

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

22 June 2015



REPORT TO COUNCIL

Department:	Infrastructure & Regulation
Submitted by:	Manager Town Planning & Regulation
Reference:	2.15.06.13
Subject:	Planning Proposal – D & J Heagney - Part Lot 12 DP 529709 – Rowan Avenue, Uralla – Division Decision

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective: To have the community satisfied with land use control.

Strategy: Consult with the public on proposed amendments to planning instruments.

Action: monitor and review Councils Local Environmental Plan and other strategic and supporting planning documents.

SUMMARY:

The purpose of this report is to recommend that Council seek a Gateway Determination from the NSW Department of Planning and Environment requesting to place a Planning Proposal on public exhibition.

This Planning Proposal applies to part of Lot 12 DP 529709, Rowan Avenue Uralla. The Planning Proposal seeks to amend the Zoning and Minimum Lot Size maps applicable to the land:

- from Zone RU1 Primary Production and RU2 Rural Landscape to RU4 Primary Production Small Lots; and
- to reduce the current minimum lot size of 400 ha and 200 ha to 40 ha.

COMMITTEE'S RECOMMENDATION:

That the Committee recommend to Council that:

- (1) the Planning Proposal seeking to amend the Zoning and Minimum Lot Size maps applicable to Part Lot 12 DP 529709 be forwarded to NSW Planning and Environment for a Gateway Determination;
- (2) the General Manager be given delegated authority to make any minor alterations requested by NSW Planning and Environment;
- (3) the Planning Proposal is advertised as per the provisions of Section 57 of the *Environmental Planning & Assessment Act, 1979* once a Gateway Determination has been issued; and
- (4) Council advise the NSW Department of Planning & Environment that it does not wish to have delegated authority to make the amendment due to possible conflict of interest due to Council purchasing the residue Part Lot 12 DP 529709 encompassing the IN2 Light Industrial zoning.

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OFFICER'S RECOMMENDATION:

That the Committee recommend to Council that:

- (1) the Planning Proposal seeking to amend the Zoning and Minimum Lot Size maps applicable to Part Lot 12 DP 529709 be forwarded to NSW Planning and Environment for a Gateway Determination;
- (2) the General Manager be given delegated authority to make any minor alterations requested by NSW Planning and Environment;
- (3) the Planning Proposal is advertised as per the provisions of Section 57 of the *Environmental Planning & Assessment Act, 1979* once a Gateway Determination has been issued; and
- (4) Council advise the NSW Department of Planning & Environment that it does not wish to have delegated authority to make the amendment due to possible conflict of interest due to Council purchasing the residue Part Lot 12 DP 529709 encompassing the IN2 Light Industrial zoning.

BACKGROUND:

The land is located on the southern outskirts of the Uralla urban area on the western side of the New England Highway opposite the Uralla Golf Club. The land is the residual portion of a larger parcel of former grazing land. There is an existing gravel access to the land located midway along the eastern boundary of the lot off the New England Highway. The access driveway leads to a farm shed and yards located centrally within the lot. The land is cleared with isolated stands of box gum trees scattered throughout the paddocks. The understorey is cleared pasture. The land is fully fenced and is divided into fenced grazing paddocks.

Lot 12 DP 529709 has an area of 81.16 hectares. The land is split zoned RU1 Primary Production, RU2 Rural Landscape and IN2 Light Industrial, with a minimum lot size of 400 ha over the RU1 zoned land and 200 ha over the RU2 zoned land.

REPORT:

It is intended to subdivide 76 ha of rural zoned land from the industrial zoned land (approximately 5 ha) to enable an industrial subdivision under a future development proposal. The industrial zoned land will be purchased by Council for the purpose of ensuring there is suitable employment land available to meet opportunistic industrial needs that arise in Uralla.

The subdivision will result in a residual rural zoned lot of approximately 76 ha. The most logical use of the land is as a rural small holding with a dwelling to allow for the effective onsite management of the land. The present RU1 and RU1 zoning and the minimum lot sizes of 200 and 400 ha need to be amended to achieve this outcome.

The subject Planning Proposal seeks to amend the URALLA LEP 2012 by amending the Zoning and Minimum Lot Size maps applicable to Part Lot 12 DP 529709 Rowan Avenue, Uralla.

The proposed amendment would require:

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1. Inserting the Zone RU4 Primary Production Small Holdings land use table into the Uralla LEP 2012 and including the listing of the RU4 zone within the relevant clauses of Part 4 Principal development standards.
2. Zoning the existing RU1 and RU2 zoned land within the site to RU4; and
3. Amending the applicable minimum lot size (MLS) map to apply a MLS of 40 ha to the proposed RU4 zoned land.

The proposed zoning and minimum lot size amendment involves an area of land of approximately 76 ha. The RU4 zone is not presently in use in the Uralla LEP 2012. Each Land Zoning Map will require an amendment to the legend panel to include the RU4 zone in the listing. The minimum lot size "AB5 – 40 ha" is already in use within the Uralla LEP 2012. Forty (40) ha is considered a suitable minimum lot size for subject land.

Council is pursuing a separate proposal to subdivide the industrial zoned land from the original split zoned lot described as Lot 12 DP 529709. The industrial zoned land will be purchased by Council for the purpose of ensuring there is suitable employment land available to meet opportunistic industrial needs that arise in Uralla. The Planning Proposal is necessary to provide the residue land with a more appropriate zoning and lot size that is reflective of its size, nature and likely future use.

The residual rural zoned land is located on the outskirts of the Uralla urban area and is best described as a rural small holding. At around 76 ha, various small lot primary production activities are possible within the site in addition to its current grazing use. It is also considered appropriate that a dwelling be permitted within the residual lot to facilitate the effective on-going management of the land and to support any future intensive agricultural activities.

A suitable building area has been identified between the New England Highway and the existing sheds and yards in the vicinity of the existing access driveway within the site. The identified building area is:

- safe in terms of bushfire risk;
- has the land capability for onsite waste water disposal;
- is located within an already cleared area, reducing the need for native vegetation removal;
- buffered and screened by existing stands of native gum trees from the Uralla landfill located over 750 m to the north west of the building area;
- adequately set back over 500 m from industrial zoned land along Rowan Avenue; and
- set back from the New England Highway approximately 200 m and is unlikely to be significantly impacted by highway noise.

The Minister for NSW Planning and Environment has delegated the following plan-making powers to council:

- a) to make – and determine not to make – an LEP under section 59(2), and (3) of the *Environmental Planning & Assessment Act 1979*
- b) to defer inclusion of certain matters in an LEP under section 59(3) and
- c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP.

This gives Council responsibility for LEPs of local significance and streamlines the processing of LEPs by removing duplicative steps. The delegations will operate in respect of a draft LEP on receipt by

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council of a Written Authorisation to Exercise Delegation (the Authorisation). The Authorisation will be issued to councils as part of the Gateway Determination.

When submitting a planning proposal, councils will be required to identify whether they wish to exercise the Authorisation for each planning proposal. Delegation will be routinely issued for particular types of LEPs (see below). However, any other draft LEP that the Gateway determines is of local significance will also be delegated to councils.

The following types of draft LEPs will routinely be delegated to councils to prepare and make, following a Gateway Determination that the planning proposal can proceed:

- mapping alterations;
- section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies);
- reclassifications of land;
- heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study;
- spot rezoning consistent with an endorsed strategy and/or surrounding zones; and
- other matters of local significance as determined by the Gateway.

It is highly recommended for transparency that Council not accept delegation in this matter, since it may be perceived as a conflict of interest, as Council is to purchase the residue Part Lot 12 DP 529709 encompassing the IN2 Light Industrial zoning and develop it in the future

KEY ISSUES:

- The Planning Proposal seeks to amend the URALLA LEP 2012 by amending the Zoning and Minimum Lot Size maps applicable to Part Lot 12 DP 529709 Rowan Avenue, Uralla.
- The Planning Proposal does involve mapping amendments to the URALLA LEP.
- Due to the proposed purchase and development of the industrial zone land residue by Council, Council should not use its delegation from the Director General, NSW Department of Planning & Environment, to make the amendment to the Uralla Local Environmental Plan 2012.

CONCLUSION:

It is intended to subdivide 76 ha of rural zoned land from the industrial zoned land (approximately 5 ha) to enable an industrial subdivision under a future development proposal. The subdivision will result in a residual rural zoned lot of approximately 76 ha. The most logical use of the land is as a rural small holding with a dwelling to allow for the effective onsite management of the land. The present RU1 and RU2 zoning and the minimum lot sizes of 200 and 400 ha need to be amended to achieve this outcome.

It is recommended that Council seek a Gateway Determination from NSW Planning and Environment (P&E) to place the Planning Proposal on public exhibition. The Planning Proposal is 'low impact' and it would be expected the Gateway Determination will require the Planning Proposal to be exhibited for 28 days.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

The Planning Proposal will be placed on Public Exhibition as per the Gateway Determination.

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2. Policy and Regulation

Environmental Planning & Assessment Act, 1979.

Environmental Planning & Assessment Regulations, 2000.

3. Financial (LTFF)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Possible conflict of interest due to Council purchase of the residue Part Lot 12 DP 529709 encompassing the IN2 Light Industrial zoning.

7. Performance Measures

Nil

8. Project Management

Nil

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Prepared by staff member:

Manager Town Planning & Regulation

Approved/Reviewed by Manager:

Robert Bell

Department:

Director Infrastructure & Regulation

Attachments:

N. Planning Proposal: D & J Heagney - Part Lot 12 DP
529709 – Rowan Avenue, Uralla

PLANNING PROPOSAL
Under Section 55 of the EP&A Act

Draft Uralla Local Environmental Plan 2012
(Amendment No 5)

LOT 12 DP 529709
ROWAN AVENUE URALLA

Prepared for: Uralla Shire Council
Date: JUNE 2015



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Planning Proposal status

STAGE	VERSION / DATE
	Blank until achieved
Draft	01/06/15
Reported to Council (section 55)	22/06/15
Adopted by Council and referred to Department of Planning (sec 56(1))	
Gateway Panel determination (sec 56 (2))	
Revisions required : NIL	
Public exhibition (where applicable) (sec 57) (14 days)	
For Council review (sec 58 (1))	
Adopted by Council for final submission to Department of Planning (sec 58(2))	

This Planning Proposal was prepared by Keiley Hunter Urban Planner in June 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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- A** DP 529709
- B** Site Images
- C** LEP Instrument Amendments

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 the NSW Department of Planning and Environment (P&E) requesting to place the Planning Proposal on public exhibition.

This Planning Proposal (PP) applies to part of Lot 12 DP 529709 (Copy of DP at **Appendix A**). The PP seeks to amend the Zoning and Minimum Lot Size maps applicable to the land:

- from Zone RU1 Primary Production and RU2 Rural Landscape to RU4 Primary Production Small Lots; and
- to reduce the current minimum lot size of 400 ha and 200 ha to 40 ha.

1.2 The Land

The land is located on the southern outskirts of the Uralla urban area on the western side of the New England Highway opposite the Uralla Golf Club as shown in the Locality Map at **Illustration 1.1**.

The land is the residual portion of a larger parcel of former grazing land. There is an existing gravel access to the land located midway along the eastern boundary of the lot off the New England Highway. The access driveway leads to a farm shed and yards located centrally within the lot.

Lot 12 DP 529709 has an area of 81.16 hectares. The land is split zoned RU1 Primary Production, RU2 Rural Landscape and IN2 Light Industrial with a minimum lot size of 400 ha over the RU1 zoned land and 200 ha over the RU2 zoned land as shown at **Illustration 1.2**.

The land is cleared with isolated stands of box gum trees scattered throughout the paddocks. The understorey is cleared pasture. The land is fully fenced and is divided into fenced grazing paddocks. The land is partially mapped as bushfire prone land.

Site images are provided at **Appendix B**.

1.3 Background

It is intended to subdivide 76 ha of rural zoned land from the industrial zoned land (approximately 5 ha) to enable an industrial subdivision under a future development proposal.

The subdivision will result in a residual rural zoned lot of approximately 76 ha. The most logical use of the land is as a rural small holding with a dwelling to allow for the effective onsite management of the land. The present RU1 and RU2 zoning and the minimum lot sizes of 200 and 400 ha need to be amended to achieve this outcome.

A potential building area has been identified within the site.

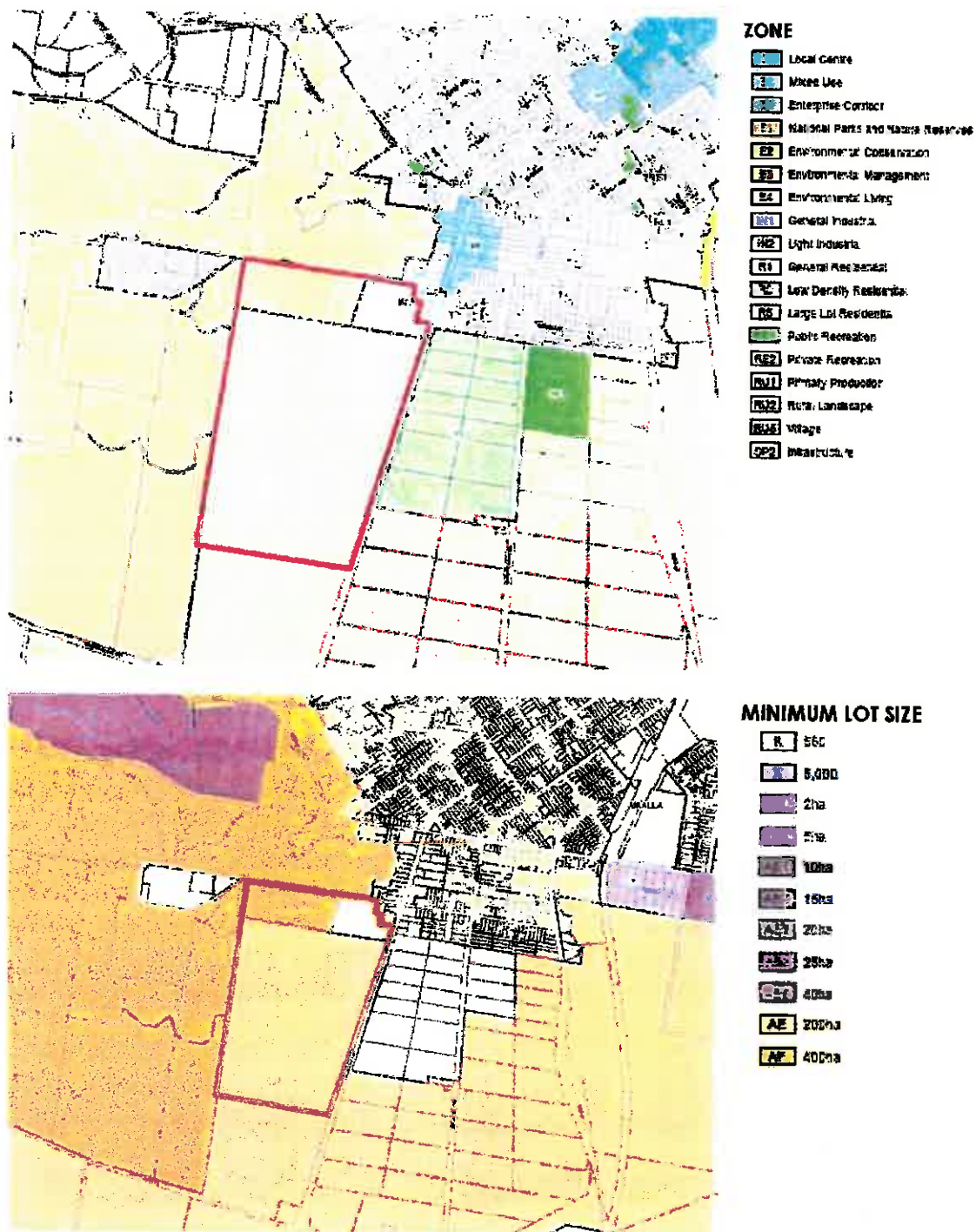
Illustration 1.1 Locality Map



Sixmaps 2015

SITE

Illustration 1.2 LEP Zone and Minimum Lot Size



NSW Legislation 2015

Part 2

Explanation of Provisions

The objectives of the Planning Proposal will be achieved by an amendment to the Uralla LEP 2012 Lot Size Map as shown in **Part 4**.

The proposed amendment would require:

1. Inserting the Zone RU4 Primary Production Small Holdings land use table into the Uralla LEP 2012 and including the listing of the RU4 zone within the relevant clauses of Part 4 Principal development standards as shown in the draft LEP Instrument amendments at **Appendix C**.
2. Zoning the existing RU1 and RU2 zoned land within the site to RU4; and
3. Amending the applicable minimum lot size (MLS) map to apply a MLS of 40 ha to the proposed RU4 zoned land.

The proposed zoning and minimum lot size amendment involves an area of land of approximately 76 ha.

The RU4 zone is not presently in use in the Uralla LEP 2012. Each Land Zoning Map will require an amendment to the legend panel to include the RU4 zone in the listing.

The minimum lot size "AB5 – 40 ha" is already in use within the Uralla LEP 2012. 40 ha is considered a suitable minimum lot size for subject land.

The provisions of **Clause 4.6 Exceptions to development standards**, of the LEP, may enable a contravention of the proposed 40 ha MLS for the site for a future subdivision proposal to create one lot of 40 ha and a residual lot of not less than 36 ha. Whilst a subdivision of this nature would be permissible under the LEP amendment, a proponent of such a subdivision would be required to demonstrate that:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The consent authority, (usually Council) must then be satisfied that a subdivision proposal would be in the public interest because:

- *it (the subdivision to create two lots) is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- *the concurrence of the Director-General has been obtained.*

The Director General would then consider the public benefit of maintaining the development standard. This process is similar to the former SEPP 1 objection to development standards. It is not a foregone conclusion that such a subdivision would be found to be meritorious and a consent issued.

Part 3

Justification

3.1 Justification

Need for a Planning Proposal

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

No.

Council is pursuing a separate proposal to subdivide the industrial zoned land from the original split zoned lot described as Lot 12 DP 529709. The industrial zoned land will be purchased by Council for the purpose of ensuring there is suitable employment land available to meet opportunistic industrial needs that arise in Uralla.

The Planning Proposal is necessary to provide the residue land with a more appropriate zoning and lot size that is reflective of its size, nature and likely future use.

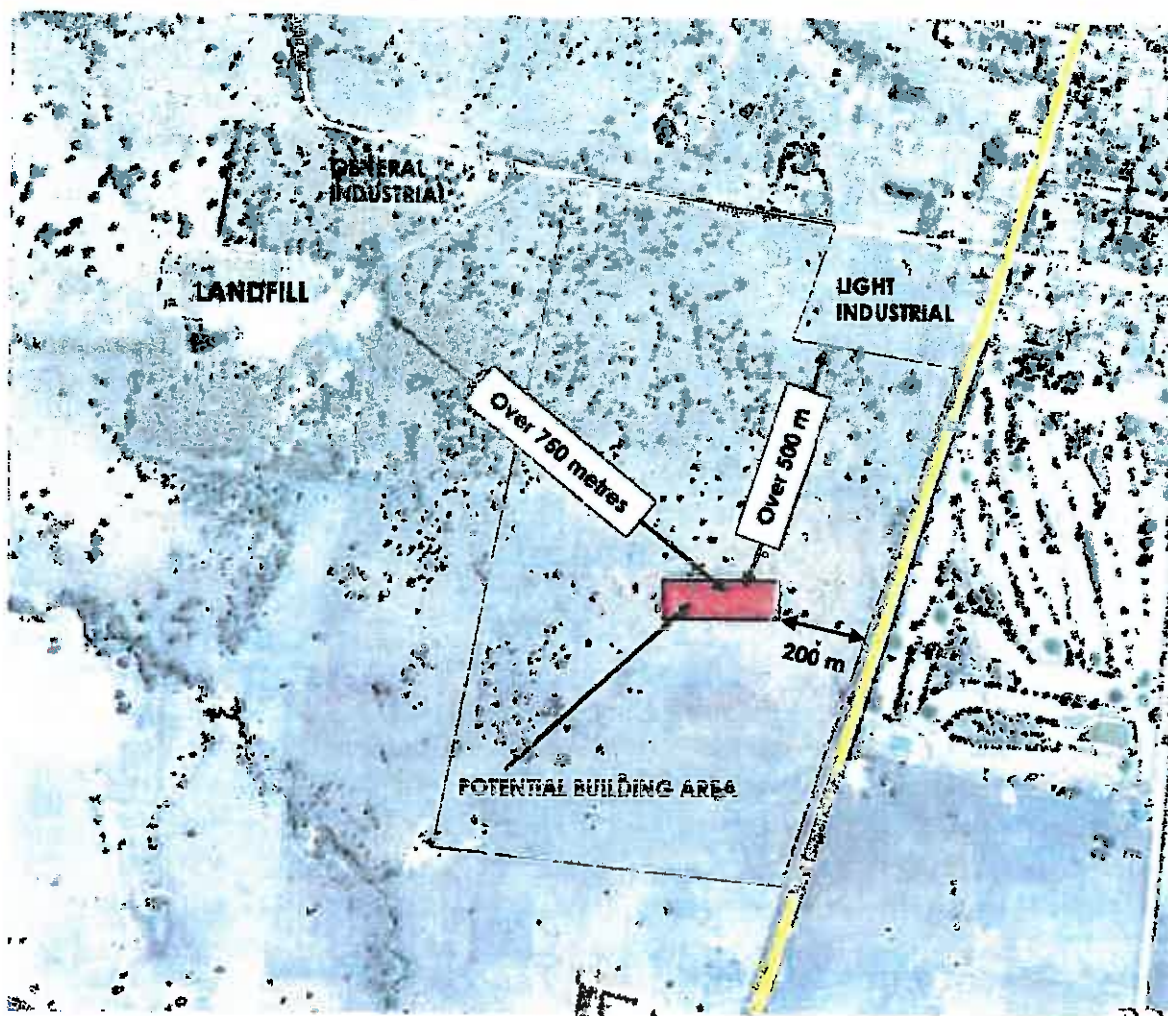
The residual rural zoned land is located on the outskirts of the Uralla urban area and is best described as a rural small holding. At around 76 ha, various small lot primary production activities are possible within the site in addition to its current grazing use. It is also considered appropriate that a dwelling be permitted within the residual lot to facilitate the effective on-going management of the land and to support any future intensive agricultural activities.

A suitable building area has been identified between the New England Highway and the existing sheds and yards in the vicinity of the existing access driveway within the site. The identified building area is:

- safe in terms of bushfire risk;
- has the land capability for onsite waste water disposal;
- is located within an already cleared area, reducing the need for native vegetation removal;
- buffered and screened by existing stands of native gum trees from the Uralla landfill located over 750 m to the north west of the building area;
- adequately set back over 500 m from industrial zoned land along Rowan Avenue; and
- set back from the New England Highway approximately 200 m and is unlikely to be significantly impacted by highway noise.

The potential building area is shown at **Illustration 3.1**. There is no intention to create a restriction as to user over the identified building area as there may be other suitable building areas within the site.

Illustration 3.1 Potential Building Area



Six Maps 2015

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.

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, specifically the assessment of potential impacts of mining and coal seam gas development on agricultural land and water resources, and is not particularly relevant to the subject Planning Proposal.

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.

Part 7 of Strategy identifies key land use planning issues including environmental impacts from rural small holdings subdivision and identifies several potential areas for rural small holdings. The land is not within an identified rural small holdings area.

The subject Planning Proposal involves rural land that is adjacent to the urban area and is already fragmented below the relevant minimum lots size for that land. The proposal is necessary due to the proposed excising of the industrial zoned land from the residual rural zoned land. Impacts from the proposed rezoning and amendment to the minimum lot size have been assessed and will not be significant.

Whilst the proposal is not specifically consistent with the recommendations of the NEDS, the inconsistency is of a minor nature.

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 the Planning Proposal, however it does provide a number of 'Rural Subdivision Principles' and 'Rural Planning Principles' to be considered when assessing rural subdivisions and dwellings.

The rural subdivision principles are listed and addressed below:

(a) the minimisation of rural land fragmentation,

The land is already fragmented to 81.16 ha, well below the relevant minimum lot size of 200 ha and 400 ha for dwellings in the immediate surrounding area.

(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,

The land adjoins the Uralla urban area. An existing light industrial area and the Uralla landfill are located along the northern and part of the western boundary of the land. The Uralla Golf Course is located opposite the land. Rural grazing land is located to the south and west of the site. The Rocky Creek former goldmining area is located to the north west of the land and comprises many small holdings.

A potential building area is centrally located around 200 m from the nearest boundary and will be buffered from surrounding land uses by stands of existing remnant native trees. The previous and existing agricultural use of the land has not resulted in land use conflict in the past and is highly unlikely to be a cause of any conflict in the future due to the nature of the surrounding 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,

The planned future supply of rural residential land is focussed in the Rocky Creek, Arding, Invergowrie and Kentucky areas. The proposed amendment will not impact on any of these areas.

(d) the consideration of the natural and physical constraints and opportunities of land,

A suitable building area has been identified within the land that is safe in terms of bushfire risk, is buffered from the nearby landfill and does not require significant native vegetation removal. Soils and slope are suitable for a range of building foundations and the land has the capability for onsite wastewater disposal.

(e) ensuring that planning for dwelling opportunities takes account of those constraints.

The land is considered suitable as discussed above for the proposed zoning and lot size changes and has the capacity to accommodate an additional dwelling with no adverse impact.

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.

The land is already fragmented. The proposed zoning and MLS amendment will not impact the current agricultural use of the land or surrounding land.

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture.

Noted.

(c) recognition of the significance of rural land uses to the state and rural communities, including the social and economic benefits of rural land use and development

The proposal will not adversely impact the agricultural use of the land or the rural land uses generally in the area.

(d) in planning for rural lands to balance the social economic and environmental interests of the community

Noted.

(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

A suitable building area has been identified within the land that will not result in significant clearing of native vegetation or impact any water resources.

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities

The proposal will result in one additional rural dwelling opportunity.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing

Electricity is already connected to the land. The land has the capability to provide for onsite disposal of waste water. A suitable access is already provided to the site. One additional rural dwelling opportunity will not place an unreasonable burden on services and infrastructure.

(h) ensuring consistency with any applicable regional strategy of the department of planning or any applicable local strategy endorsed by the director general.

The proposal is not inconsistent with the New England North West Strategic Regional Land Use Policy or the New England Development Strategy.

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

SEPP 55 – Remediation of Land

This policy requires Council to consider whether the land is contaminated and whether remediation is necessary. Previous and current land use for stock grazing purposes does not indicate that the land is likely to be contaminated. There is no known history of horticultural land use within the site. A site walk-over did not indicate the presence of cattle/sheep dips and the like.

The land is not listed on Council contaminated lands database. It is considered that the land is suitable for rural living purposes and does not require any remediation.

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

No

A Planning Proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

The land adjoins the Uralla urban area and is already fragmented land. The inconsistency is of a minor significance.

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 changes the existing minimum lot size on land within a rural or environment protection zone.

The Planning Proposal must be consistent with the Rural Planning Principals and the Rural Subdivision Principals listed in the Rural Lands SEPP.

CONSISTENCY

Yes

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 No

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

2. Housing, Infrastructure and Urban Development

3.1 Residential Zones

RELEVANT TO PLANNING PROPOSAL No

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

A potential building area has been identified within the land that is clear of bushfire threat vegetation and the buffer to that vegetation and is safe in terms of emergency access. A future dwelling would be subject to assessment against *Planning for Bushfire Protection 2006*.

The PP will be referred to the RFS for comment.

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. The land has been selectively cleared and pasture improved for stock grazing purposes over many years. The pasture is introduced and is characteristic of 'derived grasslands', as described in the *Uralla Biodiversity Strategy Planning Outcomes Report*, February 2015:

Derived' grasslands are areas of former woodland vegetation, which have been cleared. While these areas may be important because they provide grassland habitat they are not natural grasslands according to the strict legislative definitions. Derived grasslands are the most widespread vegetation community within each study area (West Invergowrie, Arding, Rocking Creek and Kentucky) and are the result of clearing of the overstorey and shrub layers for agricultural purposes (horticulture, grazing and cropping).

These grasslands have been derived from one or more of the original woodland and forest communities indigenous to the area.

There are no specific grassland Threatened Ecological Communities (TECs) known from the study areas. However, sites that were once woodland, and where the

natural seedbank is 'at least partially intact' may constitute one or another of the three woodland TECs in the study area (White Box Yellow Box Blakely's Red Gum grassy woodlands; Ribbon Gum – Mountain Gum – Snow Gum grassy open forest/woodland; and New England Peppermint woodland).

The remnant box gumtrees may once have constituted a woodland, however, the understorey has been slashed and grazed for many years and it is unlikely that the natural seedbank will be intact.

Clearing for a future dwelling within the site is highly unlikely to have a significant impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

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. A future development application for a rural dwelling will require appropriate consideration of the potential for impacts to environmental values and the natural and physical constraints of the land.

Council's standard sediment and erosion controls would be required for any future internal road upgrading or dwelling construction.

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

Yes, the Planning Proposal will enable one additional dwelling to be erected within land that is close to the Uralla urban area, where there are a range of services and facilities available. Very minor beneficial economic impact will arise from the future construction of a new dwelling within the land.

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.

Unella Local Environmental Plan 2012

Land Zoning Map - Sheet LZ14_064C

Legend:

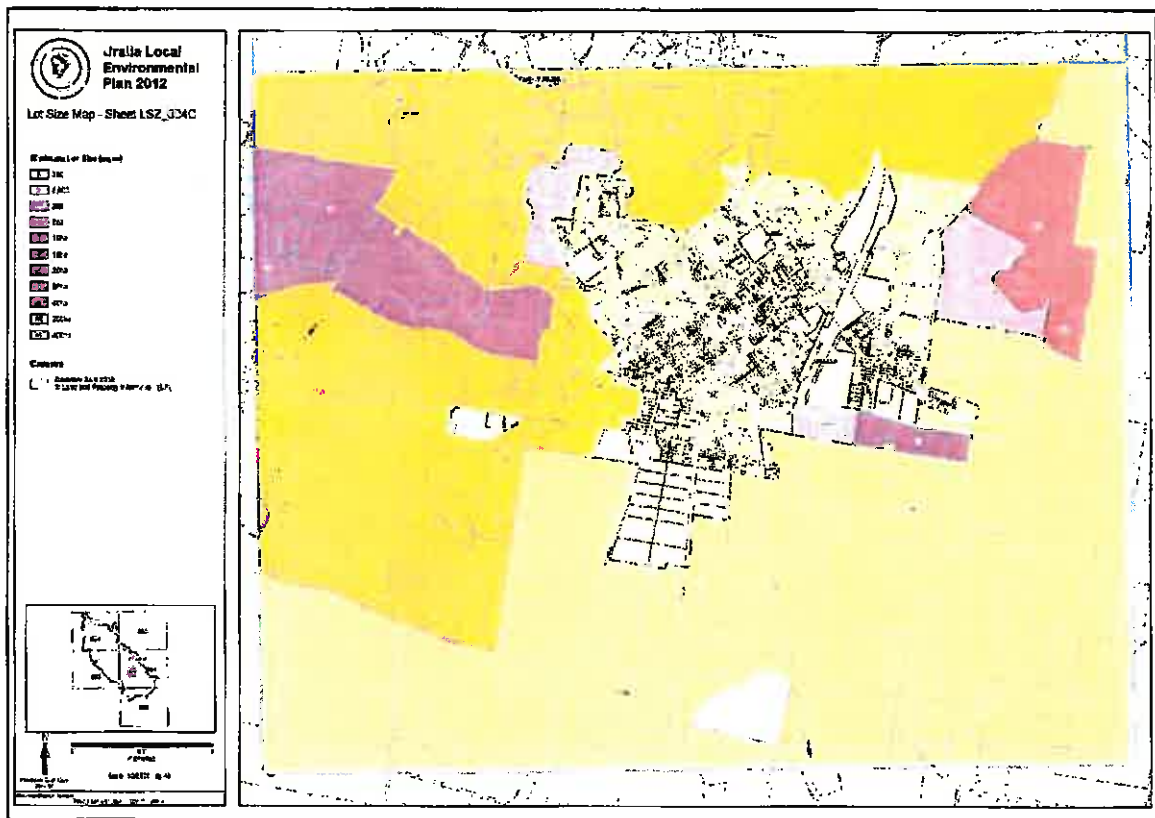
- RU1 Primary Production
- RU2 Primary Production
- RU3 Primary Production
- RU4 Primary Production Small Lots
- RU5 Primary Production
- RU6 Primary Production
- RU7 Primary Production
- RU8 Primary Production
- RU9 Primary Production
- RU10 Primary Production
- RU11 Primary Production
- RU12 Primary Production
- RU13 Primary Production
- RU14 Primary Production
- RU15 Primary Production
- RU16 Primary Production
- RU17 Primary Production
- RU18 Primary Production
- RU19 Primary Production
- RU20 Primary Production

RU4 Primary Production Small Lots

Scale: 0 to 200 meters

Inset Map: Shows the location of the sheet within the Unella Local Government Area.

Illustration 4.3 Existing Map Sheet LSZ_004C



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 recommended that this Planning Proposal is exhibited for a period of 28 days.

Part 6

Project Timeline and Conclusion

6.1 Project Timeline

Planning Proposal Process Outline

Estimated timeframe	2015							2016	
	J	J	A	S	O	N	D	J	F
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 subject Planning Proposal is a relatively minor matter that will result in the most logical and appropriate use of an already fragmented rural lot that is well located in terms of proximity to the urban area of Uralla.

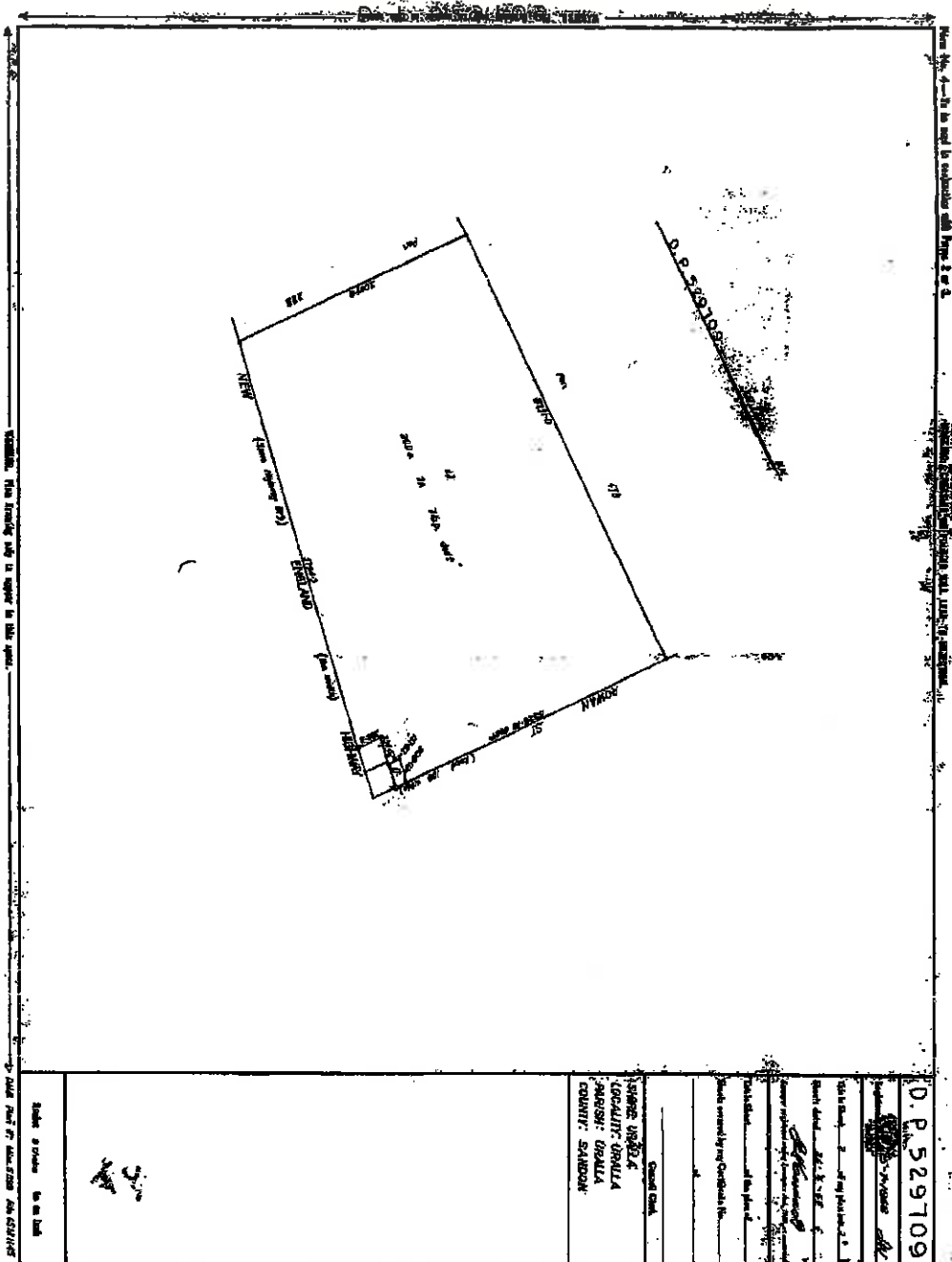
The LEP amendment involves changing the zoning and minimum lot size maps for the rural zoned land within Lot 12 DP 529709 from RU1 Primary Production and RU2 Rural Landscape to RU4 Primary Production Small Lots and amending the minimum lot size from 200 and 400 ha to 40 ha.

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.

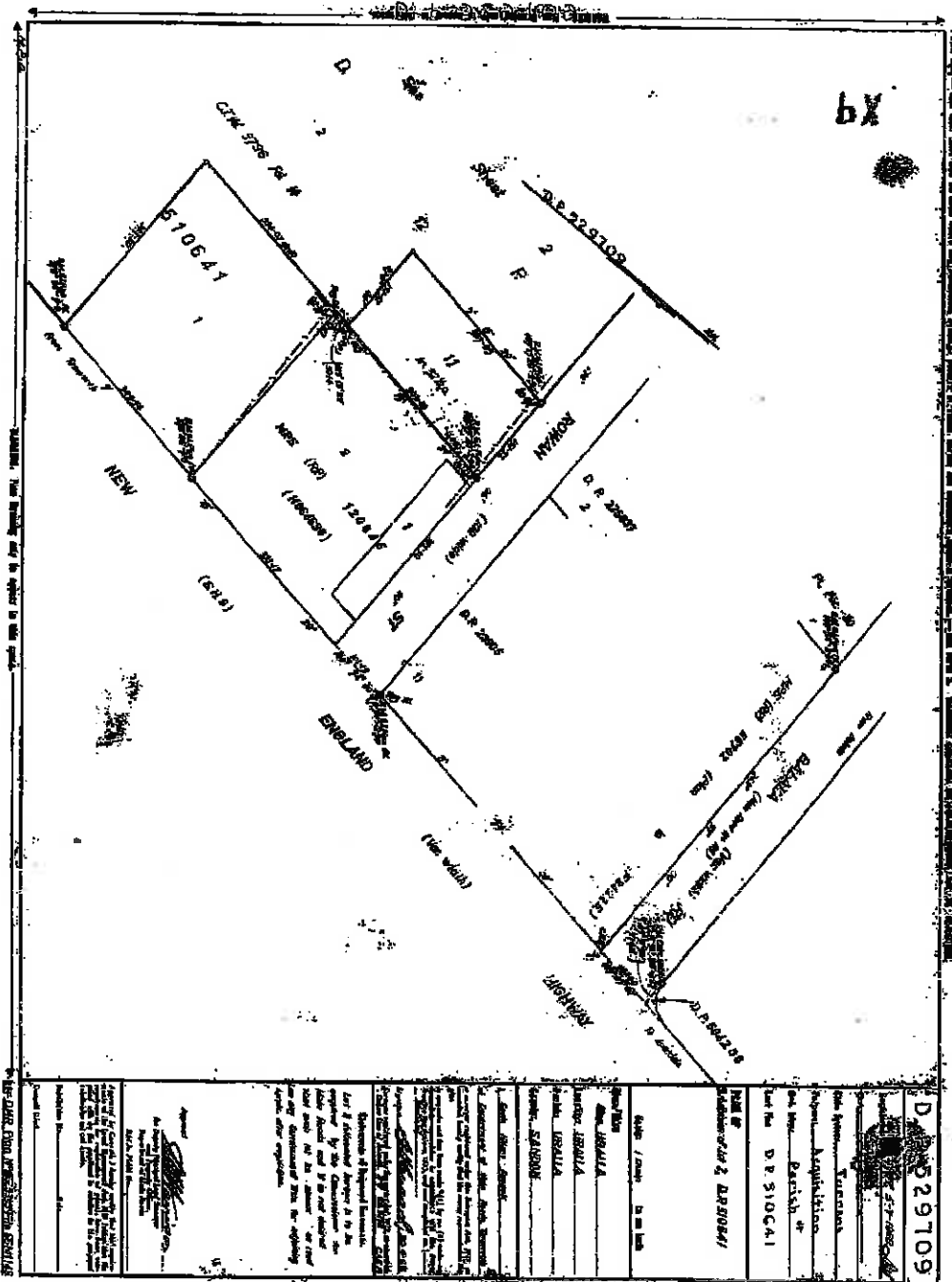
A

DP 529709



CONCESSION AREA AREA IN SANDOWN CONCESSION AREA		
LINE	PERIMETER	AREA
1-2	10.11	10.11
2-3	10.11	10.11
3-4	10.11	10.11
4-5	10.11	10.11
5-6	10.11	10.11
6-7	10.11	10.11
7-8	10.11	10.11
8-9	10.11	10.11
9-10	10.11	10.11
10-11	10.11	10.11





By Jack Howard Brown, Registrar General for the South Wales, County of Glamorgan, in the County of Glamorgan, Wales, 1971.

NUMBER	DATE	REMARKS
1	1971	1.0000
2	1972	1.0000
3	1973	1.0000
4	1974	1.0000
5	1975	1.0000
6	1976	1.0000
7	1977	1.0000
8	1978	1.0000
9	1979	1.0000
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92	2062	1.0000
93	2063	1.0000
94	2064	1.0000
95	2065	1.0000
96	2066	1.0000
97	2067	1.0000
98	2068	1.0000
99	2069	1.0000
100	2070	1.0000

B

Site Images



**Existing access
off New England
Highway**

**Existing access
gates are set
back from the
road edge
approx. 15 m
allowing a
vehicle to stand
safely off the
road formation.**

**A pipe culvert
provides
adequate
drainage for the
access
crossing.**



The existing access driveway is well formed and may be upgraded to Council's minimum rural access standards to provide access to a future building area located within cleared land approximately 200 m west of the New England Highway



Minimal clearing will be necessary for a building envelope adjacent to the existing formed access track.

C

LEP Instrument Amendments

Amendments shown in **Red**

Part 2 Permitted or prohibited development

Clause 2.1

Land use zones

The land use zones under this Plan are as follows:

Rural Zones

RU1 Primary Production

RU2 Rural Landscape

RU4 Primary Production Small Lots

RU5 Village

Residential Zones

R1 General Residential

R2 Low Density Residential

R5 Large Lot Residential

Business Zones

B2 Local Centre

B4 Mixed Use

B6 Enterprise Corridor

Industrial Zones

IN1 General Industrial

IN2 Light Industrial

Special Purpose Zones

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

Land Use Table

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home-based child care; Home occupations; Home occupations (sex services); Roads

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Food and drink premises; Function centres; Funeral homes; Helipads; Heliports; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive plant agriculture; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Signage; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Hotel or motel accommodation; Livestock processing industries; Serviced apartments; Take away food and drink premises; Any other development not specified in item 2 or 3

Part 4 Principal development

4.1AA Minimum subdivision lot size for community title schemes

(1) The objectives of this clause are as follows:

(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(c) **Zone RU4 Primary Production Small Lots**

(d) Zone R2 Low Density Residential,

(e) Zone R5 Large Lot Residential,

(f) Zone E2 Environmental Conservation,

(g) Zone E3 Environmental Management,

(h) Zone E4 Environmental Living.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

4.1A Minimum subdivision lot size for certain split zone lots

1) The objectives of this clause are:

a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, and

b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

2) This clause applies to each lot (an *original lot*) that contains:

a) land in a residential, business or industrial zone, and

b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, **Zone RU4 Primary Production Small Lots**, Zone E3 Environmental Management or Zone E4 Environmental Living.

- 3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:
 - a) one of the resulting lots will contain:
 - i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - ii) all of the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, ~~Zone RU4 Primary Production Small Lots~~, Zone E3 Environmental Management or Zone E4 Environmental Living that was in the original lot, and
 - b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- 4) A resulting lot referred to in subclause (3) (a) must not be subdivided under this clause.

4.2A Erection of dwelling houses on land in certain rural and environmental protection zones

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) (Repealed)
 - (d) ~~Zone RU4 Primary Production Small Lots~~,
 - (e) Zone E3 Environmental Management,
 - (f) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is:
 - (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or
 - (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) an existing holding.

Note. A dwelling cannot be erected on a lot created under clause 4.2.

- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
 - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
 - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (5) In this clause:

existing holding means any lot including any adjoining land held in the same ownership, even if separated by a road or railway, that:

- (a) existed on 8 August 1975, and
- (b) exists at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since 8 August 1975.

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

4.2B Strata title subdivision in certain rural, residential or environmental protection zones

(1) The objective of this clause is to ensure that land to which this clause applies to is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used or proposed to be used, for residential accommodation or tourist and visitor accommodation:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) **Zone RU4 Primary Production Small Lots;**
- (d) Zone R2 Low Density Residential,
- (e) Zone R5 Large Lot Residential,
- (f) Zone E2 Environmental Conservation,
- (g) Zone E3 Environmental Management,
- (h) Zone E4 Environmental Living.

(3) Development consent must not be granted for the subdivision of a lot to which this clause applies under a strata plan that would create lots below the minimum size shown on the Lot Size Map for that land.