

9.4 Planning Proposal PP-2021-7144 – 1022 Crescent Head Road, Crescent Head

Officer Marnie Jeffery, Town Planner

File Number KLEP2013-AM-35

PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

Proposal: To amend the KLEP 2013 Lot Size Map to enable a future two lot subdivision

Location: Lot 17 DP 818185 1022 Crescent Head Road, Crescent Head

Proponent: Brickwood Planning Services on behalf of A & P Brose

Status: Planning proposal lodged

The next stage is to forward the planning proposal to the Minister for Planning for gateway consideration. The Minister (or delegate) will consider if there is enough justification to proceed with the planning proposal and make a gateway determination.

RECOMMENDATION

That council:

1. **submit the planning proposal which seeks to amend the *Lot Size Map* at Lot 17 DP 818185, 1022 Crescent Head Road Crescent Head, to the Minister for Planning for gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979;**
2. **Request that the Secretary of the Department of Planning and Environment to issue council with written authorisation to exercise plan making delegations in relation to this proposal; and**
3. **undertake, subject to the gateway determination, community consultation for the planning proposal as required.**

BACKGROUND

Subject land

The subject site is located on the corner of Crescent Head Road and Beranghi Road, Crescent Head, and is adjacent to Maria National Park. The site has an approximate area of 8.6 hectares. The land is flood free and contains an existing dwelling and low intensity Lemon-Scented Myrtle plantation (Figure 1).

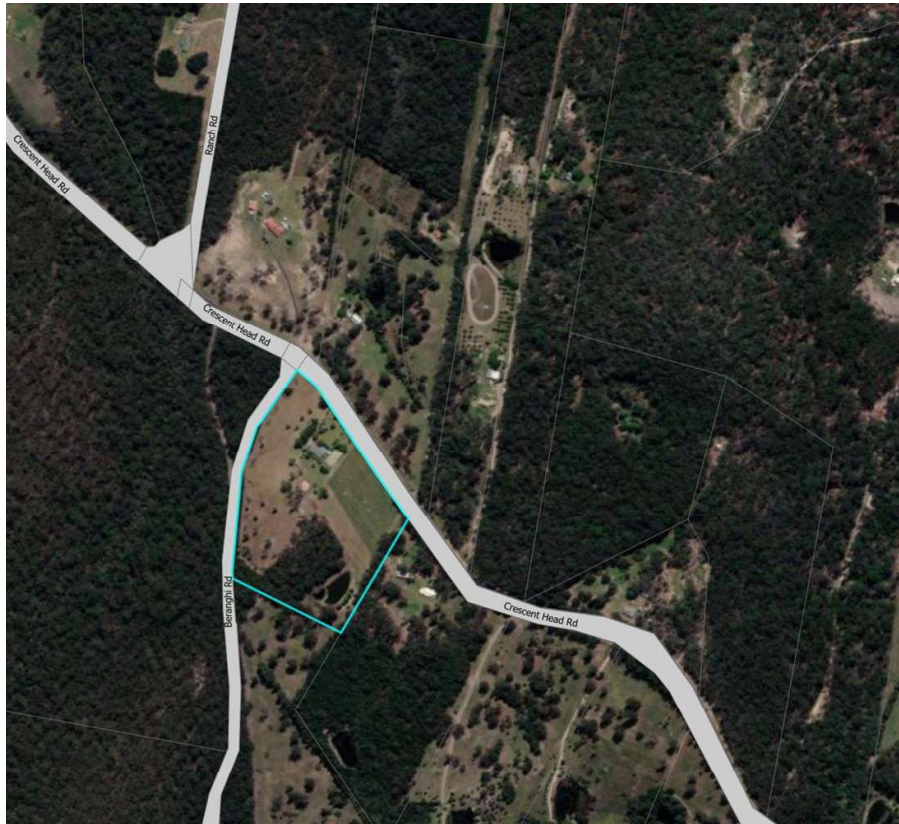


Figure 1: Subject site outlined

The site is zoned RU4 Primary Production Small Lots and contains an approximate 1.3 hectare stand of native vegetation in the south of the site. This vegetation is identified as containing some preferred Koala food trees such as Tallowwood, Scribbly Gum and White Stringybark, therefore falling into the category of 'Secondary A' Koala habitat under the provisions of the Comprehensive Koala Plan of Management (CKPoM) for the Eastern Portion of the Kempsey Local Government Area (LGA).

Objectives of the Planning Proposal

The intended outcome of the planning proposal is to enable a future two lot subdivision. This will be achieved through the amendment of the relevant Lot Size Map which will allow for 2 lots with a minimum area of 4 hectares to be created, and a dwelling to be located on each lot. Existing access arrangements will be retained from Crescent Head Road for the existing dwelling, with a new access to be created from Beranghi Road for the proposed dwelling.

While no clearing is required to facilitate a future dwelling on the proposed lot (Figure 2), consideration must be given to the vegetation contained on the whole of the lot.

As shown in the subdivision concept plan, the proposed subdivision layout significantly reduces any impact on the native vegetation in the south of the site by containing this vegetation wholly within the proposed lot (Figure 2). In addition, the location of the proposed boundary provides an adequate cleared buffer to vegetation on each side of the boundary to ensure no clearing of the remnant native vegetation, identified as 'Secondary A' Koala habitat, can be carried out under the provisions of the NSW Rural Fire Service Rural Boundary Clearing Code. By also retaining this vegetation intact, any potential wildlife linkages to/from the adjacent Maria National Park can be retained.



Figure 2: Proposed Building Envelope and Subdivision Concept Plan

Justification for the Planning Proposal

The subject site is located in an area identified for Stage 2 release in council's *Rural Residential Land Release Strategy 2014* (Figure 3). Stage 2 is forecasted for release 2019-2023 and is subject to the rate of take-up of land identified for Stage 1 release (2014 to 2018).

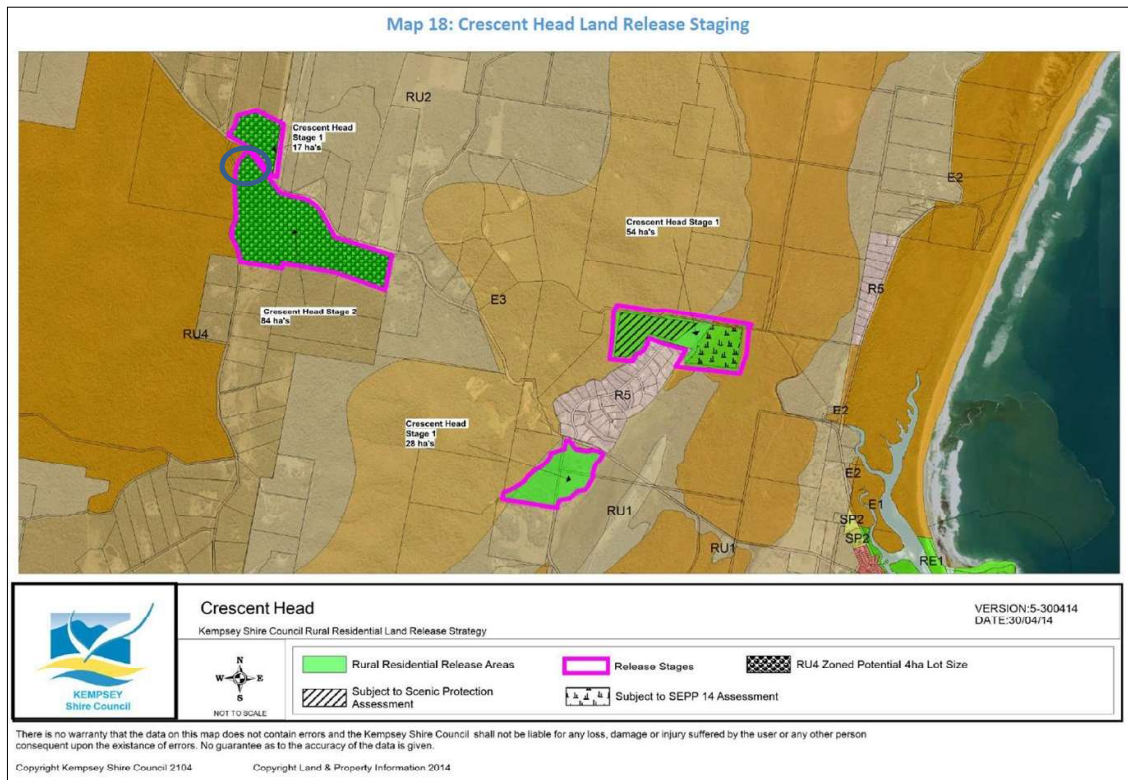


Figure 3: Crescent Head Land Release Staging, *Rural Residential Land Release Strategy 2014*

The Stage 1 release areas for Crescent Head have largely been subdivided to its potential. The remaining undeveloped land within Stage 1 may not reach the forecasted yield due to flooding, bushfire and environmental constraints.

Locality specific issues identified in the strategy for the Crescent Head Land Release Staging map area include:

- The means of rationalising access to facilitate an efficient pattern of subdivision, whilst minimising access points to Crescent Head Road
- The relationship of the area to potential fauna corridor linkages
- The means by which vegetation retention can be maximised, whilst satisfying bushfire requirements
- An assessment of the E3* zone to ensure that there are no adverse visual impacts of future dwellings when viewed from Crescent Head
- An assessment of the E2* zone to ensure that the land does not possess the attributes that lead to inclusions in State Environmental Planning Policy 14 – Coastal Wetlands **
- The extent of the 1 in 100 year flood
- Unknown and 2B Koala habitat
- Bushfire prone land
- Class 5 and small area of Class 2 Acid Sulfate Soil

* As of 1 December 2021, a reference to an Environment Protection zone E1, E2, E3 or E4 in a document should be taken to be a reference to a Conservation zone C1, C2, C3 or C4.

**Policy repealed by State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal will not impact further on the issues specified in the *Rural Residential Land Release Strategy* as:

- No additional access point to Crescent Head Road is proposed,
- The proposed subdivision layout retains an existing potential fauna corridor linkage wholly within one lot,
- Vegetation retention has been maximised,
- Bushfire requirements are satisfied,
- A future dwelling will create no adverse impact when viewed from Crescent Head,
- Coastal wetlands are not located the site,
- The site is not flood prone,
- No disturbance of Class 5 or Class 2 Acid Sulfate Soil.

As part of the Kempsey Local Growth Management Strategy, the Draft Local Housing Strategy (LHS), January 2022, has been prepared and is currently on exhibition. The Draft LHS supports the rural residential development areas identified in the *Rural Residential Land Release Strategy 2014* and recommends that no new rural residential development areas be identified, as there is more than adequate supply of land available for this type of development still to be taken up to meet this projected dwelling type demand to 2041.

KEY CONSIDERATIONS

Policy and Legislation

In accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, the planning proposal may be forwarded by council to the Minister for a gateway determination. The gateway determination will determine whether the proposal may proceed; identify any further information that may be required; identify if and what consultation is required; and identify a timeline for completion.

Strategic Alignment

The amendment of the minimum lot size for this site enables future rural residential development, which is consistent with the strategic intent for this locality.

Impact on Financial Sustainability

The proposal will not result in extra demand for infrastructure or impose additional costs on council services.

Stakeholder Engagement

Should the Minister for Planning issue a favourable gateway determination, the next step will include undertaking community consultation in accordance with the conditions of the gateway determination and council's Development Control Policy and Rezoning Procedure 1.1.9. Part of this process will be to consult with the relevant government authorities.

Once community consultation is complete, the matter will be reported back to council to consider any submissions received and whether to proceed to the making of amendments to the Local Environmental Plan.

Other Matters

Nil

CONCLUSION

The proposed change is consistent with council's *Rural Residential Land Release Strategy 2014* in that the desired outcome meets the identified rural residential potential for the Crescent Head area. Subdivision of the land into two lots aligns with the preferred sequencing of land releases for the locality.

ATTACHMENTS

1. Amended Planning Proposal PP-2021-7144 1022 Crescent Head Road [9.4.1 - 42 pages]
2. Ecological Assessment PP-2021-7144 1022 Crescent Head Road [9.4.2 - 37 pages]
3. Bushfire Assessment Report PP-2021-7144 1022 Crescent Head Road [9.4.3 - 29 pages]
4. Aboriginal Cultural Heritage Assessment Report PP-2021-7144 1022 Crescent Head Road [9.4.4 - 1 page]
5. Onsite Wastewater Management Assessment Report PP-2021-7144 1022 Crescent Head Road [9.4.5 - 17 pages]

2022.65 RESOLVED (Cr Patterson/Cr Freeman):

That council:

1. place the draft integrated planning and reporting suite of documents be on public exhibition for a period of 28 days including:
 - a. Delivery Program 2022-26 and Operational Plan 2022-23;
 - b. Revenue Policy 2022-23;
 - c. Schedule of Fees and Charges 2022-23;
 - d. Rates Maps 2022-23;
 - e. Long Term Financial Plan 2022-32;
 - f. Workforce Management Plan 2022-26;
 - g. Strategic Asset Management Plan 2022-32; and
 - h. Digital Strategy.
2. receive a report at the June 2022 council meeting detailing the submissions received during the public exhibition period and presenting the final integrated planning and reporting documents for adoption by council.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

9.3 Additional Special Variation 2022-23

Officer	Stephen Mitchell, Director Corporate & Commercial
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File Number	F21/1789
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2022.66 RESOLVED (Cr Bain/Cr Riddington):

That council:

1. make an application to the Independent Pricing and Regulatory Tribunal under section 508(2) of the *Local Government Act 1993* to seek a permanent special variation of 1.2% above the announced annual rate peg of 0.8% for the 2022-23 financial year;
2. note that additional income in 2022-23 amounting to \$265,920 will be received if the special variation is approved;
3. note that the special variation is required to partly reduce the projected general fund operating deficit, both in 2022-23, as well as in all outer years within council's draft Long Term Financial Plan 2022-2032; and
4. note that the impacts of the special variation on ratepayers and the community have been considered and that these impacts are considered reasonable.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

9.4 Planning Proposal PP-2021-7144 – 1022 Crescent Head Road, Crescent Head

Officer Marnie Jeffery, Town Planner

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2022.67 RESOLVED (Cr Freeman/Cr Patterson):

That council:

1. submit the planning proposal which seeks to amend the *Lot Size Map* at Lot 17 DP 818185, 1022 Crescent Head Road Crescent Head, to the Minister for Planning for gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979;
2. request that the Secretary of the Department of Planning and Environment to issue council with written authorisation to exercise plan making delegations in relation to this proposal; and
3. undertake, subject to the gateway determination, community consultation for the planning proposal as required.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

9.8 Code of Meeting Practice

Officer Daniel Thoroughgood, Manager Governance & Information Services

File Number F22/922

2022.68 RESOLVED (Cr Bain/Cr Riddington):

That council:

1. defers further consideration of the draft code of meeting practice until after the 2022 by-election
2. permits remote attendance, in accordance with the provisions of the model code, until a new code of meeting practice is adopted in order to maintain the current arrangements in response to the COVID-19 pandemic beyond the repeal date of section 237 of the *Local Government (General) Regulation 2021*.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

10.1 NOTICES OF MOTION

10.1.1 Delegates Report - Local Government NSW Special Conference

Councillor Cr Hauville
