

# Business Paper

An Ordinary Council Meeting will be held on Tuesday 15 March 2022 in the Council Chambers located Corner Tozer and Elbow Streets, West Kempsey commencing at 9:00 AM



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### 9.3 Planning Proposal PP-2021-7403 - Rosedale Avenue, South West Rocks

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**Officer** Peter Orr, Senior Strategic Planning Officer

**File Number** PP 2021 7403

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#### **PURPOSE**

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

**Proposal:** Minor realignment of LEP mapping layers with existing development approvals

**Location:** Lot 801 DP1270742 Rosedale Avenue South, South West Rocks

**Proponent:** King & Campbell Pty Ltd on behalf of Auspaddy Developments Pty Ltd

**Status:** Planning proposal lodged

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

#### **RECOMMENDATION**

**That council:**

1. **submit the Planning Proposal, which seeks to permit the minor realignment of LEP mapping layers consistent with existing development approvals at Lot 801 DP1270742 Rosedale Avenue South, South West Rocks, to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979;**
2. **request 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**

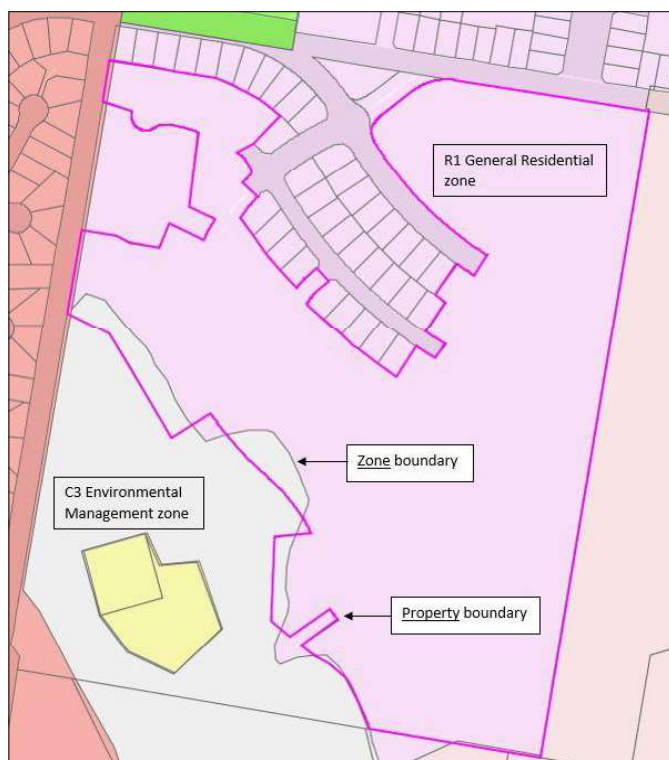
The site at Lot 801 DP1270742 (and the adjoining Lot 800 to the south west) located at Rosedale Avenue South, South West Rocks is owned by Auspaddy Developments Pty Ltd and forms part of the residential subdivision known as Seascape Grove Estate (refer Figure 1 below). Lot 801 has an area of some 18.1ha, principally comprises R1 General Residential zone while Lot 800 principally comprises C3 Environmental Management zone.





**Figure 1: Subject site boundary in purple with area subject of mapping realignment in yellow**

The issue to be resolved by this planning proposal is that the KLEP2013 mapping layers (land zone, lot size, height of buildings and scenic protection land) do not align with the boundary dividing lot 801 from 800 (as illustrated in Figure 2 below).



**Figure 2: Comparison of LEP mapping and property boundaries**

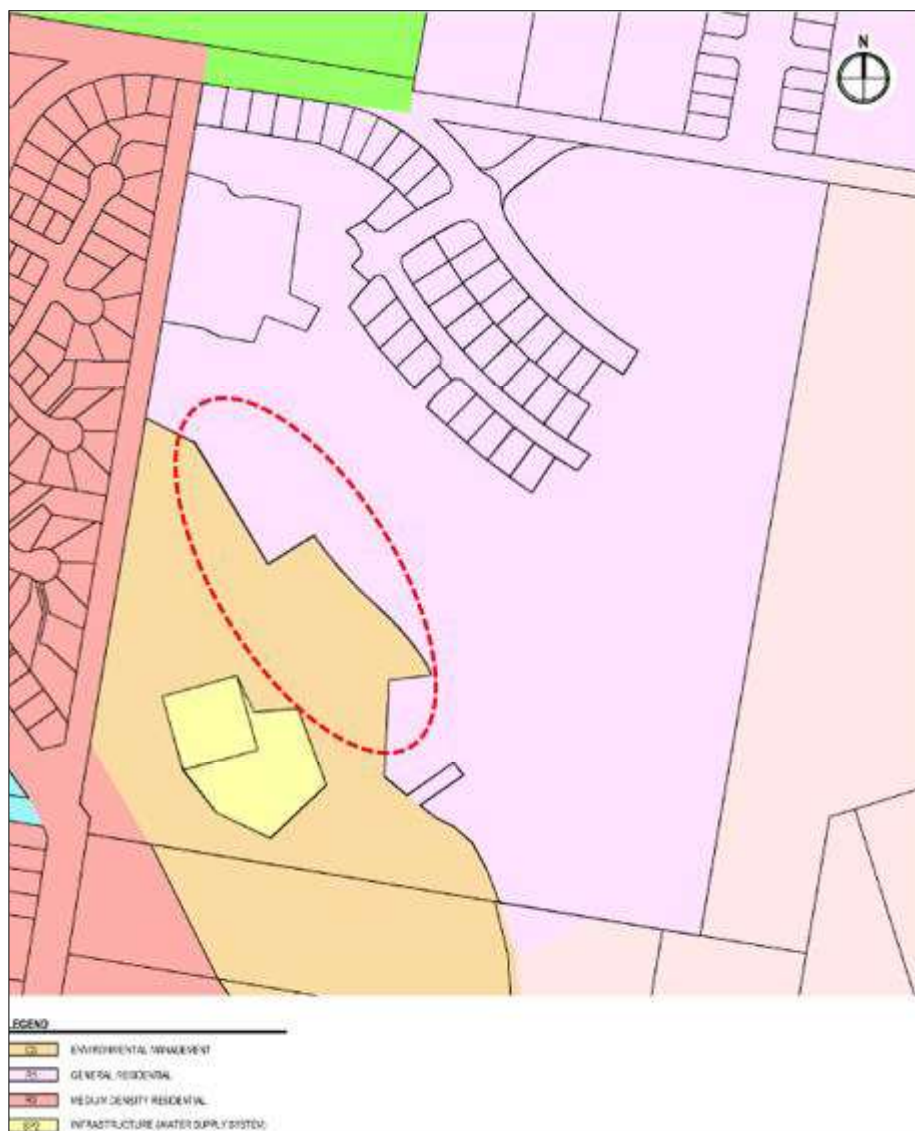
The practical implications of retaining council's existing KLEP2013 mapping boundaries (the red line below) at this site would result in 11 residential lots (mapped below) with split environmental/residential zoning severely impacting the usability of the lots for no justifiable planning reason. The vegetation shown in the aerial for Lot 801 has since been legally removed.





**Figure 3: Mapping of approved 108 lot residential subdivision overlaid with current LEP mapping boundary in red**

The intended outcome for of this planning proposal is to have the relevant KLEP2013 mapping layers (land zone, lot size, height of buildings and scenic protection land) realigned as identified in Figure 4 below.



**Figure 4: Example of proposed alignment of the property and LEP mapping boundary**

## 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 if any further information that may be required; identify if and what consultation is required; and identify a timeline for completion.

### **Strategic Alignment**

The realignment of the KLEP2013 mapping layers with the property boundaries at this site enables approved residential development to fulfill intended outcomes 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 which have not already been identified through the existing development approval.

### **Stakeholder Engagement**

The future gateway determination for this planning proposal will identify what levels of community engagement and consultation with state agencies will be required.

### **Other Matters**

Nil.

### **CONCLUSION**

The planning proposal will correct anomalies between the applicable KLEP2013 mapping layers and the boundary of the site to facilitate an approved residential subdivision.

### **ATTACHMENTS**

1. Planning Proposal PP-2021-7403 - Rosedale Avenue, South West Rocks [9.3.1 - 31 pages]
2. Appendix A Deposited Plan PP-2021-7403 [9.3.2 - 7 pages]
3. Appendix B Proposed Map Amendments PP-2021-7043 [9.3.3 - 7 pages]
4. Appendix C Approved Subdivision Plan MP 05 0018 [9.3.4 - 2 pages]
5. Appendix D Approved Subdivision Plan MP 07 0129 [9.3.5 - 2 pages]
6. Appendix E Pre Lodgement Meeting Request PP-2021-7403 [9.3.6 - 85 pages]
7. Appendix F Bushfire Report - PP-2021-7403 [9.3.7 - 45 pages]
8. Appendix G Aboriginal Heritage Information Management System Report - PP-2021-7403 [9.3.8 - 5 pages]
9. Appendix H Vegetation Management Plan - Seascope Grove February 2020 - PP-2021-7403 [9.3.9 - 51 pages]
10. Appendix I Preliminary Constraints Plan PP-2021-7403 [9.3.10 - 2 pages]