



NSW GOVERNMENT
Department of Planning

Office of the Director General

Mr M Coulter
General Manager
Nambucca Shire Council
PO Box 177
MACKSVILLE NSW 2447

Y08/3404

Dear Mr Coulter

I refer to your letter of 10 December 2008 concerning the Nambucca Local Growth Management Strategy – Rural Residential Component. Your letter sought approval of the Strategy.

The Department has assessed the Strategy in terms of both the North Coast Regional Environmental Plan (Clause 20) and the draft Mid North Coast Regional Strategy and its accompanying Settlement Planning Guidelines.

I am pleased to advise that Council's Strategy dated November 2008 is approved, with the following qualifications:

1. It is noted that the Strategy Maps have not yet been updated in five locations to reflect the Department's position regarding interactions between future release areas and the Mid North Coast Farmland Mapping Project. The minor alterations required are listed in the attachment; and
2. As proposed in Council's Strategy, only the short-medium term release areas (approximately 11 years supply) may be zoned R5 in the Council's first comprehensive plan. The timing of subsequent releases will depend upon data to emerge from the Housing and Land Monitoring system currently being developed by the Department in cooperation with North Coast councils. A public review and Departmental approval of the reviewed Strategy will be necessary before any long-term release areas can be rezoned.

In examining the Strategy, the Department found several anomalies in the text and tables. These are also listed in the attachment. While these do not affect the substance of the Strategy, it would be appropriate that they be corrected before the final approved Strategy is published. The Department would appreciate a copy of the final version.

Your letter also sought confirmation that Council may now consider the Strategy's short-medium term areas under the current LEP Clause 16 in the interim period before the new comprehensive LEP is gazetted. Since your letter, the new SEPP (Repeal of

Concurrence and Referral Provisions) 2008 has come into effect. It has transferred the Department's role under Clause 16(6) to the Council. In this circumstance Council may exercise this power itself, however it will need to do so in the terms of Clause 16(6).

Should you have any further enquiries about this matter, I have arranged for Mr Greg Yeates, Northern Region, to assist you. Greg may be contacted at the Department's Grafton Office on telephone number 6641 6600.

Yours sincerely



16/1/09

Richard Pearson
Acting Director General

Attachment

Qualification No.1 in letter:

The Department agrees that within the following "broken black line" areas (all other things being equal) rural residential opportunities could prevail over land mapped as farmland under the Mid North Coast Farmland Mapping Project if:

- The land was once zoned 1(c) under Nambucca LEP 1986; or
- The land has agriculture suitability classes 4 or 5; or
- The land is already subdivided or approved for subdivision under LEP Clause 16; or
- An existing subdivision pattern, whether or not emanating from Clause 16, has resulted in small lots now used for residential purposes or breaks in the contiguity of the main farmland areas.

Land proposed for rural residential release, as shown in Strategy Map 23, that does not conform with the above should be removed from the Strategy maps. This applies to only five small areas currently mapped for long-term release on Map 23.

Minor anomalies referred to in letter:

The following minor anomalies have been identified in the LGMS. It would be appropriate that these be corrected before the final Strategy is released by Council:

- To be consistent with the terminology in the draft Mid North Coast Regional Strategy and the Settlement Planning Guidelines, the title on the front page of the LGMS should be changed to "Nambucca Shire Local Growth Management Strategy – Rural Residential Component"
- On page 19, the reference to S.117 directions in Appendix B should be changed to Appendix C
- On page 20, paragraph five should be replaced by a statement indicating that the current quota for the year to 23 March 2009 is 40 lots
- On page 62, the reference to the S.117 direction on Farmland of State and Regional Significance should be deleted as this direction does not apply in Nambucca Shire (noting that equivalent mapping work has been undertaken, but not yet released, for the Mid North Coast)
- On page 65, the table should be replaced by an up-to-date table as appears with Map 23. Any text in Appendix E that depends on the old table should also be updated.