

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

13 June 2006

DSDS12	REZONING OF LAND FROM ZONE NO. 1(A3) TO ZONE NO. 1(C) FILE: T5-93 GGL
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SUMMARY:

Reporting that the Department of Planning has advised that the proposal to rezone land from Zone No. 1(A1) RURAL "A3" AGRICULTURAL PROTECTION ZONE) to Zone No. 1 (C) (Rural (SMALL HOLDINGS "C" ZONE) for a thirty six (36) lot rural subdivision, is unlikely to be supported.

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Applicant: Mr R Channells
Subject Property: Lot 7 DP 255922 145 Old Station Road East
Kempsey
Zone: 1 (a3) Rural

Background

Council received an application in February 2004 to rezone the subject land at Old Station Road, East Kempsey totalling 46.5ha from 1(a3) Rural to 1(c) Rural Small Holdings.

At that time, research indicated that under Councils current Rural Residential Land Release Strategy there was at least 10 years supply of land already zoned for rural residential development.

In March 2004 Council wrote to the Department of Planning advising that Council had received numerous enquiries to rezone land for residential purposes, seeking their advice as to whether they would support any rezonings.

The Department of Planning advised that 'land for future residential purposes will need to be included in Council's Rural Land Release Strategy to conform to the provisions of clause 20 of the North Coast Regional Environmental Plan'. Under these provisions, supply should not exceed 5 years.

Based on the recommendation of Council's Land Release Taskforce Committee Council, at its meeting of 10th August 2004, resolved:

'That until the Interim Rural Residential Land Release Strategy is completed, consideration of subdivision of this nature be deferred so as to achieve the optimum result for the shire and the community'

In September 2004 Council advised the applicant of Councils decision and of the review of the Rural Residential Release Strategy currently being undertaken and that until such time the strategy has been completed, the rezoning application will be deferred.

The owner lodged a further request for the rezoning to proceed prior to completion of the review of the Rural Residential Release Strategy.

At its meeting 14 February 2006 Council resolved to proceed to prepare a draft LEP.

Department of Planning Advice

The Department of Planning has advised by letter dated 10 April 2006 [\(Appendix L\)](#) that they will not support the proposal, for the following reasons:

- 'It is a spot rezoning which is not justified or supported by an agreed rural residential strategy;
- It is inconsistent with clause 20 of the North Coast Regional Environmental Plan and S.117 directions No. 22- Rural Zones and No. 25 Site Specific Zonings;
- It is inconsistent with the Department's policy position on spot rezoning'

REPORT IMPLICATIONS:

- ***Environmental***

No impacts if rezoning does not occur.

- ***Social***

No impacts if rezoning does not occur.

- ***Economic (Financial)***

No impacts if rezoning does not occur

- ***Policy or Statutory***

The proposed rezoning is contrary to the North Coast REP, Council's Rural Residential Release Strategy, and the recommendation of Councils Land release Taskforce Committee.

RECOMMENDATION:

That Council defer proceeding with rezoning applications for rural residential development until such time Council has revised its Rural Residential Land Release Strategy.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES