### 5 PLANNING PROPOSAL FOR LOTS 1, 2 & 9 DP32272 & LOT 48 DP1090335 COOPERNOOK

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**File No. / ECM Index S878**

**Date of Meeting 23 November 2016**

**SUMMARY OF REPORT**

The planning proposal aims to alter the zoning of Lots 1, 2 and 9 DP32272, and Lot 48 DP1090335, from rural to urban to enable the expansion of the Coopernook village. This planning proposal was exhibited from 31 August until 28 September 2016 with eight (8) submissions received. This report details the issues raised during exhibition and seeks adoption of the amended planning proposal (Attachment A) and finalisation of the rezoning.

**SUMMARY OF RECOMMENDATION**

That the amended planning proposal for Lots 1, 2 and 9 DP32272, and Lot 48 DP1090335 as attached to this report be forwarded to the NSW Department of Planning and Environment for the associated local environmental plan to be drafted and made.

**FINANCIAL/RESOURCE IMPLICATIONS**

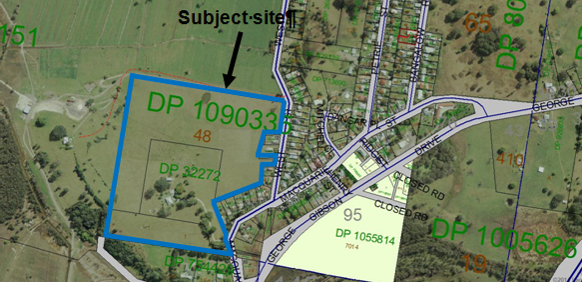
Nil

**LEGAL IMPLICATIONS**

The Greater Taree LEP 2010 and any amendments have been developed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the associated *Environmental Planning and Assessment Regulation 2000*.

**BACKGROUND**

The planning proposal aims to alter the zoning of Lots 1, 2 and 9 DP32272, and Lot 48 DP1090335, from rural to urban to enable the expansion of the Coopernook village. The land is identified in Figure 1 below.



**Figure 1: Location of proposed rezoning**

The land was identified in the Greater Taree Draft Conservation and Development Strategy 2005 as a village expansion area and as a growth area in the Mid North Coast Regional Strategy 2006-31.

The former Greater Taree City Council resolved at its Ordinary Meeting on 17 June 2015 to forward the planning proposal to the Department of Planning and Environment for their consideration. A Gateway determination was made in July 2015 allowing the planning proposal to proceed to exhibition. The Gateway determination authorised Council to exercise delegation to make the plan. The submissions received during the exhibition period are discussed in this report.

A summary of the process for considering this planning proposal is shown below.

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| [ANd9GcSlQIMIdrlFaGEdBFfCQXCImoLQB69Y5wv9spDGaV0UChM7VCoHDA](http://www.google.com.au/imgres?q=ticks+and+crosses+images&start=374&um=1&rlz=1T4TSAU_enAU371AU371&hl=en&biw=1366&bih=616&tbm=isch&tbnid=-BKKotGJocwD9M:&imgrefurl=http://www.123rf.com/stock-photo/affirmative_tick.html&docid=zGJGEbL8Ps0HQM&imgurl=http://us.cdn2.123rf.com/168nwm/koolander/koolander1305/koolander130500014/19480196-green-3d-check-box.jpg&w=168&h=113&ei=qUWuUaa9IcyuiQfM_YCABA&zoom=1&ved=1t:3588,r:78,s:300,i:238&iact=rc&dur=1220&page=17&tbnh=90&tbnw=110&ndsp=25&tx=48&ty=34)  **Application assessed and reported to Council**  **(June 2015)** | [ANd9GcSlQIMIdrlFaGEdBFfCQXCImoLQB69Y5wv9spDGaV0UChM7VCoHDA](http://www.google.com.au/imgres?q=ticks+and+crosses+images&start=374&um=1&rlz=1T4TSAU_enAU371AU371&hl=en&biw=1366&bih=616&tbm=isch&tbnid=-BKKotGJocwD9M:&imgrefurl=http://www.123rf.com/stock-photo/affirmative_tick.html&docid=zGJGEbL8Ps0HQM&imgurl=http://us.cdn2.123rf.com/168nwm/koolander/koolander1305/koolander130500014/19480196-green-3d-check-box.jpg&w=168&h=113&ei=qUWuUaa9IcyuiQfM_YCABA&zoom=1&ved=1t:3588,r:78,s:300,i:238&iact=rc&dur=1220&page=17&tbnh=90&tbnw=110&ndsp=25&tx=48&ty=34)  **Council refer to Minister**  **(July 2015)** | [ANd9GcSlQIMIdrlFaGEdBFfCQXCImoLQB69Y5wv9spDGaV0UChM7VCoHDA](http://www.google.com.au/imgres?q=ticks+and+crosses+images&start=374&um=1&rlz=1T4TSAU_enAU371AU371&hl=en&biw=1366&bih=616&tbm=isch&tbnid=-BKKotGJocwD9M:&imgrefurl=http://www.123rf.com/stock-photo/affirmative_tick.html&docid=zGJGEbL8Ps0HQM&imgurl=http://us.cdn2.123rf.com/168nwm/koolander/koolander1305/koolander130500014/19480196-green-3d-check-box.jpg&w=168&h=113&ei=qUWuUaa9IcyuiQfM_YCABA&zoom=1&ved=1t:3588,r:78,s:300,i:238&iact=rc&dur=1220&page=17&tbnh=90&tbnw=110&ndsp=25&tx=48&ty=34)  **Gateway determination**  **(July 2015)** | [ANd9GcSlQIMIdrlFaGEdBFfCQXCImoLQB69Y5wv9spDGaV0UChM7VCoHDA](http://www.google.com.au/imgres?q=ticks+and+crosses+images&start=374&um=1&rlz=1T4TSAU_enAU371AU371&hl=en&biw=1366&bih=616&tbm=isch&tbnid=-BKKotGJocwD9M:&imgrefurl=http://www.123rf.com/stock-photo/affirmative_tick.html&docid=zGJGEbL8Ps0HQM&imgurl=http://us.cdn2.123rf.com/168nwm/koolander/koolander1305/koolander130500014/19480196-green-3d-check-box.jpg&w=168&h=113&ei=qUWuUaa9IcyuiQfM_YCABA&zoom=1&ved=1t:3588,r:78,s:300,i:238&iact=rc&dur=1220&page=17&tbnh=90&tbnw=110&ndsp=25&tx=48&ty=34)  **Agency consultation and additional studies**  **(Aug 2015 - July 2016)** | [ANd9GcSlQIMIdrlFaGEdBFfCQXCImoLQB69Y5wv9spDGaV0UChM7VCoHDA](http://www.google.com.au/imgres?q=ticks+and+crosses+images&start=374&um=1&rlz=1T4TSAU_enAU371AU371&hl=en&biw=1366&bih=616&tbm=isch&tbnid=-BKKotGJocwD9M:&imgrefurl=http://www.123rf.com/stock-photo/affirmative_tick.html&docid=zGJGEbL8Ps0HQM&imgurl=http://us.cdn2.123rf.com/168nwm/koolander/koolander1305/koolander130500014/19480196-green-3d-check-box.jpg&w=168&h=113&ei=qUWuUaa9IcyuiQfM_YCABA&zoom=1&ved=1t:3588,r:78,s:300,i:238&iact=rc&dur=1220&page=17&tbnh=90&tbnw=110&ndsp=25&tx=48&ty=34)  **Exhibit Planning proposal**  **(Aug - Sept 2016)** | [ANd9GcSlQIMIdrlFaGEdBFfCQXCImoLQB69Y5wv9spDGaV0UChM7VCoHDA](http://www.google.com.au/imgres?q=ticks+and+crosses+images&start=374&um=1&rlz=1T4TSAU_enAU371AU371&hl=en&biw=1366&bih=616&tbm=isch&tbnid=-BKKotGJocwD9M:&imgrefurl=http://www.123rf.com/stock-photo/affirmative_tick.html&docid=zGJGEbL8Ps0HQM&imgurl=http://us.cdn2.123rf.com/168nwm/koolander/koolander1305/koolander130500014/19480196-green-3d-check-box.jpg&w=168&h=113&ei=qUWuUaa9IcyuiQfM_YCABA&zoom=1&ved=1t:3588,r:78,s:300,i:238&iact=rc&dur=1220&page=17&tbnh=90&tbnw=110&ndsp=25&tx=48&ty=34)  **Consider submissions. Report to Council** | **Make the plan** |

**DISCUSSION**

Eight (8) submissions were received during the exhibition period and the issues raised are addressed below.

**Agency submissions**

Submissions from Essential Energy and MidCoast Water supported the planning proposal to proceed on the basis that a number of matters will be addressed at the Development Application (DA) stage. These include the preparation of a local water supply and sewerage strategy, construction of necessary water supply and sewerage infrastructure, creation of easements for electrical infrastructure and any necessary electrical infrastructure relocation. These matters are consistent with the requirements for new urban release areas and pose no concern to the rezoning proceeding.

The Department of Education and Training had no objection to the proposal.

**Community submissions**

Five (5) community submissions were received. Four (4) supported the application, including a submission from the Principal of Coopernook Public School. The Principal identified that the 40km school zone will have to be extended in the future to accommodate this growth area. This will be a future consideration for the traffic committee when the development proceeds.

One (1) submission against the proposal was received from a neighbour. They raised concerns about the impact that their use of the land for dairy operations and cattle farming may have on any new development. Particular concerns were raised about the noise impact that the weaning of cattle would have on future residents.

There is a history to this issue. The subject land was identified in the Greater Taree Draft Conservation and Development Strategy 2005 and the Mid North Coast Regional Strategy 2006-31. In 2008, a Development Application (DA) was approved on the neighbouring property for a dairy and yards, incorporating a 200m boundary setback from the land subject to this planning proposal. When the DA application was lodged the owner of the subject land raised concerns about this potential conflict.

At the time of assessment it was determined that the setback would act as a buffer from the boundary and the assessing officer was aware of the future development potential of the land subject to this planning proposal. On this basis of the setbacks the Development Application (DA) was approved. Any future subdivision of the subject site will include the provision of appropriate buffers and setbacks, and subdivide the land in a manner that accommodates neighbouring land uses.

**CONSULTATION**

Community consultation was undertaken from 31 August until 28 September 2016 and involved:

 letters being sent to all neighbouring landowners;

 placing a notice in the Manning News section of the Manning River Times on 31 August and the 7, 14 and 21 September 2016;

 making the planning proposal and associated documents available on Council’s website, in the foyer of the Taree Administration Building, and Taree and Harrington Libraries; and

 a number of radio and local television interviews about the proposal.

**COMMUNITY IMPACTS**

Based on the community feedback this planning proposal will provide a positive impact for the community by providing additional opportunities to live within the village of Coopernook and support the existing services in the village such as the Coopernook Public School, Post Office and shop.

**ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

The rezoning of land is consistent with a number of strategies in the *Manning Valley Community Plan 2010-30*, the key strategy being:

*“Ensure a wide choice of housing styles and locations, with consideration of accessibility, adaptability and affordability”* (Strategy 21).

The Manning Region Operational Plan 2016/2017 identified the processing of planning proposals as a key initiative.

**TIMEFRAME**

The Gateway determination requires that this amendment process be completed by 31 July 2017. This project is on target to meet this timeframe.

**BUDGET IMPLICATIONS**

The application is assessed on a user-pays basis in accordance with Council’s fees and charges. All required studies and fees in association with the planning proposal have been, and will continue to be, incurred wholly by the applicant.

**RISK CONSIDERATION**

Nil

**RECOMMENDATION**

A. That Council adopt the planning proposal, contained in Attachment A to this report, to amend Greater Taree Local Environmental Plan 2010 to rezone Lots 1, 2 and 9 DP 32272, and Lot 48 DP 1090335.

B. That Council submit the planning proposal to the Parliamentary Counsel’s Office for the associated local environmental plan (LEP) to be drafted.

C. That upon acceptance of the Parliamentary Counsel's Office drafted LEP, Council utilise its authorisation to use delegation to make the local environmental plan.

**ATTACHMENTS**

A: Amended planning proposal

Due to its large size, Attachment A has been circulated in hard copy to the Administrator only as a paper conservation measure. However, this Attachment is publicly available on Council's Website

**5 PLANNING PROPOSAL FOR LOTS 1, 2 & 9 DP32272 & LOT 48 DP1090335 COOPERNOOK**

Michael Griffith, Strategic Planner, (Taree)

**182/16 RESOLVED (Turner)** *(as per recommendation)*

1. That Council adopt the planning proposal, contained in Attachment A to this report, to amend Greater Taree Local Environmental Plan 2010 to rezone Lots 1, 2 and 9 DP 32272, and Lot 48 DP 1090335.
2. That Council submit the planning proposal to the Parliamentary Counsel’s Office for the associated local environmental plan (LEP) to be drafted.
3. That upon acceptance of the Parliamentary Counsel's Office drafted LEP, Council utilise its authorisation to use delegation to make the local environmental plan.