

Fullerton Cove Road 2 Lot Subdivision

Proposal Title : Fullerton Cove Road 2 Lot Subdivision

Proposal Summary : The planning proposal seeks to enable a two (2) lot subdivision of rural land at Fullerton Cove.

The land is currently zoned 1(a) Rural Agriculture under Port Stephens LEP 2000. A Development Application (DA) was lodged with Council in September 2011 to subdivide the existing dual occupancy into two lots. The DA was recommended for refusal as subdivision is prohibited in rural zones under clauses 12 and 14(2) of the LEP. The planning proposal effectively seeks to enable approval of the DA.

PP Number : PP_2012_PORTS_006_00 Dop File No : 12/10014

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions :

Additional Information : That the planning proposal not proceed.

Supporting Reasons : There is no strategic justification for the planning proposal. Although the proposal is minor, it is inconsistent with the LHRs, SEPP (Rural Lands), and Section 117 Directions 1.2 Rural Zones, 1.5 Rural Land , 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land , 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions. It is considered that permitting subdivision will set a precedent which will result in further fragmentation of rural land in Port Stephens LGA.

A precinct based approach implemented through the PS LEP 2012 is preferable to a site specific amendment to PS LEP 2000, and could be considered in conjunction with the SI LEP program.

Panel Recommendation

Recommendation Date : 28-Jun-2012

Gateway Recommendation : **Rejected**

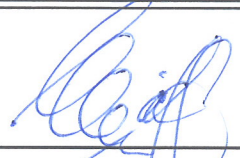
Panel Recommendation : The Planning Proposal should not proceed for the following reasons:

1. The planning proposal is inconsistent with the following S117 Directions:
 - a. 1.2 Rural Zones
 - b. 1.5 Rural Lands
 - c. 4.1 Acid Sulfate Soils
 - d. 5.1 Implementation of Regional Strategies
 - e. 6.3 Site Specific Provisions
2. The subject site is located in the Watagan to Stockton Green Corridor. Although the proposed subdivision of the subject land is considered minor in isolation, the planning proposal has not considered the broader strategic implications of rural land fragmentation. The planning proposal is also inconsistent with the Lower Hunter Regional Strategy in that it does not seek to 'provide for the on-going role of biodiversity corridor and inter-urban break'.
3. It is noted that the surrounding land is already heavily fragmented as a consequence of a lack of strategic direction for the Fullerton Cove area. Having regard to the number of lots within the 5ha to 20ha range on the Lot Size Analysis Map at Appendix E, and if Council wishes to approve further subdivision in this locality, it should undertake a strategic assessment of the area and select a more appropriate minimum lot size that permits subdivisions such as that covered by the planning proposal, and determine applications on

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their merits having regard to relevant environmental constraints.

Signature:



Printed Name:

Neil McGaffin

Date:

4.7.12