



PLANNING PROPOSAL

for the rezoning of

**Lot 40 DP 1105976
IRONBARK TERRACE
SOUTH GRAFTON**

Prepared by: Clarence Valley Council

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1. PRELIMINARY

1.1 Context

This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the Department of Planning's "A guide to preparing planning proposals" (July 2009). A gateway determination under Section 56 of the Act is requested.

1.2 Subject Land

This planning proposal applies to the following land and is identified in the sketch below (Figure 1).

Lot 40 DP 1105976
Ironbark Terrace
South Grafton



Figure 1 - Locality Sketch

1.3 Current Zoning & Use

The subject land is zoned 1(c) Rural-Residential zone under the Grafton LEP 1988 (refer to Figure 2, below). The 1(c) zone provides a minimum lot size for the purposes of a dwelling-house of 4000m². Hence, current lot potential (theoretical) is five (5) lots. The



existing allotment configuration and access constraints limits probable yield to 2-3 lots under current zoning.

The subject land is adjoined to the east by an intermittent natural drainage line or gully which is subject to flooding to an unknown level. This may limit development potential in the south-eastern part off the site.

The land is currently vacant as indicated on Figure 1.



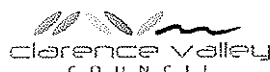
Figure 2 - Existing Zoning Plan

1.4 Background

The South Grafton Heights Precinct Strategy (adopted by Council in August 2007) identifies part of the subject land as being suitable for residential rezoning, subject to more detailed site assessment and detailed design at subdivision DA stage.

2. OBJECTIVE OR INTENDED OUTCOME

The intent of the planning proposal is to rezone part of the land (consistent with the area identified for residential zoning in the adopted South Grafton Heights Precinct Strategy) to allow for urban residential development.



3. EXPLANATION OF PROVISIONS

The objective of the Proposal will be achieved by amending "the map" under the Grafton Local Environmental Plan, 1988 by altering the zoning of the northern part of the land currently zoned 1(c) to 2(a) under that Plan. The balance of the subject land will remain in the 1(c) zoning.

4. JUSTIFICATION

4.1 Is the Proposal a result of any strategic study or report?

Yes. Rezoning to residential has been identified as suitable in the South Grafton Heights Precinct Strategy (adopted by Council in August 2007) subject to rezoning application being made.

4.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

4.3 Is there a net community benefit?

The ultimate development of the subject land under the proposed zoning will result in the provision of a publicly accessible 'open space' link between existing open space/public land to the east and west of the subject land.

The construction of the subdivision and future dwellings will provide additional work for local contractors in the development industry for a limited period of time. The direct and indirect, or multiplier effects of this development and building activity for local and regional suppliers of construction materials as well as ongoing supplies and produce for occupants of the dwellings will add to the retail strength in the Grafton locality and the wider Clarence Valley.

The location of the development close to services, business nodes and bus transport links ensures more efficient servicing and access for residents and service providers.

5. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.1 Applicable Regional Strategy – Mid North Coast Regional Strategy

The proposal is located within the proposed future urban release area of South Grafton as indicated in the Regional Strategy (Growth Area Map 2 – Clarence South). The site is located adjacent to the major regional centre of Grafton, is proximate to public bus transport routes, and is not affected by significant hazard (subject to more detailed flooding analysis) or environmental values.

Generally consistent with the Regional Strategy.



5.2 Consistency with Council's Community Strategic Plan, or other local strategic plan

Valley Vision 2020, July 2008, is Council's adopted corporate strategic plan. The additional residential development ultimately capable of being provided on this site (subject to rezoning) would contribute to the Vision 2020 Key Goals of providing efficient transport and access and providing quality built environment and places.

5.3 Consistency with applicable state environmental planning policies

The proposal is generally consistent with applicable state environmental planning policies. More detailed analysis of flood levels needed. Refer to the checklist against these policies at Appendix 1.

5.4 Consistency with applicable Ministerial Directions (s.117 Directions)

The proposal is consistent with applicable Section 117 Directions., except for 4.3 (at this stage). The impact of the 1% flood or storm water level on this site will not prevent most, if not all, of the proposed residential capability for the land. More detailed assessment will clarify impact prior to final rezoning approval. Refer to the checklist against these Directions at Appendix 2.

6. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

6.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not considered likely. The site is vacant land that has been substantially cleared. Some remnant trees remain on site. A full assessment against the *Threatened Species Act* (ie 7-part test) will be required at the time of a development application for subdivision. The current zoning enables a less intensive form of residential development. Future open space links can be embellished to improve urban habitat and wildlife value.

6.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No additional environmental impacts are anticipated.

6.3 How has the planning proposal adequately addressed any social and economic effects?

No significant matters.

7. STATE AND COMMONWEALTH INTERESTS

7.1 Is there adequate public infrastructure for the planning proposal?

Yes. Forms part of an urban residential neighbourhood which contains all normal urban services.



7.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

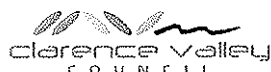
A gateway determination has not yet been issued. No consultation with such agencies has occurred to date.

8. COMMUNITY CONSULTATION

It is considered that the proposal is a "low impact planning proposal" under Section 4.5 of *"A guide to preparing a local environmental plan"*. This conclusion is made on the basis that it is consistent with the strategic planning framework, is compatible with the surrounding land uses (subject to detailed assessment at subdivision DA stage, including application of adopted actions from the South Grafton Heights Precinct Strategy), presents no issues for infrastructure servicing, is not a principal LEP and does not reclassify public land.

On this basis, it is intended that the planning proposal be advertised for 14 days in accordance with Section 4.5 of *"A guide to preparing a local environmental plan"*. It is also intended to write directly to adjoining and nearby land owners.

A public hearing is not, at this stage, considered necessary.



APPENDIX 1 : STATE ENVIRONMENTAL PLANNING POLICY CHECKLIST

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
SEPP 1 Development Standards.	n/a	Not relevant.
SEPP 2 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 20.	Repealed.	
SEPP 3 Castlereagh Liquid Waste Depot. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development.	n/a	Not relevant
SEPP 5 Housing for Older People with a Disability. Repealed by Seniors Living SEPP.	Repealed.	
SEPP 6 Number of Storeys in a Building		
SEPP 7 Port Kembla Coal Loader. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 8 Surplus Public Land. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 9 Group Homes. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 10 Retention of Low Cost Rental Accommodation.	Not Applicable.	
SEPP 11 Traffic Generating Developments. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 12 Public Housing (dwelling houses). Repealed by SEPP 53	Repealed.	
SEPP 13 Sydney Heliport. Repealed by Sydney REP 26.	Repealed.	
SEPP 14 Coastal Wetlands.	Complies.	None identified on this site.
SEPP 15 Multiple Occupancy of Rural Land. Repealed by SEPP 42. SEPP 15 Rural Land-Sharing Communities.	N/a	Not relevant
SEPP 16 Tertiary Institutions. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 17 Design of Buildings In Certain Business Centres.	Did not Proceed	
SEPP 18 Public Housing. .	Did not proceed	
SEPP 19 Bushland in Urban Areas.		
SEPP 20 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 53.	Repealed.	
SEPP 21 Caravan Parks.	Complies.	Not applicable
SEPP 22 Shops and Commercial Premises.	N/a	Not relevant
SEPP 23	Not allocated.	
SEPP 24 State Roads.	Did not proceed	
SEPP 25 Residential Allotment Sizes. Repealed by SEPP 53.	Repealed.	

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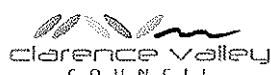
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STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
SEPP 26 Littoral Rainforests.	Complies	None identified on this site
SEPP 27 Prison Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 28 Town Houses & Villa Houses. Repealed by SEPP 25 Amendment 4.	Repealed.	
SEPP 29 Western Sydney Recreation Area.	Not Applicable	
SEPP 30 Intensive Agriculture	N/a	Not applicable
SEPP 31 Sydney (Kingsford Smith) Airport. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Complies.	Not applicable
SEPP 33 Hazardous & Offensive Development.	N/a	Not relevant
SEPP 34 Major Employment Generating Industrial Development. Repealed by Major projects SEPP.	Repealed.	
SEPP 35 Maintenance Dredging of Tidal Waterways. Repealed by Infrastructure SEPP.	Repealed	
SEPP 36 Manufactured Home Estates.	n/a	Not relevant
SEPP 37 Continued Mines & Extractive Industries Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	
SEPP 38 Olympic games & Related Projects. Repealed by Major Projects SEPP.	Repealed.	
SEPP 39 Split Island Bird Habitat.	Not Applicable	
SEPP 40 Sewerage Works.	Did not proceed.	
SEPP 41 Casino/Entertainment Complex.	Not Applicable	
SEPP 42 Multiple Occupancy & Rural Land.	Repealed by SEPP 15	
SEPP 43 New Southern Railway. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 44 Koala Habitat Protection.	Complies	No core koala habitat on site.
SEPP 45 Permissibility of Mining. Repealed by Mining, Petroleum Production and Extractive Industries SEPP.	Repealed.	
SEPP 46 Protection & Management of Native Vegetation. Repealed by Native Vegetation Conservation Act 1997.	Repealed.	
SEPP 47 Moore Park Showground.	Not Applicable	
SEPP 48 Major Putrescible Landfill Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 49 Tourism Accommodation in Private Homes.	Draft only.	
SEPP 50 Canal Estate Development.	N/a	Not relevant
SEPP 51 Eastern Distributor. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 52 Farm Dams & Other Works in Land &	Not Applicable	

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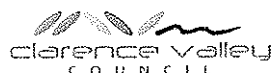
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STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
Water Management Plan Areas.		
SEPP 53 Metropolitan Residential Development	Not Applicable	
SEPP 54 Northside Storage Tunnel. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 55 Remediation of Land.	Complies	No known contamination on site
SEPP 56 Sydney Harbour Foreshores & Tributaries. Repealed by Major Projects SEPP Amendment.	Repealed.	
SEPP 57	Not allocated.	
SEPP 58 Protecting Sydney's Water Supply. Repealed by Drinking Water Catchments REP No 1.	Repealed.	
SEPP 59 Central Western Sydney Economic & Employment Area.	Not Applicable	
SEPP 60 Exempt & Complying Development.	Not Applicable	
SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 62 Sustainable Aquaculture.	n/a	Not relevant
SEPP 63 Major Transport Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 64 Advertising & Signage.	n/a	Not applicable to rezoning
SEPP 65 Design Quality of Residential Flat Buildings.	n/a	Not relevant
SEPP 66 Integration of Land Use & Transport. Draft.	Complies	Site close to public bus transport route.
SEPP 67 Macquarie Generation Industrial Development Strategy. Repealed by Infrastructure SEPP.	Repealed	
SEPP 68	Not allocated.	
SEPP 69 Major Electricity Supply Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 70 Affordable Housing (Revised Schemes).	Not Applicable	
SEPP 71 Coastal Protection	n/a	Not within coastal zone.
SEPP 72 Linear Telecommunications Development - Broadband. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 73 Kosciuszko Ski Resorts Repealed by SEPP Kosciuszko National Park – Alpine Resorts.	Repealed.	
SEPP 74 Newcastle Port & Employment Lands Repealed by Major Projects SEPP.	Repealed.	
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent.	Rezoning will enable development generally consistent with this SEPP on the land.
SEPP Building Sustainability Index: BASIX 2004	Complies.	Relevant to development application stage.
SEPP (ARTC Rail Infrastructure) 2004	Repealed.	

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STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
Repealed by Infrastructure SEPP.		
SEPP (Sydney Metropolitan Water Supply) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Development on Kurnell Peninsula) 2005	Not applicable	
SEPP (Major Projects) 2005	n/a	Not relevant
SEPP (Sydney Regional Growth Centres) 2006	Not applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not applicable	
SEPP (Infrastructure) 2007	Not applicable	
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.	
SEPP (Rural Lands) 2008	Not applicable	
SEPP – North Coast Regional Environmental Plan 1988 (NCREP)	Applicable	This document now has the status of a SEPP – specific relevant provisions are addressed below.
NCREP <i>clause 45 – Plan Preparation – Hazards</i> 45(1)(b) requires that rezoning of land for urban purposes should not occur on land subject to flooding or poor drainage unless an assessment has been made of the extent of the hazard and provisions to minimize adverse impacts.	Most of site complies	More detailed analysis needed to define 1% flood or storm water level at this site.
NCREP <i>clause 45A – Plan Preparation – flood liable land</i> A draft LEP should not rezone flood liable land zoned, inter alia, open space unless consistent with an adopted floodplain risk management plan.	Consistent	Not relevant.
NCREP <i>Plan Preparation – servicing urban areas</i> Draft LEPs should ensure that ensuing development will make economic use of existing services.	Consistent	Site is serviced by all normal urban services and additional residential development will add to efficiency of service provision.
NCREP – <i>Clause 61 – Plan Preparation – health and education facilities</i> Requires that such facilities are located with good access to other complimentary developments and services	Consistent	Not relevant.
NCREP – <i>Clause 65 – Plan Preparation- provision of community, welfare and child care services</i> Land should not be rezoned for residential purposes unless adequately serviced by welfare services etc.	Consistent	Not relevant.
NCREP – <i>Plan Preparation – existing zones for public open space</i> A draft LEP should not substantially reduce zones for public open space	Consistent.	Ultimate development will increase public open space.

**APPENDIX 2: SECTION 117 DIRECTION CHECKLIST**

SECTION 117 DIRECTION	COMPLIANCE	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not applicable	
1.2 Rural Zones	Not applicable	
1.3 Mining, Petroleum Production and Extractive industries	Not applicable	
1.3 Oyster Aquaculture	Not applicable	
1.5 Rural Lands	Not applicable	
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental protection Zones	Not applicable	
2.2 Coastal protection	Not applicable	
2.3 Heritage Conservation	Not applicable	
2.4 Recreation Vehicle Areas	Not applicable	
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Complies.	
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	
3.3 Home Occupations	Not applicable.	
3.4 Integrated Land Use and Transport	Consistent.	
3.5 Development Near Licensed Aerodromes	Not applicable.	
4. HAZARD AND RISK		
4.1 Acid Sulphate Soils	Complies.	Not ASS.
4.2 Mine Subsidence and Unstable land	Not applicable.	
4.3 Flood Prone Land	Generally consistent	Assessment of flooding liability needed to confirm suitable zone boundary location.

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SECTION 117 DIRECTION	COMPLIANCE	COMMENTS
4.4 Planning for Bushfire Protection	Complies.	
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Complies.	Refer to comments previously in this report (Section 5.1).
5.2 Sydney Drinking Water Catchments	Not applicable.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	
5.6 Sydney to Canberra Corridor	Not applicable.	
5.7 Central Coast	Not applicable.	
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	Complies.	No additional planning provisions are intended.
6.2 Reserving Land for Public Purposes	Not applicable.	
6.3 Site Specific Provisions	Complies.	

