

Committee:	ENVIRONMENT, ECONOMIC & COMMUNITY	15 Dec 2009
Section:	Strategic Planning	DWS# No
Item: 08.272/09	PLANNING PROPOSAL – IRONBARK TERRACE, SOUTH GRAFTON	

ATTACHMENTREPORT SUMMARY

Council is in receipt of a rezoning or planning proposal for land at Ironbark Terrace, South Grafton. The proposal is to rezone part of the land from Zone No 1(c) Rural (Residential) Zone to Zone No 2(a) Living Area Zone (or similar) under the Grafton Local Environmental Plan 1988 and will supply 15 new lots approximately. The rezoning is consistent with the adopted South Grafton Heights Precinct Strategy. The new zone boundary between the proposed residential land and the existing rural-residential land cannot be determined until an assessment of 1% flood levels in a gully adjacent to the south-east corner of the land is finalised. The rezoning proposal is generally deemed to have merit and as the application has been with Council for some time it is considered appropriate to refer this application to the NSW Department of Planning 'Gateway' prior to obtaining the additional information. This will ensure that, if appropriate, the application has support of the 'Gateway' and that any other matters that the 'Gateway' considers require attention can be then addressed by the proponent.

OFFICER'S RECOMMENDATION

That Council as the Relevant Planning Authority, endorse the attached Planning Proposal to rezone a portion of Lot 40 DP 1105976 from Rural-Residential to Residential and refer it to the NSW Department of Planning seeking a 'Gateway' Determination.

**COUNCIL RESOLUTION - 08.272/09
(Crs Toms/McKenna)**

That:

Council as the Relevant Planning Authority, endorse the Planning Proposal to rezone a portion of Lot 40 DP 1105976 from Rural-Residential to Residential and refer it to the NSW Department of Planning seeking a 'Gateway' Determination.

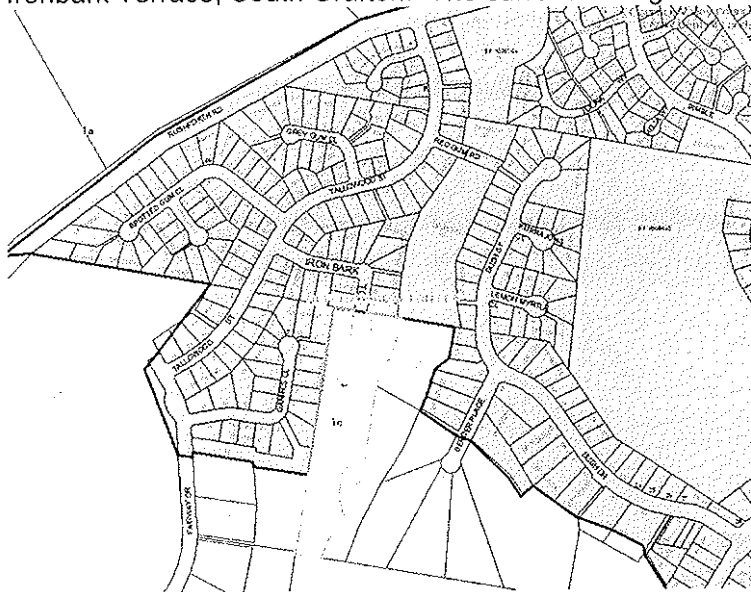
Voting recorded as follows:

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

Against: Nil

BACKGROUND

The subject land (see hatching on diagram hereunder) is located at the terminus of Ironbark Terrace, South Grafton. The current zoning of the land is shown in the diagram.



The proposal seeks to rezone the northern portion of the land adjacent to and east of the Daniels Close subdivision from rural-residential to residential (ie the same as the Daniels Close allotments).

ISSUES

The relevant issues are presented and discussed in the 'Sustainability Assessment' section below.

CONSULTATION

This proposal has not been subject to any public consultation. Notwithstanding that, the potential for the site to be utilised for residential development (subject to rezoning) was indicated in the South Grafton Heights Precinct Strategy which was subject to extensive public consultation prior to adoption by Council.

SUSTAINABILITY ASSESSMENT**Summary Statement:**

The rezoning proposal is considered to have merit. The site has been identified as being likely to be partly affected by a flooding constraint. In addition, there is a need to ensure adequate buffer to the intermittent drainage line east of the subject land. Both of these factors will be likely to have some impact on the final position of the common boundary between the existing rural-residential land and the proposed residential zoning.

Ecology:

The site contains some remnant Eucalyptus trees and a transient population of Eastern Grey Kangaroos. These values do not make the rezoning unsuitable. The part of the site remaining in the rural-residential zoning will serve a corridor function for local wildlife, especially kangaroos.

A buffer of 35 metres will be required for the 'open space' corridor that crosses the land in an east-west direction to provide for adequate separation between the residential and rural-residential land uses consistent with the Precinct Strategy. That buffer should

remain in the rural-residential zoning until after the future subdivision has been registered and additional 'open space' dedicated to Council.

Economic:

The proposal will add to residential land supply in South Grafton by about 15 lots. This is not a significant rezoning in terms of lot yield however it 'rounds off' a residential area on the eastern side of the Tallowood Street precinct.

Social & Cultural:

The proposed development is relatively minor in scale. The future subdivision (if approved) will be bordered on two sides by open space. This will provide improved residential amenity and setting for future residents and allow a formal link between open space to the west and east of the subject land.

Advice from the Grafton-Ngerrie Local Aboriginal Land Council will be required prior to finalisation of the rezoning process for this land. Based on previous advice in the vicinity it is unlikely that Aboriginal Cultural Heritage Values will exist on the site however the check is necessary and consistent with adopted actions in the Precinct Strategy.

Human Habitat & Infrastructure:

Slope constraints and the desire to have road frontage to the adjoining open space rather than future allotments backing onto this area will require negotiation on subdivision and road design in future stages of the approval process.

See also earlier comment regarding provision of open space.

Governance:

The proposed rezoning is consistent with the adopted South Grafton Heights Precinct Strategy in general terms. A range of issues will need to be addressed in the final subdivision design at development application stage. The flooding constraint is the main issue that requires attention prior to finalising this matter. Referral to the 'Gateway' is deemed appropriate in the circumstances in order to obtain their opinion on the proposal and allow Council to finalise the requirements for the Applicant prior to progressing this proposal.

Guiding Sustainability Principles:

The Precinct Strategy was subject to a rigorous assessment using the five CVC Sustainability Elements prior to Councils adoption. The proposed rezoning is consistent with the adopted Strategy in general terms.

OPTIONS

1. Refer to attached Planning Proposal for rezoning of part Lot 40 DP 1105976 to the NSW Department of Planning 'Gateway' for a determination. This determination, once made, will include requirements for additional information (as relevant), consultation requirements and other relevant instructions for processing of the proposal.
2. Obtain additional flooding and Aboriginal Cultural Heritage Value advice prior to referral of the proposal to the 'Gateway'. As the 'Gateway' will offer its advice on what additional matters need to be addressed prior to finalising this matter, as well as other relevant advices, it is considered more efficient to pursue Option 1 in this case.

3. Reject the rezoning proposal and not proceed any further. As the proposal is generally consistent with the adopted South Grafton Heights Precinct Strategy this option is not considered appropriate.

Option 1 is the preferred option.

FINANCIAL IMPLICATIONS

Rezoning application fees have been paid in full. These fees are expected to cover staff resourcing to the application. In accordance with Council's Fees and Charges additional fees can be sought if staff time exceeds 20 hours on this project.

Des Schroder

DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

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Section: Strategic Planning

Attachment: Planning Proposal