

PLANNING PROPOSAL

Under Section 55 of the EP&A Act

**Draft Uralla Local Environmental Plan 2012
(Amendment No 4)**

**BOUNDARY ADJUSTMENTS AND DETACHED DUAL
OCCUPANCY DWELLINGS IN CERTAIN
RURAL AND ENVIRONMENTAL ZONES**

Prepared for: Uralla Shire Council
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Planning Proposal status

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This Planning Proposal was prepared by Keiley Hunter Urban Planner in March 2015 as requested by the Planning Manager, Uralla Shire Council.

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 55 of the *Environmental Planning and Assessment Act 1979* in relation to a proposed amendment to Uralla Local Environmental Plan (ULEP 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.

This Planning Proposal applies to all relevant rural, residential (R5 Large Lot) and environmental zoned land located in the Uralla Local Government Area.

There are two 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 ULEP 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 The proposed clause replaces the variation provisions previously found in the repealed *State Environmental Planning Policy (SEPP) 1 Variations to Development Standards*.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 rural and environmental zones to include detached dual occupancies with certain restrictions. The intended outcome is to permit detached dual occupancies within the RU1, RU2, E3 and E4 Zones while ensuring that they remain in close proximity to the primary dwelling, share the same access and remain on the same title.

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 ULEP 2012 to include appropriate provisions to enable rural detached dual occupancies and boundary adjustment subdivisions of 'undersized' rural lots within RU1, RU2, R5, E3 and E4 zoned land.

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" occupants.
- The use of 'rural workers dwellings' provisions can be unwieldy in terms of justification of the need for additional rural worker's accommodation and require costly supporting studies such as agricultural viability and agronomists reports.
- In many cases, the need for additional farm dwellings is 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
- Increase in value of agricultural land as a result of built improvements.

Additional controls to manage detached dual occupancy dwellings will be included in the Uralla Development Control Plan and will require:

- Consolidation of separate land parcels so that the primary dwelling and the detached dual occupancy dwelling are located within a single lot.
- Access to the primary dwelling and the detached dual occupancy dwelling via a single (existing) access driveway and single point of access location of a public road.
- Justification for the separation distance between the proposed detached dual and the primary dwelling.

Part 2

Explanation of Provisions

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

Boundary Adjustment Provision

It is proposed to include an additional provision to enable boundary adjustments of land that is already below the minimum lot size within the RU1, RU2, R5, E3 and E4 zones.

The draft provision and an explanation is provided below.

PROPOSED NEW LEP PROVISION:

4.2C Exceptions to minimum subdivision lot size for boundary adjustments

1. The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
2. This clause applies to land in the following zones:
 - a) Zone RU1 Primary Production,
 - b) Zone RU2 Rural Landscape,
 - c) Zone R5 Large Lot Residential,
 - d) Zone E3 Environmental Management,
 - e) Zone E4 Environmental Living.
3. Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the consent authority is satisfied that the subdivision:
 - a) will not result in an increase in the number of lots, and
 - b) will not result in an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots, and
 - c) will not adversely impact on the long-term agricultural production potential or environmental values of the lots and the surrounding locality.
4. In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,

- c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
 - e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
5. This clause does not apply in relation to a subdivision under the [Community Land Development Act 1989](#), the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#).

Explanation of each subclause

- 1. Explains the objectives of the provisions.
- 2. Defines which zones to which the proposed provisions apply.
- 3. Indicates that despite minimum lot size provisions contained in the plan, subdivision of undersized allotments may occur where Council is satisfied that no additional dwelling entitlement would be created and the potential for land use conflicts are not increased.
- 4. Council must also be satisfied that E3 and E4 zoned land will not be detrimentally impacted by the adjustment.

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, RU2 and E4 zone. Dual occupancies (attached and detached) are permitted with consent in the R5 Large Lot Residential zone.

The ULEP 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 Uralla 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.

Presently, only dwelling houses are permitted with consent in the E3 Environmental Management zone. The Planning Proposal seeks to permit dual occupancies (attached or detached) in the E3 zone.

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

- Removing “Dual occupancies (attached)” from the Land Use Table for RU1, RU2 and E4 zoned land as a use that is permitted with consent ; and
- Including “Dual occupancies” in the Land Use Table for RU1, RU2, E3 and E4 zoned land as a use that is permitted with consent.

Part 3

Justification

3.1 Justification

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 Uralla LEP 1988. SEPP 1 variations were removed with the implementation of the Standard Instrument LEP. Council's intention in preparing the ULEP 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 ULEP 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.

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.

Is there a 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 and environmental 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.

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 and environmental zoned land.

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 Policy 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 rezoning.

The proposal is consistent with applicable Section 117 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 Uralla Local Government Area. The Strategy was adopted by Council in April 2010 and was prepared as context for the preparation of the standard template LEP conversion which is now the ULEP 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 ULEP. 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)?

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. Providing 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 (S79C 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 enable land to 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.

Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

The Planning Proposal is consistent with the applicable 117 Directions as shown in the table below:

TABLE OF CONSISTENCY WITH 117 DIRECTIONS

1. Employment and Resources	
1.1 Business and Industrial Zones	
RELEVANT TO PLANNING PROPOSAL	No
1.2 Rural Zones	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority

	prepares a PP that will affect land within existing or proposed rural zone (including the alteration of any existing rural zone boundary).
CONSISTENCY	Yes The PP does not rezone land or contain provisions that will increase the permissible density of land within a rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	
RELEVANT TO PLANNING PROPOSAL	No
1.4 Oyster Aquaculture	
RELEVANT TO PLANNING PROPOSAL	No
1.5 Rural Lands	
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.
2. Environment and Heritage	
2.1 Environment Protection Zones	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal. A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. 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).
CONSISTENCY	Yes The Planning Proposal does not reduce current environmental protection standards and includes consideration of whether or not boundary adjustment subdivision is appropriate having regard to the natural and physical constraints affecting the land.

2.2 Coastal Protection	
RELEVANT TO PLANNING PROPOSAL	No
2.3 Heritage Conservation	
RELEVANT TO PLANNING PROPOSAL	No
2.4 Recreation Vehicle Areas	
RELEVANT TO PLANNING PROPOSAL	No
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.
CONSISTENCY	The proposed boundary adjustment clause applies to R5 Large Lot Residential zoned land. The Planning Proposal does not include any conservation provisions, however, this is considered to be of minor significance. Detached dual occupancies are permitted with consent in the R5 zone under the current LEP provisions.
3.2 Caravan Parks and Manufactured Home Estates	
RELEVANT TO PLANNING PROPOSAL	No
3.3 Home Occupations	
RELEVANT TO PLANNING PROPOSAL	No
3.4 Integrating Land Use and Transport	
RELEVANT TO PLANNING PROPOSAL	No
3.5 Development Near Licensed Aerodrome	
RELEVANT TO PLANNING PROPOSAL	No
3.6 Shooting Ranges	
RELEVANT TO PLANNING PROPOSAL	No
4. Hazards and Risk	
4.1 Acid Sulfate Soils	
RELEVANT TO PLANNING PROPOSAL	No
4.2 Mine Subsidence and Unstable Land	
RELEVANT TO PLANNING PROPOSAL	No
4.3 Flood Prone Land	

RELEVANT TO PLANNING PROPOSAL	No
4.4 Planning for Bushfire Protection	
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	Yes 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> .
5. Regional Planning	
5.1 Implementation of Regional Strategies	
RELEVANT TO PLANNING PROPOSAL	No
5.2 Sydney Drinking Water Catchments	
RELEVANT TO PLANNING PROPOSAL	No
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
RELEVANT TO PLANNING PROPOSAL	No
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
RELEVANT TO PLANNING PROPOSAL	No
5.8 Second Sydney Airport: Badgerys Creek	
RELEVANT TO PLANNING PROPOSAL	No
6. Local Plan Making	
6.1 Approval and Referral Requirements	
CONSISTENCY	Substantially consistent with this direction.
6.2 Reserving Land for Public Purposes	
CONSISTENCY	PP does not involve land reserved for public purposes.

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 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

There are no amendments to the ULEP mapping required for the subject Planning Proposal.

Part 5

Community Consultation

In accordance with Section 57 (2) of the EP&A Act 1979, this Planning Proposal must be approved under a Gateway determination prior to community consultation being undertaken by Council.

Pursuant to “*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 for this Planning Proposal should be exhibited for a period of fourteen (14) days.

Part 6

Project Timeline and Conclusion

6.1 Project Timeline

Planning Proposal Process Outline									
Estimated timeframe	2015								
	F	M	A	M	J	J	A	S	O
Report to Council / Resolution to refer to department for Gateway determination		X							
Refer to Department of Planning and Environment		X							
Completion of additional information			X						
Government agency consultation			X						
Commencement and completion of public exhibition				X					
Public hearing (if required)									
Consideration of submissions					X				
Post submission amendments (if required)						X			
Department to finalise LEP							X	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 ULEP 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.

As demonstrated in this report, the Planning Proposal is consistent with the objectives of the relevant Section 117 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.

A

Model LEP Boundary Adjustment Provision

B

Proposed LEP Boundary Adjustment Provision

4.2C Exceptions to minimum subdivision lot size for boundary adjustments

6. The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
7. This clause applies to land in the following zones:
 - a) Zone RU1 Primary Production,
 - b) Zone RU2 Rural Landscape,
 - c) Zone R5 Large Lot Residential,
 - d) Zone E3 Environmental Management,
 - e) Zone E4 Environmental Living.
8. Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the consent authority is satisfied that the subdivision:
 - a) will not result in an increase in the number of lots, and
 - b) will not result in an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots, and
 - c) will not adversely impact on the long-term agricultural production potential or environmental values of the lots and the surrounding locality.
9. In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
 - e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
10. This clause does not apply in relation to a subdivision under the [Community Land Development Act 1989](#), the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#).