

Item: 7.3 **Ref:** GINT/2012/00907
Title: Application for the rezoning and subdivision of No 110 Oban Street Guyra
Author: Director of Development & Environmental Services
Attachments: Nil

Introduction:

Council has received a development application from Mr Angus Witherby of Wakefield Planning on behalf of a client Mr Robert Saunders, for the rezoning and subdivision of Lots 55, 58-62 DP 6060 and Pt Lot 10 DP 1105123 No 110 Oban Street Guyra. The application has been prepared to accompany the planning proposal to permit simultaneous exhibition of the application and the planning proposal.

Report:

The subject property is located in an area currently zoned 4 (General Industrial Zone) under the Guyra Local Environmental Plan 1988, (LEP). The proponents wish to have the land rezoned to rural 1(c) (Rural [Small Holdings] Zone), with horizontal hatching, the same as the surrounding land and would permit subdivisions creating allotments of not less than 2 hectares.

The property has an area of 8.9 hectares and is currently comprised of seven allotments, one of which was developed for an industrial use, which has recently ceased. This development included the construction of a single dwelling house, which was used in conjunction with the aforementioned industrial activity. The photo hereunder shows the subject property and indicates the existing shed and dwelling. Please note the allotment to the western side of the area which is separately owned and operated as a child care centre.



The Planning Proposal

The Planning Proposal, which was prepared by Wakefield planning for the rezoning of this property, is to be considered under the Gateway Process, which is intended to expedite the application and address any issues early in the process.

In conjunction with the development strategy prepared for the new Guyra LEP, it was considered that the subject land should be rezoned in accordance with this application. However, after consultation with the Department of Planning it was determined not to include the subject property, as it hadn't been considered during the initial stages of the development strategy and a study would be required, which would have resulted in delays in the finalisation of the LEP.

An assessment of the site has been carried out, by Wakefield planning, as required under Council's contaminated Land DCP No 7 which revealed no contamination. Similarly the study required by State Environmental Planning Policy No 44, Koala Habitat Protection has been carried out and there is no potential Koala Habitat in the area.

The planning proposal for the rezoning of the property is worthy of support as it is consistent with the objectives for allotments in Large Lot Residential Zones (the Zone used in the new LEP) and Rural Small Holdings Zone (the zone used in the current LEP).

That consistency is evident because:-

- The site is relatively close to town;
- It has an appropriate design whilst demand for services will be minimal;
- It has adequate and appropriate services available; and
- The land has minimal agricultural potential due to the relatively small size of the allotment.

As stated above the proposal is consistent with, although it was not included within, the Guyra Development Strategy as:-

- The land hubs on the existing town and protects future growth corridors;
- The land is not within a water catchment;
- The land provides a mix of lot sizes responding to environmental and planning constraints; and
- The land is removed from other existing and proposed industrial land, which will be concentrated on the highway.

The proposed rezoning is to be considered under the Gateway Process. This is intended to ensure there is sufficient information and justification for the proposal early in the process to proceed with the planning proposal and to determine any ongoing information and assessment requirements. Should Council determine to

support the planning proposal it must resolve to forward the proposal to the Minister for Planning under the provisions of Section 56 (2) of the Environmental planning and Assessment Act 1979. The Minister or his representative will:-

- (2) After a review of the planning proposal, the Minister is to determine the following:*
 - (a) whether the matter should proceed (with or without variation),*
 - (b) whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal),*
 - (c) community consultation required before consideration is given to the making of the proposed instrument (**the community consultation requirements**),*
 - (d) any consultation required with State or Commonwealth public authorities that will or may be adversely affected by the proposed instrument,*
 - (e) whether a public hearing is to be held into the matter by the Planning Assessment Commission or other specified person or body,*
 - (f) the times within which the various stages of the procedure for the making of the proposed instrument are to be completed.*
- (3) A determination of the community consultation requirements includes a determination under section 73A (or other provision of this Act) that the matter does not require community consultation.*
- (4) The regulations may provide for the categorisation of planning proposals for the purposes of this section, and may prescribe standard community consultation requirements for each such category.*
- (5) The Minister may arrange for the review of a planning proposal (or part of a planning proposal) under this section to be conducted by, or with the assistance of, the Planning Assessment Commission or a joint regional planning panel:*
 - (a) if there has been any delay in the matter being finalised, or*
 - (b) if for any other reason the Minister considers it appropriate to do so.*
- (6) The relevant planning authority may, at any time, forward a revised planning proposal to the Minister.*
- (7) The Minister may, at any time, alter a determination made under this section.*
- (8) A failure to comply with a requirement of a determination under this section in relation to a proposed instrument does not prevent the instrument from being made or invalidate the instrument once it is made. However, if community consultation is required under section 57, the instrument is not to be made unless the community has been given an opportunity to make submissions and the submissions have been considered under that section.*

The Subdivision

The proposed subdivision would comprise the consolidation of the current 7 allotments into 4 allotments, 3 of which would have direct frontage and access to Oban Street and the fourth allotment, which would be part of a future development, having a frontage and access to Tuckeys Lane. The staging of the development would require a Subdivision Certificate for lots 1,2 and 3 and Lot 4 being subject of a further application for a separate Subdivision Certificate, if or when it is to be subdivided off the proposed Lot 1.

The proposed shape of Lot 1 does not strictly conform with the requirements of Clause 9.2 (d) ii of Guyra Development Control Plan No 2, which requires rural allotments to have a depth by width ration of not less than 5:1. Clause 9.2 of DCP2 is intended to target allotments of 0.4 to 0.8 hectares. This is not considered to be an issue under the circumstances as the allotment has an area of some 3.09 hectares and the allotment has a width of 74 metres. The proposed subdivision is consistent with the development of rural lands and would reduce the likelihood of conflict between residential and industrial activities in the future.

The following engineering issues have been raised in relation to the application for subdivision-

- Council's reticulated water supply is not available to the property.
- Council's sewerage reticulation system is not available to the property.
- Stormwater drainage from any new buildings will need to be directed to the roadway table drains.
- The table drains at the south east corner of the Oban Street –Tuckeys Lane intersection shall be cleared and improved by the developer to ensure drainage from the road areas is contained to the table drain around the corner.
- The driveway to Lot 1 should be reshaped so that the existing gravel base is compacted and shaped evenly between the road edge and the property boundary so that drainage crosses the existing concrete dish drain.
- The driveway to Lot 2 must be formed to a minimum width of 4.0 metres and constructed with 100mm compacted gravel base between the road edge and the property boundary. A concrete dish drain to Council's driveway standard must be constructed in line and graded to suit the existing table drain.
- Access to Lot 3 must be directly to Oban Street. The driveway to Lot 3 must be formed to a minimum width of 4.0 metres and constructed with 100mm compacted gravel base between the road edge and the property boundary. A concrete dish drain to Council's driveway standard must be constructed in line and graded to suit the existing table drain. If the driveway to Lot 3 is to be a shared crossing with Lot 2 at the proposed ROW, the width of the driveway should be increased to 6.0 metres and depth of compacted gravel

base increased to 150mm minimum. No driveway may be formed within 8 metres of the corner of the property at Oban Street and Tuckeys Lane.

- The driveway to Lot 4 should be cleared of vegetation and graveled to minimum width of 4.0 metres with 100mm compacted gravel base between the road edge and the property boundary. It should be noted that, depending on when the development of Lot 4 occurs a contribution for the upgrade of Tuckeys Lane may be required prior to the issue of a subdivision certificate.

Should the rezoning of the property be approved the subdivision the application for subdivision must again be referred to Council for consideration as it will necessitate a n approval under state Environmental Planning Policy No 1 (SEPP1) as there would need to be a an objection to the standard in DCP No 2.

Financial Implications:

No funding applications were considered.

Environmental Implications:

Not applicable.

Policy Issues:

No policies were presented at this meeting

Integrated Planning and Reporting Issues:

Not applicable.

Social Implications:

Not applicable.

Risk Management Issues:

Not applicable.

Legal Issues:

Not applicable.

RECOMMENDATION:

That Council forward this planning proposal to the Minister for Planning under the provisions of Section 56 of the Environmental Planning and Assessment Act 1979, for review and for his determination as to wether the matter should proceed either with or without variation.