

GENERAL MANAGER'S REPORT TO COUNCIL

(continued)

SECTION:	Planning – Division Decision
ITEM NUMBER:	Item 5
SUBJECT:	Planning Proposal for Lots 1 – 7 DP 1168505, Devoncourt and Panhandle Roads, Uralla
File Reference:	
Reason:	To consider planning proposal.
Objective:	To protect the conservation area found on the lots contained within DP 1168505.
Budget Implication:	Nil
Operational Plan:	Principle Activity 5.1

Information:

A planning proposal has been prepared:

1. To provide protection for the high conservation values (flora and ecological community) located on Lot 1 DP 1168505 Devoncourt Road, Uralla and Lots 2 – 7 DP 1168505, Panhandle Road, Uralla (DP 1168505).
2. To correct drafting errors in Uralla Local Environmental Plan 2012.

A copy of the planning proposal is in Attachment A.

Rezoning of Land in DP 1168505

Council resolved at its meeting in April 2010 to "Rezone the land within the subdivision as conservation in the next Local Environmental Plan as the appropriate Environmental Protection Zone". This decision was intended to recognize and to better define the conservation area and to help protect the nationally listed critically endangered ecological community being the White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grasslands that concurrence was sought under the NSW *Threatened Species Conservation Act* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act* for DA 36/2008 - Schutte .

Following a detailed consideration of the various studies that have been undertaken and in consultation with Department of Planning & Infrastructure (DP&I) regional staff, it is proposed that the land be zoned as E3 Environmental Management. The objectives of this zone are:

- To protect, manage and restore areas of special ecological, scientific, cultural or aesthetic values; and
- To provide for a limited range of development that does not have an adverse effect on those values.

Given that the subject land has had Section 88B instruments (covenants) placed on the titles which restricts development to areas not containing the ecological values to be protected, the E3 zone will provide an appropriate level of protection for the identified areas.

In relation to Lot 7 DP 1168505 Panhandle Road, Uralla, to vary the minimum lot size from 2 ha to 5 ha to ensure that no further subdivision (other than that already approved) is able to be undertaken.

GENERAL MANAGER'S REPORT TO COUNCIL

(continued)

Correction of Drafting Errors

The need for the proposed variation to Clause 4.2A was identified when considering the appropriate zone for the above land, and is based upon advice from the DP & I Regional Office.

Clause 4.2A of Uralla LEP 2012 includes provisions for the erection of dwelling houses on land in certain rural and environmental protection zones. Sub-clause 2(c) refers to Zone E2 Environmental Conservation and appears to confer a pathway for the approval of a dwelling on E2 land in some circumstances. However, the Land Use Table expressly prohibits dwelling houses in E2 and thus reference to Zone E2 in clause 4.2A is at odds with this. Advice from the Department of Planning is that the Land Use Table should take precedence over this clause, and thus it is proposed to remove Zone E2 Environmental Conservation as land to which Clause 4.2A applies to clarify this matter.

Prepared By: Libby Cumming, Manager of Planning

Prepared For: General Manager

Recommendation:

That Council

1. Approve the planning proposal for lots 1 – 7 DP 1168505, Devoncourt and Panhandle Roads, Uralla as Amendment 1 to the Uralla Local Environmental Plan 2012,
2. The planning proposal be forwarded to the Department of Planning & Infrastructure for a Gateway Determination,
3. The General Manager be given delegated authority to make any minor alterations requested by the Department of Planning & Infrastructure; and
4. Advertise the Planning Proposal as per the provisions of Section 57 of the Environmental Planning & Assessment Act, 1979 once a Gateway Determination has been issued.

Attachments to the Item 5 Report

INDEX OF ATTACHMENTS

The Following Documents are included as Attachments to the Preceding Report:

Attachment Name	Pages
A: Planning Proposal for Lots 1 – 7 DP 1168505, Devoncourt and Panhandle Roads, Uralla.	7

GENERAL MANAGER'S REPORT

Planning (continued)

Item 5 - DIVISION DECISION

Planning Proposal for Lots 1 – 7 DP 1168505, Devoncourt and Panhandle Roads, Uralla

342/12 MOVED/ CARRIED (Crs R Spreadborough / M Pearce)

That Council:

1. Approve the planning proposal for lots 1 – 7 DP 1168505, Devoncourt and Panhandle Roads, Uralla as Amendment 1 to the Uralla Local Environmental Plan 2012;
2. Forward the planning proposal to the Department of Planning & Infrastructure for a Gateway Determination;
3. Delegate Authority to the General Manager to make any minor alterations requested by the Department of Planning & Infrastructure; and
4. Advertise the Planning Proposal as per the provisions of Section 57 of the Environmental Planning & Assessment Act, 1979 once a Gateway Determination has been issued.

MP

A Division was called and the result was as follows:

FOR: K Dusting, M Dusting, R Filmer, M Pearce, R Spreadborough,
S Powley, I Strutt, K Ward

AGAINST: Nil

ABSENT: L Wilson

Cr K Dusting left the meeting at this time (2:45pm) and returned at 2:47pm.

Item 6

Development Determination Advisory Unit Notes

U07/171

On advice from the Director of Engineering Services, the item within the Recommendation relating to a request from Hawkins, Hook & Co, for release of a Bond, was withdrawn.

343/12 MOVED/ CARRIED (Crs M Dusting / M Pearce)

That Council consider the Report on consideration of submission for the Draft Amendment Uralla DCP 2011.

MP

Item 7 - DIVISION DECISION

Amendment to Uralla Development Control Plan 2011

U07/6412

344/12 MOVED/ CARRIED (Crs R Spreadborough / M Pearce)

That Council adopt the amendment to the Uralla Development Control Plan 2011.

MP

A Division was called and the result was as follows:

FOR: K Dusting, M Dusting, R Filmer, M Pearce, R Spreadborough,
S Powley, I Strutt, K Ward

AGAINST: Nil

ABSENT: L Wilson