

Committee:	ENVIRONMENT, ECONOMIC & COMMUNITY
Section:	Strategic Planning
Date:	9 February 2010
Item:	12.012/10 PLANNING PROPOSAL LAND AT CLYDE ESSEX DRIVE AND THE PACIFIC HIGHWAY, GULMARRAD

ATTACHMENT**REPORT SUMMARY**

Applicant	Paul de Fina
Owner	J, MJ and K Hirst
Address	Clyde Essex Drive & Pacific Highway, Gulmarrad
Submissions	N/A. Planning proposal not subject to consultation at this stage.

Council has received a planning proposal request by consultant Paul de Fina on behalf of land owners J, MJ and K Hirst to transfer dwelling approvals and dwelling eligibilities on land in a rural zone at Gulmarrad in the vicinity of Clyde Essex Drive and the Pacific Highway to land in the same ownership adjacent to rural residential development. The planning proposal is to rezone Lot 16, Lot 22 DP 751372 and Lot 3 DP 126699, to a rural-residential zoning, whilst limiting subdivision potential to a maximum of 7 rural residential lots, and prohibit further dwelling houses on the remainder of the subject land.

The fragmentation of the rural land by the approved and possible dwellings will be reduced and the land will be able to be used more efficiently for agricultural purposes. The idea is to relocate the dwellings to flood free land adjacent to rural residentially zoned land. The aim is to avoid land use conflicts between residential and agricultural use of the land.

The planning proposal aims to protect regionally significant farmland in line with the aims of the Mid North Coast Regional Strategy. The planning proposal is consistent with applicable State Planning Policies and Council's adopted sustainability principles. It is recommended that the planning proposal to be referred to the Department of Planning for a 'Gateway' determination in order to be able to exhibit the planning proposal for public comment.

OFFICER'S RECOMMENDATION

That Council as the Relevant Planning Authority endorse the attached Planning Proposal to transfer dwelling approvals and potential dwellings from a number of lots in the one ownership in the vicinity of Clyde Essex Drive and the Pacific Highway, Gulmarrad to Lot 3 DP 126699, Lot 16 DP 751372 and Lot 22 DP 751372 to enable 7 dwellings and subdivision to rural residential sized lots and refer the planning proposal to the NSW Department of Planning seeking a 'Gateway' determination.

RECOMMENDATION BY COMMITTEE

Tiley/Williamson

That the Officer's Recommendation be adopted.

Voting recorded as follows:

For: Tiley, Williamson, Hughes, Howe

Against: Nil

**COUNCIL RESOLUTION - 12.012/10
(Crs Toms/Hughes)**

That Council as the Relevant Planning Authority endorse the attached Planning Proposal to transfer dwelling approvals and potential dwellings from a number of lots in the one ownership in the vicinity of Clyde Essex Drive and the Pacific Highway, Gulmarrad to Lot 3 DP 126699, Lot 16 DP 751372 and Lot 22 DP 751372 to enable 7 dwellings and subdivision to rural residential sized lots and refer the planning proposal to the NSW Department of Planning seeking a 'Gateway' determination.

Voting recorded as follows:

**For: Councillors Williamson, Comben, Dinham, Howe, Hughes, McKenna,
Simmons, Tiley and Toms**

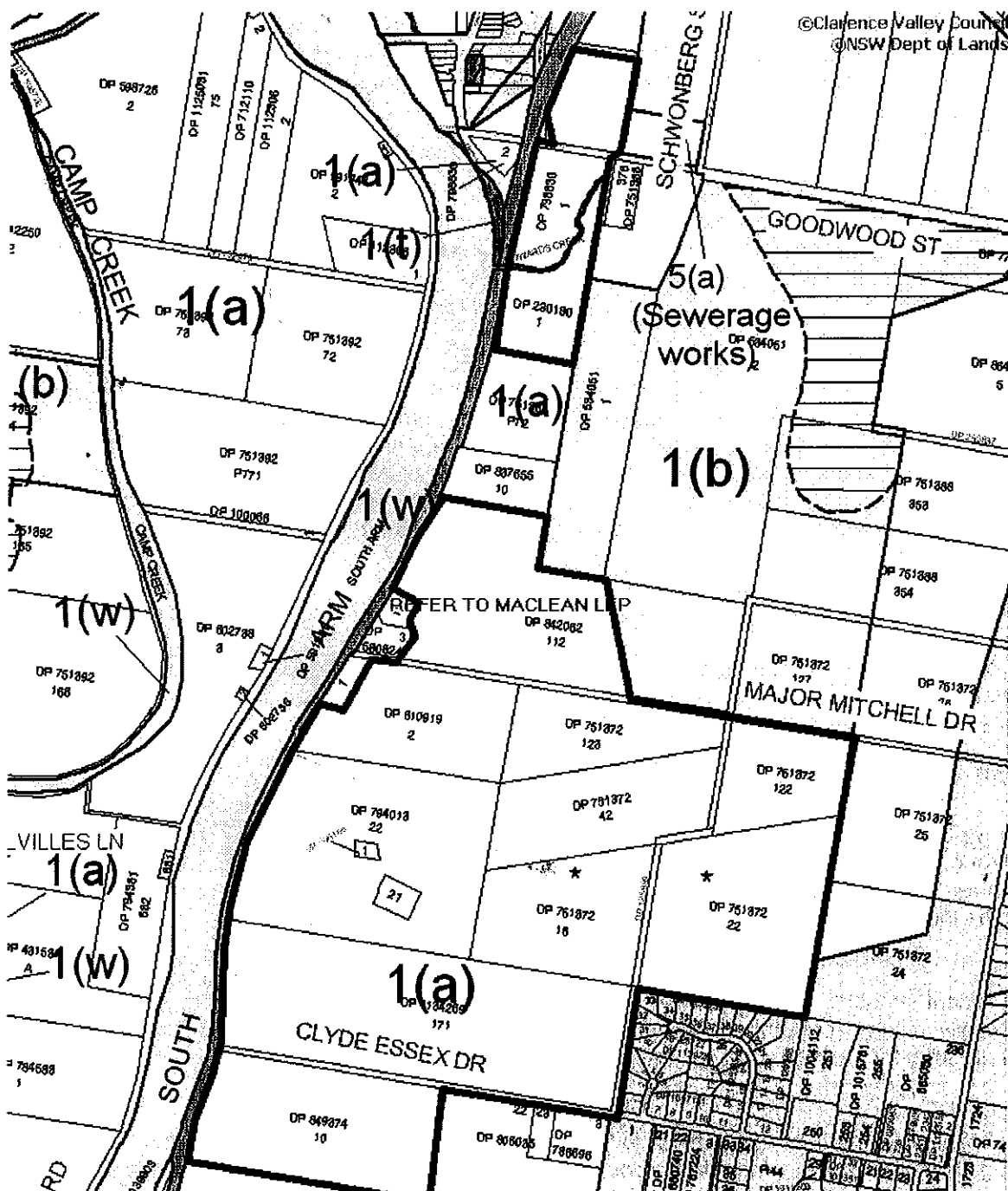
Against: Nil

BACKGROUND

Council has received a planning proposal request by consultant Paul de Fina on behalf of land owners J, MJ and K Hirst to transfer dwelling approvals and dwelling eligibilities on land in a rural zone at Gulmarrad in the vicinity of Clyde Essex Drive and the Pacific Highway to land in the same ownership adjacent to rural residential development. The planning proposal is to rezone Lot 3 DP 126699, Lot 16 and Lot 22 DP 751372 to a rural-residential zoning, whilst limiting subdivision potential to a maximum of 7 rural residential lots, and prohibit further dwelling houses on the remainder of the subject land.

The subject land includes 16 lots and a total area of 256.72 hectares. The majority of the land is currently zoned 1(a) Rural (Agricultural Protection) and part of one lot is zoned 1(b) Rural (General Rural Land) under Maclean LEP 2001. Clarence Valley Draft LEP 2010 zones the majority of the land RU1 Primary Production and zones part of Lot 112 DP 842062 RU2 Rural Landscape. The land is under cane production or used for cattle grazing. See Location Map below.

Location Map



The subject land is in one ownership and is the subject of development consents for 3 dwellings and dwelling eligibilities for 2 dwellings. Another 2 lots could be consolidated to create over 40 hectares (i.e. 42.49 ha) to obtain a dwelling eligibility and another 3 lots could create a second possible dwelling eligibility, although the consolidated lot would be under 40 hectares (i.e. 38.85 ha.) This totals 6 dwelling approvals or dwelling entitlements and possibly another one dwelling eligibility.

The planning proposal is to transfer the dwelling approvals and entitlements to three of the lots via rezoning of those allotments to a rural-residential zoning, to limit subdivision potential of those allotments, and for the remaining lots to be maintained in agricultural production.

The idea is to relocate the dwellings to flood free land adjacent to rural residentially zoned land. The aim is to avoid land use conflicts between residential and agricultural use of the land and reduce the fragmentation of the rural land by the approved and possible dwellings. This will mean the land will be able to be used more efficiently for agricultural purposes.

ISSUES

The planning proposal does not include a significant change to the settlement pattern of the area. The planning proposal in effect means an increase of rural residential zoning and development by 7 allotments and dwellings and a decrease in the potential rural dwellings by 7 dwellings. There are no additional dwellings proposed to be permitted. The planning proposal is to transfer dwellings from rural land to land adjoining existing rural residential development to enable a more efficient and sustainable use of the rural land.

A significant proportion of the land is identified as regionally significant farmland in the Mid North Coast Regional Strategy and is flood liable. The planning proposal aims to protect the regionally significant farmland and avoid the location of future dwellings on flood liable land by clustering the dwellings on land that is not regionally significant farmland nor affected by the Probable Maximum Flood (PMF). The purpose of the planning proposal is to enable the continued agricultural use of the majority of the subject land without fragmentation by residential use and associated potential land use conflicts.

CONSULTATION

Consultation required in relation to the exhibition of the planning proposal is determined by the 'Gateway'. The planning proposal has been referred to Council's Engineers and Environmental Services and no concerns have been raised.

SUSTAINABILITY ASSESSMENT

Summary Statement

The planning proposal aims to protect regionally significant farmland, avoid residential development on flood prone land, and avoid land use conflicts between residential and agricultural use of the land.

Ecology

No significant impacts. The subject land is either under cane production or used for grazing and is substantially cleared of remnant native vegetation. The wildlife corridor identified by DECCW /National Parks for Gulmarrad lies to the east of the subject land.

Economic

A significant proportion of the subject land is identified as regionally significant farmland. The planning proposal aims to protect the productivity of significant rural land. The economic use of the land for agricultural production is likely to be more viable without a number of dwellings being scattered throughout the area.

Social & Cultural

By limiting dwellings on agriculturally productive land the likelihood of conflict between residential and rural uses is reduced. Locating future dwellings above flood affected land also reduces social distress, potential harm to life and need for emergency services during flood events.

Human Habitat & Infrastructure

The transfer of dwellings is within the same locality. The planning proposal does not include a significant change to the settlement pattern of the area. The planning proposal does not include a capacity for an increase in dwelling numbers or population growth. The land is affected by the upgrade of the Pacific Highway. The planning proposal moves dwellings away from the location of the Pacific Highway and the upgrade route, thus reducing the conflict between residential use and the highway.

A significant proportion of the subject land is identified as regionally significant farmland and is flood liable. The planning proposal seeks to enable a transfer of development potential on the subject land that results in avoidance of these constraints. Any future subdivision and dwelling development would need to be designed to minimise potential for land use conflict with nearby agricultural land use.

Governance

The planning proposal is not inconsistent with local, regional and state planning policies and strategies.

Guiding Sustainability Principles

The planning proposal aims to protect the productivity of rural land by limiting the fragmentation of the land by dwellings being scattered throughout the land holding on various lots. The proposed rural residential sized lots are adjacent to an existing rural residential zone. In general terms the planning proposal is consistent with Council's Sustainability Framework.

OPTIONS

1. Council to endorse the planning proposal and refer the planning proposal to the NSW Department of Planning with a request for a 'Gateway' determination. The gateway determination will determine community and public authority consultation and whether any further studies are required.
2. Reject the planning proposal and not proceed any further.

Option 1 is the preferred option

FINANCIAL IMPLICATIONS

The applicant has paid a planning proposal/rezoning fee and expenses associated with the exhibition and assessment of the planning proposal are covered by the fee. If the gateway determination requires additional studies or extensive consultation then such costs must be borne by the applicant.

Des Schroder

DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

Prepared by: Lynne Starling
Section: Strategic Planning
Attachment:

- Planning Proposal
- Applicant's request from Paul de Fina 12 November 2009