

# Business Paper

An Ordinary Council Meeting will be held on Tuesday 16 July 2024 in the Council Chambers located Corner Tozer and Elbow Streets, West Kempsey commencing at 9:00 AM



**[kempsey.nsw.gov.au](http://kempsey.nsw.gov.au)**



**KEMPSEY**  
Shire Council

## 10 REPORTS TO COUNCIL

### 10.1 Planning Proposal - 154 Arakoon Road, South West Rocks - PP-2024-829

---

**Officer** Peter Orr, Strategic and Environmental Planning Manager

**File Number** PP2400008

---

#### PURPOSE

Consider the following planning proposal for progression within the local plan making process.

**Proposal:** To amend the Kempsey Local Environmental Plan 2013 *Land Zoning Map, Lot Size Map and Height of Buildings Map* to enable a future residential subdivision.

**Location:** Lot 9 DP1219664, 157 Arakoon Road, South West Rocks

**Proponent:** King & Campbell P/L

**Status:** Planning proposal lodged

The next step in the local plan making process is to forward the planning proposal to the Minister for Planning and Public Spaces for gateway consideration. The Minister (or delegate) will consider if there is justification to proceed with the planning proposal and make a gateway determination.

#### RECOMMENDATION

##### That Council:

1. submits the planning proposal which seeks to amend the Land Zoning Map, Lot Size Map and Height of Buildings Map at Lot 9 DP1219664, 157 Arakoon Road, South West Rocks, to the Minister for Planning and Public Spaces for gateway consideration pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979*;
2. requests that the Secretary of the Department of Planning, Housing and Infrastructure issue Council with written authorisation to exercise plan making delegations in relation to this proposal; and
3. undertakes, subject to the gateway determination, community consultation for the planning proposal as required.

#### BACKGROUND

##### Subject land

The subject site is set back from Arakoon Road with additional frontage to Belle O'Connor Street and along Athena Parade (and an unformed road reserve along the eastern boundary). Existing site access is via Arakoon Road and Arthena Parade.

The site has an area of 23.97ha comprising former pastureland with pockets of vegetation and an existing dwelling (refer Figure 1 below). The site is elevated at the southern boundary and slopes downward towards Athena Parade in the north.



**Figure 1:** Subject land parcel demarcated in pink

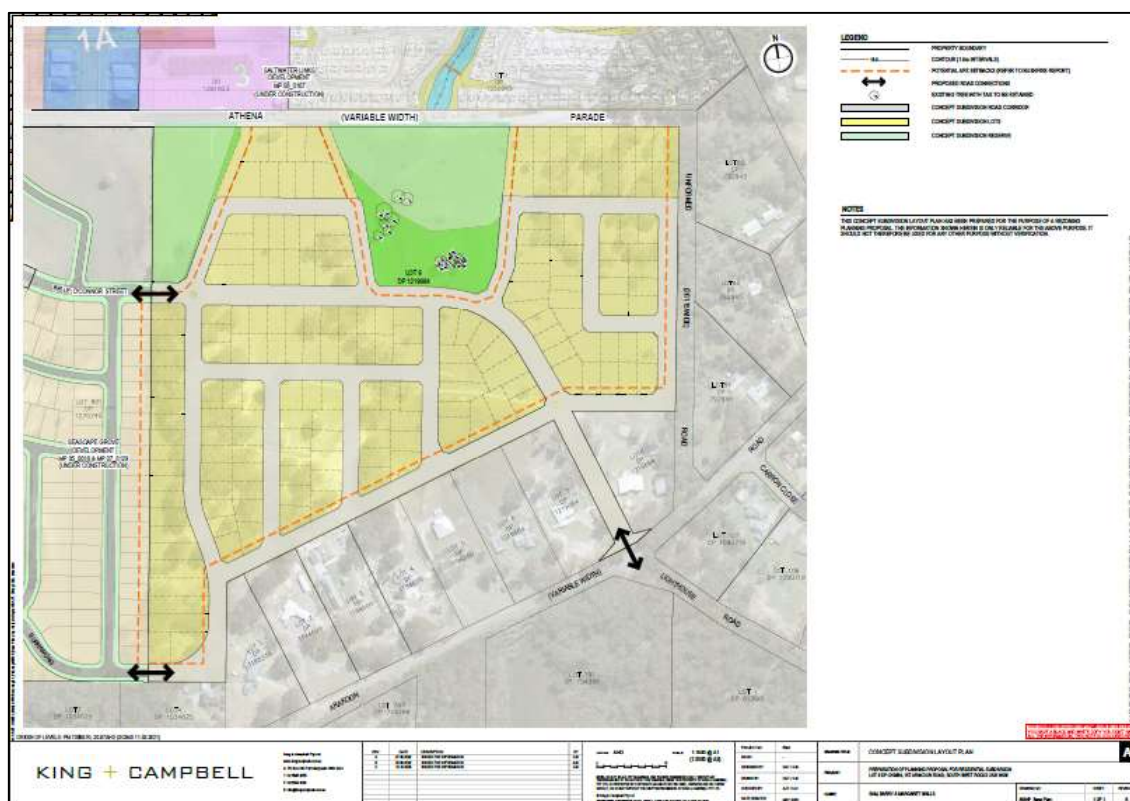
### **Objectives of the Planning Proposal**

The intended outcome of the planning proposal is to enable a future residential development of some 225 lots (refer to Figure 2 below).

To enable consideration for a future development application to create a residential subdivision at this site, proposed amendments to the relevant mapping within the Kempsey Local Environmental Plan (KLEP) 2013 is required, comprising:

- Land Zoning Map: from R5-Large Lot Residential to R1-General Residential
- Lot Size Map: from minimum lot size of 1ha to 500m<sup>2</sup>
- Height of Buildings Map: from unrestricted to a maximum building height of 8.5m





The proponent's intention for the future residential subdivision also includes:

- Road connections to the subdivision via Belle O'Connor Street, Burrawong Drive and Arakoon Road. A number of proposed allotments would also have frontage to Athena Parade and the unformed road along the eastern site boundary.  
The ultimate linkage of Gregory Street to Arakoon Road via Belle O'Connor Street will necessitate the installation of a roundabout at the Arakoon Road/Lighthouse Road intersection. There is a significant cost in the construction of such a roundabout which will need to be provided for in considerations of any future development application for subdivision at this site. Council officers have previously discussed with the proponent about providing a local planning agreement to assist with the funding of the future roundabout at the development application stage.
- Detention sites at the northern end of the site to capture stormwater flow across the site. It is proposed to rehabilitate existing vegetation and convert to artificial wetlands. The proposed solution does raise concerns about potential maintenance liabilities for Council, however alternate stormwater solutions at the site are possible and will be formulated and approved at the development application stage.
- No High Environmental Value Land or Preferred Koala Feed Trees have been identified at the site in the High Environmental Values Report lodged with this planning proposal.  
Notwithstanding, the assessment report and the planning proposal will be referred for

comment to Biodiversity Conservation & Science at the Department of Climate Change, Energy, the Environment and Water, if the planning proposal obtains gateway approval.

- Connection to Council's local reticulated water and sewage infrastructure which has sufficient capacity to provide for the development proposed.

### Justification for the Planning Proposal

The proposed future land use is consistent with the North Coast Regional Plan 2041 as the subject site is contained within the 'urban growth boundary' identified for South West Rocks.

The subject site is also identified in Council's Kempsey Local Growth Management Strategy 2041 for potential to rezone to General Residential subject to the considerations of the South West Rocks Structure Plan. The South West Rocks Structure Plan 2023 identifies that the subject site suitable for rezoning to R1-General Residential with an 8.5m maximum building height (refer to Figure 3 below).

Structure Plan - key features							
<p>The Structure Plan has been developed in response to the research and analysis undertaken for South West Rocks.</p> <p>1. Planning Amendments to Kempsey Local Environmental Plan (2013)</p> <p>2. Proposed Plans and Strategies</p> <p>3. Specific Projects</p> <p>These are outlined in the adjacent table (Table 2) and numbered on the following drawing (Figure 46).</p>							
Table 2: Structure Plan Key Features							
1. KLEP Proposed Planning Amendments							
Map ref	Location (Focus Area)	Previous	Zone	2013 LEP	Proposed	2013 LEP	Proposed
1	Arakoon Road	Spencer-ville	R5	R1	-	8.5m	Will allow a greater variety of dwelling types
2	Gordon Young Dr	Gordon Young Dr	R3, C2, RU2	C2	-	-	Minimises impact to untouched bushland and biodiversity
N/A	Various	Various				*Refer to Appendix A	Maintain and enhance existing character

**Figure3:** Extract from the South West Rocks Structure Plan 2023 (pg44).

## 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 amendments proposed to the mapping within KLEP2013 for this site are entirely consistent with the North Coast Regional Plan 2041 and Council's Local Growth Management Strategy 2041 and the South West Rocks Structure Plan 2023.

### Impact on Financial Sustainability

The proposal will not result in extra demand for infrastructure not already planned for nor impose additional costs on Council services providing appropriate development infrastructure is approved.

### Stakeholder Engagement

Should the Minister for Planning and Public Spaces 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 KLEP2013 mapping amendments sought by this planning proposal are consistent with the planning intention and direction for this locality within the North Coast Regional Plan 2041 and Council's Local Growth Management Strategy and the South West Rocks Structure Plan. Additionally, the proposed development will not place unallocated demand on infrastructure provision resulting from the intended future land and any additional costs arising from road upgrades would be negotiated with the proponent at the development application stage.

#### **ATTACHMENTS**

1. Planning Proposal [**10.1.1** - 71 pages]
2. APP A\_ Proposed KLEP2013 Map Amendments [**10.1.2** - 1 page]
3. APP B\_ High Environmental Values Report - Biodiversity Australia [**10.1.3** - 78 pages]
4. APP C\_ Concept Sewer and Water - King & Campbell [**10.1.4** - 1 page]
5. APP C\_ Concept Stormwater - King & Campbell [**10.1.5** - 2 pages]
6. APP C\_ Concept Subdivision Layout - King & Campbell [**10.1.6** - 1 page]
7. APP D\_ Vegetation Management Plan - Biodiversity Australia [**10.1.7** - 25 pages]
8. APP E\_ Aboriginal Heritage Due Diligence Assessment - Heritage Now [**10.1.8** - 52 pages]
9. APP F\_ Handbook for the Strategic Guide to Planning for Natural Hazards [**10.1.9** - 14 pages]
10. APP G\_ Bushfire Hazard Assessment [**10.1.10** - 59 pages]
11. APP H\_ Traffic Engineering Report - TPS Group [**10.1.11** - 26 pages]