



## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

14<sup>th</sup> August 2007

**DSDS3**

**STRATEGIC PLANNING PROGRAM**

**FILE: 584 RBP**

**{Folio No. \*}**

### **SUMMARY:**

Reporting on the progress of the Strategic Planning Program, including prioritisation of new projects for 2007 / 08.

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### **DESCRIPTION:**

#### **Progress and Recommended Priority of Strategic Planning Projects**

When reporting of the Strategic Planning Program commenced in 2005 / 06, there was 24 separate projects being undertaken. In order to accommodate an expanded Strategic Planning Program which now includes thirty four (34) projects, including expedition of the Kempsey Shire Strategic Direction, considerable reorganisation of resources within Sustainable Development Services has been necessary.

- Planners roles have been altered to include development assessment and strategic planning
- Building Inspectors will now assess a broader range of DAs involving the erection of buildings
- Other staff within the Department are being utilised to assist with strategic planning projects.

Since reporting the progress of the program in May 2007, the following projects were completed: -

- Vegetation Mapping
- ESD Strategy.

Whilst the Manager Planning and Natural Resources position has been filled and will commence 13<sup>th</sup> August 2007, two (2) Area Planner positions remain vacant. It is recommended that the following priorities be endorsed, pending appointments being made to the vacant positions. [\(Appendix C – Page G10\)](#) Upon appointments being made to the positions and the new manager familiarising himself with the Shire, a revised program will be presented to Council for endorsement.

Kempsey Shire Strategic Direction (Recommended Priority: High)

It is proposed to allocate a total of \$80,000 to this project over the next two years. This project will result in an overarching strategy incorporating Council's vision for development within the Shire for the next 20 to 30 years. Key elements of the strategy will include: -

- Identification of the natural, cultural and social attributes the community would like to see protected or enhanced
- Integration of landuse planning with Council's infrastructure planning
- Strategies for building on the social strengths of existing coastal and inland towns and villages through managed expansion
- A mechanism for incorporating Council's social and economic development strategies into land use planning
- Identification of the strategic investigations required to achieve the plan through suitable land releases.

The strategy will, in effect, form the basis for Councils Strategic Planning Program which will be used to prioritise required funding and will address a significant number of actions under Council's ESD Strategy.

Residential Land Release Strategy (Current Priority: High – Recommended Priority: High)

This project is required to ensure that an adequate supply of land is maintained to support the expansion of the Shire's towns and villages and to accurately determine the expected future population limits on which the planning for infrastructure will rely.

The Urban Land Capacity and Population Projection reports which have now been completed will form the basis of the strategy.

It was expected that EOIs from suitable consultants to undertake the project would be called in May 2007, however, due to the resignations of two Area Planners, this is not expected to occur before August 2007.

Standard LEP (Current Priority: High - Recommended Priority: High)

This plan is required to implement the new LEP template prepared by the State Government as a part of its planning reforms. In 2006/07 Council received grant funding for this project of \$25,000 with a further \$50,000 to follow over the next 2 years. This funding was conditional upon a draft LEP being prepared for exhibition by March 2007.

Due to delays by government departments in providing required information, clarification of expected timeframes has been sought from the Department.

In order to meet the Department's timeframes, it is necessary to continue to assign a high priority to this project.

South Kempsey Industrial Land Local Environmental Studies and Local Environmental Plan (Current Priority: High - Recommended Priority: High)

This study is to investigate land identified in Council Industrial Land Strategy for its suitability to be rezoned for future industrial economic growth for which a total of \$46,990, inclusive of a revote of \$1,990 has been allocated.

Land west of the highway (Thurgoods & others) was previously the subject

of a report following a decision of the Land and Environment Court to approve a dwelling house in Sandy Creek Road. The developer has agreed to fund a Noise Study and appointment of a consultant is expected in July/August 2007.

Land east of the highway (Farrowells) is also currently being reviewed by consultants and a draft Local Environmental Study (LES) has been received and reviewed. Issues relating to vegetation clearing and provision of water and sewerage have been identified as potential constraints to development.

The issue of vegetation clearing has been deferred pending determination of a DA from the owner to establish a quarry on the land which, if approved, will obviate the need for any detailed assessment in the LES.

Options for providing water and sewerage to the area are being discussed with Macleay Water as a matter of high priority and will be the subject of a report to Council relating to funding implications.

Having regard to the owner's intention to proceed with the quarry DA, it is likely that the LES will not be completed until at least August / September 2007, pending determination of the DA.

Saltwater LES and Draft LEP (Current Priority: High - Recommended Priority: High)

The draft LES has been reviewed by the Strategic Planning Group and other Council technical officers. Comments on the draft were forwarded to the consultants for review prior to presenting the draft LES to Council to adopt for the purposes of public exhibition.

The review identified that further investigations regarding ground water and drainage were required and specialist consultants have been appointed. The consultants report is expected by mid-August 2007, following which the primary consultants will consider any implications for the draft LES. The draft will then be reported to Council for endorsement to proceed to request the DoP to allow exhibition of the draft.

Given the expectations of the developer and the community, this project remains a high priority

South West Rocks Contributions Plan (Current Priority: High- Recommended Priority: High)

The ongoing growth of South West Rocks, together with the prospect of additional land being zoned for residential development through the Saltwater and former Shell terminal sites, gives rise to the need to provide a range of facilities and infrastructure to service the area.

At its meeting of July 2007, Council resolved to adopt a contributions plan to recover the cost of the Joint Section 94 Project Coordinator and to prepare a draft plan for South West Rocks, the costs of which (\$70,000) is being funded from internal borrowings from Section 94 funds.

The plan for South West Rocks is being prepared by consultants with considerable input from staff and a high priority will be required to prepare the plan before a number of DAs currently with the Department of Planning have been determined.

A draft plan has been prepared which is expected to be reported to Council in September 2007.

Reclassification of Community Land: South West Rocks and Frederickton  
(Current Priority: Medium - Recommended Priority: High)

The Department of Planning forwarded approval to exhibit the draft LEP which was completed in March 2007.

The Local Government Act requires a public hearing to be held and a suitable facilitator is being sourced to conduct the hearing. A suitable facilitator was found who recently announced their unavailability. EOIs are to be called as a matter of priority.

South Kempsey Bottle shop Redevelopment (Current Priority: Medium - Recommended Priority: High)

This spot rezoning which is required to facilitate the redevelopment of a bottle shop and adjoining allotments for commercial purposes was originally rejected by the LEP Review Panel as the land is not within an approved Retail Strategy.

The Panel was requested to review its decision on the basis that the rezoning would provide the opportunity to revamp the current premises without impacting on adjoining residents. The Panel reviewed its decision and has issued an authority to proceed, provided a detailed justification is included in the final report to the Minister.

Due to resignations and the current "medium" priority assigned to the project, the draft LEP has not been prepared. Given the delay and potential benefits, it is considered reasonable to elevate the priority to "high".

Mid North Coast Regional Strategy (Current Priority: High - Recommended Priority: Medium)

As reported in May 2007, Council was required to complete a Local Growth Management Strategy for the Kempsey / Port Macquarie Hastings Sub Region by June 2007. The Department of Planning subsequently advised that a map of Agreed Growth Areas (AGAs) would suffice pending the Department releasing guidelines for preparing the strategies. The map of AGAs was provided to the Department of Planning for inclusion in the draft strategy for public exhibition and preparation of the Local Growth Management Strategy will be reprogrammed following release of the guidelines and time frames by the Department.

Oil Terminal LES and Draft LEP (Current Priority: Low - Recommended Priority: Medium)

The draft was presented to Council in September 2006 with Council resolving not to proceed with exhibition until the land has been remediated. On this basis, the project was assigned a low priority.

Whilst Council has now resolved to proceed, current resources are insufficient to assign the project a "high" priority unless the priority of another project is reduced.

## Kempsey Town Centre Master Plan Review (Current Priority: Medium – Recommended Priority: Medium)

An Action Plan for implementation has been developed including:-

- *Development Control Plan Design Guidelines*  
-DCP has been adopted
- *Incentives Policy*  
-A draft discussion paper has been prepared
- *Revised Landscape Design Principles*
- *Directional Signage Scheme*  
-A Scheme has been prepared by the DSS in consultation with the RTA
- Review of DCP for signs in the town centre
- Preparation of Precincts Plans (6 precincts)
- Town Centre Structure Plan
- Comprehensive Town Centre DCP
- Traffic and Pedestrian Plan
- Consultants appointed to review options relating to opening the mall to traffic.

It is intended to complete the review with \$10,000 revoted from 2006/07.

## Heritage Study Implementation (Current Priority: Medium - Recommended Priority: Medium)

A report was submitted to Council in January 2007, whereby Council resolved to proceed with the amendment to the Local Environmental Plan to list unopposed heritage items.

The draft was referred to the LEP Review Panel and approval to proceed has been given.

The task of finalising the format of the planning instrument in a form that is satisfactory for gazettal remains.

As the draft LEP has been exhibited, the draft listings have some statutory weight under Section 79C of the EP&A Act when considering DAs for affected properties and properties are eligible for financial grants to undertake maintenance.

It is recommended that a medium priority be maintained for this project.

## South West Rocks Structure Plan Review (Current Priority: Medium - Recommended Priority: Medium)

Effective planning for facilities, infrastructure and reviews for South West Rocks requires the 1995 Structure Plan to be reviewed. The Parsons Brinkerhoff report previously commissioned by Council identified that considerable investigations are needed to update the plan to meet current requirements.

Investigations that are either currently being undertaken or have been completed that are required to complete the review include:-

- The Local Environmental Studies for Saltwater and former Shell site;

- The Spencerville to New Entrance Investigation Area (see below);
- Saltwater Creek EMP;
- Saltwater Creek Flood Study;
- SWR Open Space Strategies;
- Preparation of a Stormwater Management Strategy;
- Traffic study;

Upon completion of these investigations it is proposed to integrate them into an overall review of the Structure Plan that may be required by the Department of Planning prior to proceeding to rezone additional land for residential purposes, for which an allocation of \$10,000 has been made in 2007/08.

Spencerville to New Entrance Investigation (Current Priority: Medium - Recommended Priority: Medium)

This land has been identified for long term release in the Residential Land Release Strategy.

Habitat assessment has been undertaken using vegetation mapping completed in November 2005. A meeting was held with landowners, and with the DEC to determine options.

The Masterplan for the precinct will then form part of the South West Rocks Structure Plan review.

Expressions of Interest have been received to undertake a Landscape Ecology Specialist Study with appointment of a consultant expected in June 2007 which has been delayed due to the resignations of two Area Planners and is now expected in July/August 2007.

It is intended to continue the project with \$35,000 revoted from 2006/07 and contributions from the landholders.

Rural Land Capacity Report (Current Priority: Medium - Recommended Priority: Medium)

This document provides the basis for determining the current supply of rural residential land. It was anticipated this project would commence in August 2006, however, due to vacancies, has not progressed.

Upon appointments being made to fill current vacancies, this project should be assigned a high priority due to the considerable interest expressed by people wishing to subdivide and a recent increase in rural residential subdivisions.

This is an unfunded project that will be undertaken by staff. Approaches to landholders who expressed interest in being included in the review for funding will be sought.

Rural Residential Land Release Strategy (Current Priority: Medium - Recommended Priority: Medium)

Council cannot rezone land for rural residential development except in accordance with a Department of Planning endorsed strategy. Council's current Shire wide strategy indicates that there is sufficient zoned land to

satisfy the Shire needs. A revised strategy identifying locality-based demand/supply is being developed. Progress on this strategy will follow after the Rural Residential Land Capacity Report is prepared.

At this stage it is unclear what the affect the guidelines for preparing Local Growth Management Strategies, required under the Mid North Coast Regional Planning Strategy, will have on the format and timing of the review.

Following completion of the Land Capacity Report, this Strategy should be assigned a high priority due to the considerable interest expressed by people wishing to subdivide and a recent increase in rural residential subdivisions.

This is an unfunded project that will be undertaken by staff. Approaches to landholders who expressed interest in being included in the review for funding will be sought.

Rural Roads Contribution Plan Review (Current Priority: Medium - Recommended Priority: Medium)

This plan provides significant income for maintaining and upgrading Councils rural roads. However, the plan is complex and difficult to apply, and commits Council to an ongoing maintenance obligation that is not recouped through the plan.

This plan is currently under review by the Joint Section 94 Project Officer with the review to be prioritised in consultation with Nambucca and Bellingen Councils.

Other Section 94 Plan Reviews (Current Priority: Medium - Recommended Priority: Medium)

All of Councils existing plans require review and there may be opportunity to levy additional contributions which should assume a higher priority, subject to the plans of Nambucca and Bellingen being given equal consideration.

Beranghi Community Title LEP (Current Priority: Medium - Recommended Priority: Medium)

This is a developer funded project to facilitate a Community Title subdivision that contains sensitive habitats and archaeological relics. A draft LEP has been prepared and was reported to Council in November 2006.

The draft LEP was expected to be presented to Parliamentary Counsel in May which was delayed due to resignations and drafting amendments may be required prior to being presented to the Minister for approval.

Crescent Head Expansion (Current Priority: Low - Recommended Priority: Medium)

The Lands Office has agreed to Council acquiring land to provide road access, and the applicant has been in regular contact to progress this proposal. Council resolved to prepare this LEP in August 2003, and a number of circumstances have changed since that time, including the previous advice of the Department of Lands not to proceed with the development of Stages II to V of the Goolawah Estate at that time.

The draft LEP was referred to the LEP Review Panel. The Panel advised of its refusal to authorize exhibition of the plan.

A letter requesting the Department of Land's intentions was forwarded in November 2006.

The Department has now confirmed that they no longer wish to proceed with subdivision of Stages II to V. Investigations into the possibility of "down zoning" the land to Environmental Protection and the resultant feasibility of rezoning land further to the south has progressed.

Advice has now been received from the Department of Planning that they would now be prepared to consider the rezoning request, subject to the land being included in a revised Residential Land Release Strategy and the Goolawah Estate being rezoned to Environmental Protection.

Prior to proceeding, it is intended to write to the Department of Lands advising of the intended course of action to ensure they have no objections.

Although assigned a low priority, Council has continued to press this matter and a medium priority should be assigned which reflects the actions that have and will continue to be taken.

#### Flood Policy Review (Recommended Priority: Medium)

Having regard to Council's requests for a review to be undertaken to address several perceived anomalies in the current policy and to ensure consistency with the current Flood Plain Development Manual, an allocation of \$20,000 has been made to commence a review with a further allocation of \$10,000 proposed in 2008/09. It is also proposed to pursue opportunities for grant funding, following which the scope of the review will be determined.

Whilst the review is needed, having regard to the extent and priorities assigned to other projects, the fact that a policy is in place and current staff vacancies, a medium priority is recommended.

#### Koala Plan of Management (Recommended Priority: Medium)

This is a project that was effectively commenced in 2006/07 with the Vegetation Mapping Project, for which an allocation of \$40,000 has been made in 2007/08 with a further \$40,000 proposed to be allocated in 2008/09 and 2009/10.

The project will be undertaken by consultants to satisfy the requirements of SEPP 44 and provide for the protection of vegetation required to support viable breeding colonies of koalas that exist across the Shire.

#### Parking Study (Current Priority: Low - Recommended Priority: Low)

Council commenced this review a number of years ago with preliminary findings suggesting that little change to current charges is likely to be necessary. It was proposed to progress the review in August 2006, with possible report to Council in November 2006, however, given staff vacancies and the low priority, no further action has been taken.

## Tree Preservation Order Review (Current Priority: Low - Recommended Priority: Low)

The revised TPO has been exhibited. Legal advice indicates that some provisions may conflict with the Native Vegetation Act and amendments are needed.

With additional staff this project should assume a high priority, however, given the extent of the current program and the fact that the existing TPO remains in force, this project should be assigned a low priority until vacancies are filled.

## Comprehensive DCP Review (Current Priority: Medium - Recommended Priority: Low)

Recent changes to the Environmental Planning and Assessment Act require that only one Development Control Plan may apply to any parcel of land following adoption of the new Standard LEP. All of Council's Development Control Plans will need to be reviewed and brought into compliance with this requirement.

No funding has been allocated to this project. Due to staff vacancies, this project has been delayed and should be assigned a low priority until the new LEP is imminent.

## South West Rocks Place Based DCP (Current Priority: Medium - Recommended Priority: Low)

It is likely that the LESs for the rezoning of land in South West Rocks will require implementation of detailed planning guidelines to ensure that development of these lands is carried out in an ecologically sustainable manner. These guidelines would most appropriately be contained within a place based DCP for the area.

This is an unfunded project. Due to staff vacancies this project has been delayed as should be assigned a low priority.

## Bypass Strategy (Current Priority: Low - Recommended Priority: Low)

Whilst actions have commenced, including the Town Entrance Statements project and review of the Kempsey Town Centre Master Plan, funding of an overall coordinated strategy has not been included in the budget. Whilst the RTA has now released the EIS for the preferred route, given the likely timeframe for construction of the Bypass, and other priorities, it is not proposed to progress this project in the current year.

Given the intention to elevate other more pressing projects to higher priorities, it is necessary to allocate a lower priority to longer term projects. Although the project, which involves an integrated approach to the bypass is recommended as being assigned a low priority, the Kempsey Town Centre Masterplan Review and Town Entrance Statement projects are continuing, both of which are in response to the bypass.

## **Other Spot Rezoning**

Council has recently received 5 new rezoning requests and is in discussions

with developers in relation to other requests. Developers of the old School site at South West Rocks are also seeking to progress a rezoning. In order to reduce the resources required to prepare draft LEPs for spot rezonings, Council's current policy states that such requests should be grouped into a single amendment to be prepared twice per annum. However, the difficulty with this approach is that simpler rezonings can be delayed by being included with more complex matters in the same amendment. Since adopting the policy in 1999, the advent of the LEP Review Panel has resulted in a clampdown on spot rezonings in order to reduce the drain on the Department of Planning's resources.

The 6 current rezoning requests include: -

- Old school site South West Rocks
- A medical centre at South West Rocks
- Aged units adjacent to the approved nursing home at Frederickton
- Expansion of the Seventh Day Adventist School on Crescent Head Road
- Crematorium at Collombatti
- Plumbing supply outlet – Smith Street.

Each request is required to be reported to Council to determine whether Council wishes to support an amendment to the LEP.

Following Council's decision whether to proceed, the applicants will be given the option of either paying the applicable base fee, in which case the request will be assigned a medium priority and progressed by staff, or to agree to meet the costs of a consultant planner to be commissioned by Council. Where the option of funding a consultant is preferred, the fee payable to Council will be determined in accordance with Council's policy on a fee-for-service basis, with the request to be assigned a high priority.

#### **REPORT IMPLICATIONS:**

- ***Environmental***

***Effective strategic planning is essential to ensure decisions are made to achieve desired environmental outcomes. There are many additional environmental projects that could be pursued, but not able to be resourced.***

- ***Social***

***Social sustainability for future communities requires effective strategic planning. Current resources limit Council's ability to ensure preferred outcomes for future social infrastructure.***

- ***Economic (Financial)***

***Economic development of the Shire requires the preparation of a range of strategies to allow timely release of land and provisions of infrastructure and facilities.***

***If Council wishes to increase the priority of projects, without reducing others, it will be necessary to provide additional resources to strategic planning.***

**RECOMMENDATION:**

**That Council note the report and endorse the recommended priorities attached to each project.**

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**R B Pitt  
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**