

Environment

Action Created

Meeting Date: 28/04/2010 - Environment

Item 22

**Subject DRAFT LEP - PROPOSED EXTENSION OF VILLAGE ZONE
AT BEECHWOOD (RA 2008-0001)**

Director MATT ROGERS (DES)

The purpose of this report is to consider the issues raised in response to the public exhibition of a draft amendment to Hastings LEP 2001 to rezone land at Beechwood to permit future village residential infill development between the existing village and recently approved rural-residential subdivision to the north.

The report recommends that the draft plan be progressed to the Department of Planning for finalisation subject to the completion of Voluntary Planning Agreements for two (2) of the six (6) landowners to meet infrastructure requirements necessary to service the land.

RECOMMENDATION

- 1. That subject to satisfactory completion of voluntary planning agreements relating to Lot 3 DP 831325 and Lot 5 DP 21925, the amended draft plan as outlined in this report be forwarded to the Department of Planning under the transitional provisions of the Environmental Planning and Assessment Act 1979 seeking finalisation.**
- 2. That the Council delegate authority to the General Manager to enter into and execute the voluntary planning agreements relating to Lot 3 DP 831325 and Lot 5 DP 21925 on behalf of Council.**
- 3. That all persons who lodged a public submission be advised of Council's decision in writing.**

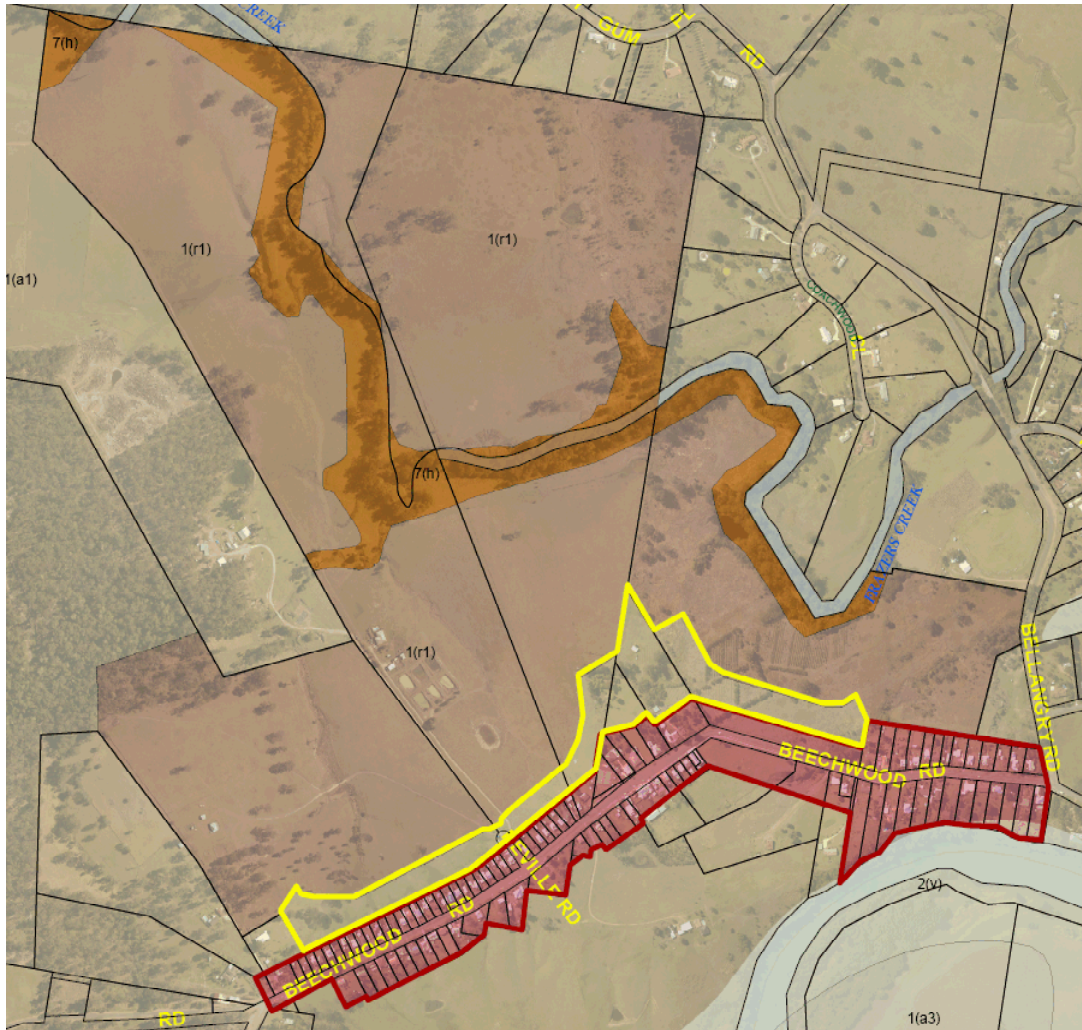
Discussion

At the Ordinary meeting held on 25 June 2008, Council resolved to prepare a draft plan to rezone a residue "strip" of rural land (approx 8.5ha) between Beechwood village and a rural-residential area to the north as a minor extension to the existing village.



A link to the Council report is attached.  [Item36ORD25Jun08.pdf](#)

A plan showing the location of the land, as outlined in yellow, is below.



In response to notification of Council's resolution, the Department of Planning advised that in this instance, an environmental study is not required, however, issues relating to water and sewer infrastructure to support increased residential development are to be resolved prior to the plan being finalised.

Site investigations to demonstrate the suitability and capability of the land for future village development were completed during 2009 along with work to prepare draft Voluntary Planning Agreements (VPAs) to resolve infrastructure servicing requirements by two (2) of the six (6) landowners. It is anticipated that these draft VPAs will be placed on public exhibition in the near future.

VPAs to deal with these issues for the four (4) remaining landowners were finalised at the end of 2009 as part of the rural-residential subdivision development application (DA) for the land to the north.

Following receipt of the site investigations (ecology, aboriginal heritage, land contamination & social impact), a draft plan to rezone the residue land from 1(a1) Rural to 2(v) Village was prepared as an amendment to Hastings Local Environmental Plan (LEP) 2001.

The draft plan and site investigations were placed on public exhibition from 11 December 2009 to 22 January 2010. As a result of the exhibition, one submission signed by eighteen (18) residents has been received. A copy of the submission is attached below:



In summary, the issues raised relate to the adequacy of Beechwood Road to cater for additional traffic and pedestrian safety; the potential for increased excessive traffic noise; potential for increased crime and safety issues in the area; lack of existing services to cater for the new population; and potential for adverse impact to the existing character and amenity of the village.

The submission also questions the need for additional village residential zoning given that 150 rural-residential lots have recently been approved to the north of Beechwood village and ample land exists near Wauchope to meet current demand (for eg 340 lots at River Breeze, Yippen Creek and Clareville Estates).

During the exhibition, additional issues raised by other interested persons included management of stormwater run-off from Beechwood Road and existing village lots; the frequent failure of septic systems and flows onto the subject site; and lack of open space and recreation facilities to cater for the additional population from both the proposed village extension and approved rural-residential subdivision to the north.

The above issues are addressed below:-

Adequacy of Beechwood Road

Any additional lots created as a result of the proposal would add to the cumulative need for road improvements in Beechwood and a monetary contribution would be levied towards road upgrade works as a condition of any future DA consent, in accordance with Council's *Major Roads Section 94 Contributions Plan*.

Traffic Noise

In this instance, noise impacts can be considered at the DA stage. At this stage, Council is considering the nature of the land use, rather than the layout of the future subdivision. Detailed subdivision plans are not required for consideration of a rezoning proposal.

Crime & Safety

Council is required under the EP&A Act to consider the crime implication of a development proposal. Therefore, any future DA for the land would need to demonstrate that general design elements have been taken into account when formulating the proposal, to reduce opportunities for crime and anti-social behaviour.

Adequacy of existing services

Unlike towns and larger settlements, villages have limited local services. Beechwood presently contains a general store, a hotel, a post office, a church and a primary school. A Council-owned community hall is also located in the village. These services/facilities are considered adequate to cater for the proposal, in combination with the greater range of services in the nearby town of Wauchope.

Village character/amenity

The 2(v) Village zoning primarily aims to retain the character of rural villages and provide a full range of compatible facilities for smaller inland rural communities. Merit based assessment of future DAs for the residue will aim to ensure maintenance of the integrity and character of the existing rural village atmosphere.

Demand for additional village land

Beechwood village will play an increasingly important role as a local service centre over coming years. The proposed village zone is a consolidation between existing zoned areas and there is expected to be sufficient demand for development in the Beechwood area.

Stormwater runoff

Stormwater runoff from Beechwood Road and existing village lots onto the subject site is an overland stormwater drainage issue that would need to be dealt with as part of any future DA for subdivision of the land through an appropriate stormwater management strategy.

Septic failures

Provision of sewer to the village is listed in Council's rolling works program for 2011/12. Subdivision of the residue land will not be able to proceed until sewer is available. At that time, adjoining existing lots will also have been connected including the decommissioning of existing septic systems.

Open space/recreation facilities

It is acknowledged that there is a need for additional open space in Beechwood and in this regard, negotiations have commenced for acquisition of land (location & size to be determined) for inclusion in an Open Space Contributions Plan. This is a broader issue for the Beechwood community as a whole.

Amendment to draft LEP Map

A mapping anomaly to the extent of proposed 2(v) Village zone indicated for the western edge of the draft exhibited LEP map has been corrected to exclude Lot 4 DP 800211. A copy of the final draft LEP text and map is below.



BeechwoodLEP2001Am74_text.pdf



LEP2001Am74ver2.pdf

Alignment With Strategic Direction

Rationalisation of the residue rural land to permit future village residential infill is consistent with Council's strategic direction for Beechwood and is consistent with the Mid North Coast Regional Strategy.

Consultation

In addition to the public exhibition period as discussed previously, several State authorities were consulted in relation to the proposal including the Department of Primary Industries, NSW Rural Fire Service, NSW Department of Community Services, Department of Environment and Climate Change NSW, Telstra, Country Energy and Birpai Aboriginal Land Council. The responses received from these authorities raised no objections to the draft plan (see copy responses below).



DECCletter_31Jul09.pdf

Planning and Policy Impact

There are no significant planning and policy impacts associated with the draft plan. The proposal will allow for more appropriate village residential infill to occur on the residue land and assist in the efficient delivery of service infrastructure to Beechwood village.

Financial & Economic Implications

The costs associated with the draft plan preparation have been funded by the landowners and any upgrade works to service future development will be required via appropriate conditions of consent relating to works and/or payment of developer contributions.

Options

Council has the option of proceeding with the proposal, or not. On balance, rationalisation of the residue land and rezoning to permit a minor expansion of Beechwood village as proposed is the recommended option.

COUNCIL RESOLUTION:

The Administrator advised of a request to address Council from Jim Hutcheon and Tony Thorne.

Mr Hutcheon indicated that a group of residents at Beechwood are opposed to the recommendation as Council does not have the funds to construct essential infrastructure to support the increased population that follow any approval. He sought an amendment to the recommendation that would see Council address residents' concerns with the construction of a footpath all the way through Beechwood and give consideration to the speed limit.

Mr Thorne spoke in favour of the recommendation and indicated that he represented 4 of the 6 land owners affected by this report. Mr Thorne expressed the concerns of these land owners regarding the pushing back of the previously agreed time frame for the construction of the STP for Beechwood. He stated that the landowners are keen to work closely with the Council so that the lots are supplied in an orderly and timely fashion and are fully serviced.

ADOPTED:

- 1. That subject to satisfactory completion of voluntary planning agreements relating to Lot 3 DP 831325 and Lot 5 DP 21925, the amended draft plan as outlined in this report be forwarded to the Department of Planning under the transitional provisions of the Environmental Planning and Assessment Act 1979 seeking finalisation.**
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