

Planning Services

Gateway Determination Report

LGA	Walcha
PPA	Walcha Shire Council
NAME	Housekeeping Amendment 2018
NUMBER	PP_2018_WALCH_001_00
LEP TO BE AMENDED	Walcha LEP 2012
ADDRESS	Walcha LGA
DESCRIPTION	Housekeeping amendment to Walcha LEP 2012 to undertake various policy, landuse table and mapping changes
RECEIVED	14/06/2018
FILE NO.	EF18/8634
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal aims to undertake the following five housekeeping amendments:

- Item 2.1 To include the model boundary adjustment clause similar to other adjoining councils to provide additional flexibility for subdivisions that cannot be considered under clause 4.6 of the Standard Instrument LEP or SEPP (Exempt and Complying Development Codes) 2008;
- Item 2.2 To permit with consent detached dual occupancies in the RU1 Primary Production and RU4 Primary Production Small Lots zones similar to other adjoining councils;
- Item 2.3 Amend the landuse table for the RE1 Public Recreation Zone to permit signage with consent;
- Item 2.4 Apply a 2 hectare minimum lot size to land zoned E2 Environmental Conservation and E4 Environmental Living (Figure 1) to correct an error that occurred in the preparation of Walcha LEP 2012; and
- Item 2.5 Rezone Lot 50 DP 756473, 321 Bukeiro Road, Walcha (Figure 2) from E1 National Park and Nature Reserves to RU1 Primary Production and apply a minimum lot size of 100ha to correct an error that occurred in the preparation of Walcha LEP 2012.

Site description, Existing Planning Controls and Surrounding Area

Items 2.1, 2.2 & 2.3 relate to policy changes and effect the written document only. Their application is shire-wide across the applicable zones.

Item 2.4 relates to the following parcels of land south of the Walcha township that currently have no MLS as a result of a mapping error (Figure 1): The zoning for these lots will remain unchanged.

- Lot 7023 DP 1059151, being 60S Middle Street, Walcha
- Lot 4 Section 20 DP 759035, being 59S Middle Street, Walcha
- Lots 560, 561, 562, 563 DP 722828, being 190E-226E Croudace Street, Walcha
- Lots 202, 216 DP 756502, Lot 7 DP 1217346 and Part Lot 4 DP 1155108, 92 Oxley Drive, Walcha
- Part Lot 7006 DP 1051722, being TSR Oxley Highway, Walcha
- Part Lot 135 DP 756502, being 221 Oxley Highway, Walcha
- Part Lot 9 DP 244041 and Part Lot 2 DP 244043, being 74 Aberbaldie Road, Walcha
- Lot 12 DP 845268, Lot 14 DP 1090138 and Lot 1 DP: 546004, being Legge Street, Walcha
- Lot 15 DP 1090138, Lot 1 DP 244043, Lot 10 DP 703239 and Lot 2 DP 222609, being 101W Legge Street, Walcha
- Lot 32 DP 542807, being 51W Legge Street, Walcha

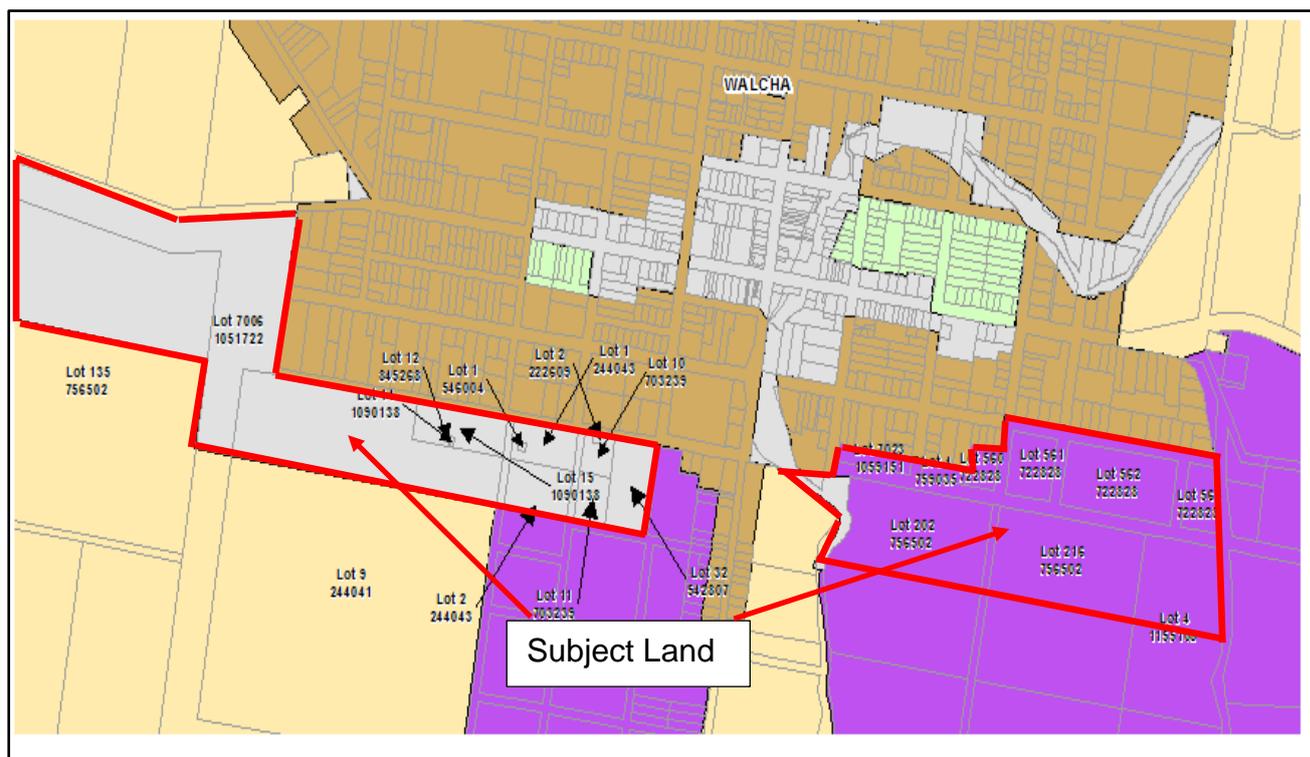


Figure 1 - Item 2.4 - subject lots

Item 2.5 relates to Lot 50 DP756473, 321 Bukeiro Road, Walcha (Figure 2). The planning proposal aims to amend the zoning from E1 National Parks and Nature Reserves to RU1 Primary Production and apply a MLS of 100ha.

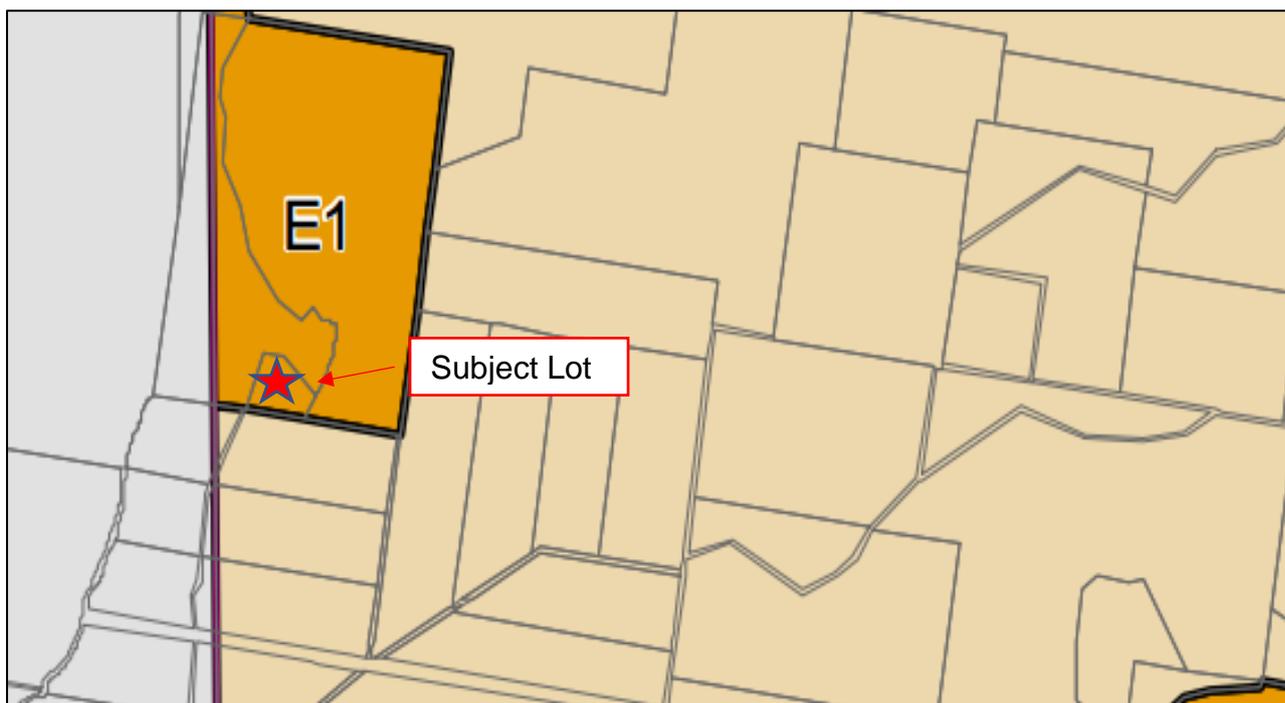


Figure 2 - Item 2.5 - Rezone from E1 to RU1 and apply a MLS of 100ha

Summary of recommendation

The proposal seeks to undertake various housekeeping alterations to address issues that have been identified during the operation of Walcha LEP 2012. The changes are considered reasonable and necessary to ensure the effective and efficient operation of the LEP and the proposal is supported subject to conditions.

PROPOSAL

Objectives or intended outcomes

The planning proposal has adequately outlined the objectives and intended outcomes. The overall intent of the planning proposal is to make various housekeeping amendments and to correct mapping errors

Explanation of provisions

The planning proposal provides an appropriate explanation of the proposed LEP amendments required to implement the objectives and intended outcomes. The proposed amendments are:

Item 2.1 – Inclusion of the model boundary adjustment clause in Part 4 of the LEP to enable council to consider boundary adjustments involving land in the RU1 Primary Production and RU4 Primary Production Small Lots Zones. Discussions have confirmed that Council also wish to have this clause broadened to include Zones E2 Environmental Conservation, E4 Environmental Living and R5 Large Lot Residential similar to clause 4.2C of Port Macquarie-Hastings LEP 2011. No objection is raised to the request;

Item 2.2 – Amend the landuse tables for Zones RU1 Primary Production and RU4 Primary Production Small Lots to permit detached dual occupancies by removing the reference to ‘Dual occupancies (attached)’ and replacing with ‘Dual occupancies’;

Item 2.3 – Amend the landuse table for the RE1 Public Recreation zone to permit ‘signage’ with consent;

Item 2.4 – Amend the minimum lot size map tile 7850_COM_LSZ_003B_020_0120829 to apply a minimum lot size of 2ha to land zoned E2 Environmental Conservation and E4 Environmental Living; and

Item 2.5 – Amend map tile 7850_COM_LZN_006_160_20120817 to rezone privately owned land at 321 Bukeiro Road from E1 National Park and Nature Reserves to RU1 Primary Production and amend map tile 7850_COM_LSZ_006_160_20120817 to apply a minimum lot size of 100ha.

Mapping

The planning proposal has included mapping that identifies the location and current planning controls applying to the E2 Environmental Conservation and E4 Environmental Living Zones and 321 Bukeiro Road, Walcha. Additional mapping that also shows the proposed planning controls for these two items should be included in the planning proposal prior to consultation.

NEED FOR THE PLANNING PROPOSAL

The planning proposal has not resulted from any strategic study or specific report.

The planning proposal has resulted from an operational review of the LEP since its commencement in 2012. This planning proposal represents the first suite of amendments made to the plan since this date and will undertake various refinements and corrections to allow the efficient and effective operation of the plan. The planning proposal is the appropriate and only means to undertake the necessary changes.

STRATEGIC ASSESSMENT

State

The planning proposal does not contain any matters of state or regional significance.

Regional / District

The planning proposal is considered to be consistent with the New England North West Regional Plan 2036.

The planning proposal currently includes discussion on the New England Strategic Regional Land Use Plan 2012. References to this plan should be removed prior to consultation as it was replaced in 2017 with the release of the New England North West Regional Plan 2036.

Local

The proposed amendments are considered to be consistent with Council's Department approved New England Strategic Alliance of Councils Development Strategy.

Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all applicable section 9.1 Directions except in relation to the following:

1.5 Rural Lands

The proposal is inconsistent with this Direction as it applies a minimum lot standard to land zoned E2 Environmental Conservation and E4 Environmental Living and is not consistent with all the rural planning principles contained in SEPP (Rural Lands) 2008. This inconsistency is considered to be of minor significance as the proposal

only seeks to amend a mapping error that occurred in the preparation of Walcha LEP 2012, the proposed 2ha minimum lot size is consistent with the planning controls that applied to the land under the former Walcha LEP 2000, and the primary use of the land is not for agriculture.

2.1 Environment Protection Zones

The proposal is inconsistent with this Direction as it reduces the environmental protection standards applying to 321 Bukeiro Road, Walcha, by rezoning the land from E1 National Park and Nature Reserves to RU1 Primary Production. This inconsistency is considered to be of minor significance as the proposal only seeks to amend a mapping error that occurred in the preparation of Walcha LEP 2012 that included the privately owned and cleared primary production land in the incorrect zone.

4.3 Flood Prone Land

This proposal is inconsistent with this Direction as the proposal to allow detached dual occupancies has the potential to increase the development potential of flood prone land. This inconsistency is considered to be of minor significance as Council's LEP contains appropriate flood controls that will allow this matter to be appropriately considered and addressed at the development application stage.

4.4 Planning for Bushfire Protection

The proposal applies to land that is bushfire prone, and until consultation with the NSW Rural Fire Service had been undertaken, the consistency of the proposal with the Direction remains unresolved.

State environmental planning policies

The planning proposal is considered to be consistent with all relevant SEPPs except SEPP (Rural Lands) 2008. The inconsistency of the proposal with this SEPP is considered to be of minor significance as discussed above in relation to section 9.1 Direction 1.5 Rural Lands. It is also noted that while clause 10 of SEPP 64 Advertising and Signage generally prohibits the display of advertisements in open space zones, provision is allowed for the display of advertisements at public sporting facilities. The proposal to amend the RE1 Zone to permit signage with consent is therefore consistent with the SEPP as many sporting facilities are located within the Walcha RE1 Zone.

SITE-SPECIFIC ASSESSMENT

Social/Economic

The planning proposal is unlikely to result in any detrimental socio-economic impacts within the LGA. It is considered that the proposal does have the potential to create positive social and economic outcomes as it will provide greater flexibility for boundary adjustments and detached dual occupancies in certain zones and permit signage with consent in the RE1 Public Recreation zone.

Environmental

It is not anticipated that the planning proposal will have any detrimental environmental impact on either the subject lots or the LGA in general. Any issues associated with boundary adjustments, detached dual occupancies or signage in the RE1 Zone can be appropriately considered and addressed at the development application stage. The application of a 2ha minimum lot size to the E2 and E4 Zones

is also considered likely to reduce any potential development pressure and associated land clearing within the areas.

Infrastructure

No new / additional local or State infrastructure has been identified as being needed as a result of the proposal.

Heritage

No items of heritage significance have been identified as being potentially impacted by the planning proposal.

CONSULTATION

Community

The proposal is considered to be of a low impact nature and a 14-day community consultation period is appropriate.

Agencies

It is considered appropriate that the following agencies be consulted:

- NSW Rural Fire Service.

TIME FRAME

The planning proposal has included a timeline that indicates completion in December 2018. Given that the planning proposal contains a range of changes to the LEP, it is considered appropriate that a nine (9) month timeframe be given to complete the proposal.

LOCAL PLAN-MAKING AUTHORITY

The proposal is consistent, or justifiably inconsistent with the State and regional planning framework, and deals primarily with matters of local significance. It is considered appropriate that Council be authorised as the local plan-making authority in relation to the proposal.

CONCLUSION

The proposal seeks to undertake various housekeeping alterations to address issues that have been identified during the operation of Walcha LEP 2012. The changes are considered reasonable and necessary to ensure the effective and efficient operation of the LEP and the proposal is supported subject to conditions.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones and 4.3 Flood Prone Land are minor or justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for public exhibition for a minimum of 14 days.
2. Consultation is to be undertaken with the following public authorities:
 - NSW Rural Fire Service
3. The time frame for completing the LEP is to be nine (9) months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to agency or community consultation, the proposal shall be amended to:
 - apply the proposed boundary adjustment clause (Item 2.1) to the additional zones of E2 Environmental Conservation, E4 Environmental Living and R5 Large Lot Residential;
 - remove the discussion on the New England Strategic Regional Land Use Plan 2012; and
 - include maps that clearly show the proposed zoning and minimum lot size for Items 2.4 (Include a minimum lot size in the E2 and E4 Zone) and 2.5 (Rezone land from E1 to RU1 Zone).



8/8/18

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10/8/2018

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