

EXCERPT FROM MIDCOAST COUNCIL MINUTES OF THE STRATEGIC COMMITTEE MEETING

Held at The Council Chambers 4 Breese Parade, Forster, 14 February 2018.

5 PLANNING PROPOSAL FOR 353 - 465 KOLODONG ROAD, TAREE

Report Author Angela Tinlin, Town Planner - Strategic

Mr Paul De Szell, Acting General Manager, declared a Non-Pecuniary Conflict of Interest (Significant) and left the meeting.

RECOMMENDATION

1. That a request be made for a Gateway determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act (EP&A Act) 1979*, in relation to the planning proposal contained in Attachment A.
2. That community engagement be undertaken on the planning proposal upon receipt of a Gateway determination.
3. The Department of Planning and Environment be advised that Council requests the use of delegations in respect of the Minister for Planning's plan making function under section 59 of the *EP&A Act 1979* for the planning proposal.
4. That consultation with State Government agencies and service authorities be undertaken in accordance with the Gateway determination.

13/18 RESOLUTION

(Moved Cr B Christensen/Seconded Cr K Hutchinson)

That the above recommendation be adopted.

FOR VOTE: Cr D West (Mayor) Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr C Pontin, Cr J McWilliams, Cr L Roberts, Cr K Smith.

AGAINST VOTE: Nil

Mr Paul De Szell, Acting General Manager, returned to the meeting.

[Report submitted to Council attached following]

5 PLANNING PROPOSAL FOR 353 - 465 KOLODONG ROAD, TAREE

Report Author Angela Tinlin, Town Planner - Strategic

File No. / ECM Index S1436

Date of Meeting 14 February 2018

SUMMARY OF REPORT

The planning proposal aims to change the rural zone of Lot 6 DP 614114, Lots 52, 53 and 54 DP 1042462, Lot 3 DP 607547, Lots 7 and 8 DP 1170882, and Lots 5 and 6 DP 833772 from rural to residential to enable the expansion to the Taree township. The planning proposal will involve amendments to the *Greater Taree Local Environmental Plan 2010* (LEP 2010).

SUMMARY OF RECOMMENDATION

That the planning proposal (Attachment A) be referred to the Minister for Planning for a Gateway determination and plan making delegation. Consultation to be undertaken with agencies and the community in accordance with the Gateway determination.

FINANCIAL/RESOURCE IMPLICATIONS

All required studies and fees in association with the planning proposal are paid by the applicant. The application is assessed on a user-pays basis in accordance with Council's fees and charges.

LEGAL IMPLICATIONS

The planning proposal has been prepared in accordance with *A guide to preparing planning proposals* as required under Section 55(3) of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS

A: Planning Proposal.

Attachment A has been circulated in hard copy to the Councillors and Senior Staff, however this Attachment is publicly available on Council's website.

BACKGROUND

The site

The subject site is located along Kolodong Road and Wingham Road, Taree (Lot 6 DP 614144, Lots 52, 53 and 54 DP 1042462, Lot 3 DP 607547, Lots 7 and 8 DP 1170882, and Lots 5 and 6 DP 833772) and has an area of approximately 130ha.

The site is included in the RU1 Primary Production zone and is bordered by farmland and residential development along Kolodong Road. There are currently a number of uses operating from the site including a childcare centre, school and café. The remainder of the land is cleared farmland and has a history of farming use (refer to the site location map in Annexure A).

The process



On 18 November 2015, the applicant lodged a planning proposal (formerly known as a rezoning application) to include part of the site in the R1 General Residential zone. A site inspection was undertaken on 2 December 2015 with Council staff. Discussions with the applicant revealed that consent of all owners had not been confirmed at the time of initial lodgement. As a result, the assessment of the planning proposal was delayed until confirmation of owners support was received on 25 July 2016.

The zone change under the *Greater Taree Local Environmental Plan 2010* would enable the expansion of the township of Taree. The Planning proposal (Attachment A) shows the proposed zones. This land is identified in the NSW State Government's *Mid North Coast Regional Strategy* and subsequently the *Hunter Regional Plan 2036* for future urban development.

When Council merged, consultation was undertaken with the NSW Department of Planning and Environment (DPE) on a prioritised work program for the new Council. DPE expressed concerns with supporting the rezoning as there appeared to be sufficient supply of zoned residential land in Taree. DPE requested that a supply and demand assessment be prepared to justify the rezoning. This work has now been completed for Taree and a summary of the findings is included later in this report.

In response to Council's request, the proponent has amended the planning proposal to address some outstanding issues. The final planning proposal was lodged with Council on 27 November 2017 (see Attachment A). A summary of the assessment and recommendations for additional studies is outlined in this report.

The process for considering a planning proposal is shown below. This application is currently in the early stages of the process.

 Application lodged (Nov 2015)	 Council Report (Feb 2018)	Gateway Determination (April 2018)	Prepare additional studies (May-June 2018)	State + community consultation (July-Aug 2018)	Council Report (Sept-Oct 2018)	Make the plan (Nov-Feb 2019)
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DISCUSSION

The site has been identified as a future urban release area since the release of the *Mid North Coast Regional Strategy* in 2006. The planning proposal (Attachment A) examines the extent of residential proposed, any environmental or rural constraints and the infrastructure requirements.

The assessment of the planning proposal has identified that the land is generally suitable for residential purposes, subject to additional studies or consultation with State agencies being undertaken.

It is anticipated that an amendment to the *Greater Taree Development Control Plan 2010* (DCP) may also be required in the form of a Local Area Plan, to clearly identify future development requirements specific to the site. Once drafted, the Local Area Plan will be reported to Council for endorsement for community engagement.

The following is a summary of the main issues and findings associated with the rezoning:

- **Residential Demand**

An assessment of available land in Taree was undertaken which identified that sites providing equivalent residential amenity are in high demand. There are large areas of land currently zoned residential, but many of these are subject to a number of constraints including vegetation, ownership and location. Many of these sites have remained undeveloped for over 10 years, whereas sites with a higher level of amenity like Taree West, have been significantly developed over an 8 year period.

When Taree West was fully developed, the level of development dropped significantly in Taree. It appears that people then sought residential sites in coastal locations to meet their lifestyle needs like Old Bar and Harrington.

The conclusion of this assessment was that while there is a large amount of vacant land included in the residential zone, much of it is constrained and given the lead time for land development it is appropriate to commence the rezoning of the next major release area. The Kolodong site offers an opportunity for residential land to become available on the market that offers a high level of residential amenity with the rural and river outlook. Based on this assessment it is recommended to proceed with the planning proposal.

- **Traffic**

Council recommends that a full traffic assessment report be undertaken for this rezoning to determine the effects on Kolodong Road and Wingham Road with recommendations for the necessary upgrading for these roads and intersections to cater for the additional traffic from this development.

Traffic requirements outlined in this report will be contained in a future DCP amendment.

- **Cultural heritage assessment**

The site has been cleared and used for rural activities for a number of years. An AHIMS search has been undertaken which did not identify any Aboriginal sites or places on the land or surrounding area. An Aboriginal Cultural Assessment will be required to determine if there are any potential Aboriginal cultural values on the site. This assessment will be undertaken after the Gateway determination.

- **Rural lands**

Consultation is required with NSW Department of Primary Industries (DPI) to determine the extent of good quality agricultural lands. The delineation of the zone boundary between rural and residential land was determined by utilising the existing natural low ridge as a boundary. The proposed urban zoned areas occupy part of the Class 3 (reasonable quality agricultural land as identified in maps prepared in consultation with the NSW Department of Agriculture in 1992) area over the subject site. The majority of the area is proposed to remain in the RU1 zone to be utilised for agricultural purposes. The 1992 study involved detailed investigation of the land and the rural capability of the soils. DPI are currently reviewing their mapping and need to be consulted to determine the extent of good quality agricultural lands.

DPI will also be consulted on measures to minimise potential land use conflicts between the rural and residential lands. Measures will be incorporated into a DCP and may include the provision of public roads or open space to provide separation along with appropriate landscaping.

Consultation with the NSW Department of Primary Industries (Minerals and Petroleum) will also be undertaken to confirm that the proposal will not impact on mining and extractive industries. A land contamination preliminary investigation will be undertaken following a gateway determination to determine if any contamination is present on the land that would require remediation.

- **Stormwater**

The proposed development will generate increased stormwater run-off from the land. The proposed rezoning area is above the 1% AEP flood level. The natural drainage system for the land provides suitable opportunities for drainage of future development. Future development of the land must provide a suitable storm water drainage system with control of flows (on-site detention system) and water quality. A preliminary stormwater assessment is required to determine stormwater discharge and quality objectives, elements and features to be included in a DCP.

- **Bushfire**

The subject land is partly identified as Bushfire prone land. Consultation with NSW Rural Fire Service will be required following the Gateway determination.

- **Environmental values**

The site is relatively cleared and used for rural purposes. A small area of remnant native woodland is located in the north western corner of the site. It is proposed to include this vegetation in the E2 Environmental Conservation zone. Further investigation of koala utilisation of the vegetation in the proposed E2 zone will be undertaken following a Gateway determination to confirm the vegetation is not essential for koala populations in the area.

- **Serviceability of the site**

Serviceability of the site will be confirmed following a Gateway determination.

- **Residential lot size**

The applicant requested a minimum lot size for the R1 General Residential zone to be 600m² which is not consistent with the 450m² lot size applied to the General Residential zone. It is proposed to maintain the 450m² minimum lot size to be consistent with the development standards applied across the MidCoast Council area and to be in accordance with 117 Ministerial Direction which requires that the planning proposal must “not contain provisions which will reduce the permissible residential density of land”. The planning proposal has been amended to require a minimum lot size of 450m² in the General Residential zone.

In summary, the land is generally suitable for residential purposes, subject to the above additional studies or consultation with State agencies being undertaken. It is proposed to proceed for a Gateway determination from the NSW Department of Planning and Environment.

Given the planning proposal is consistent with the long term planning for this area, it is proposed to seek delegation to undertake the final stages of making the plan. This involves Council's Strategic Planners working directly with Parliamentary Counsel to draft the LEP provisions, and the General Manager having the delegated authority to recommend approval of the proposed amendment. The use of delegations accelerates the rezoning process.

CONSULTATION

Consultation with the following agencies will be undertaken following a Gateway Determination:

- NSW Rural Fire Service (RFS).
- NSW Office of Environment and Heritage (OEH).
- NSW Roads and Maritime Service (RMS).
- Department of Primary Industries.
- MidCoast Council Water Services.
- Department of Education and Training.
- Department of Health - Hunter New England.

The Gateway determination will outline the community consultation requirements for this project. The community consultation will occur for a minimum of 28 days. Consultation will involve an advertisement in the local paper, letters to adjoining landowners and information being available at Council offices (Taree and Forster), Taree and Wingham Libraries and on Council's website.

COMMUNITY IMPACTS

The planning proposal is anticipated to have a positive community impact by providing for additional urban living within the township of Taree, which will also support the existing services in the locality. Any impacts identified during the community consultation will be reported to Council.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The planning proposal is consistent with Strategy 17 of the *Manning Valley Community Plan 2010-2030* which is to ensure adequate provision of appropriately zoned land that is suitable for the needs of all economic sectors of the local community.

This site was originally identified as a future urban release area in the *Taree Wingham Growth Plan 1990* and more recently in the *Mid North Coast Regional Strategy 2006-31* and subsequently the *Hunter Regional Plan 2036*. Although the areas identified in this planning proposal vary slightly from the strategies, it is considered consistent with the aim of the strategy.

TIMEFRAME

The Gateway determination will provide a timeframe for state agency consultation, community consultation and completing the planning proposal.

BUDGET IMPLICATIONS

The planning proposal is assessed on a user-pays basis. All required studies and consultant fees are paid by the applicant.

RECOMMENDATION

1. That a request be made for a Gateway determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act (EP&A Act) 1979*, in relation to the planning proposal contained in Attachment A.
2. That community engagement be undertaken on the planning proposal upon receipt of a Gateway determination.
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ANNEXURES

A: Site location map.

