



KEMPSEY
Shire Council

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

14th February 2006

**DSDS5 PROPOSED REZONING – 153 MACLEAY
STREET, FREDERICKTON
DRAFT KEMPSEY LOCAL ENVIRONMENTAL
PLAN 1987 (AMENDMENT No 101)
FILE: T5-101 DNM**

SUMMARY:

Reporting that Council has received an application to rezone land at 153 Macleay Street, Frederickton to facilitate residential development.

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Applicant: DEX Consulting
Owners: N & P K Boyd
Subject Property: Lot 9, DP745274, Macleay Street, Frederickton
Zone: Rural 1(a3) Agricultural Protection

Background

Council has received an application to rezone the subject land from Zone Rural 1(a3) to Zone 2(v). ([Appendix F](#))

The rezoning will allow the subsequent construction of a dwelling on the land which is prohibited under the current zoning as the land does not enjoy a dwelling entitlement. The subject land is vacant with access from Macleay Street.

An open stormwater drain that drains the Cyrus Saul Circuit residential area flows through the adjoining lot to the east.

Approval has recently been granted for the construction of a dwelling to the east of the open drain. An existing house is located to the west of the land.

Relevant Planning Policies

North Coast Regional Environmental Plan

Clause 38 of the North Coast Regional Environmental Plan requires a draft environmental plan to be consistent with an urban land release strategy, with preference being given to urban growth on land that adjoins other land already being used for urban purposes. This land is not identified in Council's Residential Land Release Strategy as the site is infill development located within Frederickton, adjoining an existing urban development.

Flood Risk Management Policy

Council's Flood Risk Management Policy requires existing urban zoned areas to not be extended into flood prone land and development in urban residential areas being restricted to a single dwelling or non residential development. The site is not situated in a 1:100 year flood area, but is affected by local overland flows.

A preliminary hydraulic assessment prepared by the applicant identifies the site as being located above flood levels.

A preliminary assessment of the potential stormwater impacts confirms that only a small portion of the site is affected, with most of the site suitable for the construction of a dwelling.

REPORT IMPLICATIONS:

- ***Environmental***

No significant environmentally sensitive areas are affected by the rezoning.

- ***Social***

The proposed rezoning and subsequent construction of a dwelling will provide accommodation in the area.

- ***Economic (Financial)***

No significant economic impacts. It is anticipated costs for preparation of the draft LEP will be covered by the rezoning fee paid by the applicant.

- ***Policy or Statutory***

Section 54 of the Environmental Planning & Assessment Act considerations:

- *The draft LEP does not raise issues of State or Regional significance.*
- *Consultation with RTA will occur prior to public exhibition.*
- *No environmental study is considered necessary.*

This is an additional Strategic Planning Project not included in the Council adopted program. Consequently, progress of the draft LEP will depend on available resources, and other priorities.

RECOMMENDATION:

That Council in accordance with Section 54 of the Environmental Planning & Assessment Act, prepare a draft Local Environmental Plan to rezone Lot 9 DP 745274 Macleay Street Frederickton from Rural 1(a3) to Residential 2(v).

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES