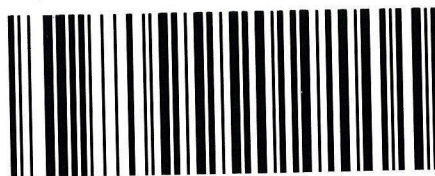




clarence
VALLEY COUNCIL

20 June 2011



PGF000952

Reference: CVC: 736851
Contact: Matt Adams

The Director General
NSW Department of Planning
Locked Bag 9022
GRAFTON NSW 2460

Received

22 JUN 2011

11/10769

North Coast

Dear Sir

Planning Proposal – 18 Coramba Street, Glenreagh NSW – Lot 21 DP 6506

Council, at its Meeting held on 14 June 2011, resolved to endorse the attached Planning Proposal in regard to 18 Coramba Street, Glenreagh. The Planning Proposal seeks to rezone the subject land as residential under the incoming Clarence Valley Local Environment Plan 2011 (LEP). This is to correct a zoning anomaly that has arisen due to the sale of the site during the development of the LEP. Details and rationale are contained in the attached copy of the Planning Proposal.

The Planning Proposal and attached copy of the report considered by Council, including Council's resolution, is self explanatory. Hence, a Gateway determination under Section 56 of the Environmental Planning and Assessment Act, 1979 is now requested at your earliest convenience.

If you require further information please contact me on telephone (02) 6643 0204.

Yours faithfully,

David Morrison
Manager Strategic and Economic Planning

Enclosed:

1. Planning Proposal – 18 Coramba St, Glenreagh
2. Council Report & Resolution Item No 12.087/11

PLANNING PROPOSAL

for the rezoning of

**Lot 21 DP 6506
18 Coramba Street
GLENREAGH**

Prepared by:

Clarence Valley Council

TABLE OF CONTENTS

1.	Preliminary	
1.1	Context	1
1.2	Subject Land	1
1.3	Current zoning and use	3
1.4	Background	4
2.	Objective or Intended Outcome	5
3.	Explanation of provisions	5
4.	Justification	
4.1	Is the Proposal a result of any strategic study or report?	5
4.2	Is the planning proposal the best means of achieving the objectives, intended outcomes, or is there a better way?	5
4.3	Is there a net community benefit?	6
5.	Relationship to Strategic Planning Framework	
5.1	Applicable Regional Strategy – Mid North Coast Regional Strategy... 6	
5.2	Consistency with Council's community strategic plan, or other local strategic plan	6
5.3	Consistency with applicable Ministerial Directions (s.117 Directions)...6	
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?	7
6.2	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	7
6.3	How has the planning proposal adequately addressed any social and economic effects?	7
7.	State and Commonwealth Interests	
7.1	Is there adequate public infrastructure for the planning proposal? ...	7
7.2	What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	7
8.	Community Consultation	7
Appendix 1	SEPP Checklist	8
Appendix 2	Section.117 Directions Checklist	12

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 Lot 21 DP6506 being 18 Coramba Street, Glenreagh.

The subject land is situated on the corner of Coramba Street and Tallawudjah Creek Road at the northern end of the Glenreagh Village, as shown in Figure 1.

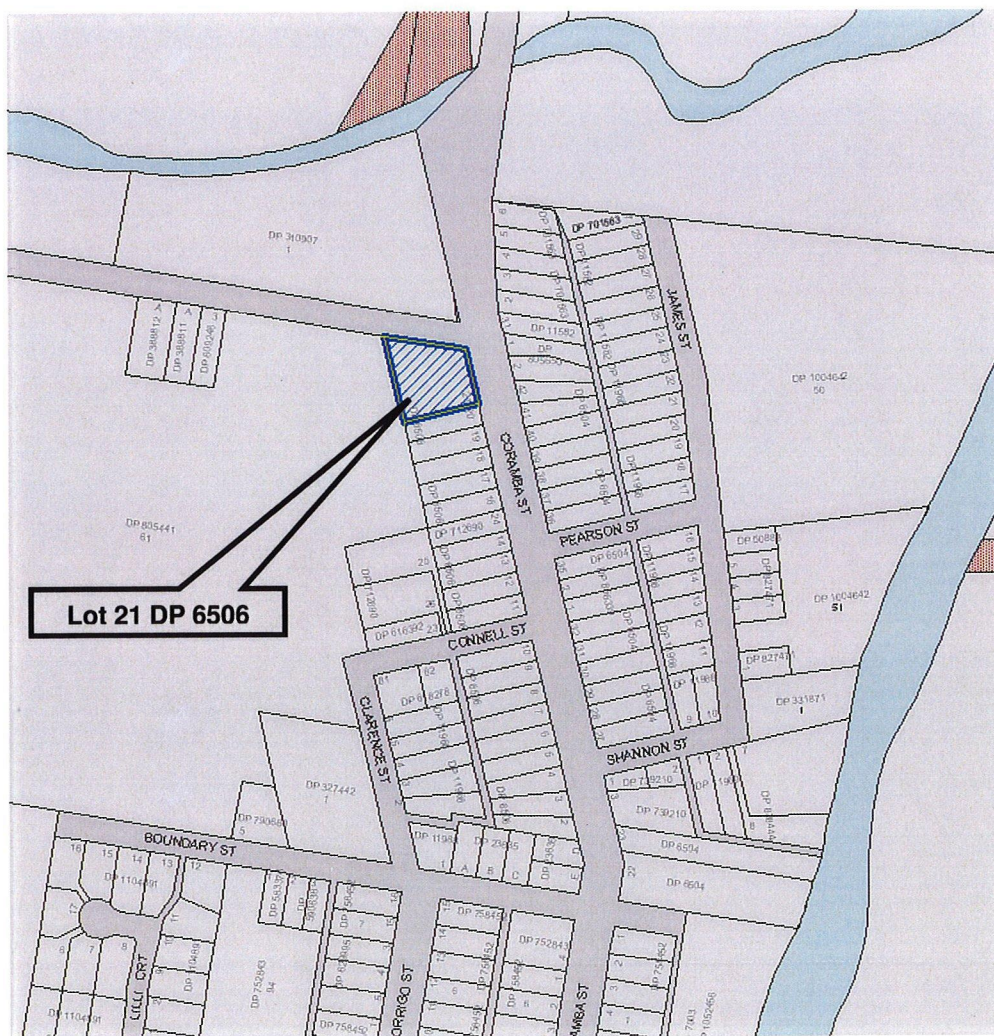


Figure 1: Locality Sketch of Lot 21 DP 6506

The site has an area of approximately 3,404 m² and considered flood prone as shown in Figure 2.

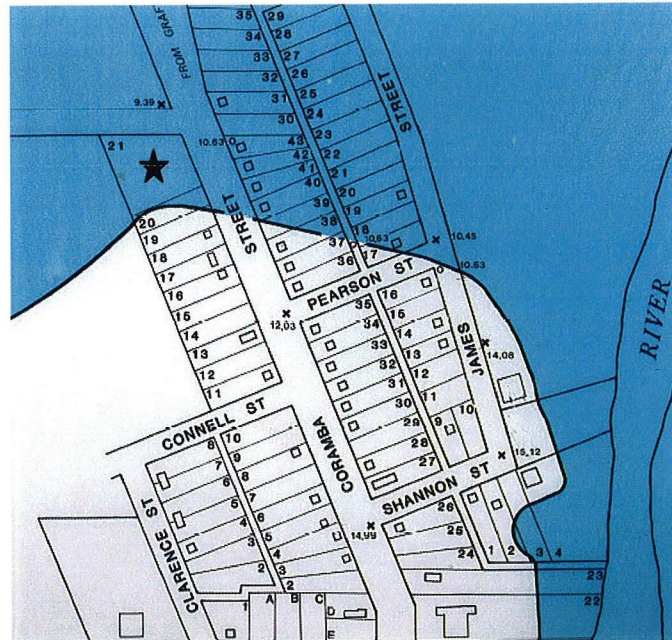


Figure 2: Village of Glenreagh Flood Inundation Map 1974.

The site is currently undeveloped and is occupied by a number of mature trees as shown in the aerial photo in Figure 3.



Figure 3: Aerial Photograph of Lot 21 DP 6506

1.3 Current Zoning & Use

The land is currently zoned 2 (v) (Village) under the *Ulmarra Local Environment Plan (LEP) 1992*. Figure 4 provides an extract from the relevant LEP zoning map.

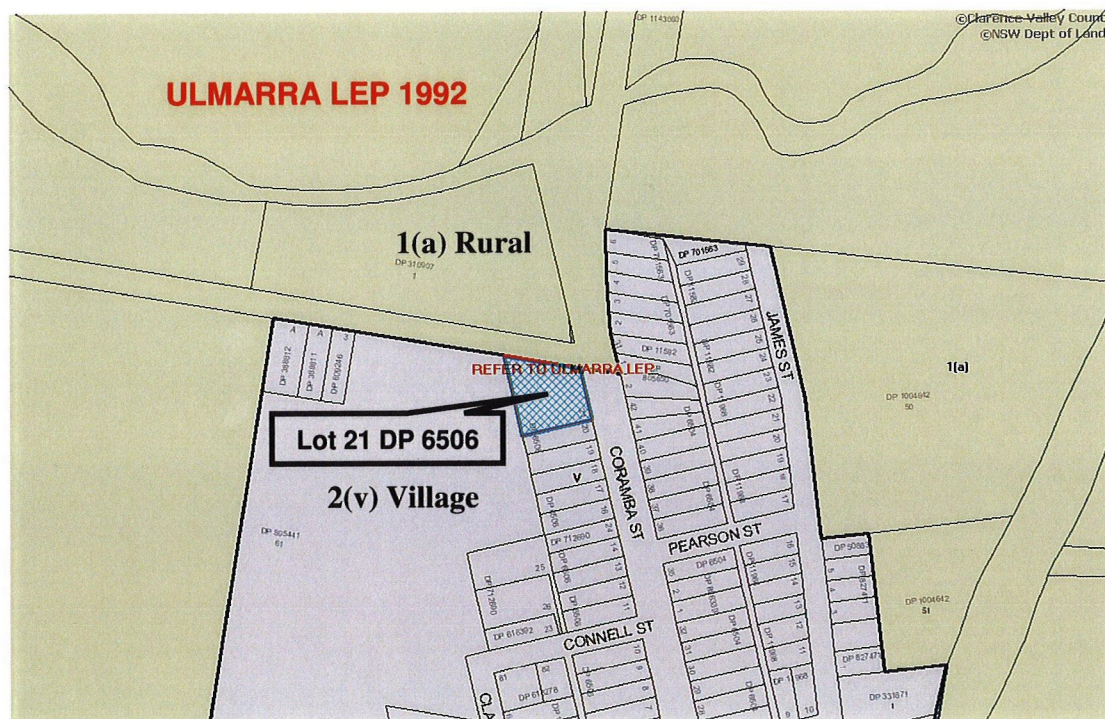


Figure 4: Existing Zoning Map – Ulmarra LEP 1992

No minimum lot size applies under the current Ulmarra LEP for the 2(v) village zoning.

The lot has the potential (theoretically) to be subdivided in to 2 lots subject to the requirements of the Clarence Valley Council's *Development Control Plan for Development in Residential Zones* and the outcome of a Wastewater Consultant's Report as to the site's suitability for effluent disposal areas, as required under the Clarence Valley Council's On-site Wastewater Management Strategy 2005. The proposed erection of any future dwelling houses on the site would have to the flood prone nature of the land.

The proposed zoning for the subject land under the new LEP will be *RE1 Public Recreation*, as indicated in the proposed zoning map in Figure 5.

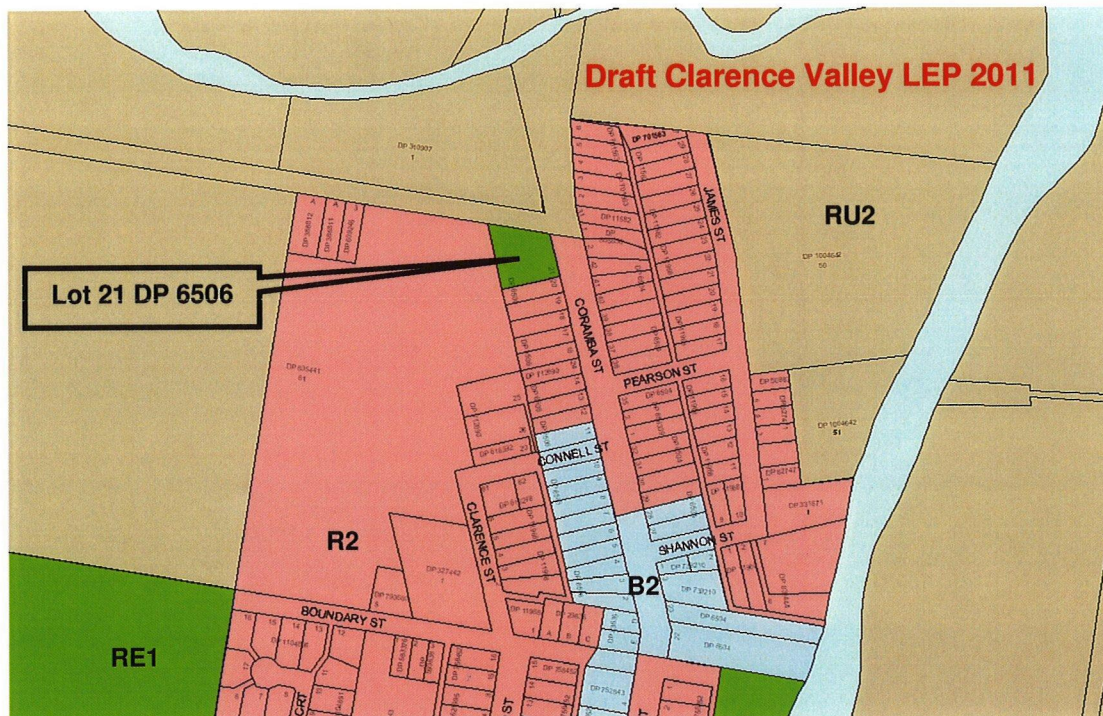


Figure 5: Proposed Zoning Plan under the Draft Clarence Valley LEP 2011

Under the proposed zoning the land is to be used for public open space and recreational purposes. The erection of dwelling houses and other forms of residential development will be prohibited under this zoning.

The draft *Clarence Valley LEP 2011* is now with Parliamentary Counsel for legal opinion, which is the last step before it is sent to the Minister's office for final approval. Advice from the Department of Planning suggests that Gazettal of the plan is expected by the end of June 2011. At that time, Ulmarra LEP will cease to exist and the provisions of the new LEP will apply.

1.4 Background

A recent planning enquiry relating to the subdivision of the subject land has highlighted a potential zoning anomaly in the incoming Clarence Valley Local Environment Plan (CVLEP) 2011.

The subject allotment was created by a 21 lot subdivision under the Dorriggo Shire Council in registered under the DP 6506 in 1982. The subject land has been in public ownership under the former Dorriggo, Ulmarra and Pristine Waters Shire Councils prior to being taken over by the Clarence Valley Council.

It was officially classified as 'operational' land by a resolution of the Ulmarra Shire Council on the 29 June 1994, which included the site on a Public Land Management List.

In late 2007 a Draft LEP and new proposed zonings were prepared and put to the Department of Planning (DoP) for consideration. The Council records used to prepare the draft zonings indicated that the land was interpreted as a crown reserve under

Council management and as such the subject site was proposed for rezoning for the purpose of public recreation from the current.

At this time the site was being used under license as a bus parking area by the Glenreagh Bus Service. This business was operated by the owners of the adjacent property, No. 20 Coramba St, Glenreagh and used a small area at the southern end of the site for the parking of buses used for the local school bus service.

A Development application DA2009/0484 was lodged by the Glenreagh Bus Service (Hugh MacAdam) and approved by Council subject to conditions of consent on 8 September 2009. The approval required the applicant to construct a shed for the storage of buses upon the subject site.

The MacAdam's submitted a proposal to Council to purchase 1000m² of the subject site for the purpose of erecting the shed required by DA2090/0484. The proposal was put to a Meeting of the Clarence Valley Council on the 10 November 2009 and it was resolved that the entire subject site should be put to auction.

The subject site was sold at auction by Clarence Valley Council to Waehaua Pty Ltd, with settlement taking place on 9 April 2010.

In the period between late 2007 and early 2010, the subject site was marketed and sold to a private owner under the current residential zoning. During the final stages of preparing in 2010 the LEP has not been amended to reflect this sale and now a rezoning of the land is required to correct this anomaly.

2. OBJECTIVE OR INTENDED OUTCOME

The objective of this planning proposal is to enable the development of the subject site for residential purposes.

The intended outcome is for the zoning of the site under the incoming Clarence Valley Council LEP 2011 to reflect similar provisions to those applicable to the current zoning under the Ulmarra LEP as low-density residential. This will enable the landholder to develop or sell the land for residential purposes in accordance with the existing potential.

3. EXPLANATION OF PROVISIONS

The objective of the Proposal will be achieved by the amendment of the relevant zoning map under the Clarence Valley LEP 2011 to zone the subject site as R2 Low density residential.

4. JUSTIFICATION

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

The proposal is not the subject of any strategic study or report. The allotment is located within a village zone recognised by the Clarence Valley Settlement Strategy 1999 as a suitable area for residential development.

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

The planning proposal is considered the most effective means of achieving the stated objectives and outcomes. The alternative of retaining the zoning of this privately owned lot as a Public Recreation zone is not considered a suitable outcome.

4.3 Is there a net community benefit?

The land may be used for the provision of additional residential development within the recognised village area, with flow on effects for local contractors, business and the housing market. The Glenreagh Village already has a number of suitably zoned public recreational areas and the provision of residentially zoned land within the village is considered to benefit the local community.

5. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.1 Applicable Regional Strategy – Mid North Coast Regional Strategy (MNCRS)

The Mid North Coast Regional Strategy (March 2009) is the applicable regional strategy.

Glenreagh is recognised as an inland village by the regional strategy. The proposal site is located within the existing village of Glenreagh and is proximate to local public bus transport routes and shops. The site is not affected by significant hazard (subject to more detailed flooding analysis) or environmental values.

Accordingly, the proposal is considered to be consistent with the Mid North Coast 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. This planning proposal is consistent with that plan's vision for human habitat, being;

"to live in sustainable communities, including a healthy natural environment, supported by efficient and effective essential services and transport systems ...".

This planning proposal seeks to retain the residential zoning density in a location that can best integrate with the surrounding settlement hierarchy based on Glenreagh being the recognised inland village for the area under the MNCRS. It is intended to retain the existing local settlement pattern based on Glenreagh as the primary village servicing the surrounding area in a manner that seeks to accommodate the identified population growth needs in a way that minimizes the overall urban footprint. Reducing the available residential land in Glenreagh may potentially result in demand of residential development outside of the village area.

Therefore, the proposal is considered consistent with the Valley Vision Plan.

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. 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?

No adverse impacts upon critical habitat or threatened species, populations or ecological communities are considered likely as a result of this proposal.

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 adverse impacts on the surrounding environment are considered likely as a result of this proposal.

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

No significant matters are considered to be likely. The proposed RE1 zoning would place constraints over the potential uses for the subject site. This may impact upon the development potential of the site and impact upon the owners of the property economically. The planning proposal addresses this matter through the rezoning of this land as R2, thus enabling the land to retain its current potential. The proposal is not considered likely to have any adverse social impacts upon the Glenreagh community.

7. STATE AND COMMONWEALTH INTERESTS

7.1 Is there adequate public infrastructure for the planning proposal?

As the subject site is located within the Village of Glenreagh, the existing public infrastructure is considered adequate to accommodate the proposed development.

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.

8. COMMUNITY CONSULTATION

It is considered that the proposal is a "low impact planning proposal" under Section 4.5 of *"A guide to preparing local environmental plans"*.

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 local environmental plans"*.

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.	Not applicable	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.	Not applicable	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	Not applicable	Not Relevant
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	Not Relevant
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.	Not applicable	Not Relevant
SEPP 15 Multiple Occupancy of Rural Land. Repealed by SEPP 42. SEPP 15 Rural Land-Sharing Communities.	Not applicable	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.	Not applicable	Not Relevant
SEPP 20 Minimum Standards for Residential Flat Buildings. Repealed by SEPP 53.	Repealed.	
SEPP 21 Caravan Parks.	Not applicable	Not Relevant
SEPP 22 Shops and Commercial Premises.	Not applicable	Not Relevant
SEPP 23	Not allocated.	
SEPP 24 State Roads.	Did not proceed	
SEPP 25 Residential Allotment Sizes. Repealed by SEPP 53.	Repealed.	
SEPP 26 Littoral Rainforests.	Not applicable	Not Relevant
SEPP 27 Prison Sites. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 28 Town Houses & Villa Houses. Repealed	Repealed.	

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
by SEPP 25 Amendment 4.		
SEPP 29 Western Sydney Recreation Area.	Not applicable	
SEPP 30 Intensive Agriculture	Not applicable	Not Relevant
SEPP 31 Sydney (Kingsford Smith) Airport. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not applicable	Not Relevant
SEPP 33 Hazardous & Offensive Development.	Not applicable	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.	Not applicable	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.	Not applicable	Not Relevant
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.	Not applicable	Not Relevant
SEPP 51 Eastern Distributor. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas.	Not Applicable	
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 this site
SEPP 56 Sydney Harbour Foreshores & Tributaries. Repealed by Major Projects SEPP Amendment.	Repealed.	
SEPP 57	Not allocated.	

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
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.	Not applicable	Not Relevant
SEPP 63 Major Transport Projects. Repealed by Infrastructure SEPP.	Repealed.	
SEPP 64 Advertising & Signage.	Not applicable	Not applicable to rezoning
SEPP 65 Design Quality of Residential Flat Buildings.	Not applicable	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	Not Applicable	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 may 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 by Infrastructure SEPP.	Repealed.	
SEPP (Sydney Metropolitan Water Supply) 2004 Repealed by Infrastructure SEPP.	Repealed.	
SEPP (Development on Kurnell Peninsula) 2005	Not applicable	
SEPP (Major Projects) 2005	Not applicable	Not Relevant
SEPP (Sydney Regional Growth Centres) 2006	Not applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.	
SEPP (Temporary Structures) 2007	Not applicable	Not Relevant
SEPP (Infrastructure) 2007	Not applicable	Not Relevant
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.	
SEPP (Rural Lands) 2008	Not applicable	

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENTS
SEPP (Exempt and Complying Development Codes) 2008	Consistent.	Rezoning may enable development generally consistent with this SEPP on the land.
SEPP (Western Sydney Parklands) 2009	Not applicable	
SEPP (Affordable Rental Housing) 2009	Consistent.	Rezoning may enable development generally consistent with this SEPP on the land.
SEPP (Western Sydney Employment Area) 2009	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.	Inconsistent	The site has been traditionally zoned residential and available for residential development. Council has applied to DECCW for funding to undertake a Floodplain Risk Management Plan for Glenreagh but has been unsuccessful
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.	Inconsistent	The site has been traditionally zoned residential and available for residential development. Council has applied to DECCW for funding to undertake a Floodplain Risk Management Plan for Glenreagh but has been unsuccessful
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	Glenreagh village is accessible to health and education facilities in Grafton.
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	Local transport provides access to relevant services in Grafton.
NCREP – <i>Plan Preparation – existing zones for public open space</i> A draft LEP should not substantially reduce zones for public open space	Consistent.	The proposal is not considered to adversely impact on the provision of public open space as the village has access to an acceptable number of public reserves.

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	Will provide the lot remains available for residential development as was the case under the current Ulmarra LEP.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable	
3.3 Home Occupations	Not applicable	
3.4 Integrated Land Use and Transport	Complies	Subject site in an existing residential area with appropriate access to transport.
3.5 Development Near Licensed Aerodromes	Not applicable	
3.6 Shooting Ranges	Not applicable	
4. HAZARD AND RISK		
4.1 Acid Sulphate Soils	Not applicable	
4.2 Mine Subsidence and Unstable land	Not applicable	
4.3 Flood Prone Land	Inconsistent	The land is considered flood prone. The lot has been residentially zoned for many years and available for development. The proposed rezoning aims to correct an anomaly that has arisen through the

SECTION 117 DIRECTION	COMPLIANCE	COMMENTS
		creation of the incoming Clarence Valley LEP 2011.
4.4 Planning for Bushfire Protection	Complies	The subject site is adjacent an identified bushfire prone area. Rezoning of the land is not considered to offend this direction.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Consistent (Proposed rezoning is of minor significance)	No accurate floodplain risk management plan has been prepared for the area. The land has traditionally been zoned residential and the proposal seeks to correct an anomaly created during the development of a new LEP. Council has applied to DECCW for funding to undertake a Floodplain Risk Management Plan for Glenreagh but has been unsuccessful
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	Consistent	
6.3 Site Specific Provisions	Consistent	

Prepared by: Matt Adams – Development Services

Committee:	ENVIRONMENT, ECONOMIC & COMMUNITY
Section:	Strategic & Economic Planning
Date:	14 June 2011
Item:	12.087/11 PLANNING PROPOSAL - REZONING OF 18 CORAMBA STREET, GLENREAGH

ATTACHMENT**REPORT SUMMARY**

It is proposed to rezone the subject lot to correct a zoning anomaly that has recently been identified by Council Officers. The subject lot was identified as a public reserve and proposed to be zoned as *RE1 Public Recreation* under the initial proposal for the Draft Clarence Valley Local Environment Plan that was put to the Department of Planning for consideration in 2007. The subject lot was the subject of a development application and then a subsequent public auction in 2009. The property was sold into private ownership in April 2009 on the basis of its current 2(v) (Village) residential zoning under the *Ulmarra Local Environment Plan 1992*. In early 2010 the Clarence Valley Draft Local Environment Plan was adopted by Council and has progressed towards finalisation. As the zoning of this property has yet to be amended to reflect the sale of this lot, it is proposed that Council consider this planning proposal to rezone the land under the incoming *Clarence Valley Local Environment Plan 2011* as R2 Low Density Residential to enable the lot to retain its current potential use.

OFFICER'S RECOMMENDATION

That Council endorse the planning proposal to rezone the subject lot as R2 Low Density Residential under the incoming *Clarence Valley Local Environment Plan 2011*, and refer it to the Planning Gateway requesting public exhibition.

**COUNCIL RESOLUTION – 12.087/11
(Crs Toms/Hughes)**

That

Council endorse the planning proposal to rezone the subject lot as R2 Low Density Residential under the incoming *Clarence Valley Local Environment Plan 2011*, and refer it to the Planning Gateway requesting public exhibition.

Voting recorded as follows:

For: Councillors Williamson, Dinham, Howe, Hughes, McKenna, Simmons and Toms
Against: Councillor Tiley

BACKGROUND

A recent planning enquiry relating to the subdivision potential of this vacant lot has highlighted a potential zoning anomaly over this land that will occur on the commencement of the Clarence Valley Local Environment Plan (CVLEP) 2011. The land is currently zoned 2 (v) (Village) under the *Ulmarra Local Environment Plan (LEP) 1992* and is proposed to be zoned as RE1 Public Recreation under the CVLEP.

The subject lot is approximately 3300m² in area and currently has the potential (theoretically) for a residential development subject to the requirements of the Clarence Valley Council's *Development Control Plan for Development in Residential Zones* and the outcome of a Wastewater Consultant's

Report as to the site's suitability for effluent disposal areas, as required under the Clarence Valley Council's On-site Wastewater Management Strategy 2005.

The subject allotment was created by a 21 lot subdivision approved by Dorrigo Shire Council and registered under the DP 6506 in 1982. The subject land has been in public ownership under the former Dorrigo, Ulmarra and Pristine Waters Shire Councils prior to being taken over by the Clarence Valley Council. It was officially classified as 'operational' land by a resolution of the Ulmarra Shire Council on 29 June 1994, which included the site on a Public Land Management List. The land has yet to be developed for a community purpose.

In late 2007 a Draft LEP and new proposed zonings were prepared and put to the Department of Planning (DoP) for consideration. Council records used to prepare the draft zonings indicated that the land was listed as a crown reserve under Council management and as such the lot was appropriately proposed for rezoning for the purpose of public recreation.

At this time the site was being used by the Glenreagh Bus Service as a bus parking area under a temporary license agreement from Council. This business was operated by Hugh MacAdam, owner of the adjacent property, No. 20 Coramba St, Glenreagh and used a small area at the southern end of the site for the parking of buses used for the local school bus service.

Council subsequently resolved to sell the land on the open market and this occurred in the months between the draft LEP being submitted to the Department and exhibited. As a consequence of this timing, documentation associated with the sale didn't identify (nor was it required to) the draft zoning.

The draft *Clarence Valley LEP 2011* is now with Parliamentary Counsel for legal opinion, which is the last step before it is sent to the Minister's Office for final approval. At that time, Ulmarra LEP will cease to exist and the provisions of the new LEP will apply.

The current owners of the property are currently marketing the property through a real estate agent, which had led to the matter being brought to Council's attention. The owner's solicitor has indicated that they are unaware of the pending change to the lot's zoning and have expressed concerns that the new zoning will render the property unsaleable.

ISSUES

Under the proposed zoning the land is to be used for public open space and recreational purposes. Glenreagh currently has a number of public reserves and the incoming rezoning of this property has the potential to create funding pressures to re-acquire and maintain the site as a public reserve.

The proposed zoning would prohibit the erection of dwelling houses and other forms of residential development that is permissible under the current zoning. The property is currently on the market and such a zoning change may result in the lot being considered unsaleable. In this instance Council could be requested to re-acquire the land at fair market value to be used as per the open space zoning.

Whilst the allotment is considered to be flood prone, many similar allotments in the area have been approved for residential development subject to suitable design and construction methods. No detailed Floodplain risk management study is available for reference and a proposal to commission such a study has been denied funding from DECCW so has yet to be undertaken. Further study of the flood risk in Glenreagh may be considered beneficial to better understand the risk of flood hazard throughout Glenreagh Village.

The zoning anomaly has occurred essentially because of information used at the time to prepare the draft LEP being now shown to be incorrect, and the timing of a separate decision to sell the

land when the draft LEP was awaiting a Section 65 Certificate and exhibition. In the circumstances, it is reasonable for Council to move swiftly to seek to have the anomaly corrected.

CONSULTATION

Strategic Planning, has consulted with the following stakeholders:

- Department of Planning
- Kerry Rodger - Property Owner's Solicitor
- Jim Burgess - Farrell McCrohon Stock & Station – Grafton

Formal consultation will occur following approval through the Planning Gateway to exhibit the draft planning proposal.

SUSTAINABILITY ASSESSMENT**Summary Statement**

The planning proposal is not considered to have the potential to impact adversely on the ecological, economic, social and cultural sustainability of the Glenreagh locality. The proposal is considered to be of minimal impact on the sustainability of housing and infrastructure in the area. The proposal is considered to be consistent with the principles of sustainable Governance in that the rezoning will reflect Council's 2009 decision to auction the land for residential purposes.

Ecology

The proposal is considered to be of minimal impact on the ecological sustainability of the locality.

Economic

The proposal is considered to be of minimal impact on the economic sustainability of the locality. The adoption of this proposal has the potential to benefit the property owner in allowing the sale of the property subject to a continuation of its current land use potential. Such an action will be in accordance with Council's 2009 decision to auction the land for residential and will correct the potential zoning anomaly under the incoming LEP, thereby removing the economic requirement for Council to re-acquire and manage the land as a public reserve. The proposal is considered consistent with the relevant guiding sustainability principles.

Social & Cultural

The proposal is not considered to impact adversely upon the social or cultural sustainability of the Glenreagh Village. The subject lot has been zoned residential for many years and has not been developed for a community purpose. Glenreagh currently offers a number of public reserves and the addition of the subject site as a new reserve is not considered to have a significant impact on the social and cultural wellbeing of the Glenreagh community.

Human Habitat & Infrastructure

The proposal is considered to be of minimal impact upon the sustainability of the locality's housing and infrastructure. The proposed rezoning will retain the current number of residential allotments currently available in Glenreagh village and encourage residential development within the village in accordance with the Clarence Valley Settlement Strategy 1999. The lot has access to all necessary residential infrastructure and services.

Governance

The proposal is considered to be consistent with the principles of sustainable Governance in that the rezoning will reflect Council's 2009 decision to auction the land for residential purposes.

Guiding Sustainability Principles

The following guiding sustainability principles are relevant to this issue:

- Supporting social and intergenerational equity.

ORDINARY MEETING

14 JUNE 2011

- Taking a precautionary and anticipatory approach.
- Focusing on continuous improvement.

OPTIONS

1. Adopt the planning proposal to be put to the Department of Planning for consideration.
2. Refuse the proposal.

FINANCIAL IMPLICATIONS

If the recommendation for rezoning were adopted the site has the potential to be developed for residential use and will increase the potential rate base of the Glenreagh village with positive flow-on effects for services in the area. Should the proposal be refused the property owner may request Council to acquire the land as Public Open Space in accordance with the incoming RE1 zoning. This has financial implications in that Council would have to find the funds to purchase the property.

Des Schroder
DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

Prepared by: Matt Adams – Development Assessment Planner
Section: Strategic & Economic Planning
Attachments: 1. Planning Proposal
2. Letter from Property Owner's Solicitor