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## Environment and Planning - 18 July 2019

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**ITEM 11.1**                      **Planning proposal for rezoning of land at Collector**

**FILE REFERENCE**    **I19/392**

**AUTHOR**                      **Manager of Environment and Planning**

### **ISSUE**

A Planning Proposal to rezone land at Collector from RU1 Primary Production to RU4 Small Lot Primary Production and E3 Environmental Management and reduce the minimum lot size from 40ha to 2ha, 10ha and 20ha respectively to enable the development of dwelling houses in support of the zone objectives.

### **RECOMMENDATION**    That -

- 1     Council prepare a planning proposal seeking a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by changing the zoning and lot sizes in Zoning Map LZN006 and Lot Size Map LSZ006;
- 2     Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan-making functions in accordance with the Environmental Planning and Assessment Act 1979; and
- 3     The applicant and consultant be advised of Council decision in this matter.

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### **BACKGROUND**

A planning proposal has been submitted for the property on behalf of the landowner. The proposal outlines an opportunity to protect some ecologically sensitive land while providing additional housing on adjacent property. The project is consistent with the direction of the review of the local plan and community consultation as well as the preliminary draft direction of the housing strategy.

The NSW Government has identified the need to review and update environmental planning instruments as part of its Local Strategic Planning Statements (LSPS) framework. The proposed rezoning is consistent with the public consultation outcomes and draft strategies for Collector.

Rather than wait for the Upper Lachlan Local Environmental Plan 2010 (LEP) review to conclude, the planning proposal should be dealt with to facilitate moderate change around Collector at what is likely to become the northern limit of urban development.

### **REPORT**

The request was received by Council on 12 March 2019.

The property is identified as Lots 20 and 21 DP 777962, Lots 29 and 75 DP 750008 and Lots 5, 6, 11, 13 and 17 DP 264152 with frontage to Breadalbane Road and the Federal Highway north of the village of Collector.

Following a review of the relevant documents, a meeting with the applicant and his representative held on 12 June 2019 resolved changes to the lot arrangements zoning and lot sizing.

The original replacement of RU1 zoning with RU2 Rural Landscape zoning and minimum lot sizes of 2ha was considered an inappropriate scale of development for Rural Landscape objectives.

The zoning objectives of RU4 for small lots better protects the retention of primary production values. RU4 also provides for economic growth for the nearby village of Collector and rural diversification rather than large lot residential development. The location next to the Federal Highway with access to the village imposes a growth boundary and housing diversity opportunity.

The associated changes to the Upper Lachlan Development Control Plan 2010 (DCP) respond to the master plan that accompanies the Planning Proposal. Building inclusion zones of 80m from roads seek to maximise the land available for agriculture and create an entrance to the village and an edge of town impression. The inclusion zone is to ensure that ancillary buildings do not incrementally reduce the productive land capacity of any site.

The use of covenants to manage outcomes were not supported; achieving the intent through appropriate zoning of E3 Environmental Management is preferred. The Amendment to the DCP also applies the 80m building zone and further includes a building pad of 2,000m<sup>2</sup> that is to contain both buildings and locate on-site sewer treatment. DCP rules ensure compact development and minimisation of the potential disturbance of ecological values in the E3 zone.

This report seeks a Council resolution to progress the planning proposal to Gateway determination and provides tighter controls in the DCP using a master plan.

Amendment to the Upper Lachlan Local Environmental Plan 2010 can precede changes to and will inform changes to the DCP.

## **POLICY IMPACT**

The Planning Proposal will result in an amendment to the Upper Lachlan Local Environmental Plan 2010.

## **OPTIONS**

The proposal conforms to the Regional Development Strategy regarding permissible density, protection of productive land capability and diversification of the rural economy. The proposal is also consistent with the Upper Lachlan strategies, including avoiding fragmentation of rural lands, providing for residential and economic growth and housing opportunity and will not detrimentally affect agricultural productivity.

The form of development resulting from the zone and lot size changes will provide a framework to support the growth of Collector and surrounding rural lands.

## ***Environment and Planning***

### **PLANNING PROPOSAL FOR REZONING OF LAND AT COLLECTOR** cont'd

The proposal is consistent with the Rural Lands SEPP and infrastructure, servicing and housing location requirements and all other relevant State, Regional and Local Planning policies.

One option would be to hold on to the zone and lot size changes until the LEP review is complete, however there are bigger issues to be managed through that process and preliminary investigations indicate that this proposal is consistent with the directions that the review will take.

Alternatively the amendment could be undertaken while the LEP review is developed and still follow a separate proposal path to ensure that it does not get held up by the comprehensive review process.

The preferred option is to deal with it as a separate item and consult with the community and government departments independently so that issues with this application don't hold up the review and vice versa.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

Approximately \$7,000 in staff resources.

### **RECOMMENDATION** That -

- 1 Council prepare a planning proposal seeking a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by changing the zoning and lot sizes in Zoning Map LZN006 and Lot Size Map LSZ006;
- 2 Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan-making functions in accordance with the Environmental Planning and Assessment Act 1979; and
- 3 The applicant and consultant be advised of Council decision in this matter.

### **ATTACHMENTS**

1.	Collector Rezoning Planning Proposal DP 777962 DP 750008 DP 264152 Letter to ULSC 16-06-19.pdf	Attachment
2.	Collector Lots 20, 21, DP 777962, 29, 75 DP 750008 Planning Proposal 15-06-19.pdf	Attachment

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 18 JULY 2019**

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**ITEMS 10.4,  
10.5 and 10.10  
176/19**

**INFORMATION ONLY ITEMS**

**RESOLVED** by Clr Searl and Clr McCormack

1. Items 10.4, 10.5 and 10.10 be received and noted.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, P Kensit, B McCormack, R Opie, D O'Brien, R Cummins, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 11: ENVIRONMENT AND PLANNING**

**ITEM 11.1 PLANNING PROPOSAL FOR REZONING OF LAND AT COLLECTOR**

**177/19 RESOLVED** by Clr Searl and Clr Cummins

1. Council prepare a planning proposal seeking a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by changing the zoning and lot sizes in Zoning Map LZN006 and Lot Size Map LSZ006;
2. Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan-making functions in accordance with the Environmental Planning and Assessment Act 1979; and
3. The applicant and consultant be advised of Council decision in this matter.

- CARRIED

**Councillors who voted for:-**

Clrs P Culhane, P Kensit, B McCormack, R Opie, D O'Brien, R Cummins, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil