



Brian Murphy
NSW Department of Planning and Infrastructure
PO Box 1226
NEWCASTLE NSW 2300

Our Reference: SP-PP-08
Your Reference: 13/01722

Contact: Louise Gaffney
Telephone: 6591 7351



8 November 2013

Dear Brian

Re: Planning Proposal for large lot residential at Briton Court Road, Stroud.

Great Lakes Council (Council) wishes to advise that it has prepared a Planning Proposal for the rezoning of lands within Lot 1 DP 1045567, Briton Court Road, Stroud.

The Planning Proposal was prepared by consultants RPS on behalf Council and was tabled at the Ordinary Meeting of Council on the 10 September 2013, wherein it was resolved:

- A. *In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, the Planning Proposal for Lot 1 DP 1045567, Briton Court Road, Stroud, as contained in Annexure B be endorsed by Council and submitted to the NSW DoPI for Gateway Determination.*
- B. *If the Planning Proposal is given a Gateway Determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the Gateway Determination, be undertaken.*
- C. *A further report is to be presented to Council following the public exhibition process, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received during the process.*

Attached to this letter is a copy of the report presented to Council on the 10th September 2013, including a site location plan, a copy of the Planning Proposal document, and an indicative Land Zoning map.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the recently updated DoPI Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The intended outcome of the Planning Proposal and resultant LEP is to rezone part of the site to R5 Large Lot Residential under the soon to be made Great Lakes Local Environmental Plan 2013 (LEP 2013). The site will be partly rezoned to R5 Large Lot Residential and land within the area could be subdivided to a minimum of 5,000m² with Council consent.

Part of the land is subject to flooding and hence the Planning Proposal recommends development potential above the flood levels identified in the Stroud Flood Study (2012) and the Flood Planning Area Map (Sheet FLD_004) contained in LEP 2013.

Apart from flooding, the site is not affected in a major way by environmental constraints.

The Planning Proposal identifies and addresses the inconsistencies between the Mid North Coast Regional Strategy and the provisions of the Great Lakes Rural Living Strategy. On balance it is considered that support for a Planning Proposal that will facilitate Large Lot Residential development is justified.

The Planning Proposal document and Council's report identify that, after a positive Gateway Determination, further information relating to the site be obtained relating to:

- Ecological matters and in particular identifying existing trees suitable for retention;
- Traffic impact assessment;
- Aboriginal Due Diligence Assessment;
- Preliminary Contamination Assessment; and
- Conceptual Stormwater Management considerations.

The need for a future Development Control Plan (DCP) will also be considered by Council to ensure that future development, via the development application process, adequately addresses:

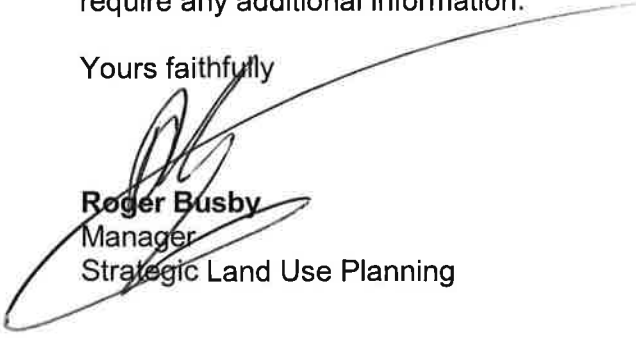
- Tree retention;
- Lot and road layout;
- Intersection treatment;
- Landscape buffers for management of potential land use conflicts;
- Fencing and house design; and
- Identification of appropriate stormwater management devices.

The need and overall content for a DCP, or amending chapter to existing DCP's, will be further considered during the exhibition of the Planning Proposal and upon receipt of further information as outlined above.

Advice has not been sought from government agencies at this point. Council will commence consultation with agencies once a positive Gateway Determination has been provided.

I trust that the Planning Proposal meets your requirements. Please contact myself if you require any additional information.

Yours faithfully



Roger Busby

Manager
Strategic Land Use Planning

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Author: Strategic Planner – Nathan McDonald

Consultant Planner, RPS Australia East Pty Ltd - Rob Dwyer

Strategic Committee Meeting: 10 September 2013

RECOMMENDATION:

- A: In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, the Planning Proposal for Lot 1 DP 1045567, Briton Court Road, Stroud, as contained in Annexure B be endorsed by Council and submitted to the NSW Department of Planning and Infrastructure for a Gateway Determination.
- B: If the Planning Proposal is given a Gateway Determination to proceed, consultation be undertaken with the community and government agencies in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the Gateway Determination.
- C: A further report be presented to Council following the public exhibition process, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received during the process.

33 RESOLUTION

(Moved K Hutchinson/Seconded L Gill)

That the above recommendation be adopted.

In accordance with Section 375A of the Local Government Act 1993 a division is required to be called whenever a planning decision is put at a Council or committee meeting. Accordingly, the Chairperson called for a division in respect of the motion, the results of which were as follows:

FOR VOTE - Cr J McWilliams, Cr J Morwitch, Cr L Roberts, Cr C McCaskie, Cr A Summers, Cr K Hutchinson, Cr L Gill, Cr L Vaughan, Cr J Weate

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Author: Strategic Planner – Nathan McDonald

Consultant Planner, RPS Australia East Pty Ltd - Rob Dwyer

Strategic Committee Meeting: 10 September 2013

SUMMARY OF REPORT:

This report provides an overview of the Planning Proposal for the rezoning of land at Briton Court Road, Stroud. The site was the subject of a report to Council's Strategic Committee Meeting on 14 May 2013 where Council resolved to support, in principle, the preparation of a Planning Proposal subject to the proponent (Kleinfelder Australia) providing further information. The identified information has been received and subsequently this report recommends the endorsement of the Planning Proposal and its submission to the Department of Planning and Infrastructure (DoPI) for a Gateway Determination by the Minister.

SUMMARY OF RECOMMENDATION:

- A) That Council endorse the Planning Proposal and submit it to the Department of Planning and Infrastructure for a Gateway Determination by the Minister.
- B) That consultation with the community and government agencies occur once a "Gateway Determination" from is received.
- C) That a report be presented to Council following the completion of the exhibition process.

FINANCIAL/RESOURCE IMPLICATIONS:

The Planning Proposal has been prepared on the request of Kleinfelder Australia (the proponent) acting on behalf of the land owner. The proponent and / or the land owner will cover all Council costs associated with the preparation and processing of the Planning Proposal in accordance with Council's recently adopted "Policy on the Procedure for Preparation and Processing of Planning Proposals". Therefore the financial implications to Council will be minimal.

POLICY IMPLICATIONS:

Endorsement of the Planning Proposal will establish Council's position for future development in the area.

LEGAL IMPLICATIONS:

There is always the possibility that a gazetted Local Environmental Plan could be legally challenged.

LIST OF ANNEXURES:

- A: Site location plan
- B: Indicative Land Zoning Map

LIST OF ATTACHMENTS:

- A: Planning Proposal recommended for submission to DPI for a Gateway Determination

Due to its large size, Attachment A has not been circulated in hard copy to Councillors or Senior Staff but as an electronic copy only. This Attachment is also publicly available on Council's Website, and copies are available at Council offices on request.

MNCRS states that industrial land supply should be at or near higher order centres, which is not the case for the site. The MNCRS encourages rural residential development close to existing settlements away from the coast. The Planning Proposal will provide an increase in housing / living diversity and choice for the Stroud area. There is no expected short or medium term economic benefit to the Stroud area resulting from the identification of the site for future industrial development as per the MNCRS. There are tangible economic benefits from increased housing opportunities that meet market requirements as well as employment opportunities in building and allied trades.

On balance it is considered that support for a Planning Proposal that will facilitate Large Lot Residential development is justified.

Environmental and land capability

A review of the information provided by the proponent and supplemented by desktop and field assessment indicates that the site is relatively constraint free above the identified flood levels for the area. The following provides a summary of the assessment and further information on the issues assessed is contained within the Planning Proposal found in Annexure B.

The site has been extensively cleared for agricultural pursuits. The land is currently subject to low intensity cattle grazing. The land clearing and subsequent grazing has substantially reduced the ecological values of the site. There is a small stand of trees at the northern side of the eastern portion of the land. This stand contains no mid-storey or ground cover other than exotic grasses. This vegetation could easily be taken into account in designing any future development of the site for Large Lot Residential purposes. The site is not identified as Bush Fire Prone Land on Councils' Bush Fire Prone Land mapping.

Views of the subject land can only be obtained from the more elevated sites in Stroud. These include selected views to the eastern side of Briton Court Road from Silo Hill (Broadway Street). The above described stand of vegetation on the eastern portion of the site can be viewed from this vantage point. Filtered views of the western portion of the site can be obtained from King Street, adjacent to the water reservoirs. The proposed development will maintain the rural character of the site and will be of low scale, commensurate with established objectives.

The site can be serviced by electricity, telecommunications and importantly reticulated water and sewer. It is unlikely that future development is likely to cause any significant traffic issues due to the overall size (ie approximately 15 to 20 allotments) however investigation of the existing road intersections in the vicinity should occur.

In accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH 2010) Council will need to be confident that development arising from the Planning Proposal will not impact adversely upon items or places of Aboriginal significance. It is suggested that an Aboriginal Due Diligence Report be prepared post Gateway Determination.

Geotechnical and Preliminary Contamination investigations have not been carried out over the site. A Preliminary Potential Contaminated Land assessment is required post Gateway Determination to determine any potential contamination uses arising from past uses.

Future development resulting from the Planning Proposal is unlikely to cause any flooding impacts and controls will be implemented in the future, via future consent for subdivision, to manage erosion and sedimentation. However a preliminary concept plan for stormwater management on the site is suggested after a Gateway Determination is received.

Once a positive Gateway Determination is received it is suggested that further information be obtained relating to:

- Ecological matters and in particular identifying existing trees suitable for retention;
- Traffic impact assessment;
- Aboriginal Due Diligence Assessment;

RECOMMENDATION:

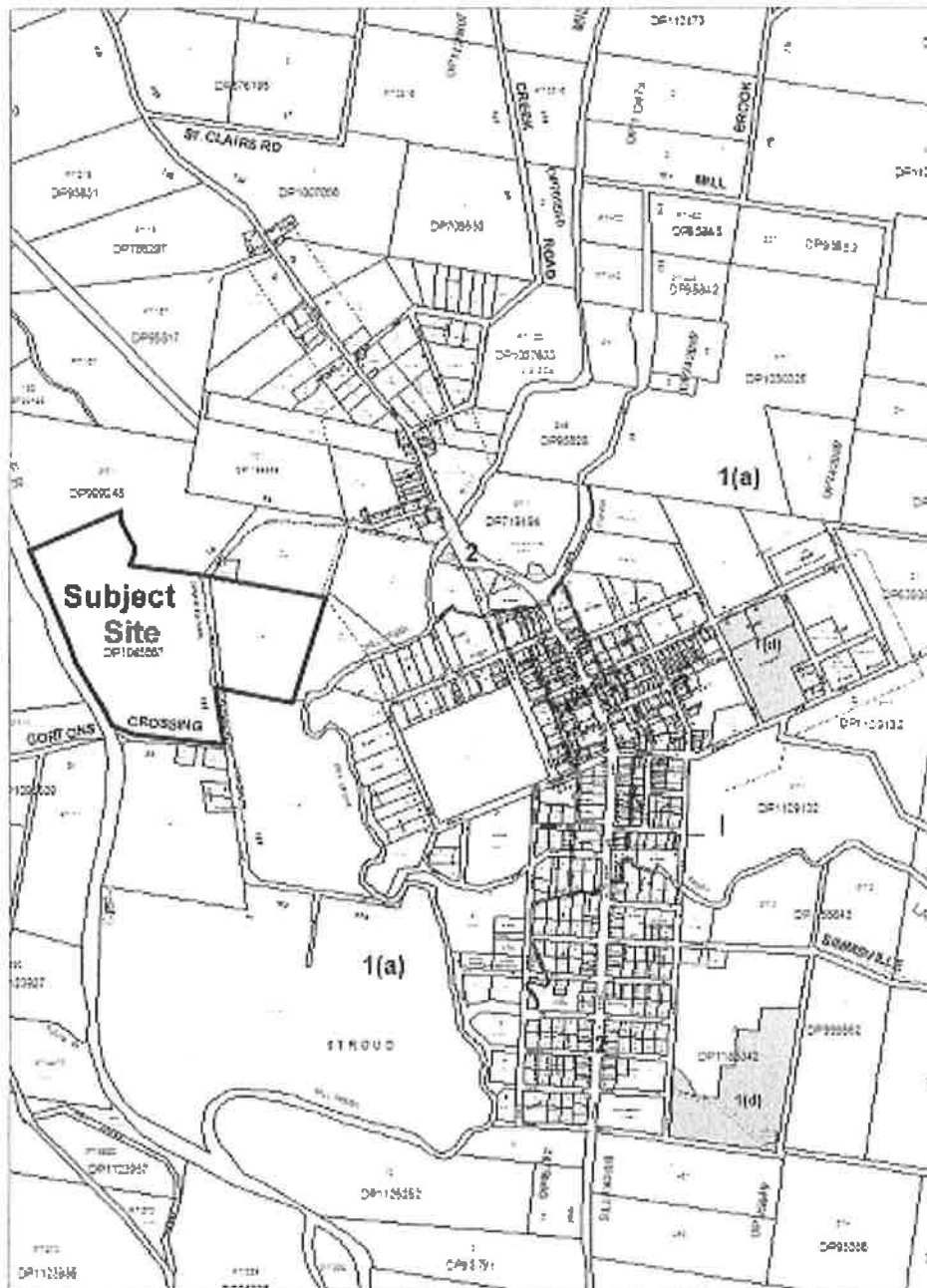
- A) In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, the Planning Proposal for Lot 1 DP 1045567, Briton Court Road, Stroud, as contained in Annexure B be endorsed by Council and submitted to the NSW Department of Planning and Infrastructure for a Gateway Determination.
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7 PES - Planning Proposal for Large Lot Residential Rezoning Stroud

ANNEXURES:

A: Site location plan

Lot 1 DP 1045567 Briton Court Road, Stroud Site Location Plan



B: Indicative Land Zoning Map

