

Appendix C: SEPP 71 Master Plan Waiver



Planning & Infrastructure

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Mr G Smyth
Geoff Smyth Consulting
PO Box 1925
COFFS HARBOUR NSW 2450

Our ref: 13/14504
Your ref: GS1302.5

22 October 2013

Dear Mr Smyth

Request to waive a Master Plan for Subdivision of Lot 35 DP 1167775 Wulanbar Avenue South West Rocks.

I refer to your letter of 28 August 2013 and the above request under clause 18(2) of State Environmental Planning Policy (SEPP) No 71 – Coastal Protection.

Following examination of the application to waive a master plan and supporting information, it is considered that due to the extensive investigation of the land during the rezoning process and the existing planning controls applying to the land, a master plan can be waived, pursuant to clause 18(2) of SEPP 71.

Yours sincerely

Denise Wright
Acting Team Leader, Local Planning
Northern Regions
Planning Operations & Regional Delivery



Mr D Rawlings
General Manager
Kempsey Shire Council
PO Box 3078
WEST KEMPSEY NSW 2440

Our ref: 13/14504
Your ref: T6-14-62, LA32884

14 May 2014

Dear Mr Rawlings

Master plan waiver, Lot 35 DP 1167775, Waianbar Ave, South West Rocks

I refer to your letter dated the 11 April 2014 in regards to validity of the master plan waiver issued by the Department on the 22 October 2013 for the above mentioned land. Attached for your records is a copy of the master plan waiver application, dated 28 August 2013.

State Environment Planning Policy 71 (Coastal Protection) (SEPP 71) provides at clause 18 that the Minister may waive the need for a master plan for various reasons. Clause 18 does not, however, provide that the Minister can impose conditions on such a waiver. As such there are no 'terms' which need compliance.

One of the considerations the Minister (or her delegate) may have when considering the waiving of the need for a master plan is the adequacy of other planning controls. In this instance the requirements of the Saltwater DCP were considered sufficiently thorough to justify that a master plan was not required.

In making a decision as to whether or not to waive a master plan pursuant to clause 18 the Minister can only assume that the existing planning controls will be complied with. The basis for this waiver was that the aims of the SEPP would be attained by application of the Saltwater DCP.

While the waiver remains valid we support Council's requirements for the provision of items (b) to (e) inclusive as indicated in point 3 of your letter to us. However the requirement for a 'master plan' cannot be sustained under the provisions of SEPP 71. Council should consider closely the impacts of this development on the matters for consideration set out in clause 8, and additionally whether the development can demonstrate that it meets the key objectives of the DCP without provision of the master plan. These comments are of particular concern in relation to the protection of Saltwater Lagoon from stormwater in terms of quality and quantity. In addition information concerning proposals to link development to nearby existing approved development should be provided, if not specifically included in the Traffic Management Study.

If you have any questions in regards to the above please contact either myself, on 6641 6604, or Tamara Prentice on 6641 6616.

Yours sincerely

Jim Clark
Team Leader, Local Planning