

Greater Taree LEP 2010 – Amendment No 6 Brimbin New Town

Proposal Title : **Greater Taree LEP 2010 – Amendment No 6 Brimbin New Town**

Proposal Summary : **The planning proposal seeks to:**

- **rezone the whole of the Brimbin new town site (approximately 3,766 ha) from RU1 Primary Production, RU4 Primary Production Small Lots, E2 Environmental Conservation and SP2 Infrastructure to R1 General Residential, R5 Large Lot Residential, B4 Mixed Use, RU4 Primary Production Small Lots, IN1 General Industrial, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E4 Environmental Living and retain the SP2 Infrastructure zone;**
- **amend the associated Land Zoning, Lot Size, Height of Buildings, Floor Space Ratio Maps. Prior to exhibition the planning proposal will need to incorporate an amending Urban Release Area Map;**
- **insert an E4 Environmental Living zone into Greater Taree LEP 2010 and adopt the standard instrument zone objectives and land use table;**
- **add the following items to Schedule 5 Environmental Heritage of LEP 2010 and identify as locally significant: the former well/soldier's garrison/ outpost Lansdowne and the remains of the former road from Wingham to Port Macquarie; and**
- **include two additional local provisions providing for the subdivision of the proposed RU4 zoned land and proposed E4 zoned land at Brimbin under certain circumstances.**

PP Number : **PP_2013_GTARE_002_00** Dop File No : **13/15062**

Planning Team Recommendation

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

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.4 Oyster Aquaculture
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes

Additional Information : **The Planning Proposal:**

- 1. **Should proceed but be amended prior to exhibition to include:**
 - * the advice and justification provided for the inclusion of proposed new local clauses 7.8 and 7.9;
 - * the advice and justification for extending the proposal outside the urban release area

identified in the Mid North Coast Regional Strategy; and

- * updated draft LEP mapping to include the amendment required to the Urban Release Area map layer and apply an MLS to all relevant land, including that RU4 land currently excluded.

2. A preliminary site contamination report should be prepared, consistent with the provisions of SEPP 55. Council should consider the findings of this report, prior to submitting the final planning proposal for approval.

3. The planning proposal should be finalised as an LEP within 12 months. A 12 month time-frame is recommended because of the need to resolve and exhibit planning agreements between:

- * Council, the Roche Group and the Office of Environment and Heritage (OEH), for the dedication of ecological conservation lands.
- * Council and the Roche Group for the staged delivery of required local infrastructure.

4. A minimum 28 day community consultation exhibition period is recommended because of the significant nature of the planning proposal.

5. Further consultation with relevant State authorities and agencies is limited however all agencies previously consulted should be informed of the progress as soon as possible. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- * Office of Environment and Heritage regarding the securing of the biodiversity offset
- * Office of Environment and Heritage regarding the Assessment of Aboriginal Heritage.
- * Rural Fire Service of NSW regarding s117 direction 4.4 Planning for Bushfire Protection

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117Directions.

6. Council should consider whether or not a Minimum Lot Size is required on the land to be rezoned E1 and E2 if the necessary arrangements to transfer the land to public ownership have not been finalised prior to the rezoning.

7. The Director General's delegate should approve the minor inconsistency with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions.

Supporting Reasons :

The proposal is consistent with the strategic framework. It will facilitate the development of a new town over the next thirty years potentially containing 8,000 dwellings, retail, commercial, industrial, agricultural and community services employment opportunities and a population of 20,000 people. Such development will help to reinforce Taree's regional centre role and provide positive flow-on effects for the broader Greater Taree area and Mid North Coast Region.

A large area (approx 1000 hectares) of environmentally significant land will be zoned for conservation and ultimately dedicated as an addition to National Park estate. This a significant conservation outcome which will help provide for a vegetation corridor and connection between Yarratt State Forest and the Brimbin and Goonock Nature Reserve to the west and the large areas of habitat to the east of the site.

The proposal also supports the Mid North Coast Regional Strategy settlement planning principal for growth in inland towns to be focused in areas where extra population is needed to make existing services more viable and if the risk of environmental degradation is low.

Panel Recommendation

Recommendation Date : **24-Oct-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:

- (a) include justification for the inclusion of proposed new clauses 7.8 Strata or community title subdivision of land at Brimbin and 7.9 Subdivision of E4 zoned land at Brimbin.**
- (b) include justification for extending the proposal outside the urban release area identified in the Mid North Coast Regional Strategy.**

2. Council is to include an Urban Release Area Map and relevant minimum lot size maps with the planning proposal, at an appropriate scale and clearly identify the subject land for the purposes of public exhibition.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

4. Council shall consider whether or not a minimum lot size is required on the land to be rezoned E1 National Parks and Nature Reserves and E2 Environmental Conservation if the necessary arrangements to transfer the land to public ownership have not been finalised prior to rezoning.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- National Parks and Wildlife Service (regarding the securing of the biodiversity offset)**
- Office of Environment and Heritage**
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

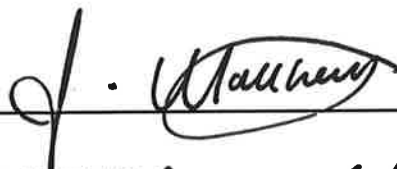
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has now accepted this delegation. Council should not be issued with plan making delegation in this instance due to the regional significance of the proposal.

Signature:

A handwritten signature in black ink, appearing to read 'J. Matthews', written over a horizontal line.

Printed Name:

JAMES MATTHEWS

Date:

6/11/13