

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

18th July 2006

DSDS4 RELEASE OF LAND FOR INDUSTRIAL PURPOSES
FILE: T5-95 & T5-81 APB { Folio No. * }

This report should be read in conjunction with Confidential Report DSDS1.

SUMMARY:

The purpose of this report is to inform Council on the progress being made in regard to the planning requirements for the release of industrial land in South Kempsey.



DESCRIPTION:

At its meeting of 13th June 2006, Council resolved: -

"That a report be submitted to the July meeting of Council outlining progress being made with the planning requirements for the release of land for industrial purposes."

Background

As a response to strengthen Councils local economic base and reduce relatively high unemployment rates, Council identified under the Corporate Strategic Plan in 2001 an action to ensure that Kempsey is a viable and vibrant Economic hub for the Shire. A key strategy to achieve this goal is to ensure that Council provides opportunities that allow for commercial and industrial growth.

Consistent with this goal, the Economic Development Strategic Plan for Kempsey Shire identifies the need to provide an adequate supply of Industrial land as a key strategic action.

To implement this action, the Kempsey and South West Rocks Industrial Land Review was prepared and adopted as a Strategy in

2004. The Strategy identifies areas of land in South Kempsey as being potential investigation areas for future industrial development based on a number of criteria, including the absence of dwellings in the area.

Council has received two (2) rezoning applications for the purpose of creating industrial land in the South Kempsey Area which are consistent with the Kempsey and South West Rocks Industrial Land Strategy. These are:

File	Owner	Lots	Location
T5-81	Farrawell	Lots 100 and 104 DP776239	Pacific Highway South Kempsey (Eastern side of Highway)
T5-95	Thurgood	Lot 153 DP752417, Lot 822 DP 773764, Lot 1523 and 1521 DP545144	Pacific Highway South Kempsey (Western Side of Highway)

Progress of the Applications

T5-81 Farrawell

Council resolved to examine the potential to rezone this land on the 12th June 2001. Since this time the following events have occurred:

- 5th July 2001 – Department of Planning (DoP) issued requirement to prepare Local Environmental Study;
- Section 62 consultation undertaken with relevant government departments;
- 11th October 2001 - The Roads and Traffic Authority (RTA) advised of its objection to the proposed rezoning due to the proposed Upgrade of Pacific Highway between Kempsey and Eungai;
- In accordance with a Ministerial Planning Direction, Council was obliged to defer the Rezoning process until such time as the RTA lifted its objection following confirmation of the preferred bypass route options;
- 9th May 2003 – A rezoning Justification Report Prepared by GHD (on behalf of the owner) submitted to Council.
- 7th November 2005 - Council received correspondence from the RTA that effectively lifted their objection advising they were in a position to fix a boundary for the Highway bypass that could be incorporated into the rezoning process;

- 2nd February 2006 / 9th May 2006 - Council staff met with the applicant and the applicants consultants to discuss the process and other matters regarding the land.
- 21st April 2006 – Council investigated requirements of the LEP amendment with the DoP given the period that elapsed since it was initially referred.
- 26th May 2006 – DoP advised that the proposed amendment is required to be referred to the LEP review panel for consideration which is expected to be completed in mid July 2006.
- May 2006 - Draft Vegetation Mapping completed within the South Kempsey Area.
- **Present** – A draft brief has been prepared for the preparation of a Local Environmental Study to investigate the proposal and undertake a peer review of the studies already prepared by GHD. A submission to the LEP review panel is nearing completion. Proposals to prepare the LES will be received by August 2006. Subject to any requirements of the LEP review panel and the assumption that the applicant agrees to meet costs involved, this study will commence in September 2006.

T5-95 Thurgood

Council resolved to examine the potential to rezone this land on the 15th July 2004. Since this time the following events have occurred:

- 11th October 2004 – DoP issued notice to Council that a formal Local Environmental Study was not required in this instance; however DoP indicated several issues are required to be addressed.
- Section 62 consultations were undertaken with relevant government departments;
- 7th January 2005 - The RTA advised of its objection to the proposed rezoning until the route of the proposed Upgrade of Pacific Highway had been determined;
- 20th January 2005 - Council advised the applicant that although a Local Environmental Study is not required, a Statement of Environmental Effects is necessary to investigate various issues;

- 18th March 2005 - Brief prepared and ERM selected as the preferred consultant to complete the Statement of Environmental Effects and the associated investigations.
- 21st April 2005 - A meeting was held with landowners to discuss sharing the costs of required investigation. The landowners declined to meet costs of the study.
- 7th November 2005 - Council received correspondence from the RTA that effectively lifted their objection advising that they are in a position to fix a boundary for the Highway bypass that could be incorporated into the rezoning process.
- May 2006 - Draft Vegetation Mapping complete within the South Kempsey Area.
- **Present** – An application to build a dwelling house in Sandy Creek Rd (Mobbs) which was refused by Council was approved by the Land and Environment Court on appeal. This has created a potential conflict in land uses which requires further investigation prior to proceeding with the application.
- **Present** - Given the period that has elapsed since it was initially referred to DoP, it is intended to forward the application to the LEP review panel for comment.

Impact of Court Decision

The land in South Kempsey was identified for future general industrial purposes due to the absence of dwelling houses in the area.

The Industrial Land Strategy identifies a range of buffer distances required for a range of industry types. The likely range of industries that Council would be seeking to attract to South Kempsey would require nominal buffer distances of up to 500m.

The location of the Court approved house is shown on the attached map [\(Appendix B\)](#) which also shows 500m buffer distances to the house and existing houses in the area. As can be seen, this results in limited land that can achieve the necessary buffer.

It is considered that a more detailed noise study is necessary to determine the site specific buffer distances required in the locality before undertaking any further studies to progress the rezoning of the land. This noise study would look at site specific conditions such as topography and masking noise levels from existing traffic on the highway and existing land uses. It would also examine the opportunity for noise mitigation measures to reduce buffer distances.

It is proposed to approach the land owner to fund the cost of the noise study before further funds are expended in pursuing this rezoning.

Report Implications:

- ***Environmental***

Environmental impacts will be assessed through the environmental studies required to proceed the rezoning.

- ***Social***

The availability of zoned and services industrial land will increase opportunities for employment generating uses to locate in Kempsey.

- ***Economic (Financial)***

The availability of zoned and services industrial land will increase opportunities for industries to locate in Kempsey, which would boost the local economy.

- ***Policy or Statutory***

Both proposed draft LEPs will need to be referred to the LEP Review Panel to determine if the Department of Planning will support the LEPs proceeding.

RECOMMENDATION:

1. That in relation to the Thurgood land, Council seek the agreement of the owner to fund the preparation of a detailed noise report to determine the feasibility of developing the land for a range of industrial uses.
2. That in relation to the Farrowell land, Council proceed with preparation of the Local Environmental Study at the cost of the owner, subject to approval of the LEP Review Panel.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES