

# **PLANNING PROPOSAL**

**Under Section 3.33 of the EP&A Act**

## **Walcha Local Environmental Plan 2012 (Amendment No 1)**



Boundary Adjustments, Detached Dual Occupancy Dwellings in RU1 & RU4 Zones, Signage as Permissible Development in RE1 Zone, Correction of Minimum Lot Size for E2 & E4 Zones & Correction of Zone drafting error from E1 to RU1

May 2018

## Planning Proposal Status

STAGE	VERSION / DATE
	Blank until achieved
Draft	23 May 2018
Reported to Council	30 May 2018
Adopted by Planning Proposal Authority and referred to NSW Planning & Environment (sec 3.34)	
Gateway Panel determination (sec 3.34)	
Revisions required : Completed	
Public exhibition (where applicable) (sec 3.34)	
For Planning Proposal Authority review (sec 3.35)	
Adopted by Planning Proposal Authority for final submission to NSW Planning & Environment (sec 3.36)	

This Planning Proposal was prepared by Libby Cumming Planner in May 2018 as requested by Walcha Council.

Walcha Council will carry out the statutory processing of the Planning Proposal.

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# PART 1

## Objectives or Intended Outcomes

### 1.1 Overview

This Planning Proposal was prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to a proposed amendment to Walcha Local Environmental Plan (WLEP 2012).

The purpose of this report is to recommend that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting to place the Planning Proposal on public exhibition and to request plan making delegations in respect of this Planning Proposal under the provisions of Section 3.36 of the EP&A Act.

This Planning Proposal applies to all relevant RU1 Primary Production, RU4 Primary Production Small Lots, E1 National Parks and Nature Reserves, E2 Environmental Conservation and RE1 Public Recreation zoned land located in the Walcha Local Government Area.

There are five draft LEP amendments that are proposed in this Planning Proposal:

#### 1. **Boundary Adjustments**

To include the 'standard' LEP rural and environmental boundary adjustment clause in the WLEP 2012. The boundary adjustment clause provides flexibility for boundary adjustment subdivisions. The proposed clause replaces the variation provisions previously found in the repealed *State Environmental Planning Policy (SEPP) 1 Variations to Development Standards*.

#### 2. **Detached Dual Occupancy Dwellings**

To expand permissible uses within the rural zones to include detached dual occupancies with certain restrictions. The intended outcome is to permit detached dual occupancies within the RU1 and RU4 Zones while ensuring that they remain in close proximity to the primary dwelling, share the same access and remain on the same title.

#### 3. **Permit Signage in the RE1 Public Recreation Zone**

To permit signage in the RE1 Zone.

#### 4. **Introduce a Minimum Lot Size in the E2 and E4 Zones**

To rectify the omission of the Minimum Lot Size of 2 hectares during the conversion of the Walcha Local Environmental Plan 2000 to the Standard Instrument LEP in 2012.

## **5. Rezone Land from E1 to RU1**

To rectify a zoning drafting error on 5.6 hectares of land from E1 to RU1 which occurred during the conversion of the Walcha Local Environmental Plan 2000 to the Standard Instrument LEP in 2012.

## **1.2 Background**

Rural detached dual occupancy dwellings and rural boundary adjustment subdivisions were previously permissible with consent subject to justification and, in the case of boundary adjustments of land below the minimum rural lot size, a SEPP 1 variation. The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) provides for certain rural boundary adjustment subdivisions to be exempt development, however, there are exclusions to this exemption, including:

- lots that are wholly mapped as heritage items; and
- rural boundary adjustments that are not considered to be minor.

Therefore the Codes SEPP does not provide for all potential boundary adjustment subdivisions and LEP provisions that are required.

The subject Planning Proposal seeks to amend the WLEP 2012 to include appropriate provisions to enable rural detached dual occupancies and boundary adjustment subdivisions of rural lots within RU1 and RU4 zoned land that may result in the lots being slightly smaller than the minimum lot size.

A review of surrounding Councils shows that there is a genuine and justifiable need for detached rural dual occupancy dwellings and flexibility when dealing with rural boundary adjustment subdivisions.

Detached rural dual occupancy dwellings in rural and environmental zones are necessary for the following key reasons:

- To provide a degree of separation between dwellings to allow for privacy for 'intergenerational' families,
- the need for additional farm dwellings in simply to accommodate family members within an 'intergenerational' property.

Traditional reasons against the use of detached dual occupancies in rural areas have been:

- Raising expectations of future subdivision to separate rural dwellings;
- Impacts from additional road access driveways;
- Loss of agricultural land; and

Additional controls to manage detached dual occupancy dwellings will be included in any future Walcha Development Control Plan and will require consolidation of separate land parcels so that the primary dwelling and the detached dual occupancy reside on the same parcel, and specifications for the separation distance between the proposed detached dual and the primary dwelling.

Currently *signage* is prohibited in the RE1 Public Recreation Zone. It is considered that signage is a compatible use within this zone to be able to erect signage in certain recreational locations such as parks to display service club signage and tourist information, or the Showground that holds a number of events throughout the year. It is proposed to make it permissible in this zone with consent and additional controls to manage the size and type of sign will be included in any future Walcha Development Control Plan.

During a house keeping review of the maps relating to the WLEP, it was found that the previous subdivision minimum of 2 hectares was omitted, resulting in no current requirements on subdivision for this land. Also 5.6ha of land had been incorrectly zoned as National Park instead of Primary Production.

## Part 2

### Explanation of Provisions

The objectives of the Planning Proposal will be achieved by an amendment to the Walcha LEP 2012.

#### 2.1 Boundary Adjustment Provision

It is proposed to include an additional provision to facilitate boundary adjustments between lots if the adjustment will result in the lot size of one or more of the lots being less than the minimum lot size shown on the Lot Size Map in relation to that land, within the RU1 and RU4 zones, provided that the objectives of the relevant zones can be achieved.

This is in addition to the current provisions that do not allow this type of boundary adjustment to occur if there is a dwelling already situated on a lot the subject of a boundary adjustment.

The intent of the proposed provision is to allow a boundary adjustment as described above, provided that the consent authority is satisfied that:

- a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
- b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
- c) the potential for land use conflict will not be increased as a result of the subdivision

#### 2.2 Detached Dual Occupancy Provision

Definitions:

**Dual occupancy (detached)** means two (2) detached dwellings on one lot of land, but does not include a secondary dwelling.

**Dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

Presently, dual occupancies (attached) are permitted with consent in the RU1 Primary Production and RU4 Primary Production Small Lots zone. Dual occupancies (attached and detached) are permitted with consent in the R5 Large Lot Residential and E4 Environmental Living zone.

The WLEP 2012 already contains minimum lot size provisions relating to subdivision of land, therefore, prohibiting the severance of detached dual occupancy dwellings by subdivision of land into lots of below the minimum size for that land. Any other planning controls relating to dual occupancy development are to be provided in the future Walcha DCP, as mentioned earlier.

Presently, rural dual occupancies are required to be attached through the use of covered walkways, adjoining garages and other mechanisms for compliance. The proposed amendment will enable separation between dual occupancy dwellings provided both dwellings share a single access and are located within the one lot.

The objectives of the Planning Proposal in relation to detached dual occupancy development within rural zoned land can be achieved by:

- Removing "Dual occupancies (attached)" from the Land Use Table for RU1 and RU4 zoned land as a use that is permitted with consent ; and
- Including "Dual occupancies" in the Land Use Table for RU1 and RU4 zoned land as a use that is permitted with consent.

## 2.3 Permit Signage in the RE1 Public Recreation Zone

Definitions:

**Signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

The RE1 Public Recreation zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space. The uses may include *recreation facilities, community facilities* such parks, *environmental facilities, environmental protection works* and other uses compatible with the primary use of the land. The inclusion of *signage* as a permissible land use is considered to be acceptable as it is compatible with these uses to permit with consent the erection of appropriate signage for event identification and tourism promotion.

These issues relating to appropriate nature of signage, i.e. size, construction and location will be managed by controls in the proposed Walcha DCP.

The mechanism for amending the LEP and enabling *signage* is to include *signage* in the Land Use Table for RE1 zoned land as a use that is permitted with consent.

## 2.4 Include a Minimum Lot Size in the E2 and E4 Zone

A review of the WLEP found a drafting error in the conversion to the Standard Instrument LEP in 2012. It was found that the E2 and E4 zoned land listed below was not allocated a Minimum Lot Size. This implies that there are no subdivision controls on this land. The lots affected are all contained on Map LSZ\_003B and are:

- Lot 7023 DP 1059151, being 60S Middle Street WALCHA NSW 2354



- Lot 4 Section 20 DP 759035, being 59S Middle Street WALCHA NSW 2354
- Lots 560, 561, 562, 563 DP 722828, being 190E-226E Croudace Street WALCHA NSW 2354
- Lots 202, 216 DP 756502, Lot 7 DP 1217346 and Part Lot 4 DP 1155108, being 92 Oxley Drive WALCHA NSW 2354
- Part Lot 7006 DP 1051722, being TSR Oxley Highway WALCHA NSW 2354
- Part Lot 135 DP 756502, being 221 Oxley Highway WALCHA NSW 2354
- Part Lot 9 DP 244041 and Part Lot 2 DP 244043, being 74 Aberbaldie Road WALCHA NSW 2354
- Lot 12 DP 845268, Lot 14 DP 1090138 and Lot 1 DP: 546004, being Legge Street WALCHA NSW 2354
- Lot 15 DP 1090138, Lot 1 DP 244043, Lot 10 DP 703239 and Lot 2 DP 222609, being 101W Legge Street WALCHA NSW 2354
- Lot 32 DP 542807, being 51W Legge Street WALCHA NSW 2354

Under the Walcha LEP 2000 the land had a subdivision minimum of 2 hectares. It would be appropriate to use this as a Minimum Lot Size for this land as it is also adjoining similar land to the east and south.

## **2.5 Rezone Land from E1 and RU1 Zone**

A review of the WLEP found a drafting error in the conversion to the Standard Instrument LEP in 2012. It was found that Lot 50 DP 756473, being 321 Bukeiro Road WALCHA NSW 2354, was incorrectly zoned to E1 National Park & Nature Reserve. This land was zoned 1a General Rural under the Walcha Environmental Plan 2000. It is appropriate to revert this land back to the general rural zone, being RU1 Primary Production as the land is not owned by or operated as a NSW National Park or Nature Reserve, but rather adjoins it. It is also appropriate to amend the Minimum Lot Size for this land to 100ha so that it is similar to adjoining RU1 zoned land.

# Part 3

## Justification

### 3.1 Need for a Planning Proposal

#### ***Is the planning proposal a result of any strategic study or report?***

No.

Boundary adjustment subdivisions resulting in lots below the minimum rural lot size were previously dependent on a SEPP 1 variation to Clause 12A of the Walcha LEP 1988. SEPP 1 variations were removed with the implementation of the Standard Instrument LEP. Council's intention in preparing the WLEP 2012 was to complete a best fit transfer of the old LEP into the new format. This new provision complies with Council's intent and is based on similar approved LEP provisions for boundary adjustment subdivisions that have been adopted by other regional local government areas.

The need for detached dual occupancy dwellings in rural areas has been identified through the operation of the current WLEP since it came into force in 2012.

Additional detached dwellings within rural land is a traditional land use that can be readily managed by existing LEP provisions and the adoption of specific DCP controls relating to access and lot consolidation.

The need for signage in the RE1 zone has been identified through the operation of the current WLEP since it came into force in 2012.

To include the Minimum Lot Size on land zoned E2 and E4 is to correct a drafting error in the conversion to the Standard Instrument LEP in 2012.

To rezone land from E1 and RU1 is to correct a drafting error in the conversion to the Standard Instrument LEP in 2012.

#### ***Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The Planning Proposal is the best way to achieve the intended outcomes.

#### Net Community Benefit

There is a net community benefit by ensuring boundary adjustments are permissible. This is important where boundary adjustments are necessary for farm management purposes or to enable development to occur in a logical manner.

Removing the requirement for dual occupancy dwellings to be attached in rural areas will benefit the community by enabling appropriate separation between rural households. Farm dwellings

have traditionally be located nearby the main house to maintain a practical pedestrian connection between dwellings and to share resources such as gardens, fowl yards, orchards and outbuildings, however it is impractical to require attachment of those dwellings. Spatial separation is a practical means of providing privacy between households and maintaining the rural character of the landscape.

There is community benefit by allowing certain signage, which will be controlled by the future Walcha DCP in the RE1 Zone. It will assist particularly for advertising for community events such as markets, festivals and community trade days.

By allowing the E3 and E4 zones to regain an entitlement attached to the land which was forfeited by a drafting error in the Standard Instrument LEP conversion in 2012, is considered to have community benefit.

By allowing the rezoning from E1 and RU1 zones recognizes the true use and allows the permitted uses which were forfeited by a drafting error in the Standard Instrument LEP conversion in 2012, is considered to have community benefit.

#### Implications of Not Proceeding at this Time

Should the LEP amendment not proceed at this time, Council is unable to assess and determine logical boundary alteration subdivisions that do not meet the criteria of the Codes SEPP or to consider applications for detached dual occupancies within rural zoned land. Further signage would still be prohibited within the RE1 zone, the owners of land within the E3 and E4 zones would not be able to subdivide, and the E1 land permitted uses is restricted, and is recognized as being part of the adjoining National Park.

#### **Relationship to strategic planning framework.**

***Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The New England North West Strategic Regional Land Use Plan was prepared in September 2012 and applies to the land. The policy focuses on mineral resources and agriculture and is not particularly relevant to the subject planning proposal.

The New England North West Regional Plan 2036 is a 20-year blueprint for the future, and was prepared in 2017. It provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions. It is not particularly relevant to the subject planning proposal.

The proposal is consistent with applicable Section 9.1 directions as shown later in this report.

***Is the planning proposal consistent with the council's local strategy or local strategic plan?***

The New England Development Strategy (NEDS) was prepared to identify land use planning objectives and strategies to guide growth and change in the Walcha Local Government Area. The Strategy was endorsed by the NSW Department of Planning on 16 March 2010 and was prepared as context for the preparation of the standard template LEP conversion which is now the WLEP 2012

The Planning Proposal is consistent with the objectives of the NEDS for subdivision in rural areas *to provide for flexibility in overall land use management* and *to consider a farm adjustment clause* in the WLEP. Rural boundary adjustments are often necessary for efficient farm management purposes or to facilitate estate planning.

*'Strategic Actions- Planning provisions for development in rural areas'* of the NEDS includes developing policies for dwellings erected in conjunction with intensive agricultural production. The Planning Proposal will enable additional detached dwellings within agricultural land.

The NEDs also identified the trend towards smaller household sizes, indicating that more dwellings are required to house fewer people per dwelling. This trend occurs across urban and rural dwellings alike.

***Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?***

SEPP Rural Lands (2008)

The Planning Proposal is consistent with the SEPP Rural Lands (2008) as follows:

The aim of the SEPP is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. This SEPP does not directly relate to LEP amendments or Planning Proposals; however it does provide a number of 'Rural Planning Principles' to be considered when assessing development applications.

The rural planning principles are listed and addressed below:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable activities in rural areas.*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture*
- (c) *recognition of the significance of rural land uses to the state and rural communities, including the*
- (d) *in planning for rural lands to balance the social economic and environmental interests of the community*
- (e) *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;*
- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing;*
- (h) *ensuring consistency with any applicable regional strategy of the department of planning or any applicable local strategy endorsed by the director general.*

The Planning Proposal meets the Rural Planning Principles in the following ways:

- The proposed boundary adjustment clause requires the consent authority to consider whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- The proposed amendment will not result in any addition rural housing or subdivision entitlements as the amendments do not alter minimum lot size for subdivision or dwellings.
- The proposed boundary adjustment clause requires consideration of whether subdivision is appropriate having regard to the natural and physical constraints affecting the land.
- The proposal balances the social, economic and environmental interests of the community by enabling boundary adjustment subdivisions for improved land management opportunities for rural land holders where no adverse environmental impact will occur. Further it will provide for detached, rather than attached rural dual occupancy dwellings will increase the range of rural housing options permitted within rural zones.

The SEPP also provides the following Rural Subdivision Principles:

- (a) the minimisation of rural land fragmentation*
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses*
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands*
- (d) the consideration of the natural and physical constraints and opportunities of land*
- (e) ensuring that planning for dwelling opportunities takes account of those constraints*

As stated previously the amendment includes provisions to minimise potential land use conflicts. The Planning Proposal will allow for subdivision of rural and environmental zoned land only where it will not result in additional dwelling entitlements or land use conflicts. The amendment includes provisions to ensure that boundary adjustment subdivision occurs in a manner that is compatible with surrounded land uses. Existing legislative requirements (Sec 4.15 EP&A Act) requires consideration of natural and physical constraints when assessing development applications.

The proposed amendment will not affect the planned release of rural or environmental zoned land; rather it enables land to be subdivided in a manner that supports logical rural land management practices.

It is therefore considered that the Planning Proposal is generally consistent with the principles of the SEPP (Rural Lands) 2008.

#### SEPP No. 44 - Koala Habitat Protection

This SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

The Planning Proposal is consistent with the SEPP 44 as any future development arising from the LEP amendment(s) that may impact potential or core Koala Habitat must comply with SEPP 44.

Development proposals within land that is identified as potential or core Koala habitat that has an area of 1 ha or greater must be accompanied by a Koala Plan of Management prepared in accordance with SEPP requirements. This would be requested at the time of any future development application.

None of the actions within this Planning Proposal are directly affected by this SEPP and therefore the Planning Proposal is considered to be consistent with the SEPP.

#### SEPP No. 55 - Remediation of Land

*This SEPP introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.*

The Planning Proposal is consistent with the SEPP 55 as any development proposals must be accompanied by Preliminary or Detailed Contamination assessments depending previous land uses, the nature of the development. The determining authority must be certain that land is suitable for a proposed land use.

None of the actions within this Planning Proposal are directly affected by this SEPP and therefore the Planning Proposal is considered to be consistent with the SEPP.

#### SEPP (Infrastructure) 2007

SEPP (Infrastructure) is a wide-ranging document that covers a myriad of issues and processes. None of the actions within this Planning Proposal are directly affected by this SEPP and therefore the Planning Proposal is considered to be consistent with the SEPP.

#### SEPP No. 64 – Advertising and Signage

SEPP No 64 applies to advertising and signage within NSW and the relevant aims of the policy as it applies to this PP are:

This Policy aims:

- (a) to ensure that signage (including advertising):
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high quality design and finish, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport facilities

The permissibility of signage with consent in the RE1 zone along with development standards specified within a future development control plan ensures consistency with the aims of this Policy and is considered to be consistent with the SEPP

#### ***Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?***

The Planning Proposal is consistent with the applicable 9.1 Directions as shown in the following

table:

**TABLE OF CONSISTENCY WITH 9.1 DIRECTIONS**

<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>1.2 Rural Zones</b>	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within existing or proposed rural zone (including the alteration of any existing rural zone boundary).
CONSISTENCY	Yes The Planning Proposal does not contain provisions that will increase the permissible density of land within a rural zone.
<b>1.3 Mining, Petroleum Production and Extractive Industries</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>1.4 Oyster Aquaculture</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>1.5 Rural Lands</b>	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary).
CONSISTENCY	Yes A planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The Planning Proposal is consistent with the Rural SEPP as demonstrated in this report.

<b>2. Environment and Heritage</b>	
<b>2.1 Environment Protection Zones</b>	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	<p>This direction applies when a relevant planning authority prepares a Planning Proposal.</p> <p>A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</p>
CONSISTENCY	<p>Consistent - It is not considered that the Planning Proposal reduces the current environmental protection standards but rather corrects drafting errors. The MLS of 2 ha is considered as being appropriate having regard to the natural and physical constraints affecting the land.</p>
<b>2.2 Coastal Protection</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>2.3 Heritage Conservation</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>2.4 Recreation Vehicle Areas</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>3. Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>3.2 Caravan Parks and Manufactured Home Estates</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>3.3 Home Occupations</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>3.4 Integrating Land Use and Transport</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>3.5 Development Near Licensed Aerodrome</b>	
RELEVANT TO PLANNING PROPOSAL	No



<b>3.6 Shooting Ranges</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>4. Hazards and Risk</b>	
<b>4.1 Acid Sulfate Soils</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>4.2 Mine Subsidence and Unstable Land</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>4.3 Flood Prone Land</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>4.4 Planning for Bushfire Protection</b>	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land.
CONSISTENCY	<p>Consistent - Development for detached dual occupancy dwellings and boundary adjustment subdivisions within bushfire prone land will be subject to assessment against <i>Planning for Bushfire Protection 2006</i>.</p> <p>The land to be rezoned is classified as being bushfire land and is classified as being affected by Buffer area only. This is because the land is cleared and contains a dwelling. Any future development will be subject to assessment against <i>Planning for Bushfire Protection 2006</i>.</p>
<b>5. Regional Planning</b>	
<b>5.1 Implementation of Regional Strategies</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>5.2 Sydney Drinking Water Catchments</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>5.9 North West Rail Link Corridor Strategy</b>	
RELEVANT TO PLANNING PROPOSAL	No

<b>5.10 Implementation of Regional Plans</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
CONSISTENCY	Substantially consistent with this direction.
<b>6.2 Reserving Land for Public Purposes</b>	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal.
CONSISTENCY	Consistent - Allowing signage as a permissible use within the RE1 zoned will have minimal impact upon land reserved for public purposes. It is considered to be a compatible use.
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
RELEVANT TO PLANNING PROPOSAL	No
<b>7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
RELEVANT TO PLANNING PROPOSAL	No

## 3.2 Environmental, Social and Economic Impact

***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No. The Planning Proposal will have no adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats. Development Applications for boundary alterations, subdivisions or detached dual occupancies will be subject to normal merit assessment.

***Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

It is unlikely that the Planning Proposal will result in any adverse environmental impacts. Development applications received under the proposed new provisions will require appropriate consideration of the potential for impacts to environmental values of the land and the natural and physical constraints of the land.

***Has the planning proposal adequately addressed any social and economic effects?***

Yes, the Planning Proposal will enable logical boundary adjustment subdivisions to occur that, in some cases, will facilitate appropriate social and economic outcomes, for example, farm adjustments for estate planning purposes.

Beneficial social and economic impact will arise from increasing the range of permissible housing choices in rural areas.

## 3.3 State and Commonwealth Interests

***Is there adequate public infrastructure for the planning proposal?***

There are no additional infrastructure requirements arising from the Planning Proposal.

***What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

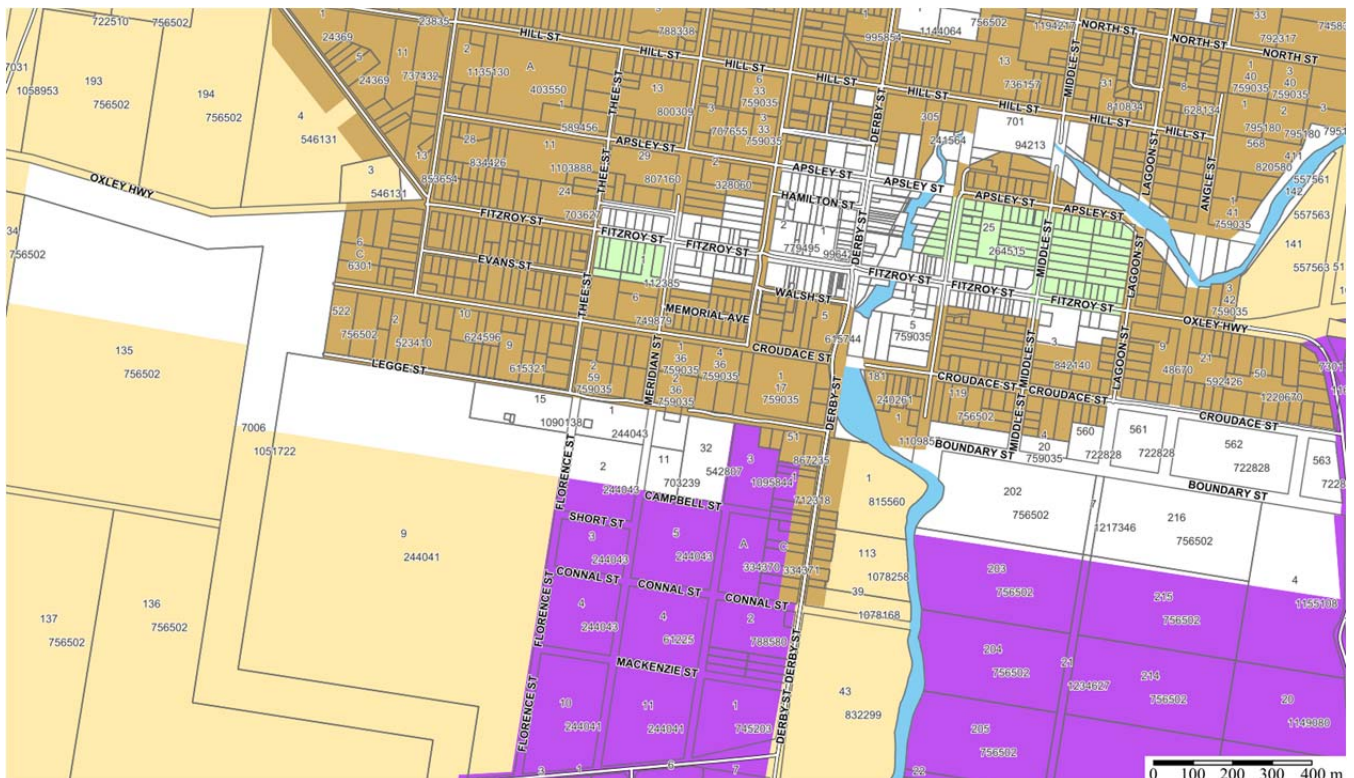
NSW Planning and Environment will indicate their views during the Gateway determination of the proposal. Consultation will occur with other state agencies following Gateway assessment and/or determination.

# Part 4

## Mapping

### 1. Map LSZ\_003B.

The lots affected are Lot 7023 DP 1059151, being 60S Middle Street WALCHA NSW 2354; Lot 4 Section 20 DP 759035, being 59S Middle Street WALCHA NSW 2354; Lots 560, 561, 562, 563 DP 722828, being 190E-226E Croudace Street WALCHA NSW 2354; Lots 202, 216 DP 756502, Lot 7 DP 1217346 and Part Lot 4 DP 1155108, being 92 Oxley Drive WALCHA NSW 2354; Part Lot 7006 DP 1051722, being TSR Oxley Highway WALCHA NSW 2354; Part Lot 135 DP 756502, being 221 Oxley Highway WALCHA NSW 2354; Part Lot 9 DP 244041 and Part Lot 2 DP 244043, being 74 Aberbaldie Road WALCHA NSW 2354; Lot 12 DP 845268, Lot 14 DP 1090138 and Lot 1 DP: 546004, being Legge Street WALCHA NSW 2354; Lot 15 DP 1090138, Lot 1 DP 244043, Lot 10 DP 703239 and Lot 2 DP 222609, being 101W Legge Street WALCHA NSW 2354; Lot 32 DP 542807, being 51W Legge Street WALCHA NSW 2354 and are all contained on this map. The change will show that they all have a Minimum Lot Size of 2 hectares.



Source: Walcha Geographical Information System

## **2. Map LZN\_006.**

The lot affected is Lot 50 DP 756473, being 321 Bukeiro Road WALCHA NSW 2354 and is all contained on this map. The change will show the lot being rezoned from E1 to RU1.



**Source: Walcha Geographical Information System**

### 3. Map LSZ\_006.

The lot affected is Lot 50 DP 756473, being 321 Bukeiro Road WALCHA NSW 2354 and is all contained on this map. The change will show a minimum lot size of 100ha.



Source: Walcha Geographical Information System

## Part 5

### Community Consultation

In accordance with Section 3.34 of the EP&A Act 1979, this Planning Proposal must be approved under a Gateway.

*A guide to preparing local environmental plans*, the subject proposal meets the following definition of being a low impact Planning Proposal:

*A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:*

- *consistent with the pattern of surrounding land use zones and/or land uses*
- *consistent with the strategic planning framework*
- *presents no issues with regard to infrastructure servicing*
- *not a principal LEP*
- *does not reclassify public land.*

It is proposed this Planning Proposal should be exhibited for a period of fourteen (14) days in local newspaper publications, including the Apsley Advocate and the Walcha News, also on Council's Website.



# Part 6

## Project Timeline and Conclusion

### 6.1 Project Timeline

Planning Proposal Process Outline									
Estimated timeframe	2018-19								
	M	J	J	A	S	O	N	D	J
Report to Council / Resolution to refer to NSW Planning and Environment for Gateway determination	X								
Refer to NSW Planning and Environment	X								
Completion of additional information			X						
Government agency consultation				X					
Commencement and completion of public exhibition				X					
Public hearing (if required)				X					
Consideration of submissions					X				
Post submission amendments (if required)						X			
Planning Proposal Authority to finalise LEP							X		
Date of (making) amendment to LEP								X	

### 6.2 Conclusion

The ability for rural land owners to be able to undertake routine boundary adjustments is considered to be a valid and sustainable approach to land management. It allows property owners to look at best practice when it comes to management of their farms whether that is protection of environmental values, agricultural viability of the land or for estate management.

The subject Planning Proposal provides a logical additional clause to the WLEP 2012 that has been "tested" in other regional local government areas and addresses a "gap" in the standard instrument LEP template.

Including detached dual occupancy dwellings within rural and environmental zones is a minor but important addition to the range of permissible housing options available for rural households.

A review of surrounding Councils shows that there is a genuine and justifiable need for:

- Flexibility when dealing with rural boundary adjustment subdivisions,



- b. Detached rural dual occupancy dwellings,
- c. Inclusion of signage as a permissible land use in the RE1 zone, and
- d. Correct a previous drafting error in the Walcha LEP 2012 and include a minimum Lot Size for E2 and E4 zoned lands and the rezoning of land from E1 to RU1.

The proposed amendments are recommended to keep the Walcha LEP 2012 up-to-date and accurate and to provide the best balance in effective planning to achieve and facilitate good development outcomes. Given the complexity of the LEP document this is an important continuous improvement process.

As demonstrated in this report, the Planning Proposal is consistent with the objectives of the relevant Section 9.1 Ministerial Directions, Council's Strategic Planning reports and relevant State Environmental Planning Policies.

It is recommended that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting permission to place the Planning Proposal on public exhibition.