

Rezoning of land for residential subdivision on the northern side of Major Mitchell Drive, Gulmarrad

Proposal Title :	Rezoning of land for residential subdivision on the northern side of Major Mitchell Drive, Gulmarrad		
Proposal Summary :	To rezone Lot 68, Lot 69, part Lot 71 DP 1156995 and Lot 1020 DP 1108597, Major Mitchell Drive, Gulmarrad (site area of 18.54ha) from R5 Large Lot Residential to a standard residential zone, R1 General Residential, under the provisions of the Clarence Valley LEP 2011. The current minimum lot size of 4000 sqm is also proposed to be removed to enable the land to be subdivided accordingly. The subject land has development consent (granted in 2004) for a 43 rural residential lot subdivision. The consent has been commenced with the creation of four lots and road clearing. The planning proposal is seeking to obtain a more sustainable residential density for the site. The applicant has estimated that between 172 and 190 residential lots may be accommodated on the land with a varying range of lot sizes and housing types. The land also has frontage to Sheehans Lane and Brolga Drive.		
PP Number :	PP_2013_CLARE_001_00	Dop File No :	12/20361

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **2.1 Environment Protection Zones**
 3.1 Residential Zones
 5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that:**

- 1) The planning proposal be supported subject to conditions outlined below;**
- 2) The planning proposal be exhibited for a period of 28 days;**
- 3) The planning proposal should be completed within 12 months;**
- 4) The Director General (or an officer nominated by the Director General) agree that the inconsistencies with s117 Directions 2.1, 3.1 and 5.1 will be considered once the following Gateway conditions are met.**

Gateway conditions:

1) Council will need to obtain appropriate agreements from the landowner to ensure the longer term upgrades for infrastructure, including local roads and services are guaranteed as part of the servicing strategy for the Gulmarrad growth/urban release area.

2) Adequate flood free, safe, evacuation routes to and from the local road network will need to be identified. This will include addressing the stormwater issues (road overtopping) at Major Mitchell Drive to ensure the proposed residents have access to adjoining towns during flood events.

3) Provide an acceptable biodiversity outcome for the subject land (through negotiations with Office of Environment and Heritage (OE&H)) there should be meaningful offset or ameliorative solutions as part of the proposal. In addition the provision of a sustainable corridor connectivity through the development that is integrated with adjoining land to the north. It is also likely to include the provision of acceptable buffers to separate the vegetation from the residential blocks. Where appropriate these vegetated areas will also need to be designated an environmental zone to provide adequate protection.

4) Consultation with Roads and Maritime will need to include the noise implications for

Rezoning of land for residential subdivision on the northern side of Major Mitchell Drive, Gulmarrad

this proposal as a result of the Tyndale to Maclean Alternative Route adopted August 2011 (Pacific Highway Upgrade). The re-alignment has brought the proposed Pacific Highway route closer to the subject land. The distance between is now approximately 1.5 kilometres and while this may not be an issue, it has not been the subject of any consideration by the applicant or Council.

5) A set of LEP maps showing the proposed amendments to the Clarence Valley LEP 2011 should be included with exhibition material to provide the visual outcome of the objectives of the Planning Proposal.

Delegation to Council - Council has provided a positive response to questions listed for evaluation in regards to the issuing of an Authorisation for Delegation. However, there may be an objection to the Planning Proposal. If Council is unable to resolve objections, delegation should not be used.

Supporting Reasons : The reason for the conditions to the Gateway determination is to provide adequate protection, where appropriate, for the issues outlined above.

Panel Recommendation

Recommendation Date : 17-Jan-2013

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to include additional information regarding flooding, including identifying evacuation routes to and from the subject site and addressing stormwater issues at Major Mitchell Drive.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include maps prepared at an appropriate scale, which clearly illustrate the amendments proposed to Clarence Valley LEP 2011. The maps should clearly identify the subject site.
3. Prior to undertaking public exhibition, Council is to amend the planning proposal to demonstrate consistency with S117 Directions 2.1 Environmental Protection Zones and 5.1 Implementation of Regional Strategies by demonstrating how the proposal will address the long term viability of priority vegetation and habitat corridors. The planning proposal should consider meaningful offset or ameliorative solutions, in order to achieve an acceptable biodiversity outcome. Council is to consult the Office of Environment and Heritage regarding the above matters. Where appropriate, areas of significant vegetation should be zoned for environmental purposes.
4. Prior to undertaking public exhibition, Council is to consult with Roads and Maritime Services regarding noise implications, as a result of the Pacific Highway upgrade, including the Tyndale to Maclean Alternative Route. The planning proposal is to be amended to reflect the outcomes of this consultation.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Essential Energy
 - NSW Aboriginal Land Council
 - Department of Education and Communities
 - Office of Environment and Heritage

**Rezoning of land for residential subdivision on the northern side of Major Mitchell Drive,
Gulmarrad**

- Transport for NSW
- NSW National Parks and Wildlife Services
- NSW Rural Fire Services
- Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SIMON

Date:

30/1/2013