

EXTRACT FROM MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL HELD 15 FEBRUARY 2011

GOAL 1: To facilitate ecological and economical sustainable development in the Shire

1.7.1 Planning Proposal for Residential Rezoning

File: T5-114 {Folio No. 444345}

Goal Strategy Responsible Officer

SUMMARY

Reporting that Council has received a Planning Proposal to rezone land from 1(d) (Rural (Investigation) "D" Zone) to 2(a) (Residential "A" Zone) at Lot 4 DP1124599, North Street, West Kempsey.

2011. 76

RESOLVED:

**Moved: Cl. Green
Seconded: Cl. Gribbin**

That planning proposal T5-114 be forwarded to the Department of Planning for a Gateway Determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

A Division resulted in the following votes

F = Voted For

A = Voted Against

Campbell	F	Green	F	Gribbin	F	Hayes	F	Saul	F	Snowsill	F
Sproule	F	Walker	F								

RECOMMENDATION IMPLICATIONS

Environmental: Preliminary investigations and studies indicate that residential use of the site is not likely to have any negative environmental impacts. Further consideration of environmental impacts may be required as part of a gateway determination.

Social: The rezoning is considered to have the following social implications:

- New residential land adjacent to existing residential land reduces fragmentation and land use conflicts, as well as creating a coherent and more complete neighbourhood.

Economic (Financial): The rezoning is considered to have the following economic implications:

- Increase in the variety of residential land available locally;
- In the short term, increased employment during construction phases of future subdivision and subsequent dwellings; and
- In the long term, a minor strengthening of the local economy due to additional consumers purchasing from local businesses.

Policy or Statutory: *The proposed residential use of the land is consistent with Council's Draft Residential Component of the Local Growth Management Strategy. The proposed rezoning is consistent with the Mid North Coast Regional Strategy.*

REPORT DETAILS

Applicant: GEOLINK Pty Ltd - Simon Waterworth
PO Box 1446
Coffs Harbour NSW 2478
Subject Property: Lot 4 DP1124599 North Street, West Kempsey
Zone: 1(d) (Rural (Investigation) "D" Zone) and
1(e) (Rural (Floodway) "E" Zone)

REPORT DETAILS:

Council, as Relevant Planning Authority (RPA), has received a planning proposal, prepared by Geolink Pty Ltd, seeking an amendment to the KLEP 1987.

Objective of the Planning Proposal

The Planning Proposal is for the rezoning of part of the subject land, being Lot 4 DP1124599, North Street, West Kempsey, from 1(d) (Rural (Investigation) "D" Zone) to 2(a) (Residential "A" Zone). The subject land is currently used for non-intensive grazing purposes. The subject land is located on the northern fringe of West Kempsey, adjoining existing residential urban areas to the west and north. The southern portion of the subject land is flood prone land, being affected by the 1% AEP flood level. To the east of the subject land is other non-intensive grazing lands.

The objective of the planning proposal is to enable the subdivision of the subject land into low density residential allotments plus a residue rural allotment containing a flood prone portion of the subject land. **(Appendix G - Page SE15)**

Need for a Planning Proposal

The subject land is identified in local and regional strategic planning framework documents as a potential residential land release area. The portion of the site identified in Council's draft Residential Component of the Local Growth Management Strategy as potential residential release area, is currently zoned 1(d) (Rural (Investigation) "D" Zone), which has a minimum allotment size of forty (40) hectares. The subject land needs to be rezoned before any residential uses are permissible.

Land adjoining the subject land to the east (Lots 2 and 3 DP 1124599) has also been identified as part of the same draft urban release area. Ideally these should be part of the same LEP Amendment and Planning Proposal, however, the owners of these allotments have provided written advice that they do not wish to have their land rezoned at this stage. It is also noted that the subject land immediately adjoins residential development and would logically be developed before Lots 2 and 3 having regard to the location of water and sewage services. The take up of land in Kempsey is such that rezoning of Lots 2 and 3 is unlikely to be necessary for several years.

Relationship to Strategic Planning Framework

The following is the relevant strategic planning framework that applies to the planning proposal.

North Coast Regional Environmental Plan

The Planning Proposal includes a detailed analysis against the *North Coast Regional Environmental Plan* (NCREP) which demonstrates consistency with all relevant sections, including conservation and the environment, urban development, flood liable land, regional infrastructure, health and education and community services.

Mid North Coast Regional Strategy

The *Mid North Coast Regional Strategy* (MNCRS) outlines the general principals and objectives for the management of sustainable growth in the region to 2031. The Planning Proposal is generally consistent with the principals contained within the MNCRS.

In addition, the MNCRS identifies preferred growth areas for each sub-region. The subject land is identified in the Growth Area Map No. 6 – Kempsey as being within a “Proposed Future Urban Release” area.

Draft Kempsey Shire Council Local Growth Management Strategy Residential Component 2009

Under the draft *Kempsey Shire Council Local Growth Management Strategy Residential Component 2009* (KLGMS), the subject land is within the residential land release area (KUIA1) and is identified for release in 2009-2012.

Kempsey Residential Land Release Strategy 1997

Although the subject land was not specifically identified for release under the Residential Land Release Strategy 1997 it is considered that, given the proximity and similar constraints of the land to land which was identified, and the subject land is zoned 1(d) (Rural (Investigation) "D" Zone), the subject land is considered appropriate for residential land release. The land also represents a minor residential expansion and is identified for release under the 2009 strategy which is awaiting DoP approval.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

An ecological assessment has been provided with the Planning Proposal which included an assessment against *State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP No. 44). The assessment identified the subject land as being “potential koala habitat” but did not qualify as “core koala habitat” and therefore a site specific Plan of Management is not required.

Section 117 Ministerial Directions

The following Section 117 Directions are considered in more detail as they are relevant to the planning proposal:

Direction No. 2.1 – Environment Protection Zones requires councils preparing a draft LEP to protect and conserve environmentally sensitive areas. The planning proposal includes an ecological assessment which finds that the site is not environmentally sensitive.

Direction No. 2.3 – Heritage Conservation requires councils preparing a draft LEP to protect and conserve heritage items, places and areas. The Planning Proposal included an Aboriginal Heritage Information Management Systems (AHIMS) search which indicated no known places or items of Aboriginal heritage value on the subject land. There are no listed places or items of European heritage value on the subject land.

Direction No. 3.2 – Residential Zones requires councils preparing a draft LEP where residential development is permitted to encourage a variety and choice of housing types, and to make effective use of existing infrastructure. Given the location of existing services and the size of the subject land and Council's planning policies, the rezoning will facilitate achievement of this direction.

Direction No. 3.4 – Integrated Land Use and Transport requires councils preparing a draft LEP to ensure walking, cycling and public transport options are available to reduce dependence on motor vehicles. The subject land is within cycling distance from the Kempsey and West Kempsey CBDs and is located on North Street, an arterial road.

Direction No. 4.1 – Acid Sulfate Soils requires councils preparing a draft LEP on land containing acid sulphate soils to consider the Acid Sulfate Soils Planning Guidelines. Given the subject land is located on the high portion of the site (predominantly due to flood restrictions) it is reasonable to consider control of acid sulfate soils at the Development Application stage.

Direction No. 4.3 – Flood Prone Land requires councils preparing a draft LEP to ensure consistency with the NSW Government Flood Prone Land Policy and the NSW Floodplain Development Manual. Whilst the lower portion of the site is inundated by the 1% AEP flood event, the area proposed for rezoning is predominantly above this level; however a portion is below the 1% AEP flood event. In accordance with Council's Policy, filling of up to one metre is permissible and will determine the location of the zone boundary.

Direction No. 5.1 – Implementation of Regional Strategies requires councils preparing a draft LEP to address the regional strategy for their region. The *Mid North Coast Regional Strategy* has been addressed and it is considered the Planning Proposal is not inconsistent with this direction.

Direction No 6.3 – Site Specific Provisions provides councils with specific procedures when preparing a draft LEP for a site specific provision. It is not proposed to rely on any site specific provisions in the LEP Amendment, as it is intended to rely upon provisions relating to the residential zone within the KLEP 1987.

Noise

There is a potential for noise impacts from the North Coast Railway Line situated approximately two-hundred fifty (250) metres to the east and the Kempsey Saleyards situation approximately five-hundred (500) metres to the north-east.

Given the distance separation between the subject land and these noise sources, as well as the existing urban development significantly closer to these noise sources (namely the dwellings on Bunya Pine Crescent, Bert Dyson Place, Griffins Lane, and Clarke Crescent) it is likely that noise impacts can be adequately mitigated and as such it is considered appropriate to address noise impacts in further detail within the rezoning process.

Traffic

The subject land is located on North Street, an arterial road with good lines of sight, and additional traffic generation should not have a significant impact. Appropriate intersection treatments should be determined at the Development Application stage.

Contamination

The Planning Proposal included a search from the NSW Department of Industry and Investment Cattle Dip Locator database. The result of the search was that there was no known tick dip site on the subject land, the closest known tick dip site being at the Kempsey Saleyards.

Public Infrastructure

Council water mains in North Street are adjacent to the subject land and currently have sufficient capacity to service the expected lot yield.

Council sewer mains in the vicinity of the subject land currently have sufficient capacity to service the expected lot yield.

The land has electrical and telecommunications infrastructure in the vicinity.

Views of State and Commonwealth Public Authorities

Consultation with State and Commonwealth public authorities is yet to occur. In accordance with section 56(2)(d) of the EP&A Act 1979 a gateway determination would specify the consultation to be undertaken with State and Commonwealth public authorities for the planning proposal. Consultation with State and Commonwealth public authorities must occur in accordance with the gateway determination at that stage.

Community Consultation

In accordance with section 56(2)(c) EP&A Act 1979, a gateway determination would specify the community consultation to be undertaken for the planning proposal. Community consultation must occur in accordance with the gateway determination.

Upon completion of consultation with agencies the draft LEP will be reported to Council to endorse for the purposes of public exhibition. In accordance with Council's Rezoning Applications Policy the method for notifying the public exhibition will also be advised at the time.

Information shown is for illustrative purposes only

Drawn by: RE Reviewed by: MVE Date: August 2010
Source of base data: Kempsey Shire Council



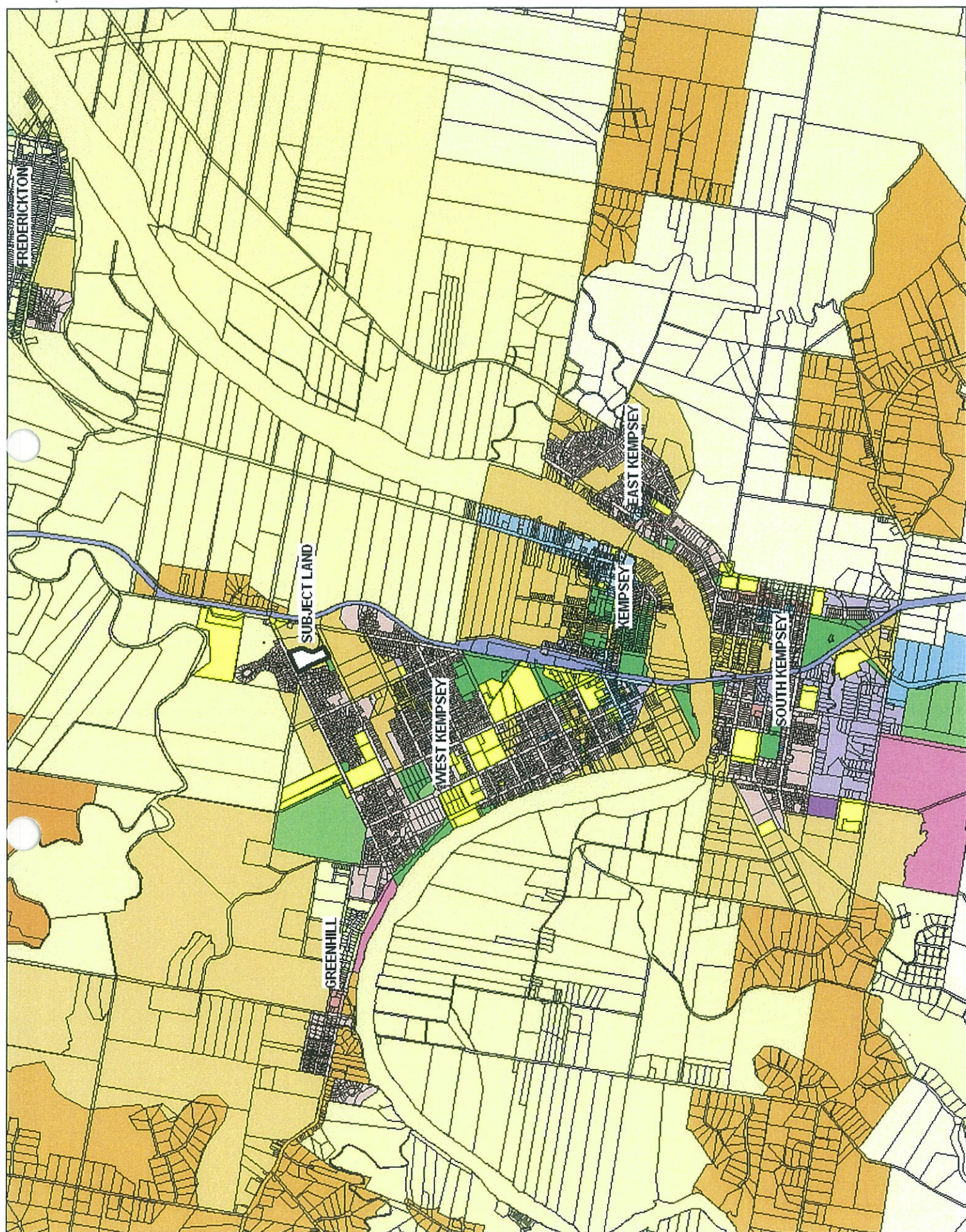
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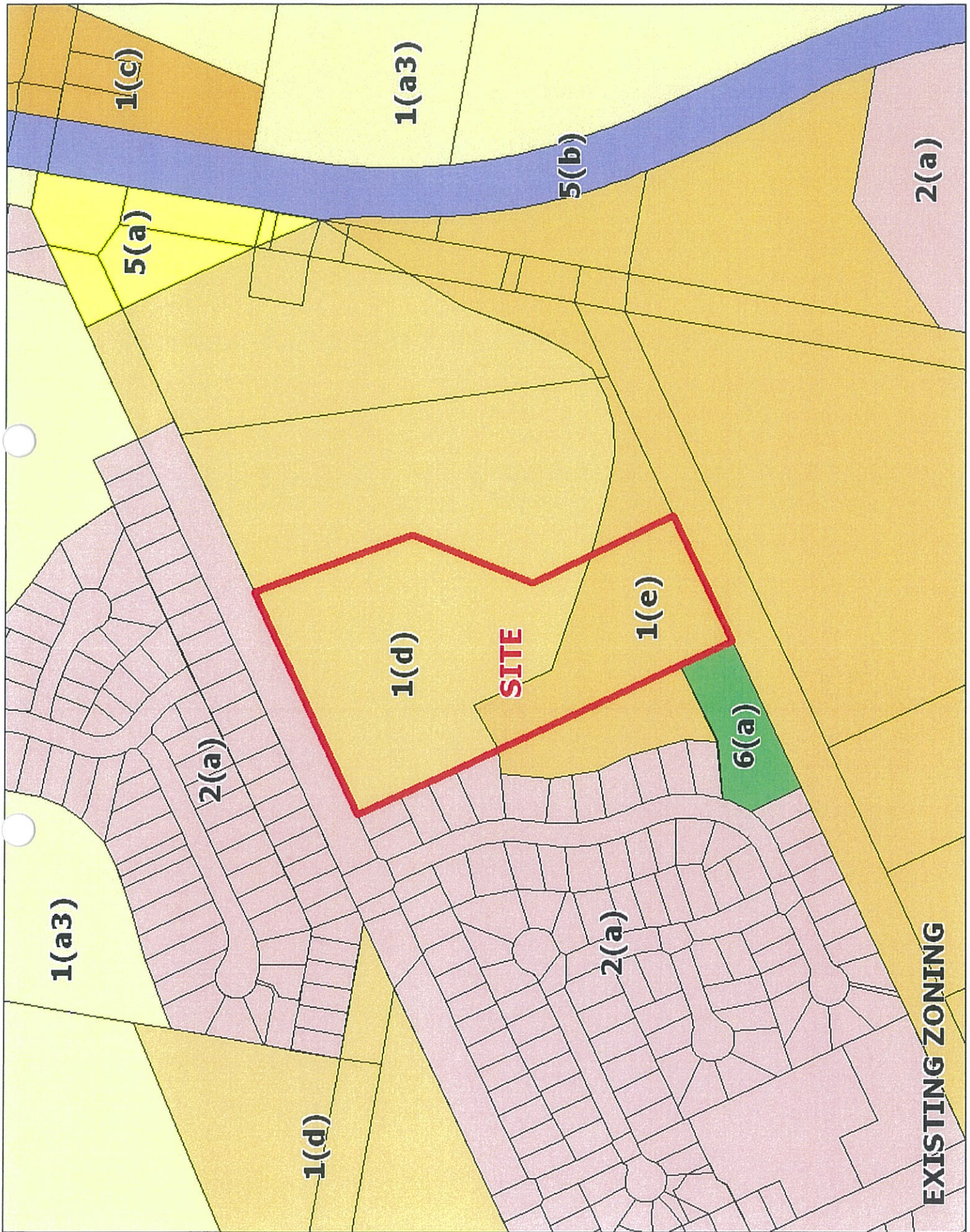
GeoLINK
environmental management and design

Proposal: North Street, West Kempsey
1601048

The Site

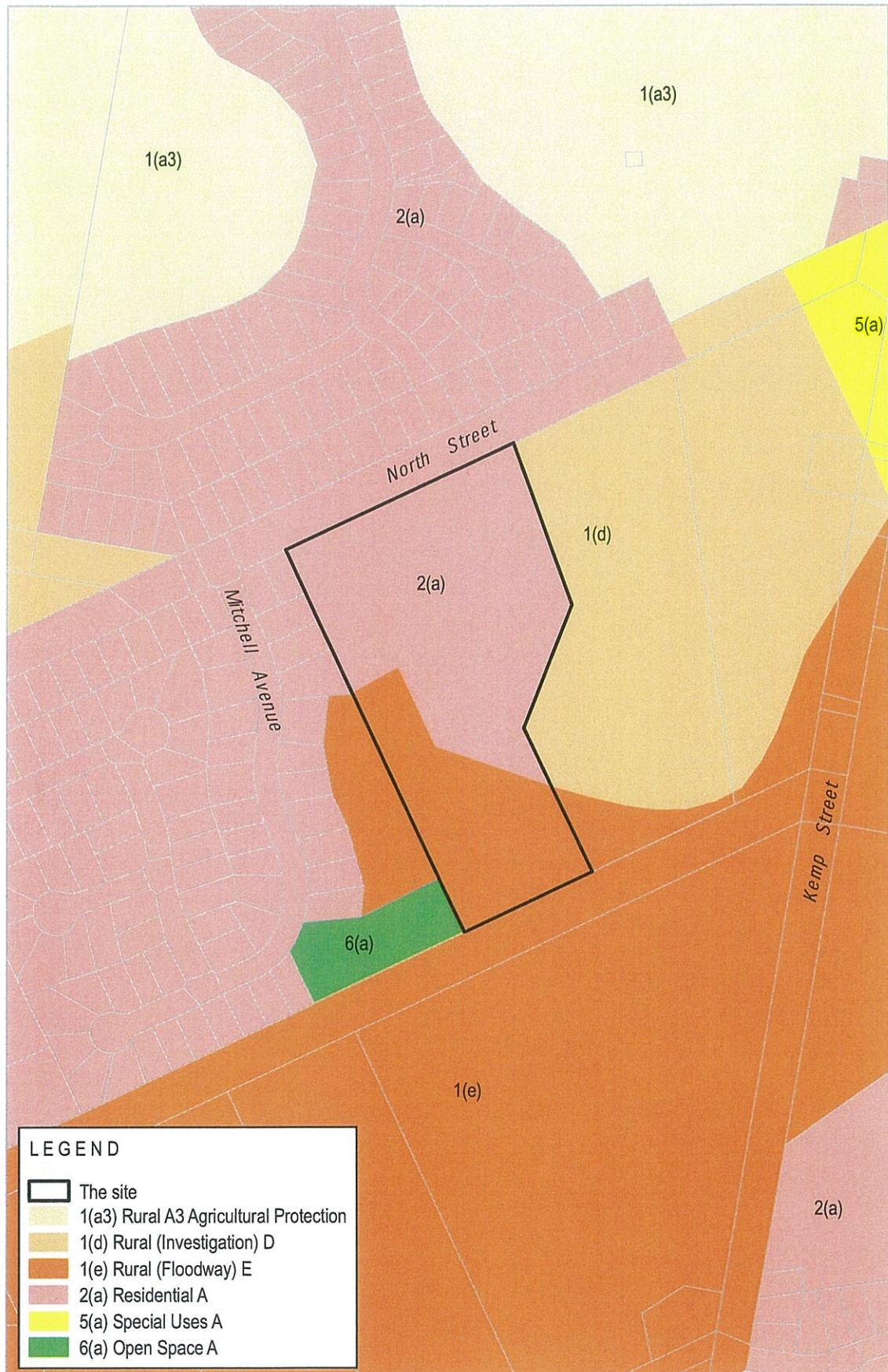
Illustration 1.1





Information shown is for illustrative purposes only

Drawn by: RE Reviewed by: MVE Date: August 2010
Source of base data: Kempsey Shire Council



0 80

GeoLINK
environmental management solutions

Proposal: North Street, West Kempsey
1601049

Proposed Zoning

Illustration 3.1