

Clarence Valley LEP 2011 – Rezoning of 40 Fairway Drive, South Grafton to enable the development of 85 residential allotments and 26 rural residential allotments.

Proposal Title : Clarence Valley LEP 2011 – Rezoning of 40 Fairway Drive, South Grafton to enable the development of 85 residential allotments and 26 rural residential allotments.

Proposal Summary : The planning proposal seeks to amend the provisions of Clarence Valley LEP 2011 that relate to Lot 37 DP 1104240, 40 Fairway Drive, South Grafton. The planning proposal will rezone part of Lot 37 from R5 Large Lot Residential to R1 General Residential and apply a nine (9) metre maximum building height to that part of the land being rezoned R1. The planning proposal will also remove the minimum lot size controls for the land proposed to be zoned R1 and reduce the minimum lot size for that part of the land retaining the R5 zone from 4000m² to 2000m².

PP Number : PP_2017_CLARE_001_00 **Dop File No :** 17/05255

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 5.10 Implementation of Regional Plans

Additional Information : It is recommended that the planning proposal should proceed subject to the following;

1. The planning proposal proceed as a 'routine' planning proposal.
2. Prior to community consultation the planning proposal is to be amended as follows:
 - a. the 'Explanation of Provisions' is to clearly indicate that the land proposed to be zoned R1 will not have a MLS applied to it;
 - b. the planning proposal is to include maps which show the existing and proposed zones, minimum lot size, and maximum building height. The maps should clearly indicate that the land proposed to be zoned R1 will not have a minimum lot size applying to it;
 - c. a time line for completion of the planning proposal is to be included;
 - d. the discussion on consistency with the MNCRS is to be deleted and replaced with discussion on the consistency with the North Coast Regional Plan 2036; and
 - e. the reference to "1(c)" zoned land on page 7 of the planning proposal is to be updated to reflect the Standard Instrument LEP zone used in the Clarence Valley LEP 2011.
3. Prior to community consultation further investigation of the potential for contamination of the site is to be undertaken and included with the documentation for community consultation. These additional investigations are to include either:
 - a. A site auditor statement from a NSW Environmental Protection Authority accredited site auditor confirming that the existing Phase 1 Site Contamination Assessment Report dated 9 June 2016 is adequate; or
 - b. A revised report including any necessary additional sampling and analysis that is

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consistent with the requirements of the Contaminated Land Planning Guidelines specified in State Environmental Planning Policy 55 - Remediation of Land and has been prepared to the satisfaction of Council.

4. A community consultation period of 14 days is necessary.
5. The planning proposal is to be completed within 12 months.
6. The RPA is to consult with the following State agencies and organisations;
 - a. NSW Environment Protection Authority, and
 - b. Office of Environment and Heritage - NPWS.
7. A written authorisation to exercise delegation be issued to Clarence Valley Council.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The proposal will enable the development of approximately 110 new residential lots in the South Grafton area.
2. The site is relatively unconstrained and has been identified for residential and rural residential purposes in the strategic planning framework.

Panel Recommendation

Recommendation Date : **07-Apr-2017**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the Acting Director Regions, Northern. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : **07-Apr-2017**

Gateway Determination : **Passed with Conditions**

Decision made by : **Regional Director, Northern Region**

Exhibition period : **14 Days**

LEP Timeframe : **12 months**

Gateway Determination : **1. Prior to community consultation the planning proposal is to be amended as follows:**

- the 'Explanation of Provisions' is to clearly indicate that the land proposed to be zoned R1 will not have a minimum lot size applied to it;
- maps which show the existing and proposed zones, minimum lot size, and maximum building height are to be included. The maps should clearly indicate that the land proposed to be zoned R1 will not have a minimum lot size applying to it;
- a time line for completion of the planning proposal is to be included;
- the discussion on consistency with the Mid North Coast Regional Strategy is to be removed and replaced with discussion on the consistency of the proposal with the North Coast Regional Plan 2036; and
- the reference to "1(c)" zoned land on page 7 of the planning proposal is to be updated to reflect the Standard Instrument LEP zone used in the Clarence Valley LEP 2011.

2. Prior to community consultation further investigation of the potential for contamination of the site is to be undertaken and included with the documentation for community consultation. These additional investigations are to include either:

- a site auditor statement from a NSW Environment Protection Authority accredited site auditor confirming that the existing Phase 1 Site Contamination Assessment Report dated 9 June 2016 is adequate; or
- a revised report including any necessary additional sampling and analysis that is consistent with the requirements of the Contaminated Land Planning Guidelines specified in State Environmental Planning Policy 55 - Remediation of Land and has been prepared to the satisfaction of Council.

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3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013) and must be made publicly available for a minimum of 14 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 Environment 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act:

- The NSW Environment Protection Authority
- The Office of Environment and Heritage – National Parks and Wildlife Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).

6. Prior to the LEP being made any maps that form part of the LEP amendment must meet the specifications in the current Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015).

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

Signature:



Printed Name:

Craig Diss

Date:

7 April 2017

