



MINUTES

**of the
Ordinary Meeting
Held
11 December 2013**

Director Environmental Services

12. DEVELOPMENT APPLICATIONS

(DES/P25-010)

The following development applications were approved with conditions, from 8.11.2013 to 2.12.2013.

DA No	Development	Applicant/Owner	Site of Development
20/14	Community Health Centre	Lockhart and District Community Services	93 Green Street, Lockhart
25/14	Inground swimming pool	D Schneider	"Lallarook", Yerong Creek
27/14	Relocation of existing shed	Lockhart and District Historical Society	Greens Gunyah Museum, Green Street, Lockhart
28/14	New dwelling	S Vieira	9 Milne Road, The Rock
29/14	Extension to dwelling	J & A Alexander	"Bonnie Brae", Boree Creek
30/14	New shed	R Lavender	88 Reid Street, Lockhart
31/14	Addition and extensions to dwelling	M & R Day	646 Lockhart-Kywong Road, Lockhart

Recommendation: That the information be noted.

391/13 RESOLVED on the motion of Crs Verdon and Schirmer that the information be noted.
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13. ADDITIONAL INFORMATION – PROPOSAL TO AMEND THE LOCKHART ENVIRONMENTAL PLAN 2012

(DES/P25-030)

Please Note: At Council's request, Peter O'Dwyer from EDM Group (Council's planning consultants) workshopped this item with Councillors prior to the commencement of the Council meeting to provide clarification and consensus on several of the proposals recommended.

Executive Summary

Council resolved at its October meeting to delay a decision on a report into proposed amendments to the Lockhart Local Environmental Plan 2012 until clarification was sought on a number of concerns raised.

These explanations were forwarded to Councillors on Tuesday 26 November 2013 and are listed in this report to enable further discussion.

Report

Following Council's decision to hold-over a decision on this matter until additional information was sought; contact was made with the planning consultants (EDM Group) seeking clarification on a number of points listed in the report. The consultants duly responded to these concerns. This response, along with additional comments of clarification from Council staff, were forwarded (via email) to Councillors on 26 November. This email also contained an invitation to raise any further concerns that may have arisen since the October meeting. The consultant's comments and remarks are again listed below for Council's information:

"Councillors

Following the last meeting I have contacted the planning consultant and requested a comment on the concerns raised. These comments have arrived and are listed below for your perusal and comment. Should you require any additional information regarding this matter please do not hesitate to contact myself or David. I have also placed a comment after each explanation in an attempt to clarify the situation further.

Should you still require the consultant to attend the December meeting please respond via email so that suitable arrangements can be made.

Regards
Duncan Bains"

From: Peter O'Dwyer
Sent: Friday, 22 November 2013 5:28 PM
To: Bob Crawford
Subject: Lockhart LEP Planning Proposal

"Hello Duncan

I note the three main concerns raised by Council and provide the following initial response.

Area G: Industrial Zone. *The area identified for the initial rezoning of the southern area only is consistent with feedback from the Council workshop and is considered also to be in line with the Recommendation 10.3.9 of the Industrial Lands Strategy. (NOTE: However if there was to actually be closer consideration of the Industrial Lands Strategy it would become apparent that no rezoning of land in the vicinity of Area G was recommended until a feasibility analysis was undertaken.) The Council workshop was made aware of this recommendation but instead wanted to press on with Area G as per page 42 of the Study. In addition it was noted in discussion that the northern area was closer to existing and recommended residential land which may result in additional landuse conflict issues down the track.*

Comment: *this explanation is self-explanatory with the reasons being given for the area that was eventually decided upon. Creating a buffer between conflicting land uses is essential if proper use of each zone is to be realised.*

Area B: Large Lot Residential. *The lot size provisions (2ha and an average of 3ha) were recommended within the Residential Lands Strategy (see page 22 of the study). It was also further discussed at the Council workshop that there were more than enough existing lots in this precinct to encourage large lot residential without need for further subdivision. In respect of the 1.3ha lots it is highly unlikely that "unnecessary subdivision" would occur as overall lot yield would significantly decrease. That is, you'd need 5 x 1.3 ha blocks to get at least 6ha that then could be subdivided into only 2 lots (i.e. average lot size of 3ha). It was also acknowledged at the workshop that a minimum lot size of 2 ha would however allow the landowner/s in the southern half to re-subdivide or reconfigure land boundaries of these larger lots if required so as to achieve a more functional lot layout. Otherwise if no subdivision was to occur in this part of the precinct there would still be dwelling entitlements on a per existing lot basis. There are no "existing holding" provisions proposed.*

Comment: *the important matter of note with this explanation is that an existing allotment can be used for residential purposes and does not require to be amalgamated or subdivided whichever the case may be. Therefore an existing allotment of 1.3Ha may be used for the construction of a dwelling. However the larger allotments can only be subdivided down to 2Ha. This requirement has been put in place to prevent the over population of this area which may result in unnecessary pressures being applied to various services such as waste management systems.*

General Industrial Zones: The General Industrial zone was selected for flexibility reasons. It permits light industry while restricting heavy industry. (i.e. heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.) The Land use table was modelled on the neighbouring Conargo Council's LEP 2013 that has also adopted the use of this zone. If however Council wanted even greater flexibility in the selected zone then the range of prohibited uses can be further modified (e.g. delete rural industries making them a consent land use.) Actually considering the location of the proposed In1 zone to the north of the Rock as well as the fertiliser producer in Lockhart this might be a good idea anyhow now that I think about it. See attached revised zone.

Comment: examining other rural council's LEP's the use of General Industrial is quite common. This terminology is used as opposed to Heavy Industrial or Light Industrial as it provides the most flexibility when it comes to this type of zone. Most developments that come to rural communities will fit into this categorisation. As council would appreciate, rural communities such as our needs to have the capacity to accommodate any employment generating development that comes its way and does not involve a land use that is prohibited. The modification to the land use table will also assist in reaching this goal.

As discussed, if further clarification was required I would be available to attend the Council meeting of 11 December but it would need to be on the understanding that this is an additional budget item to the quoted scope of works.

Please get back to me if there are any other queries.

Regards
Peter"

At the time of writing (29 November) no responses have been received and therefore this report along with the original report (attachment 1) is being placed before Council for further consideration.

The recommendation is that this report be received for information and resolve to determine the original report.

Integrated Planning and Reporting Reference

D3.2 – Land use that supports the development of our community.

Legislative & Planning Implications

Should Council adopt the report and the proposed recommended changes to the LEP, the next step in the process is to forward the EDM Group report to the NSW Department of Planning for a Gateway determination under s.55 and s.56 of the Environmental Planning and Assessment Act 1979 (EP&AA). The Department in turn will require consultation with the community and government agencies. The time period for this consultation process will be determined by the Department. This is usually a minimum period of 28 days.

Budget & Financial Aspects

Council has provided \$20,000 in its 2013/14 budget for amendments to the Lockhart LEP.

Attachment (7)

The Planning Proposal Report compiled by planning consultants EDM Group of Wodonga.

Recommendation: That the report clarifying a number of concerns raised by Council at its meeting of the 18 October be received for information and that Council resolve to:

- Reduce the minimum subdivision lot size for RU1 Primary Production land across the Lockhart Shire from 650ha to 250ha;
- Rezone 'Area A' to the north of Bond Street and east of Lockhart-Kywong Road, Lockhart from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot size of 2ha and an average lot size of 3ha;
- Rezone 'Area B' to the south of Federal Street and bounded to the east and west by East Street and Treasure Street, Lockhart respectively from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot size of 2ha and an average of 3ha;
- Rezone 'Area C' situated in Lockhart off Harry Davis Drive, from RU1 Primary Production to IN1 General Industry;
- Amend the minimum subdivision lot size across "Area D" situated to the north of The Rock and located either side of Collingullie Road from 2ha to 2ha and an average of 4ha.
- Rezone 'Area E' situated in The Rock to the south of Semmens Road and bounded to the east and west by Comans Street and Watson Street respectively, from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot subdivision size of 2ha and an average of 4ha.
- Rezone 'Area F' to the west of Burkes Road, The Rock from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot size of 2ha and an average of 5ha.
- Rezone 'Area G' to the west of Yerong Street and north of the Olympic Highway, The Rock from RU1 Primary Production to IN1 General Industry.
- Rezone 'Area H' situated to the north west of The Rock to the south of Bullenbung-The Rock Road from RU1 Primary Production to IN1 General Industry.

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RESOLVED on the motion of Crs Schirmer and McDonnell that the report clarifying a number of concerns raised by Council at its meeting of the 18 October be received for information and that Council resolve to:

- Reduce the minimum subdivision lot size for RU1 Primary Production land across the Lockhart Shire from 650ha to 250ha;
- Rezone 'Area A' to the north of Bond Street and east of Lockhart-Kywong Road, Lockhart from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot size of 2ha and an average lot size of 3ha;
- Rezone 'Area B' to the south of Federal Street and bounded to the east and west by East Street and Treasure Street, Lockhart respectively from RU1 Primary Production to R5 Large Lot Residential with a minimum lot size for any subdivision of 2ha and an average of 3ha; any existing smaller lot (i.e. 1.3ha lots) is able to be developed.
- Rezone 'Area C' situated in Lockhart off Harry Davis Drive, from RU1 Primary Production to IN1 General Industry;
- Amend the minimum subdivision lot size across "Area D" situated to the north of The Rock and located either side of Collingullie Road from 2ha to 2ha and an average of 4ha.
- Rezone 'Area E' situated in The Rock to the south of Semmens Road and bounded to the east and west by Comans Street and Watson Street respectively, from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot subdivision size of 2ha and an average of 4ha.
- Rezone 'Area F' to the west of Burkes Road, The Rock from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot size of 2ha and an average of 5ha.
- Rezone 'Area G' to the west of Yerong Street and north of the Olympic Highway, The Rock from RU1 Primary Production to IN1 General Industry.
- Rezone 'Area H' situated to the north west of The Rock to the south of Bullenbung-The Rock Road from RU1 Primary Production to IN1 General Industry.