proposal. However, further ecological studies should be undertaken to determine

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the presence of threatened species and to provide a more detailed impact assessment potential development scenarios.

Recommendations: Consistent with the preliminary ecological assessment, Council considers that a Vegetation Management Plan (VMP) and development/design controls to minimise impacts on threatened species habitats should be established at the development assessment (DA) stage, e.g. measures put in place to avoid or minimise removal of hollow-bearing trees and EEC vegetation on site.

Flooding

Ministerial Direction 4.3 – Flood Prone Land applies when a planning authority prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land. In accordance with clause 5 of the Direction, a proposal must not rezone land within the flood planning area from a Rural zone to a Residential zone.

As it is proposed to rezone only that portion of the site above the FPL, the proposal is consistent with this Direction.

Geoff Craig & Associates Pty Ltd (GCA) carried out a flood assessment of the site in December 2019, to examine the degree to which flooding affects the site, provide advice in managing flood risk and comment on the compatibility of future development with flood planning development controls.

According to the Hunter River, Branxton to Green Rocks Flood Study (WMA Water, 2010) the PMF flood level at the site is 9.1m AHD. The 1% AEP flood level at the site is 7.1m AHD and the 5% AEP flood level is 6.3m AHD. A plan showing the area of the site below the Flood Planning Level is included as Appendix B (Note: Flood Planning Level means the level of a 1:100 ARI flood event plus 0.5 metre freeboard).

Access to the existing dwelling on the site is via a gravel access track across the existing farm dam embankment, with a minimum surface level of around 6.4m AHD, which is above the 5% (1 in 20yr) AEP flood level but below the 1% (1 in 100yr) AEP flood level.

It should be noted that it is not proposed to rezone any land below the FPL. Only that portion of the site above the FPL will be rezoned to R5 Large Lot Residential. There is sufficient area within the proposed R5 Large Lot Residential zone for each lot and the relative dwelling site located above the Flood Planning Level (FPL), which by definition is 500mm above the 1% AEP flood. Principal access to the allotments will also be across the existing farm dam embankment. This access has been constructed to a level of 6.4m AHD, which is 0.1m higher than the 5% AEP flood level and is therefore considered to provide suitable flood free access to future lots.

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The flood assessment report concludes that rezoning and development of the site, as proposed, would not have any substantial impact on flooding outside of the site and should therefore be supported.

Recommendation: Council considers if flood free access can be provided at or above the 1% AEP flood level, then it should be. There is scope for a secondary 'emergency' vehicular/pedestrian access to be provided along the northern boundary of the site, where minor filling in the flood fringe area would be contiguous with the adjacent land and potential flood impacts would be acceptable. The emergency access would not need to be physically constructed but should be covered by an easement/right-of-way to ensure appropriate title and legal access. This could be a requirement at the subdivision DA stage.

Archaeology and Heritage

A Heritage Due Diligence Assessment was carried out by Niche Environment and Heritage Pty Ltd (Niche) in May 2018, which identified an area of high archaeological sensitivity that may be impacted as a result of the proposed rezoning and subsequent development of the site.

Recommendation: Council supports the assessments recommendation that further investigation and impact assessment be undertaken to confirm the presence or absence of Aboriginal objects. This should include:

- *Aboriginal community consultation; and*
- *an Aboriginal Cultural Heritage Assessment, including test excavations to assess the significance of the PAD.*

It is anticipated that this further work will be required to be undertaken post-Gateway, as a condition of the Gateway determination.

STRATEGIC AND SITE-SPECIFIC MERIT

The intent of the planning proposal is to enable large lot residential infill development on land above the Flood Planning Level on the site. The best most efficient and timely way to achieve this is through an amendment to the MLEP 2011 to amend the land use zone and minimum lot size provisions applicable to the site to facilitate the proposed objectives.

The site is identified as a potential urban extension site in the Maitland Urban Settlement Strategy 2012 (MUSS 2012), providing the strategic framework to consider the proposed rezoning of the site for large lot residential purposes. The site is not identified in the Maitland Local Strategic Planning Statement 2040+(LSPS). The site is not identified in the NSW State Government's Greater Newcastle Metropolitan Plan.

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However it is consistent with the strategies, specifically Strategy 18, in this plan as it is planning for delivery of well-planned large lot residential housing that minimises potential conflicts with productive agricultural areas and environmental constraints, including flooding, and does not increase pressures on infrastructure.

The planning proposal process provides for the additional investigation and agency consultation required to further consider the impacts of the proposal as a result of the amendments to the land use zone and minimum lot size provisions.

Council considers there is sufficient strategic and site-specific merit for the proposal to proceed to Gateway assessment.

AUTHORISATION FOR COUNCIL TO EXERCISE DELEGATION

Following a Gateway determination, certain plan making powers may be delegated back to Council to finalise the LEP, should Council request it, or where the matters are determined to be of local planning significance, as determined by the Gateway. This increases Council's involvement and decision-making in the process and streamlines the administrative processing and making of the plan.

As this planning proposal is a urban extension rezoning of local significance and is consistent with an endorsed local strategy, being the MUSS 2012, it is recommended that Council request authorisation to exercise its delegated plan-making powers to finalise the plan, following completion of the community consultation process.

CONCLUSION

Council has undertaken a detailed assessment of the rezoning submission. Notwithstanding the need for certain issues to be resolved, Council recognises there is sufficient strategic and site-specific merit for the proposal to proceed to Gateway assessment as:

- the site has connection to existing infrastructure and services,
- the site provides for a large lot residential infill outcomes above the Flood Planning Level, responding to the site's environmental constraints,
- the proposal minimise conflict with the productive rural land by providing a transition in the density of development in this locality,
- the planning proposal provides for the additional investigations and agency consultation required to further justify the amendment to the land use zone and minimum lot size to achieve the intended outcomes for the site, and
- matters address contamination, Aboriginal cultural heritage and flood free access appear capable of resolution.

It is anticipated that matters for further consideration through the Gateway process will be reflected in the conditions of the Gateway determination.

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It is recommended that Council submit the planning proposal to the Department seeking a Gateway determination to enable the planning proposal to proceed.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

The statutory process for making or amending a Local Environmental Plan (LEP) is set out under part 3 of the *Environmental Planning and Assessment Act 1979*.

As this matter is covered by the definition of a “planning decision” under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose, a division must be called when a motion in relation to the matter is put to a meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

COUNCIL RESOLUTION**THAT:**

1. Pursuant to section 3.34(1) of the *Environmental Planning and Assessment Act 1979*, Council submit the attached planning proposal to the Minister for Planning and Public Spaces seeking a Gateway determination.
2. Following issues of a Gateway determination, Council undertake consultation with the community and relevant government agencies in accordance with section 3.34 and Schedule 1 of the *Environmental Planning and Assessment Act 1979* the requirements of the Gateway determination.
3. A further report be presented to Council following public exhibition of the planning proposal to demonstrate compliance with the Gateway determination and provide consideration of any submissions received during the community consultation process.
4. The Department of Planning, Industry and Environment be advised that Council is seeking authorisation to use its delegated functions under section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the Plan, following completion of community consultation.

Moved Cr D Ferris, Seconded Cr S Halliday

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr K Ranadive	
	Cr B Whiting	
	Cr M Yarrington	