

Rezone part of Lot 12 DP 529709, Rowan Ave, Uralla to RU4 Primary Production Small Lots

Proposal Title : Rezone part of Lot 12 DP 529709, Rowan Ave, Uralla to RU4 Primary Production Small Lots

Proposal Summary : The proposal seeks to rezone part of Lot 12 DP 529709, Rowan Ave, Uralla to RU4 Primary Production Small Lots. The rezoning will involve:
 - inserting the RU4 Primary Production Small Lots Zone in Uralla LEP 2012 (land use table and amendment of other relevant provisions);
 - zoning the existing RU1 Primary Production and RU2 Rural Landscape areas on Lot 12 to RU4 Primary Production Small Lots; and
 - applying a 40ha minimum lot size to the area of Lot 12 being rezoned to RU4 Primary Production Small Lots.

PP Number : PP_2015_URALL_003_00 **Dop File No :** 15/10870

Proposal Details

Date Planning Proposal Received : 13-Jul-2015 **LGA covered :** Uralla

Region : Northern **RPA :** Uralla Shire Council

State Electorate : NORTHERN TABLELANDS **Section of the Act :** 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : Rowan Ave

Suburb : **City :** Uralla **Postcode :** 2358

Land Parcel : Part of Lot 12 DP 529709

DoP Planning Officer Contact Details

Contact Name : Craig Diss

Contact Number : 0267019685

Contact Email : craig.diss@planning.nsw.gov.au

RPA Contact Details

Contact Name : Melody Styles

Contact Number : 0267786314

Contact Email : mstyles@uralla.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	1
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government
Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.**

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately describes the intention of the Planning Proposal.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions adequately addresses the intended changes to Uralla LEP 2012. The intended changes include:**
- map changes to amend the zoning and minimum lot size for part of Lot 12 DP 529709;
- insertion of the RU4 Primary Production Small Lots land use table into Uralla LEP 2012;
and
- amending various provisions within Uralla LEP 2012 to include the RU4 Primary Production Small Lots Zone.

The proposed changes (including the proposed RU4 Primary Production Small Lots land use table) are considered as appropriate.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The New England North West Strategic Regional Land Use Plan applies to the Uralla LGA.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal is considered to be consistent or justifiably inconsistent with relevant SEPPs, s117 Directions, the New England North West Strategic Regional Land Use Plan and Council's Director General approved local growth management strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The mapping provided with the proposal shows the existing and proposed zoning and minimum lot sizes changes and is considered to be adequate for public exhibition purposes. Maps prepared in accordance with the Department's standard technical requirements will be required before the plan can be made.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal identifies a 28 day public notification period. This is considered appropriate as the rezoning will require the introduction of a new zone (RU4 Primary Production Small Lots) into the Uralla LEP 2012.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project time line.**

Council is not seeking an authorisation to exercise its plan making delegations. As Council is currently in the process of acquiring 5 hectares of Lot 12 zoned IN2 Light Industrial for the development of an industrial estate, it is considered appropriate that an authorisation to exercise its plan making delegations not be issued to Council.

The RPA has provided a project time line which estimates that the LEP will be ready for finalisation and notification by February 2016. A 9 month time frame for completion of the proposal is recommended to ensure sufficient time is available to complete the proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Uralla LEP 2012 was notified on 23 March 2012.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal is not the result of a strategic study or report.

The need for the proposal has arisen due to a perceived shortage of available industrial land in the Uralla LGA. While Uralla has significant areas of vacant zoned industrial land, much of it is 'land banked' by current owners and is not available to prospective developers. Council has sought to address this issue by purchasing 5ha of Lot 12 DP 529709 zoned IN2 Light Industrial and developing an industrial subdivision to ensure suitable employment land is available.

The Planning Proposal is required to provide the residue rural land on Lot 12 with an appropriate zoning and lot size that is reflective of its size, nature, location and likely future use.

Consistency with
strategic planning
framework :

While no Regional Strategies apply to the Uralla LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Strategic Regional Land Use Plan.

Council's local growth management strategy (New England Development Strategy) was approved by the Director General in March 2010. While Council's local strategic planning work does not specifically identify the subject land for rural small holdings purposes, this inconsistency is considered to be of minor significance due to its existing size, its location adjoining the Uralla urban area, its ready access to services and facilities and due to its expected primary production small lot future use.

The Planning Proposal has been identified as being consistent with all applicable SEPPs and section 117 Directions, except in relation to the following:

1.2 Rural Zones

The proposal is inconsistent with this Direction as it will reduce the minimum lot size applying to the land. This will increase the permissible density of the land and permit the erection of a dwelling. This inconsistency is considered to be of minor significance as the increase in permissible density will allow only one additional dwelling and due to the expected primary production small lot future use of the land.

4.4 Planning for Bushfire Protection

This Direction is relevant to the proposal part of the land is identified as being bushfire prone. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

Environmental social
economic impacts :

A flora and fauna assessment has been prepared to support the proposal. The land is predominantly cleared with some remnant vegetation and has a long history of heavy grazing. The assessment concludes that no significant impact is likely to result provided appropriate actions are taken to avoid or minimise any impacts on the remnant vegetation.

The land not identified as being flood prone and a preliminary contamination assessment has identified no likely risk. No significant environmental impact has therefore been identified as resulting from the Planning Proposal subject to consultation with the NSW RFS.

The proposal also identifies a potential building envelope for the site which:

- avoids and minimises the impacts on the existing vegetation;
- ensures an adequate area for on-site waste disposal;
- is located to provide sufficient distance, screening and buffering from the New England Highway to the east (200m), the Light Industrial Area to the north (500m) and the Uralla Landfill to the west (750m).

It is considered that the site specific issues can be considered and assessed appropriately at the development stage.

The proposed future primary production small lot zoning of the land is likely to have positive social and economic impacts for the landowner.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	DDG
Public Authority Consultation - s56(2)(d) :	NSW Rural Fire Service		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are considered necessary to support the proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Gateway Determination request for Part Lot 12 DP 529709 - Rowan Avenue.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes

Rezone part of Lot 12 DP 529709, Rowan Ave, Uralla to RU4 Primary Production Small Lots

Flora & Fauna Assessment - 10 June 2015.pdf	Study	Yes
Reports from Environment Development Infrastructure 22JUNE15.pdf	Proposal	Yes
Minutes of Ordinary Meeting 22JUNE15 FINAL.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 4.4 Planning for Bushfire Protection

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported;**
- 2. The Planning Proposal be exhibited for 28 days;**
- 3. The Planning Proposal be completed within 9 months;**
- 4. That the RPA consult with the Commissioner of the NSW Rural Fire Service in accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection;**
- 5. The potential unresolved inconsistency with s117 Direction 4.4 Planning for Bushfire Protection be noted;**
- 6. The Secretary's delegate agree that the inconsistency with S117 Direction 1.2 Rural Zones is a matter of minor significance; and**
- 7. That an authorisation to exercise delegation not be issued to Council.**

Supporting Reasons : **The Planning Proposal is required due to Council's desire to address a perceived shortage of available industrial land in the Uralla LGA and to provide the residue rural land on Lot 12 with an appropriate zoning and lot size that is reflective of its size, nature, location and likely future use.**

Signature:



Printed Name:

Craig Diss

Date:

15 July 2015