

Item: 7.1 **Ref:** GINT/2013/03030
Title: Planning proposal for for the rezoning of 28-40 Pearson Street Guyra
Author: Director of Development & Environmental Services
Attachments: 1. Planning Proposal -Rezoning of Land Adjacent to Claret Ash Estate

Introduction:

Council has received an application from Mr. John Wolfenden on behalf of a clients Mr. & Mrs. David Bearup, for the rezoning of Lots 4 DP 714976 No 28-40 Pearson Street Guyra, from R5 Large Lot Residential zone to R1 General Residential Zone.

Report:

The subject property is, for the most part, zoned R5 (Large Lot Residential Zone) under the Guyra Local Environmental Plan 2012, (LEP), and the proponents wish to change the Zoning to R1 (General Residential Zone). It should be noted that, there is a triangular area on the north eastern side of the property, which is already zoned R1 (General Residential Zone), as can be seen from the excerpt from the LEP below.



The property has an area of 2.437 hectares, which is generally used for grazing apart from that area where the existing dwelling is constructed. The photo hereunder shows the subject property and indicates the existing dwelling. The photograph also indicates the close proximity of the subject land to Council's Claret Ash Development.



The Planning Proposal

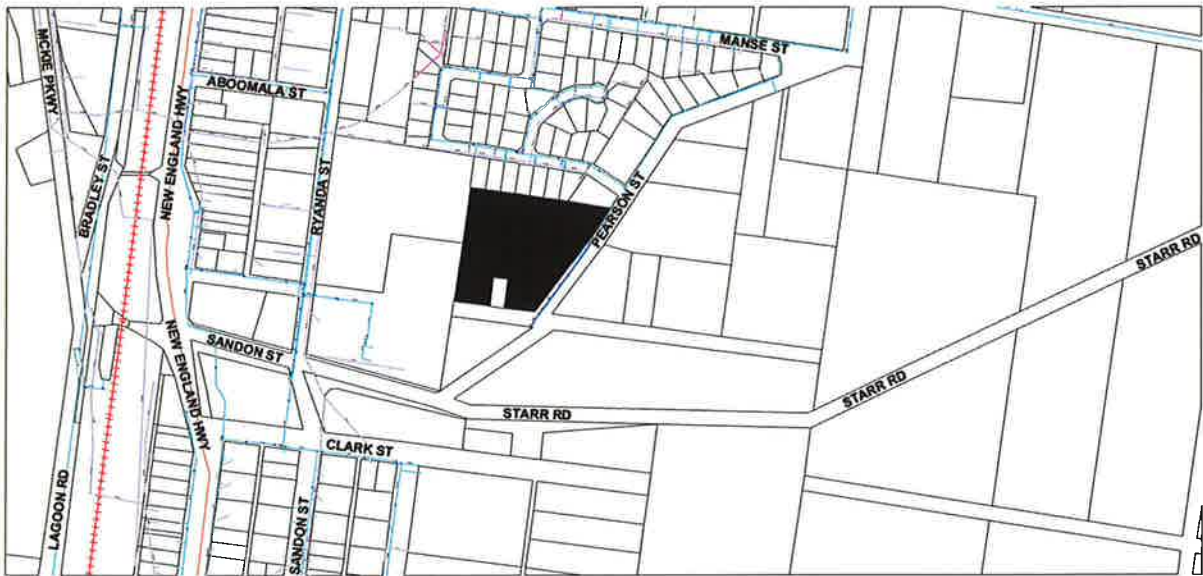
The Planning Proposal, which was prepared by Mr Wolfenden for the rezoning of this property, is to be considered under the Gateway Process, which is intended to expedite the application and address any issues early in the process.

The subject land was considered in conjunction with the development strategy prepared for the new Guyra LEP, and it was considered that the subject land should be rezoned in accordance with this application. However, despite being invited to make a submission at the time the owner was not ready to proceed with the development of the site as there appeared to be little demand at the time.

An assessment of the site has been carried out, by Mr Wolfenden, as required under Chapter 7 Contaminated Land under the Guyra DCP 2013, 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 R1 Residential Zone. That consistency is evident because:-

- The site is close to town;
- It provides for the anticipated residential requirements whilst demand for services will be minimal;
- The land has minimal agricultural potential due to the relatively small size of the allotment; and
- It has adequate and appropriate services available, as outlined below.



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

- The land is an extension of the existing town residential area;
- The land is not within a water catchment; and
- The land will provide a mix of lot sizes responding to environmental and planning constraints although it is intended that the allotment sizes are similar to those provided in the adjoining Claret Ash subdivision.

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 following comments are from Council's Acting Director of Engineering David Counsell.

The proposed rezoning of land at Lot 4 DP 714976 Pearson Street would require the following engineering considerations;

- Access from the road network is proposed to be via Pearson Street, and while Council has not considered any traffic network for the subject land, a lot layout and access will need to be designed to meet the requirements of pedestrian and vehicle generation including service vehicles. Future road design and construction would need to meet Council's specifications (AUSTROADS) including provision of kerb and guttering to all road frontages.
- A water reticulation system would need to be provided as part of any future development of the land extending from existing mains in Pearson Street.
- Sewerage connection to the land for any future development, as the owner was previously advised in 2011, and would require design by an appropriate consultant to determine the impact on the existing reticulation system. While any future reticulation connection is feasible, it may require access and the arrangement of easements across other properties in the area.
- Any future development of the land would require design of a drainage system, which by the nature of natural topography in the area, would also require access

and arrangement of easements across other properties in the area. Any such future development would need to cater for both minor and major (1 in 100 year recurrence interval) peak overflows to an existing drainage system without concentrating flows onto the surface of adjacent property.

- Future development of all utilities services within Lot 4 DP 714976 Pearson Street would also need to accommodate connection of Lot 1 DP 586381 Coventry Street.

Whilst Council's staff have the required delegations to approve the subdivision of the land, however, should the rezoning of the property be supported by Council and approved by the Department of Planning and Infrastructure an application will be required for the subdivision which will again be referred to Council for consideration.

Financial Implications:

No funding implications for Council from the proposal.

Integrated Planning and Reporting Issues:

Not applicable.



Policy Issues:

The Planning Proposal does not breach or impact on any Council policies.

Social Implications:

There are no adverse social or environmental implications from the Planning Proposal.

Risk Management Issues:

Not applicable.

Legal Issues:

Not applicable.

RECOMMENDATION:

That Council support this planning proposal forward it 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 whether the matter should proceed either with or without variation.