

Greater Taree LEP 2010 (Amendment No) Macquarie and West Streets Cooperbrook

Proposal Title : **Greater Taree LEP 2010 (Amendment No) Macquarie and West Streets Cooperbrook**

Proposal Summary : **The proposal seeks to rezone approximately 17.6 hectares of land adjoining the Cooperbrook village from RU1 - Primary Production to RU5 - Village to enable the future expansion of the village.**

PP Number : **PP_2015_GTARE_004_00** Dop File No : **15/10232**

Proposal Details

Date Planning Proposal Received : **29-Jun-2015** LGA covered : **Greater Taree**
 Region : **Hunter** RPA : **Greater Taree City Council**
 State Electorate : **PORT MACQUARIE** Section of the Act : **55 - Planning Proposal**
 LEP Type : **Spot Rezoning**

Location Details

Street : **Macquarie and West**
 Suburb : **Cooperbrook** City : **Taree** Postcode : **2426**
 Land Parcel : **Pt. Lots 1 and 2 and Lot 9 DP32272 and Lot 48 DP 1090335**

DoP Planning Officer Contact Details

Contact Name : **Brian Murphy**
 Contact Number : **0249042712**
 Contact Email : **brian.murphy@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Michael Griffith**
 Contact Number : **0265925225**
 Contact Email : **michael.griffith@gtcc.nsw.gov.au**

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**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	17.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	87
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 has not sought to use its plan making delegations. The subject land has been identified for urban development in the Mid North Coast Strategy. The planning proposal is consistent with the Strategy and is considered to be of local significance. It is therefore recommended Council be given 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 adequately explains the intent of the planning proposal to rezone land adjoining the Coopernook village from RU1 - Primary Production to RU5 Village to enable the future expansion of the village.**

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

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

Comment : **The explanation of provisions indicates that the planning proposal is intended to be delivered through an amendment to Greater Taree LEP 2010. The Land Use Zoning and associated Lot Size and Height of Building maps, will be amended to rezone suitable areas of part lots 1 & 2 and Lot 9 DP32272 and Lot 48 DP 1090335 from RU1 - Primary Production to RU5 - Village.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.2 Rural Zones
1.5 Rural Lands
2.2 Coastal Protection
2.3 Heritage Conservation
3.1 Residential Zones
4.1 Acid Sulfate Soils
4.3 Flood Prone Land**

5.1 Implementation of Regional Strategies

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 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP No 71—Coastal Protection
SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered : **Requirements relating to s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation, 4.3 Flood Prone Land and SEPP 55 - Remediation of Land and SEPP (Rural Lands) 2008 are discussed under the assessments tab of this report**

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 : **Council has prepared Land Zoning, Lot Size and Height of Buildings maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to exhibit the proposal for a period of 28 days, in accordance with Council's guidelines.**

A 28 day exhibition is supported because of the local significance of the planning proposal.

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 : **June 2010**

Comments in relation to Principal LEP : **The Standard Instrument Greater Taree LEP 2010 is in force.**

Assessment Criteria

Need for planning proposal : **The proposal has been prepared in response to the proposed Pacific Hwy bypass of the village of Cooperbrook. In 2009 Council and the Cooperbrook Action Group prepared the Cooperbrook Village Plan. The Plan identifies land adjoining the village for residential growth and recognises that village expansion and population growth will assist the viability and potential expansion of existing community and commercial facilities and services.**

It is considered that the preparation of the Proposal to rezone the site is the best means of facilitating the intended outcomes.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy

The Strategy identifies the subject land as a future urban release area. 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.

Local Strategy

Council has assessed the proposal against its local draft Greater Taree Conservation and Development Strategy. The Strategy identifies the subject land for urban expansion.

State Environmental Planning Policies

The proposal is consistent with relevant State Environmental Planning Policies.

*** SEPP 55 - Remediation of Land.**

The planning proposal states that the land has been used for low intensity agricultural uses and that there have been no identified contamination issues at this stage. Nevertheless, given the proposed residential land uses, Council intends to require the preparation of a preliminary site contamination report, consistent with the provisions of SEPP 55 and for the report findings to be consider prior to rezoning.

*** SEPP (Rural Lands) 2008.**

The SEPP aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes. Council has assessed the proposal against the Rural Planning Principles contained within the SEPP. Council concludes that the proposal is consistent with the SEPP because the land is not highly productive agricultural land and has been identified in development strategies for the area and facilitates the growth of a small village that previously serviced the Pacific Highway.

The proposal is considered to be consistent with this SEPP because it is identified in both the Regional and draft Local Strategy for urban development.

S117 Directions

The proposal is considered consistent, or able to be consistent following consultation and further assessment, with all relevant s117 Directions. Directions which are most relevant to the proposal and or which will require further consideration following Gateway determination include:

*** 1.2 Rural Zones**

Under clause 4 a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The inconsistency with this direction is justified because the proposal is consistent with the Mid North Coast Regional Strategy.

*** 1.5 Rural Lands**

Under clause 4 a proposal must be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in the SEPP (Rural Lands). As above the inconsistency with this direction is justified because the proposal is consistent with the Mid North Coast Regional Strategy.

2.3 Heritage Conservation

Under clause 4 a planning proposal must contain provisions that facilitate, in summary, the conservation of European heritage identified in a heritage study of the area and Aboriginal heritage protected under the National Parks and Wildlife Act 1974 or identified by an Aboriginal heritage survey.

Council advises that the subject land does not contain any listed heritage items. The subject land does though lie adjacent to existing local heritage items and near a local heritage conservation area. Council advises that the proposed lot size controls, village

zoning and the DCP character statements for Coopernook will ensure future development respects the established village character.

An Aboriginal Heritage Management search did not identify any Aboriginal sites or places on the land or surrounding land. Given the disturbed nature of the land Council considers it unlikely that further investigation would be required. But this can be determined in consultation with the Office of Environment and Heritage, following Gateway Determination.

Consistency with this s117 direction can be determined following consultation with OEH.

3.4 Integrating Land Use and Transport.

Under Clause (4) a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of (a) 'Improving Transport Choice - Guidelines for planning and development and (b) The Right Place for Business and Services - Planning Policy (DUAP 2001).

In relation to (a) Council notes that Coopernook is a small village with limited access to public transport. But a bus service, running three times daily, links the village with Taree and Harrington. In relation to (b) the proposal will support and potentially expand the viability of local services and facilities. Any inconsistency with this direction is considered justified because the proposal is consistent with the Mid North Coast Regional Strategy.

4.3 Flood prone Land

This Direction aims to ensure that provisions of a planning proposal (LEP) on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. Clause 5 of this Direction requires that a planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

Council advises that the parts of the land that are flood affected will remain zoned RU1 Primary Production. However, minimum lot sizes for this land may alter but would not introduce the opportunity for significant development. Future development would be subject to the provisions of the Greater Taree LEP 2010 Clause 7.2 Flood Planning provisions and Council's Development Control Plan which includes flooding controls developed under the Floodplain Development Manual.

Having regard to this advice it is considered that any apparent inconsistency with this Direction is justified because it is of minor significance

5.1 Implementation of Regional Strategies

Under Clause (4) planning proposals must be consistent with a regional strategy released by the Minister of Planning. The proposal is consistent with the Mid North Coast Regional Strategy.

Environmental social
economic impacts :

Environmental Impacts

The proposal will not have any significant environmental impacts. The land is largely cleared and does not contain native vegetation communities or significant habitat features.

Council notes that: future development would be consistent with the village character of the area; the site does not contain Acid Sulphate Soils; any identified soil contamination matters will appropriately managed; stormwater runoff will be addressed as part of a future development application process; and the proposed development, given its size and associated traffic volumes, is unlikely to impact significantly on the existing village street network. These views are concurred with.

Council also, following consultation with Essential Energy, proposes to provide an appropriate buffer to the existing substation and retain this area within the RU1 zone.

Social and Economic Impacts

The proposal is consistent with the Coopernook Village Plan prepared by the community

in conjunction with Council. Providing the opportunity to expand the existing Cooperbrook Village will help offset the impact of the new Pacific Highway bypass and support and grow existing village services and facilities. This in turn may help to strengthen/ re-establish Cooperbrook's highway service village role.

It is considered that the proposal will have positive social and economic benefits.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **0 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Essential Energy
Ambulance Service of NSW
Essential Energy
Department of Education and Communities
Office of Environment and Heritage
Fire and Rescue NSW
NSW Police Force**

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 : **The land is identified as an urban release area in the Mid North Coast Regional Strategy and will potentially deliver up to 87 lots. The planning proposal does not address State Infrastructure requirements or include a Urban Release Area (URA) map.**

Cooperbrook has a Primary Public School, Police station and Rural Fire Service Brigade. Other higher order community services are accessed from Harrington and Taree, 13 km and 21 km away respectively. It is assumed that the RTA would have made provision for the increased traffic generated from the proposed residential development in designing the new Cooperbrook Pacific Hwy junction.

Advice was sought from the Department's Terry Natt, Director Contributions, about the need for the site to be identified on the Greater Taree LEP 2010 Urban Release Area Map and for associated Clause 6.1, Arrangements for designated State public infrastructure, provisions to apply. Terry advised that an isolated site such as this that has the potential to generate 87 lots is highly unlikely to generate an impact on State Infrastructure (in isolation or cumulatively given its location in relation to other sites in Taree LGA) and therefore would not generate a need to secure contributions through a Satisfactory Arrangements Clause.

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Further it was considered unnecessary, in this case, to require Council to consult with State infrastructure agencies as they are not likely to have any infrastructure requirements.

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal - Macquarie and West Streets Cooperbrook.pdf	Proposal	Yes
Greater Taree City Council_29-06-2015_Request for Gateway Determination - Cooperbrook Rezoning_.pdf	Proposal Covering Letter	Yes
Cooperbrook Rezoning_Council Minutes - 17 June 2015.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. A Preliminary contamination assessment, consistent with the requirements of SEPP 55 - Remediation of Land, is to be undertaken prior to exhibition.
2. The Proposal should be amended prior to exhibition to incorporate:
 - * The recommendations of the required contamination assessment;
 - * The recommendations of relevant Government Agencies and to update consideration of s117 Direction 2.3 Heritage Conservation and SEPP 55 - Remediation of Land; and
3. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:
 - (a) The Proposal be made publicly available for a minimum 28 days, as requested by Council. A 28 day exhibition is supported because the local significance of the proposal; and
 - (b) The relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing LEPs (Department of Planning & Infrastructure 2013).
4. 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:
 - * Department of Education in relation to the adjoining public school.
 - * Office of Environment and Heritage concerning Aboriginal any cultural heritage assessment requirements.
 - * Mid Coast Water Corporation regarding water and sewerage connection services and any other utility service providers, Council may deem necessary to consult.
 - * Essential Energy concerning the proposed buffer to the existing substation.
5. 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).
6. The time-frame for completing the LEP is to be 12 months following Gateway

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Determination. A 12 month time-frame is recommended because of the need for Council to undertake additional investigations, agency consultation and amend the planning proposal prior to exhibition. A 12 month time-frame is also consistent with the timeline Council included in the planning proposal.

Plan making delegation:

The Minister delegated his plan making powers to Councils in October 2012. Council has accepted this delegation. The proposal is of local significance and issuing delegations to Council is appropriate.

Supporting Reasons : The proposal is consistent with the strategic framework and will facilitate the provision of additional residential opportunities adjoining the existing Coopersnook community. The proposed residential development could potentially provide new economic opportunities to help offset the impacts of the new Pacific Highway bypass.

The proposal also supports the Mid North Coast Regional Strategy settlement planning principle 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.

Signature:



Printed Name:

TRENT WINK

Date:

23/7/15

