

Greater Taree LEP 2010 Amendment No.7 to rezone 90 High Street, Black Head (Lot 1 DP 1048443)

Proposal Title :	Greater Taree LEP 2010 Amendment No.7 to rezone 90 High Street, Black Head (Lot 1 DP 1048443)		
Proposal Summary :	Alter zone boundary between RU1 Primary Production Zone and E3 Environmental Management Zone to expand a seniors housing site and alter Height of Building Map from 8.5m to 10.5m		
PP Number :	PP_2013_GTARE_001_00	Dop File No :	13/15103-1

Proposal Details

Date Planning Proposal Received :	09-Sep-2013	LGA covered :	Greater Taree
Region :	Hunter	RPA :	Greater Taree City Council
State Electorate :	MYALL LAKES	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	90 High Street		
Suburb :	Black Head	City :	Taree
		Postcode :	2430
Land Parcel :	Lot 1 DP 1048443		

DoP Planning Officer Contact Details

Contact Name :	Ken Phelan
Contact Number :	0249042705
Contact Email :	ken.phelan@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Michael Griffith
Contact Number :	0265925225
Contact Email :	michael.griffith@gtcc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	0.05	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes : **The release of 0.05ha (500m2) from the E3 zone, offset by land rezoned from RU1 to E3 elsewhere on the site, to facilitate a final phase of this seniors living development.**

External Supporting Notes : **Council states:**

1) 'The proposal provides for the maximisation of development outcomes within the approved retirement village and maximises the efficiency of services connected to the site. The proposal will also facilitate greater densities supporting additional community facilities within the village, providing benefits to the residents.

2) There are not considered to be any significant costs to the community as a result of the zone boundary amendment, and the development outcomes enabled at the site maintain and enhance the scenic quality of the surrounding area. Therefore there is a net community benefit if this planning proposal proceeds'.

3) Council's mapping staff have advised that:

- Land area changes within zones as proposed:
 RU1: 74710m2 to 75210m2 = 500m2 increase
 E3: 10000m2 to 9440m2 = 560m2 reduction

It is noted that these calculations are based on map measurements and that any discrepancy between land lost to the E3 zone and measurable conservation land offsets will need to be included by Council in their Voluntary Planning Agreement with the developer.

In land area terms therefore the PP is considered to be minor.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

- to adjust the E3/ RU1 zone boundary on the land
- to allow an expanded seniors housing footprint on the land

- to zone additional areas E3 to maintain scenic protection in the area
- to alter height of building controls (8.5m to 10.5m) over the land to allow additional development 'that will be in keeping with the scenic qualities of the area'

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal will amend Greater Taree Local Environmental Plan 2010 in the following manner:**

- Amending Greater Taree Local Environmental Plan 2010 Land Zoning Map as per the zoning map shown at Attachment 1.
- Amending Greater Taree Local Environmental Plan 2010 Height of Buildings Map as per the map shown at Attachment 2.

Also, the planning proposal will be undertaken in conjunction with a voluntary planning agreement which will require effective planting of the E3 zone to achieve scenic outcomes for the land.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

2.2 Coastal Protection

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

N/A

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Consultation with RFS is required to determine consistency with Planning for Bushfire Protection policy and extent of asset protection zone that may prevent revegetation of E3 zone.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping has been provided however this could be clearer, particularly to show:**
- current zoning/ HOB
- proposed zoning/ HOB
on a mapping/ photo base that makes the location easily understood.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Proposed following Gateway, for 28 days, however 14 days is considered adequate and consistent with guidelines.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2013**

Comments in
relation to Principal
LEP :

Greater Taree LEP 2010 was made in June 2010.

Assessment Criteria

Need for planning
proposal :

The proposal is not the direct result of a study or strategy however it would form part of an existing seniors' housing development. This RU1 land is eligible under the Seniors' Housing SEPP due to it adjoining residential, and therefore urban, zones on two sides.

Outcomes of the proposal are:

- southward extension and straightening of the southern boundary between E3 and RU1 zones enabling better utilisation of other RU1 land in the holding for seniors housing approved under the earlier SEPP 5.**
- increasing the housing supply for seniors (increased development footprint and building height)**
- diversifying housing choice by offering lift-accessed apartment units (3 storeys) without garden/ grounds maintenance responsibility falling on residents**
- zoning of vegetated land currently zoned RU1 to E3**

Consistency with strategic planning framework :

Mid North Coast Regional Strategy 2006-31 (MNCRS)

This seniors estate is located within the Hallidays Point Growth Area in the MNCRS which is classified as a village in the MNCRS settlement hierarchy. While precise boundary detail at the regional strategy scale of mapping is difficult to determine, the proposal represents a very minor extension to the existing urban area, on land that has been cleared. The proposal is therefore considered to be sufficiently consistent with the regional strategy's locations for growth.

State Environmental Planning Policies (SEPP)

SEPP No 71—Coastal Protection

The PP site is 800m from the nearest seashore on cleared former agricultural land. There are no coastal access or heritage issues involved. Council's assessment has focused on the SEPP Clause 8 impacts on coastal environmental and scenic values.

The three apartment blocks of three storeys could be prominent in the landscape as viewed from coastal waters and E3 zoned land but could be less visible from public coastal foreshores or beaches due to conserved vegetation corridors behind the shoreline.

Council will need to address consistency with this SEPP through a more detailed development assessment process under Clause 8 of SEPP 71 at the DA stage.

SEPP (Rural Lands) 2008

This SEPP is triggered by Section 117 Direction 1.5 Rural Lands which requires consistency with its principles where a rural or environmental protection zone is affected by a rezoning proposal.

Within the context of an approved seniors' housing development, this proposal seeks to adjust the RU1/ E3 zone boundary to create minor additional development potential for land that is not used for rural purposes. The proposal is considered to be consistent with the SEPP (Rural Lands).

Section 117 Directions

1.2 Rural Zones

Clause 4(a) of this Direction applies to all councils and restricts the rezoning of land from rural to a residential, business, industrial, village or tourist zone.

As the proposal will rezone land from RU1 Primary Production to E3 Environmental Management, this Direction is not applicable.

1.5 Rural Lands

This direction applies to rezonings that will affect land within rural or environmental protection zones, as in this case. The Direction requires that the PP be consistent with State Environmental Planning Policy (Rural Lands) 2008. This is discussed above under SEPP (Rural Lands). The proposal is consistent with this Direction.

2.1 Environment Protection Zones

Council states that 'The site and surrounding areas do not contain any significant natural resources which would be impacted by the proposed zone amendment'.

It is noted that the proposed new development area has already been cleared, and other vegetated land is to be rezoned from RU1 to E3, so environmental impact, if any, would be

minor. Council should however further consider whether the requirement for bushfire APZ's will impact on any environmental assets, the proposed 10m landscape area or the revegetation of the E3 zoned land, and update the PP accordingly.

2.2 Coastal Protection

The PP is within the Coastal Zone and so is subject to the provisions of this Direction. The Direction requires that the PP include provisions that give effect to and are consistent with 'NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997' and 'Coastal Design Guidelines, 2003'.

The Coastal Design Guidelines (coastal village MNCRS classification) state:

The proposed siting and height of buildings have potential to be viewed from within the development and from E3 scenic landscape areas to the south and east of the site and from external public locations at:

- Hallidays Point Village Centre
- High Street (southern end)
- Distant vista to the west at southern corner of Coinda Street and High Street

The proposal needs to demonstrate further how it is consistent with Direction 2.2 Coastal Protection with respect to building heights and views.

Consistency with S.117 Direction 2.2 will be determined after public exhibition.

4.1 Acid Sulfate Soils

The land is within a Category 5 Acid Sulfate Soils area where the probability of acid sulfate soils being encountered is low. Council will need to assess any development application against the provisions of Clause 7.1- Acid Sulfate Soils in the Greater Taree LEP, 2010.

The proposal is inconsistent with this Direction insofar as Council has not provided the Department with an acid sulfate soils study for the subject land.

This inconsistency is however considered minor in that the land area involved is approximately 500m² of which over half is identified for landscaping (10m x 270m) along the southern boundary of the site. It is approximately 80m to the nearest watercourse and 150m to the nearest small pond down catchment of the site.

It is recommended that the Regional Director agree to this inconsistency as being minor in nature under Clause 8(b) of S.117 Direction 4.1 having regard also to the site being in the lowest acid sulfate soils risk category.

4.4 Planning for Bushfire Protection

Council states that 'The existing retirement village is subject to a bushfire safety authority which includes management of the E3 zones within the site as Asset Protection Zones. Consultation with the NSW RFS is proposed following a Gateway Determination'.

The proposal remains inconsistent with this Direction until the Rural Fire Service has been consulted.

Environmental social
economic impacts :

Environmental, Social and Economic Impacts

Environmental Impacts

As the PP appears close to a Regional Fauna Corridor as defined in the Mid North Coast Regional Strategy (Biodiversity Map), Council was requested to provide any biodiversity study covering the area. Hallidays Point Habitat Study, 2004 mapping provided by the Council indicates the site to be without significant vegetation or habitat.

Overall the proposal appears to have a balanced environmental outcome however the proposal's impact on the E3 Zone cannot be assessed by the Department or other stakeholders without understanding the Asset Protection Zones involved and in this regard Council should consult with the Rural Fire Service and exhibit advice received including any required changes to the proposal.

It is noted that a Voluntary Planning Agreement is proposed between the developer and Council however it is unknown at this stage as to whether the vegetated land will need to be cleared of any remnant bushland to meet Rural Fire Service requirements for asset protection zones in planning for bushfire protection.

The siting of three apartment blocks on the high southern part of the site has potential to increase the visual impact of the buildings in a landscape being managed to protect its scenic qualities.

The siting of buildings within 15m of the proposed boundary with the E3 zone may have implications for the revegetation of the E3 area as the locality is in a high bushfire risk category that may require Asset Protection Zones of cleared land as well as special building materials and design. It appears that bushfire protection measures may impact on the achievement of the E3 zone's scenic protection objectives:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

Council will need to consider at DA stage under SEPP 71 the scenic impact of the proposed elevated sites and proposed taller apartment blocks on views from existing and any prospective tracks through the coastal environmental conservation zones.

Social Impacts

Positive social impacts are that the proposal would facilitate 65 apartment style units of seniors' housing with lift access, a development type not currently available in the area and which avoids grounds maintenance responsibilities for residents.

The development will need road and pathway gradients appropriate to the targeted household types for the development which may be challenging in the south-east corner of the site, however this is a DA matter.

Locating persons who may be frail, aged or have a disability in an area of bushfire risk will require good integrated planning and management. This will need to involve Council, the developer, emergency services and retirement village management personnel to ensure that there is appropriate design integrated with evacuation plans, emergency response and local emergency services capacities to deal with any further development.

Economic Impacts

Construction will yield short-term building industry jobs as well as other ancillary spending and work.

Longer-term there will be building and grounds maintenance contract work as well as resident spending in local shops and places of recreation, leisure, entertainment and refreshment. It is noted that some retail and personal services outlets are proposed within the latter stages of this seniors' housing project. Small net gains to employment may be associated with these service units.

Overall the economic impacts are likely to be positive.

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Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Amendment from GMS Coastplan 030913.docx	Proposal	No
Letter to the Regional Directorto accompany the planning proposal final.docx	Proposal Covering Letter	No
3350_COM_LZN_016A_040_20130905.pdf	Map	No
Site plan.pdf	Drawing	No
Visual analysis.pdf	Photograph	No
Hallidays Point Habitat Study2.pdf	Study	No
Bushfire_Buffer & Category 1 Vegetation.pdf	Map	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 4.1 Acid Sulfate Soils**
- 4.4 Planning for Bushfire Protection**

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Additional Information : 1) Consultation is required with the following public authorities under section 56 (2) (d) of the Environmental Planning and Assessment Act:
NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

2) The Regional Director agrees that the inconsistency with Section 117 Direction 2.1 Environmental Protection Zones is of a minor nature in respect of the biodiversity consideration of this Direction.

3) The Regional Director agrees the inconsistency under Clause 8(b) of S.117 Direction 4.1 Acid Sulfate Soils as being minor in nature having regard to the low risk land classification and small land area involved.

4) Council address in more detail the impacts of the proposed building height on views of the surrounding landscape from various viewpoints around the settlement of Hallidays Point/ Black Head under S.117 Direction 2.2 scenic landscape provisions. Consistency with this Direction will be determined after public exhibition.

5) The planning proposal be publicly exhibited for a period of fourteen days.

6) Council finalise the planning proposal under delegated authority within a period of nine months commencing on the first day of the week following the date of the Gateway determination.

7) Council prepare a project timeline to complete the planning proposal for public exhibition with the proposal.

Supporting Reasons : Minor extension to existing development on largely cleared land.

Signature:



Printed Name:

KO'FLAHERTY

Date:

1/10/13