



KEMPSEY
Shire Council

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

14th February 2006

**DSDS6 REQUEST TO REZONE LAND FROM ZONE NO.
1(A3) TO ZONE NO. 1(C)
FILE: T5-93 GGL**

SUMMARY:

Reporting Council has received a request ([Appendix G](#)) to rezone land from Zone No. 1(A1) RURAL "A3" AGRICULTURAL PROTECTION ZONE) to Zone No. 1 (C) (Rural (SMALL HOLDINGS "C" ZONE) for the purpose of a thirty six (36) lot rural subdivision that is contrary to Council's Rural Residential Land Release Strategy.

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Applicant: Mr R Channells
Subject Property: Lot 7 DP 255922 145 OLD STATION ROAD
EAST KEMPSEY
Zone: 1 (A3) RURAL A3 ZONE

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 Council's 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 has now lodged a further request for the rezoning to proceed prior to completion of the review of the Rural Residential Release Strategy.

North Coast Regional Environmental Plan (NCREP)

Clause 20 (4) of the NCREP states that a Rural Land Release Strategy is to be based on the average number of allotments needed annually to meet genuine demand for rural residential and small holding development. Additionally, Clause 20 (5) of the NCREP specifies that the annual number of allotments needed to meet such demand over any period is not to exceed 130 percent of the average number of building approvals granted for the erection of dwelling approvals in the past five (5) years. Council's current Rural Residential Land Release Strategy indicates that there is currently sufficient land to meet demand for approximately 10 years.

Rural Residential Land Release Strategy

Council's Rural Residential Land Release Strategy (1990) identifies supply and demand based on population predictions and dwelling approvals on allotments zoned 1(c).

A review of the Rural Residential Release Strategy has commenced. This process is anticipated to consider locality based demand and supply as there is a perception that the current supply is not where the demand is. There is also the ability to discount land from the supply based on constraints (e.g. flora and fauna, bushfire hazard,

flooding etc.) and also discount land that current owners indicate are not intending to develop in the next 5 years.

Report Implications:

- ***Environmental***

Rezoning of land for rural residential development outside of an identified release strategy prevents strategic consideration of broader environmental sustainability issues, and is likely to result in undesirable environmental impacts.

- ***Social***

Rezoning of land for rural residential development outside of an adopted strategy prevents strategic provision of social services, is likely to result in undesirable impacts.

- ***Economic (Financial)***

Rezoning of land outside of an adopted strategy may give rise to demands for services and infrastructure that has not been planned, costed or recoument measures in place.

- ***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.

Director's Comment

This project is competing for Councils limited resources with a large range of important strategic planning projects. In recognition of the relative importance of these projects, at its meeting of 13 September 2005, Council resolved to allocate this project a medium priority.

On this basis, it is expected that a draft revised strategy would not be ready for public exhibition until at least late 2006 with Department of Planning approval hopefully by mid 2007 at which time the application should be further considered.

Note: There is no guarantee that the applicants land will meet the requirements of the revised strategy which will not be known until Council has considered and adopted the revised

strategy and agreement with the Department of Planning has been reached.

RECOMMENDATION:

That Council reaffirm its decision of 10 August 2004 and re-advise the applicant that Council will defer any application to rezone the land to 1(c) until such time a review of the Rural Residential Land Release Strategy has been completed.

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R B Pitt

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES