

South Forster infrastructure acquisition and minimum lot size amendment

Proposal Title : **South Forster infrastructure acquisition and minimum lot size amendment**

Proposal Summary : **The planning proposal applies to Lot 602 DP 1076070 and Lot 304 DP 1099114 at South Forster. Lot 602 is currently zoned RU2 Rural Landscape, and Lot 304 RU2 Rural Landscape and SP2 Infrastructure.**

It is proposed to rezone areas of Lot 304 to SP2 Infrastructure for drainage and road acquisition purposes. It is proposed for an existing SP2 Infrastructure zone applying to a reserved road corridor to be re positioned for the new route.

It is proposed to amend minimum lot size provisions for part of Lot 304 and part of Lot 602 to enable subdivision of land.

PP Number : **PP_2015_GLAKE_001_00** Dop File No : **15/03212**

Proposal Details

Date Planning Proposal Received :	12-Feb-2015	LGA covered :	Great Lakes
Region :	Hunter	RPA :	Great Lakes Council
State Electorate :	MYALL LAKES	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Parkway Avenue		
Suburb :	Forster	City :	Postcode : 2428
Land Parcel :	Lot 304 DP 1099114		
Street :	Parkway Avenue		
Suburb :	Forster	City :	Postcode : 2428
Land Parcel :	Lot 602 DP 1076070		

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DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**
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RPA Contact Details

Contact Name : **Roger Busby**
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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
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
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 : **Council advises it does not request use of plan making delegations. As Council will be the
acquisition authority for the land subject to this proposal, it is recommended that Council
not be granted plan making delegations.**

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives states that the intent of the planning proposal is to rezone land at South Forster for drainage and local road purposes, and to amend minimum lot size provisions for this and additional land also at South Forster.**

The statement of objectives is supported.

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

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

Comment : **The explanation of provisions explains the intent of the proposal will be achieved through an amendment to the zoning, land acquisition reservation and minimum lot size maps of the Great Lakes LEP 2014. It is also proposed to amend Clause 5.1 to list Council as the acquisition authority.**

The explanation of provisions is supported.

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

* May need the Director General's agreement

1.4 Oyster Aquaculture

1.5 Rural Lands

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection

SEPP (Rural Lands) 2008

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes an exhibition of 28 days. The proposal is considered of low impact under 'A Guide to Preparing LEPs', and as such a minimum exhibition period of 14 days is recommended.**

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 : **April 2014**

Comments in
relation to Principal
LEP :

The Great Lakes LEP 2014 is in force.

Assessment Criteria

Need for planning
proposal :

The planning proposal is required to enable use of the land for infrastructure purposes to resolve issues relating to flooding, water quality management and road accessibility at South Forster. Council advised that a number of reports have been undertaken in relation to these issues.

The planning proposal is also required to enable the subdivision of the subject sites which are fragmented. Lot 602 is composed of three separate parcels, and it is proposed to reduce the minimum lot size for the smallest parcel to enable subdivision and sale of this portion. This is intended to sell this portion to an adjoining owner to allow expansion of an aged care centre. Lot 304 will be divided by the proposed Council acquisition of land for drainage purposes. It is proposed to enable subdivision of the divided lot.

Consistency with strategic planning framework :

MID NORTH COAST REGIONAL STRATEGY (MNCRS)

The planning proposal is considered consistent with the MNCRS. The proposal will result in increased protection to water quality and thus the environment through improved stormwater management infrastructure. The proposal will also result in improved accessibility by designation of land for road infrastructure.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP No 71—Coastal Protection

SEPP 71 is relevant as the subject sites are located in the coastal zone. The planning proposal is considered consistent with the aims and objectives of SEPP 71.

SEPP (Rural Lands) 2008

The planning proposal is considered consistent with the Rural Planning Principles of this SEPP. The proposal will result in smaller minimum lot sizes over part of the subject sites to enable subdivision of land divided by existing and proposed infrastructure. The subject sites do not contain productive rural land and it is not proposed to rezone the land from current RU2 Rural Landscape Zone. The proposal will not result in more intensive land uses.

LOCAL PLANNING (SECTION 117) DIRECTIONS

1.2 Rural Zones

The planning proposal is inconsistent with this Direction as it increases the permissible residential density of both sites by reducing the minimum lot size. The minimum lot size will be reduced to 10,000m² (part of Lot 602) and 30,000m² (part of Lot 304). It is considered that the inconsistency is of minor significance as the change to lot size is minimal and required to enable subdivision of land divided by existing and proposed infrastructure. The subject sites are identified in the South Forster Structure Plan as future urban investigation.

1.5 Rural Lands

This Direction is applicable as the planning proposal affects land within a rural zone and proposes to reduce the minimum lot size provisions. The planning proposal is consistent with this Direction the proposal is consistent with the Rural Planning Principles.

4.1 Acid Sulfate Soils

This Direction is applicable as the subject site contains Class 2 and 3 Acid Sulfate Soils. The planning proposal is considered consistent with this Direction as no intensification of land uses is proposed.

4.3 Flood Prone Land

This Direction is applicable as the Lot 304 is affected by flood prone land. The proposal is considered consistent with this Direction as it intends to rezone land to enable drainage infrastructure improvements and no intensive urban development is proposed.

4.4 Planning for Bushfire Protection

This Direction is applicable as the site is identified as bushfire prone. Although it is considered that the proposal will not increase bushfire risk exposure to dwellings, the Direction requires that Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act.

5.1 Implementation of Regional Strategies

The planning proposal is considered consistent with this Direction.

6.2 Reserving Land for Public Purposes

This Direction is applicable as the planning proposal intends to add land and make an alteration to the Land Acquisition Map. The land is required for drainage and road infrastructure purposes and is to be acquired by Council. The Direction requires that a planning proposal must not create, alter or reduce existing zonings or reservations of land

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for public purposes without the approval of the Director-General's delegate. It is recommended the delegate approves the creation and alteration of reservation of land for public purposes and determines the planning proposal is consistent with this Direction.

LOCAL PLANNING STRATEGIES

There are no endorsed local planning strategies applying to the land. The South Forster Structure Plan identifies the subject sites as required for future urban investigation. The proposal does not propose to rezone land for urban purposes but is consistent with the South Forster Structure Plan as it enables land to be acquired for infrastructure required for future urban development. Any future consideration of the urban development potential of the subject sites will occur through subsequent planning proposal/s and development application/s.

Environmental social
economic impacts :

ENVIRONMENTAL

The subject sites are clear of vegetation and do not contain high value habitat or threatened species. The proposal will have minimal impact on the environment.

SOCIAL and ECONOMIC

The proposal will have positive social and economic impacts by facilitating future urban development of the South Forster release area by providing land for infrastructure.

Assessment Process

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

Timeframe to make LEP : **12 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
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Planning Proposal_SP2 Drainage and Road FINAL.pdf
Great Lakes Council request for Gateway determination
SP2 infrastructure land South Forster.pdf

Proposal
Proposal Covering Letter

Yes
Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.4 Oyster Aquaculture
 1.5 Rural Lands
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.2 Reserving Land for Public Purposes

Additional Information : **1. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Environment 2013) and must be made publicly available for a minimum of 14 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 & Environment 2013).

2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. NSW Rural Fire Service 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.

3. 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).

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

Supporting Reasons : **The planning proposal is supported as it is consistent with relevant strategies and will enable land to be provided for infrastructure purposes.**

Signature:



Printed Name:

K. O'FLAHERTY

Date:

23-02-2015