

Section

5

Rezoning Proposal

5.1 Rezoning Proposal

Council will consider the rezoning proposal and decide whether to prepare a draft local environmental plan pursuant the Environmental Planning and Assessment Act 1979. Any draft Local Environmental Plan (LEP) is then prepared by Council, with any necessary assistance from the proponent. Council will then again engage the community during the preparation of the Local Environmental Plan for Junction Hill.

5.2 Review Against Environmental Planning Policies

The following sets out how the proposed LEP would be consistent with existing provisions of State, Regional and Local Environmental Plans.



State Environmental Planning Policy No. 44 – Koala Habitat Protection

Peter Parker concluded in his Flora and Fauna Assessment that the site did not contain potential koala habitat.

State Environmental Planning Policy No.55 – Remediation of Land

The land has previously been used for cattle grazing. Black EARTH Environmental Services completed a Soil Contamination Assessment of the site in June 2007 pursuant to SEPP55. The report is included in **Appendix A**. Black EARTH Environmental Services concluded that *the site is suitable for rezoning subject to the implementation of a Plan of Management for the Koolkhan dip site* that exists on the south west corner of the site.

North Coast Regional Environmental Plan

The following Clauses of the *North Coast Regional Environmental Plan* are relevant to a consideration of the proposed development;

Clause 12 - Impact of development on agricultural activities

The council shall not consent to an application to carry out development on rural land unless it has first considered the

likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.

The latest mapping under the Draft Mid-North Coast Farmland Mapping Project identifies the site as regionally significant farmland. The site is identified in the Clarence Valley Residential Strategy as important flood free land for the urban expansion of Grafton. The land is sandwiched between the existing urban area of Junction Hill and the Koolkhan/ Trenayr Road industrial area. Trenayr Road provides a logical eastern interface between urban development and the extensive agricultural lands of the Clarence River flood plain. Communications with the Department of Planning (pers. comms. Greg Yates) indicate that because the land has been previously identified in a Departmental approved strategy for urban expansion the provisions of the Mid North Coast Farmland Mapping exercise do not apply to this land.

Clause 15 - Wetlands or fishery habitats

The council shall not consent to an application to carry out development for any purpose within, adjoining or upstream of a river or stream, coastal or inland wetland or fishery habitat area or within the drainage catchment of a river or stream, coastal or inland wetland or fishery habitat area unless it has considered the following matters:

- (a) the need to maintain or improve the quality or quantity of flows of water to the wetland or habitat,*
- (b) the need to conserve the existing amateur and commercial fisheries,*
- (c) any loss of habitat which will or is likely to be caused by the carrying out of the development,*
- (d) whether an adequate public foreshore reserve is available and whether there is adequate public access to that reserve,*
- (e) whether the development would result in pollution of the wetland or estuary and any measures to eliminate pollution,*
- (f) the proximity of aquatic reserves dedicated under the Fisheries Management Act 1994 and the effect the development will have on these reserves,*
- (g) whether the watercourse is an area of protected land as defined in section 21AB of the Soil Conservation Act 1938 and any measures to prevent soil erosion, and*
- (h) the need to ensure that native vegetation surrounding the wetland or fishery habitat area is conserved, and*
- (i) the recommendations of any environmental audit or water quality study prepared by the Department of Water Resources or the Environment Protection Authority and relating to the river, stream, wetland, area or catchment.*

The land is elevated well above the surrounding wetlands and Clarence River. Creeklines and low lying parts of the land will be included within public open space to ensure continuing protection and coordinated management of riparian areas.

Clause 29A - Natural areas and water catchment

1. *The council must not grant consent for the clearing of natural vegetation in environmental protection, scenic protection or escarpment preservation zones unless it is satisfied that:*
 - a) *the wildlife habitat will not be significantly disturbed by the proposed development, and*
 - b) *the scenery will not be adversely affected by the proposed development, and*
 - c) *an erosion and sediment control plan will be implemented which will successfully contain on the site any erosion or sediment caused by the proposed development.*

No clearing of natural vegetation is proposed. Two remnant vegetation corridors will be retained and embellished.

Clause 38 - Urban Land Release Strategy

The council should not prepare a draft local environmental plan which permits development that.....constitutes significant urban growth unless it has adopted an urban land release strategy for the whole of its local government area.

Council has adopted an urban release strategy for the whole local government area. The proposed LEP is in accordance with that strategy.

Clause 43 - Residential development

- (1) *The council shall not grant consent to development for residential purposes unless:*
 - (a) *it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land,*
 - (b) *it is satisfied that the proposed road widths are not excessive for the function of the road,*
 - (c) *it is satisfied that, where development involves the long term residential use of caravan parks, the normal criteria for the location of dwellings such as access to services and physical suitability of land have been met,*
 - (d) *it is satisfied that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles, and*
 - (e) *it is satisfied that site erosion will be minimised in accordance with sedimentation and erosion management plans.*

The proposed lot layout, achieves a range of dwelling densities depending on the attributes of the land. A variety of road types and treatments are proposed. The proposed roads have sufficient capacity to service the development. The road network is supplemented with a pedestrian/cycleway system that provides permeability throughout the residential area and provides connections to open space, recreation, the commercial hub and areas external to the land.

An erosion and sedimentation control plan will be prepared for the site at DA stage with a range of control devices including limitations on the extent of soil exposed at any one time, diversion drains, respreading of topsoil and seeding at the earliest opportunity following completion of earthworks to minimise impacts.



Clause 56A - Bus Services

In the preparation of a draft local environmental plan involving an alteration to the zoning of land which could give rise to the need for bus services or the revision of existing bus services, the council should take into consideration the guidelines in Technical Bulletin 19—Planning for Bus Services (published in 1989 by the Department of Planning and the Ministry of Transport at that time) to ensure that the draft plan allows for the provision of an adequate and efficient bus route system.

A link road has been provided between Trenayr Road and Summerland Way. This will provide an ideal bus route so that existing bus services can do a loop to return to Grafton.



Clause 58 Plan preparation—servicing urban areas

A draft local environmental plan should not permit development for urban purposes unless the council is satisfied in regard to:

- economic use of existing services,
- provision of reticulated water and sewer system at reasonable cost to each lot,
- consistency with any urban land release strategy, and
- provision of public transport facilities, pedestrian and cycleways.

The proposed development is immediately adjacent to an existing serviced urban area. The assessment by the team of experts has found that the development can occur with no or little need to augment existing services. The ready serviceability of the land is largely as a result of the land having been identified as future urban land for some time. Existing public transport, pedestrian and cycleways systems can also be readily integrated into the development.

Clause 61 Plan preparation—health and education facilities

A draft local environmental plan should not zone land for residential purposes on either urban or rural land unless:

- (a) the council is satisfied that:
 - (i) there is adequate access available from the proposed development to both health and education facilities, and
 - (ii) the proposed development is so located as to make the best use of existing health and education facilities, and

Higher order health and education facilities are located in Grafton. The development will importantly facilitate a more regular bus service to enable residents to access these services. Provision has been made in the Structure Plan for the provision of a private school in Junction Hill. Also it would be expected that a medical centre would be established in the commercial centre.

Clause 66 - Adequacy of community and welfare services

Before granting consent to a development application for the subdivision of land intended for residential or rural residential purposes, the council shall consider the adequacy of community and welfare services available to the land and take into account the results of that consideration.

Higher order community and welfare facilities are located in Grafton. Again a more regular bus service will enable residents to access these services. Provision has been made in the Structure Plan for the provision of child care and aged care services in Junction Hill.

Copmanhurst Local Environmental Plan 1990

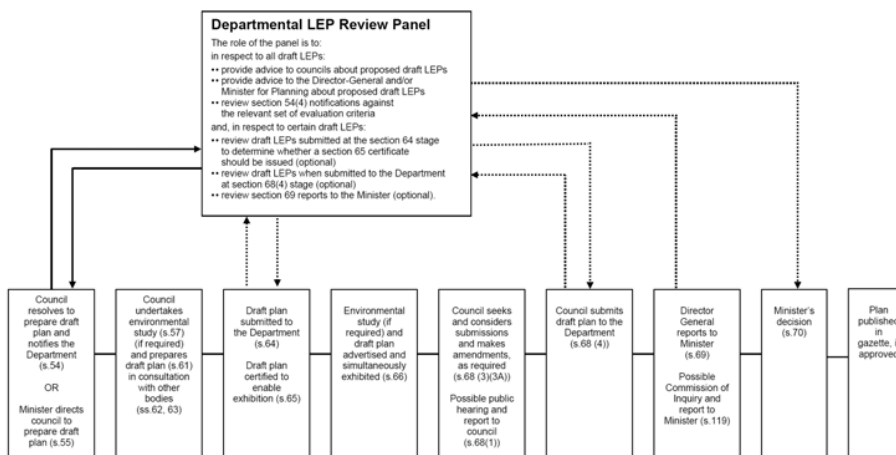
Copmanhurst Local Environmental Plan 1990 applies to the land. It is not proposed to alter any of the clauses contained in the Local Environmental Plan. The majority of land is proposed to be placed in Zone No. 2(a) (Village Zone). This zone provides sufficient flexibility to ensure the adopted Structure Plan can be fully implemented. It will only be necessary to alter the definition of “the map” contained in Clause 5 to the Plan.

5.3 NSW Department of Planning Information

The NSW Department of Planning issued a new circular on 16 February 2006 entitled “Local environmental plan review panel”. This Circular explains the role of the Department’s Local Environmental Plan Review Panel. The circular sets out the information the Director-General requires from Clarence Valley Council in notifying the Department (under section 54(4) of the *Environmental Planning and Assessment Act 1979*) of Council’s decision to prepare a draft local environmental plan. **Figure 5.1** is a copy of the flow chart from the Department’s circular that sets out the Local Environmental Plan process where the

Figure 5.1 Local Environmental Plan Making Process

Local Environmental Plan Process



Department’s Local Environmental Plan Review Panel is involved.

Under this new Departmental process the proposed Draft Local Environmental Plan (LEP) for Junction Hill is defined as “Precinct LEP, that is an LEP *involving part of a local government area (LGA)*”, e.g. *the city centre, and includes a review of general and specific planning policy and provisions.*

The following sets out the information that Council is required to submit to the NSW Department of Planning with a Precinct LEP.

Purpose of LEP:

- (a) Describe the **current** zoning / controls and **changes** proposed by the draft plan.

A large part of the site is within Zone No 1 (d) (Rural (Urban Investigation) Zone) under the provisions of Copmanhurst Local Environmental Plan 1990. There is a future road corridor across the northern part of land to allow for the deviation of Summerland Way. This land is contained within Zone No 5 (c) (Special Uses (Arterial Roads Proposed) Zone). The remainder of the land is within Zone No 1 (b) (Rural (Agricultural Protection) Zone) except for a small area within Zone No 1 (a) (Rural (General) Zone).

It is proposed to rezone the whole site to Zone No 2 (a) (Village Zone) except an area of “Park Residential”, in the north east corner of the site, which is proposed as Zone No 1 (c) (Rural (Small Holdings) Zone). The two areas that have been identified

as vegetation corridors in the Structure Plan will remain within their existing rural zoning. The Roads and Traffic Authority have advised that the future road corridor is no longer required. See **Plan 5.1** below.

- (b) Explain **why** it has been resolved to prepare the draft plan, i.e. what is triggering the need for the plan.

In 1998 and 1999 the then five local government authorities within the Clarence Valley, in association with the former Department of Urban Affairs and Planning, prepared an urban land release strategy for the Clarence Valley which identified *Junction Hill as having the potential to function as a major village with its own identity, providing the benefits of good local services to its residents and rural residential catchment while maintaining easy access to Grafton for higher order services.*

- (c) Provide compelling reasons, clearly stating the reasons for the proposed changes.

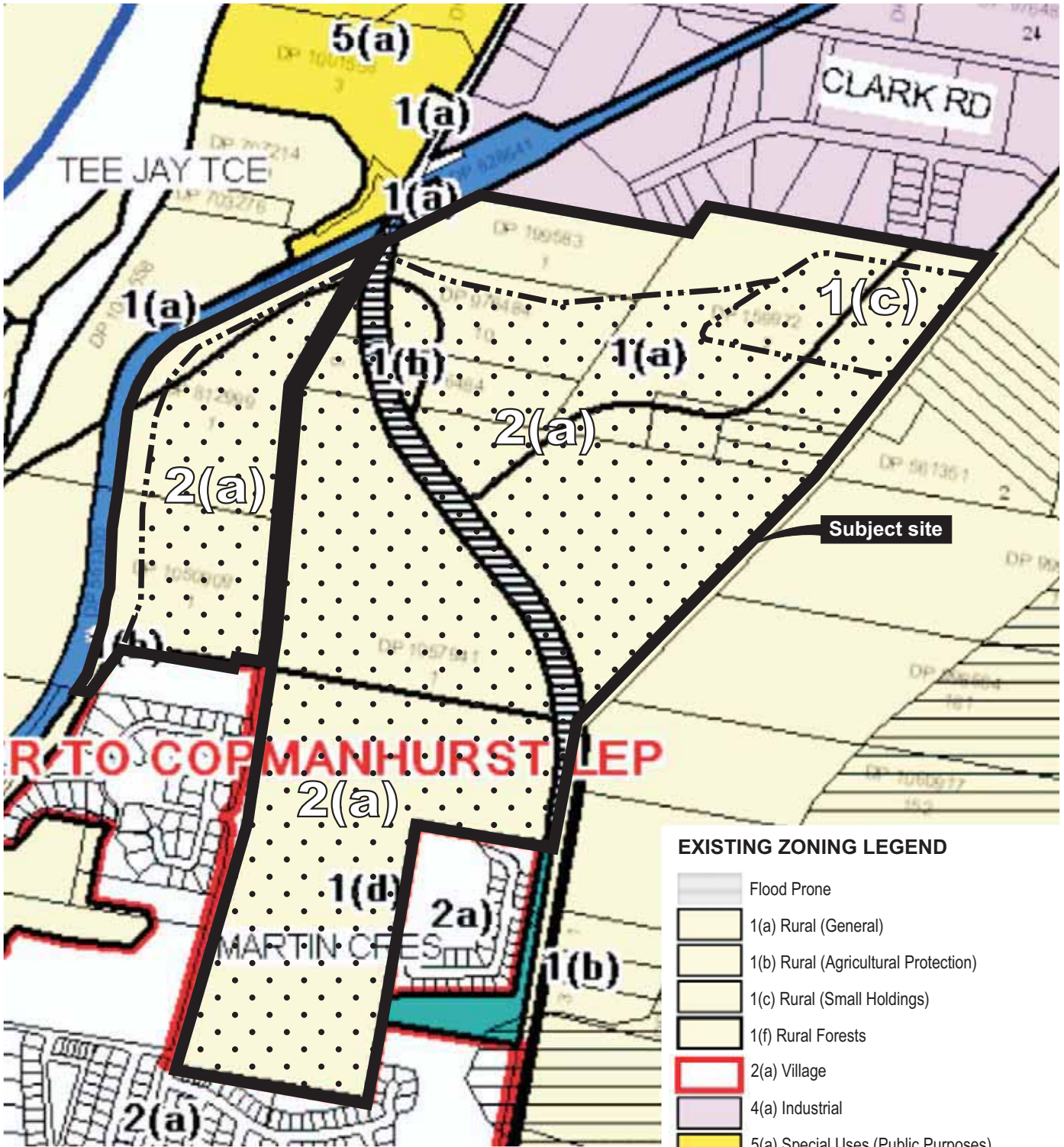
Junction Hill has had a steady rate of growth and the currently residentially zoned land is becoming scarce. More importantly this rezoning provides the opportunity to give this existing village a commercial and community hub.

- (d) Details of any environmental study to be prepared.

This report provides an extensive range of information and analysis that would be typically found in a formal Local Environmental Study under the Act.

- (e) Details of consultation procedures to be adopted in preparation of the plan

Consultation procedures during the preparation of the Local Environmental Plan will be for Clarence Valley Council to determine. However, extensive community and Government Department consultation has occurred during the preparation of this rezoning proposal and Structure Plan, including a Community Engagement Day on site.

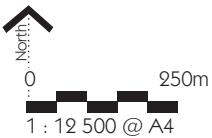


EXISTING ZONING LEGEND

- Flood Prone
- 1(a) Rural (General)
- 1(b) Rural (Agricultural Protection)
- 1(c) Rural (Small Holdings)
- 1(f) Rural Forests
- 2(a) Village
- 4(a) Industrial
- 5(a) Special Uses (Public Purposes)
- 5(b) Special Uses (Railways)
- 5(c) Special Uses (Arterial Roads Proposed)
- 6(a) Open Space
- 7(a) Environmental Protection (Wetlands)
- 8(a) National Parks and Nature Reserves

PROPOSED ZONING LEGEND

- Areas of proposed rezoning
- Proposed zone



Source: Clarence Valley Council 6.9.2007
 Date: September 2007
 01238-670

Plan 5.1

COMPARATIVE EXISTING/PROPOSED ZONING



Justification for LEP:

This should cover matters such as:

1. Policy and strategic context
 - (a) Consistency with State policy / council strategy

As stated above the proposed rezoning is consistent with the Clarence Valley Urban Land Release Strategy which was prepared in conjunction with the former Department of Urban Affairs and Planning.

The Draft Mid North Coast Regional Strategy identifies Grafton as a Regional Centre. Further the draft Strategy states that: *potential for new urban growth exists within the Grafton and Maclean areas, particularly within the suburbs of Clarenza and Junction Hill in Grafton*

- (b) Public interest reasons for preparing the draft plan

As well as providing further housing opportunities in conjunction with this identified regional centre the proposed rezoning importantly provides the opportunity to provide a commercial and community hub for this existing village.

- (c) Reference to studies and reports

The extensive reports in the appendices to this rezoning proposal provide analysis and justification for the proposed rezoning.

2. Location context - Compatibility with surrounding zoning and land use patterns

The proposed rezoning and Structure Plan integrates fully with the existing village zonings by providing the central hub for the village, providing traffic, transport and pedestrian links to the existing village while continuing the existing village theme of generous open space corridors with extensive pedestrian and bikeways. The proposed zonings also fully recognise the importance of the industrial area to the north by providing generous buffers between the industrial area and proposed residential areas.

3. Implications of not proceeding at that time

The residential growth of Junction Hill will be impeded and the area will continue to be only a dormitory suburb to Grafton with the residents relying heavily on the services of Grafton.

Evaluation against Criteria:

The following information is required specifically for a Precinct LEP;

1. Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?

Yes, as stated above the proposed rezoning is compatible with both the Clarence Valley Urban Land Release Strategy, which was prepared in conjunction with the former Department of Urban Affairs and Planning, and the Draft Mid North Coast Regional Strategy.

2. Will the LEP be consistent with agreed centres and sub-regional planning policy for development in the area?

Yes, as above.

3. Is the LEP located in a regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

Yes, the LEP is an identified growth area for the Regional Centre of Grafton via the Draft Mid North Coast Regional Strategy.

4. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

Yes, the LEP will provide for up to 4,000 m² of commercial floor space as well as employment opportunities associated with the establishment of a senior living centre and private school.

Additionally the Structure Plan for the site provides for the protection of the important employment generating lands, being the Koolkhan-Trenayr industrial area. Generous buffers have been provided to this land in the form of a vegetation corridor and an area of rural small holdings.

5. Will the LEP facilitate the provision of public transport?

Yes, a bus service presently provides limited bus transport to Grafton. The larger population and the proposed circulation route provided in the Structure Plan will improve the opportunities to provide a more regular service.

6. Will the LEP implement studies and strategic work consistent with State and regional policies?

Yes, the LEP will implement both the Clarence Valley Urban Land Release Strategy and the Draft Mid North Coast Regional Strategy.

