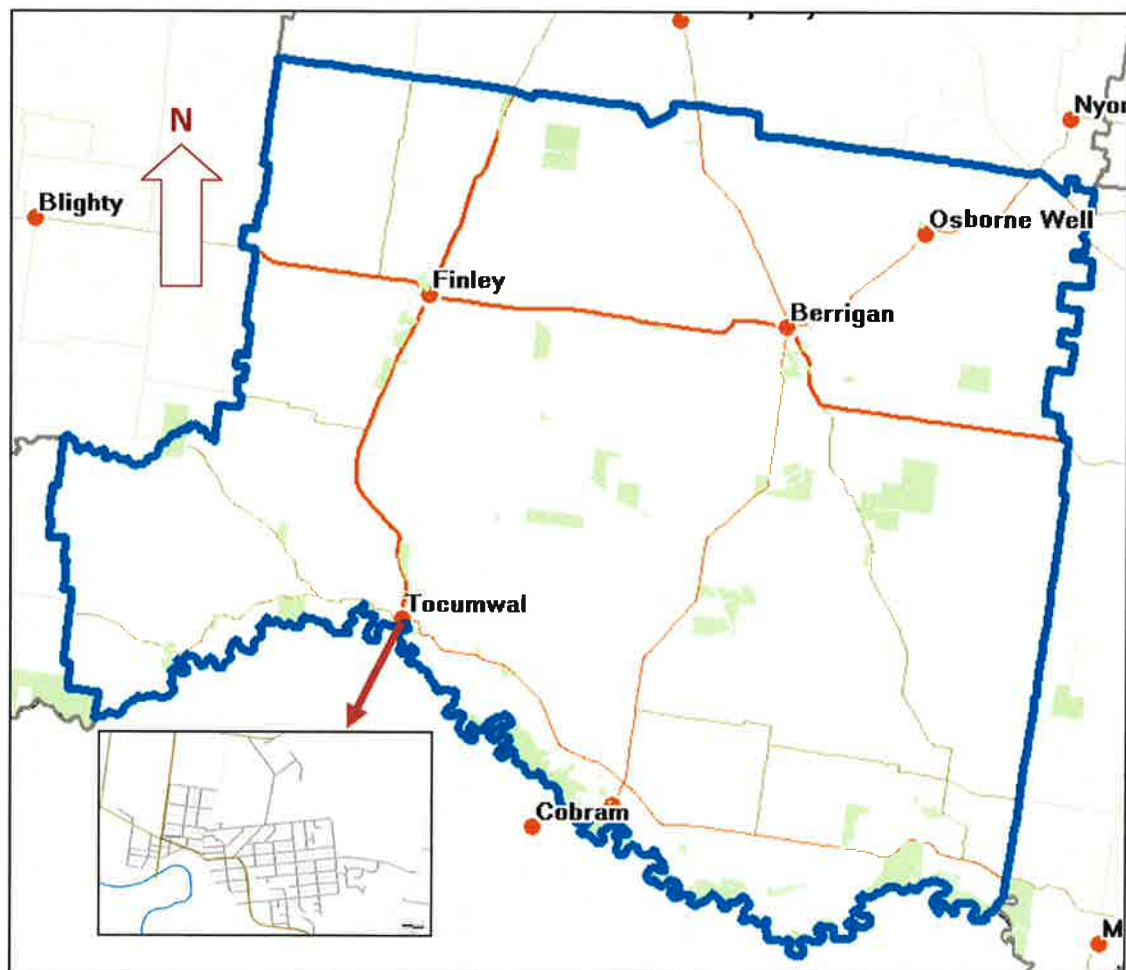




PLANNING PROPOSAL



For an additional permitted use on

Lot 133 DP773957
Barooga Road, Tocumwal 2714



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1. PRELIMINARY

1.1 **Context**

This planning proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the Department of Planning and Environment publications “A guide to preparing planning proposals” and “A guide to preparing local environmental plans.”

1.2 **Subject Land**

This planning proposal applies to Lot 133 of DP773957 Barooga Road, Tocumwal as indicated in the locality sketch (**Figure 1** – Page 4), satellite image (**Figure 2** – Page 5) and photographs (**Plates 1, 2, 3 & 4** – page 6). The property contains an existing approved rural shed from which a vegetation management company operates.

1.3 **Current Zoning and Landuse**

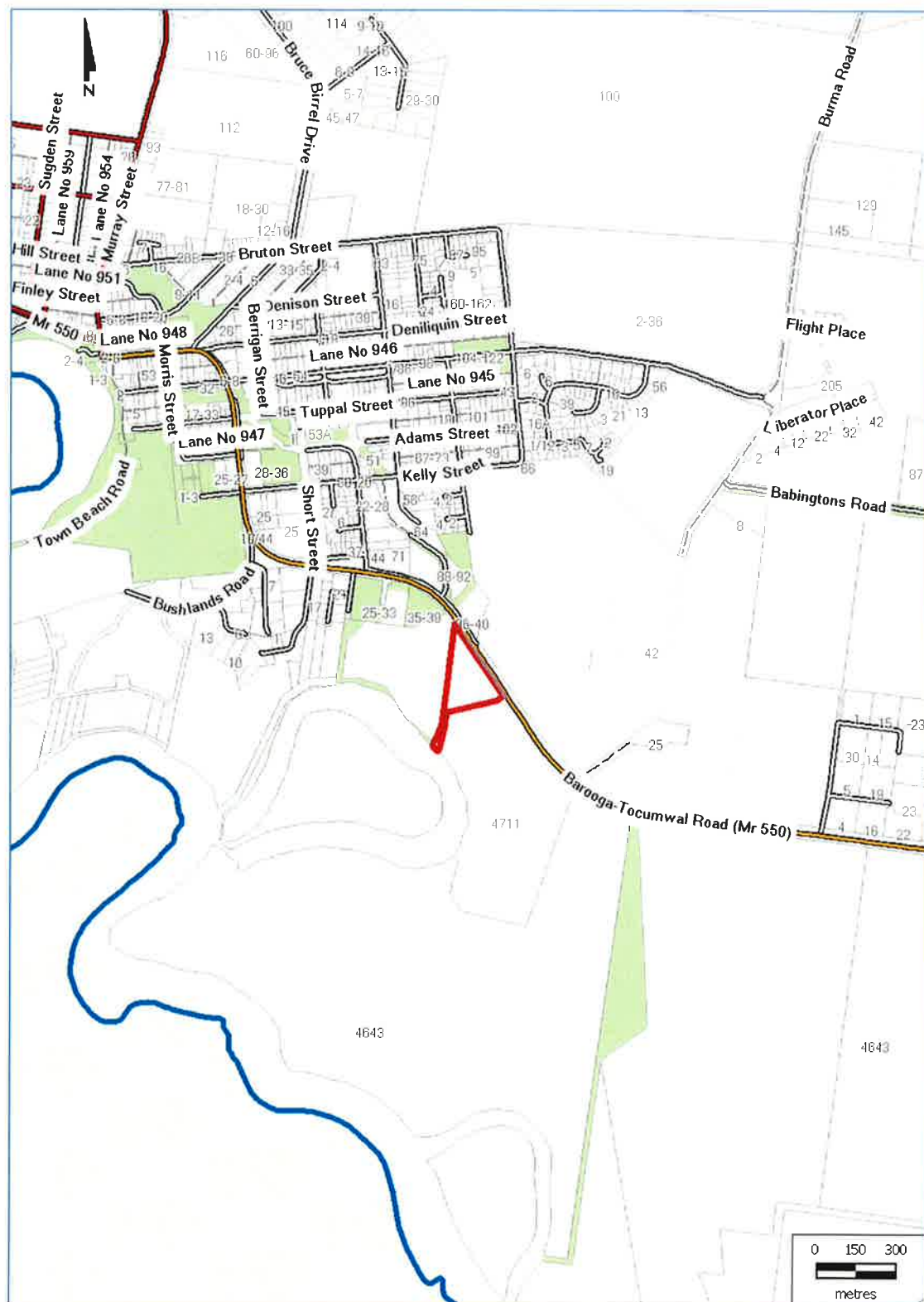
The subject land, Lot 133 of DP773957, is located in the RU1 – Primary Production Zone under Berrigan LEP 2013 and has an area of approximately 3.92ha (**Figure 3** – Page 8)

The land adjoins the village boundary to the north and residential uses to the south and west. Tocumwal Golf Course is located adjacent to the property on the east.

1.4 **Council Resolution**

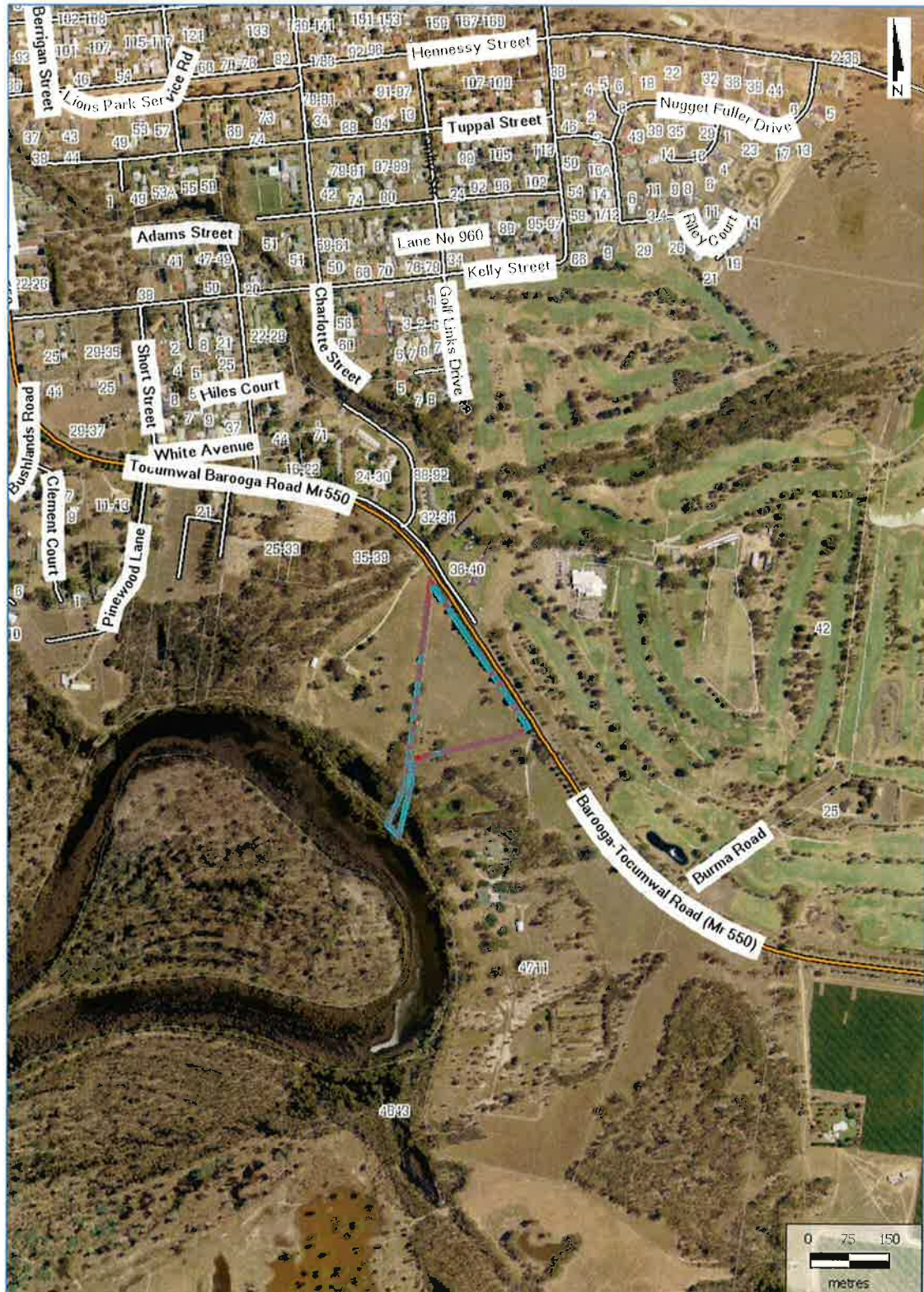
The planning proposal was considered by Council at its general meeting on 20 August 2014 where it was resolved to seek a gateway determination of the proposal (see **appendix A**).

Figure 1 Locality sketch



Map Zoom: 3397 m | Scale: 1:20,000

Figure 2 Satellite image



Map Zoom: 3397 m | Scale: 1:20,000



(Plate 1) View from northern corner towards south east.



(Plate 2) View from southern corner towards north east

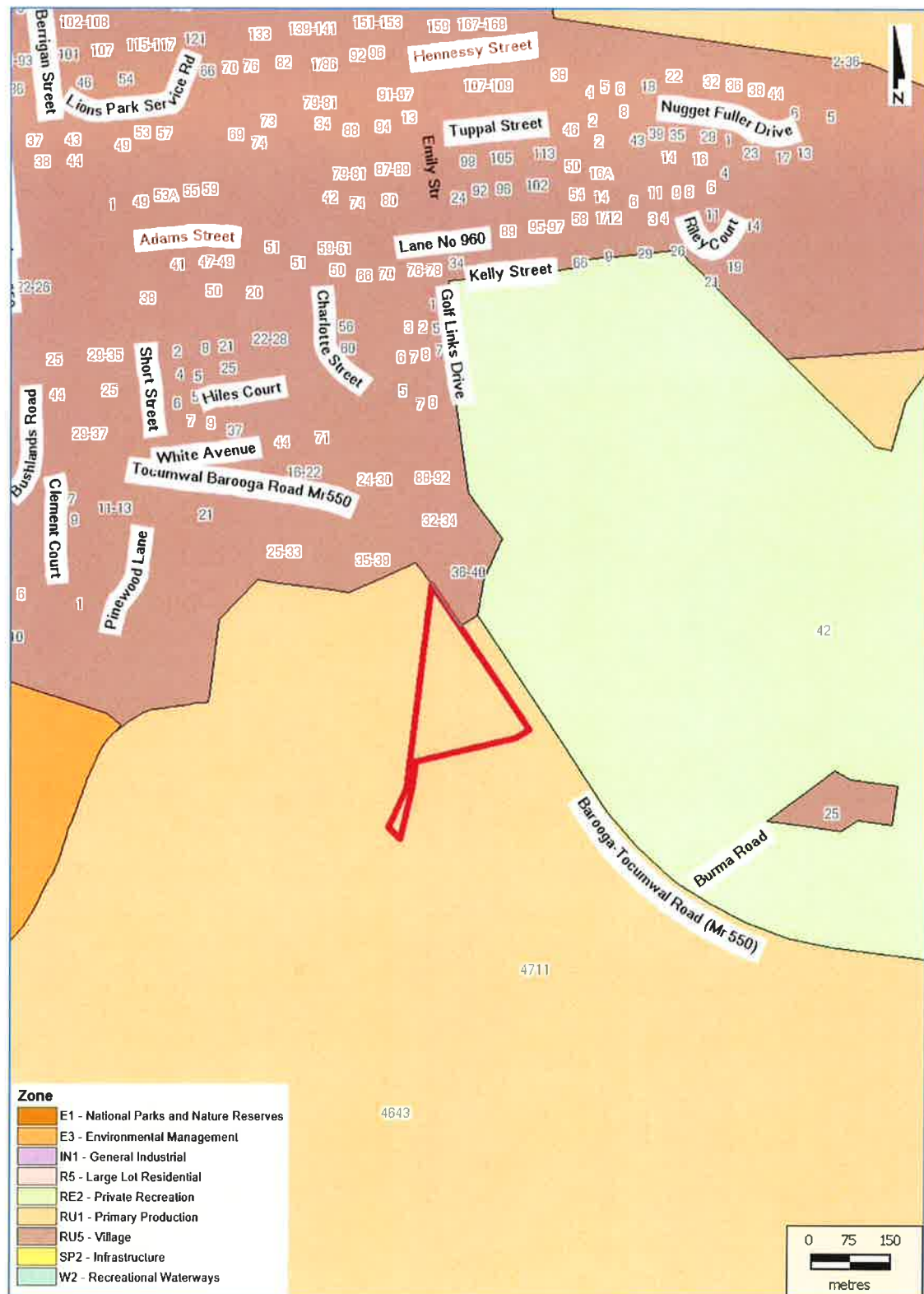


(Plate 3) View from southern corner towards south



(Plate 4) View from south eastern corner towards west

Figure 3 Zoning map



Part 1 – Objectives or Intended Outcomes

To enable the development of the land described as Lot133 of DP773957, Barooga Road, Tocumwal for residential purposes to support the current use of the land.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending Schedule 1 of Berrigan Local Environmental Plan 2013 to include an additional permitted use (residential dwelling) on the subject land.

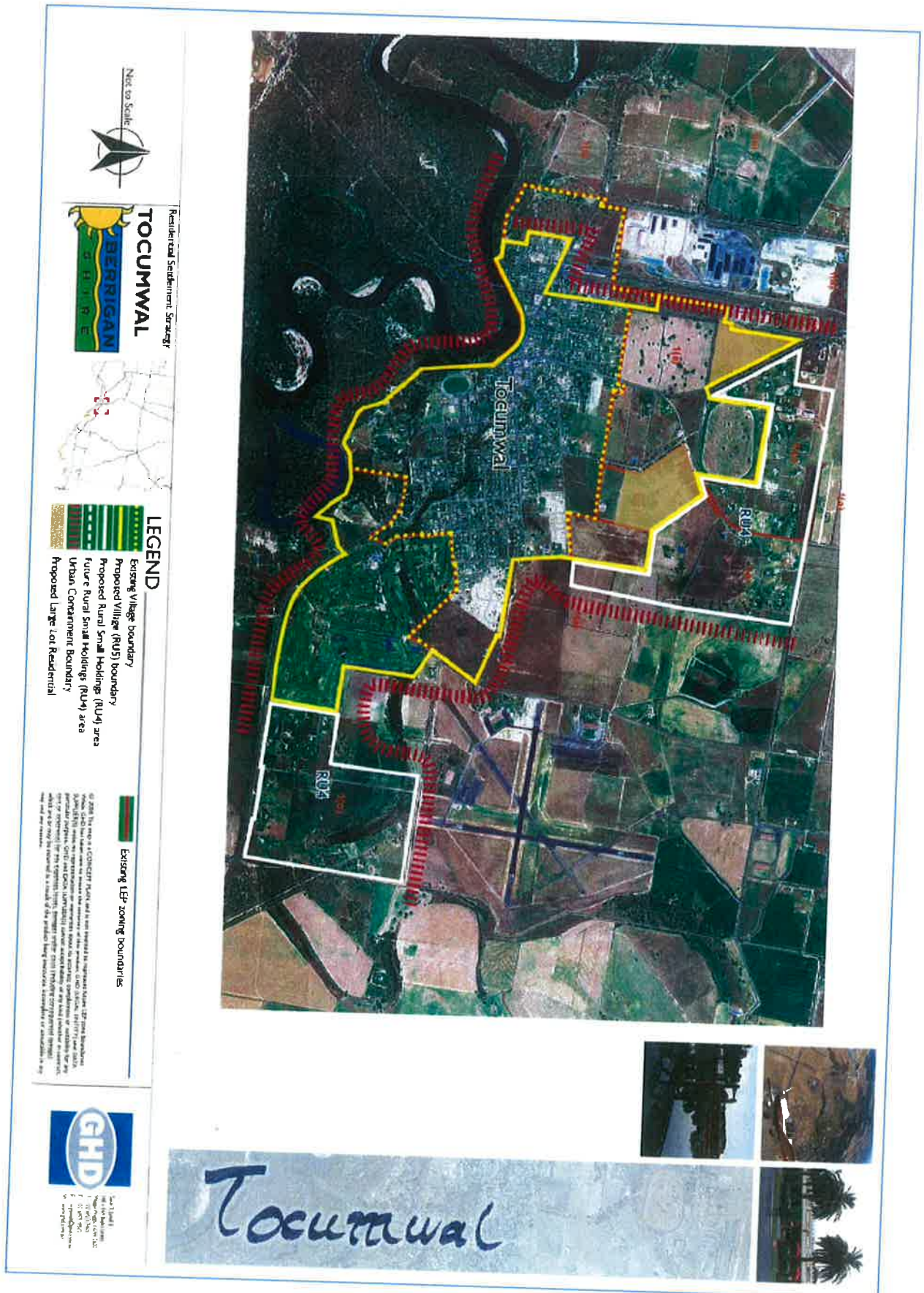
Part 3 – Justification

Section A – Need for the planning proposal

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

The land has been identified as suitable for inclusion within the village for residential purposes in the Draft Berrigan Land Use Strategy, in particular, future land use map included in Part 3 – Residential Settlement Strategy. (see **Figure 4** – page 10)

Figure 4 Future Land Use Map



2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An additional permitted use is the best means to achieve the objectives and intended outcomes of this planning proposal. The alternative is to rezone the property however environmental constraints on the land may render it unsuitable for the future subdivision which rezoning could entail.

The applicant has provided a supporting statement (**Appendix B**) justifying why a dwelling should be permissible on this land. From a Council perspective it is considered that this proposal should be supported given the proximity of the block to the village area and the size of the allotment not constituting prime agricultural land and being capable to service and sustain a dwelling.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is considered to be consistent with the Draft Murray Regional Strategy as the additional permitted use and development of the land will assist in providing residential opportunities that are located close to town centres and services.

The Draft Strategy, page 19, indicates that the Murray River towns of Barooga and Tocumwal can expect some growth which would indicate that the provision of additional residential land would be appropriate at this time.

Murray Regional Environmental Plan No. 2 – Riverine Land also applies to the land in particular ‘Part 2 – Planning principles’. The proposed additional permitted use and future development of the land is consistent with the principles of the Plan, where applicable, as the land is close to existing services and facilities and is small in area and will not compromise the potential of prime crop and pasture land to produce food or fibre.

4. Is the planning proposal consistent with the Councils Community Strategic Plan, or other local strategic plan?

Council are currently finalising a draft strategic land use plan which has incorporated a Profile and Issues paper, a Review of Murray River Corridor Lands and a Residential Settlement Strategy.

One of the key issues identified was the need for periodic reclassification of land in Tocumwal for residential purposes to cater for the continued growth of the town.

5. Is the planning proposal consistent with applicable state environmental planning policies?

SEPP (Rural Lands) 2008

Rural Planning Principles

- a) The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.
- b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.
- 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
- 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 land in question has an area of approximately 4ha and adjoins the Village boundary to the north and developed residential land to the south and west. Given its location and small area the land has limited agricultural value.

It is considered that the proposal is consistent with the above planning principles in particular with reference to subclauses (d), (f) and (g) and is consistent with Councils draft strategy as the land is located within the identified urban containment boundary.

MREP2 – Riverine Land

It is considered that the planning proposal is consistent with the aims and objectives of this plan as the area of the block upon which a dwelling is to be erected is far from the river, not flood or bushfire prone and is located close to existing services and facilities.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The planning proposal is considered to be consistent with the provisions of the SEPP as there are no known resources on the land and would be unlikely to be developed considering the proximity to the town and rural residential developments.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

1.2 Rural Zones

The planning proposal is not inconsistent with this direction as the additional permitted use is of minor significance as the land has a minimal area of 4ha, adjoins the existing village boundary and has minimal agricultural value.

1.3 Mining, Petroleum Production and Extractive Industries

The land is not located in an identified resource area, adjoins an existing village and has a minimal area of 4ha. The planning proposal is considered to be consistent with this direction as the proposal is of minor significance and will not impact upon the future extraction of State or regional resources.

1.5 Rural Lands

The planning proposal is considered to be consistent with this direction and with SEPP (Rural Lands) 2008 as the subject land has been identified in Councils Draft Land Use Strategy for the future expansion of the village boundary as indicated by the urban containment boundary in **figure 4** – page 10. The land adjoins the existing village boundary, is of a small area and has minimal agricultural value in the context of surrounding agricultural uses in the locality and the proposal is considered to be of minor significance.

3.5 Development near Licensed Aerodromes

The planning proposal is considered to be consistent with this Direction as the land is located approximately 1.5km South West of the aerodrome, is outside the ANEF 15 contour and any future permissible development would not encroach the OLS plan applicable to the land.

Section C – Environmental, Social and Economic Impact**7. *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?***

The area of the block upon which a future dwelling is to be erected is not classified as biodiversity significant and does not contain any identified critical habitats or threatened species. The northern portion of this block has been cleared of vegetation for many years and the erection of a single dwelling is likely to have minimal impact.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There is a corridor of remnant vegetation located within the far southern extremity of the block which is worthy of retention. It is not proposed to erect a dwelling in the vicinity of this vegetation and its retention will be requirement of consent. This portion of the block is also bushfire prone however sufficient separation distance can clearly be obtained with the development of the northern portion for residential purposes. Similarly portions of the subject property are identified as flood prone however the northern section is not within the flood planning area and 1 in 100 year flood mapping demonstrates large portions of the subject land suitable for the erection of a single dwelling.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will maintain the economic and social status quo of the area and provide an additional rural residential allotment in a suitable location surrounded by other rural residential properties. The dwelling will also support the existing vegetation management business on site acting as a caretaker's residence thereby improving the security and economic efficiency of this business.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The property is serviced by an existing filtered town water connection with potential for sewer extension to be undertaken in the future to service the allotment.

Services such as health, which includes a hospital, nursing home and doctor's surgery as well as education, public transport and emergency services are located in close proximity given the location of the site adjoining the village boundary.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Due to the low impact nature of the planning proposal no consultation with State and Commonwealth public authorities, other than the Department of Planning, has been undertaken at this time.

Upon receipt of a gateway determination consultation with relevant authorities will be undertaken in a timely manner in accordance with that determination.

Part 4 – Community Consultation

- The planning proposal is considered to be low impact in nature.
- The exhibition period is to be 14 days.
- The planning proposal is to be exhibited:
 - In the local newspaper
 - In the library of the town to which the planning proposal applies
 - On the Council website
 - By notification of adjoining land owners



APPENDICES

Appendix A

Minutes of the Ordinary Council meeting held in the Council Chambers on Wednesday, 20th August, 2014

6.9 PLANNING PROPOSAL – LOT 133 DP773957 BAROOGA ROAD, TOCUMWAL

AUTHOR: Town Planner

STRATEGIC OUTCOME:

Sustainable natural and built landscapes

STRATEGIC OBJECTIVE:

1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: 18.121.2

186 RESOLVED Crs: Bruce and Morris

- That a site specific planning proposal be prepared to allow for an additional permitted use being the erection of a dwelling, on Lot 133 DP773957 Barooga Road, Tocumwal.
- That this planning proposal be submitted to the Minister for Planning for gateway determination in accordance with Clause 56 of the Environmental Planning and Assessment Act 1979.
- All costs associated with this procedure are to be met by the applicant.

The Mayor called for a division in relation to the motion which resulted in the following:

Division

Voting In Favour: Cr. Bernard Curtin, John Bruce, Matthew Hannan, Brian Hill, Denis Glanville, Darryl Morris, Andrea O'Neill,

Voting Against: nil

Appendix B

Applicant supporting statement

David & Erin Hore
PO Box 129
Tocumwal NSW 2714
PH 0438 848862
FAX 0358742898
EMAIL erinh@dragnet.com.au

PROPOSAL FOR DEVELOPMENT OF LOT 133 (DP 773957) BAROOGA RD, TOCUMWAL 2714

The following is a submission to gain "Additional Permitted Use" with regards to the above mentioned lot.

REASON FOR SUBMISSION

As the owners of Lot 133 Barooga Rd Tocumwal, our Company, Enbom & Hore Pty Ltd have been operating our Vegetation Management business from this site for the past three years. As our business has progressed we are now in a position to expand (please find attached – Enbom & Hore P/L Business Plan) and therefore are submitting this proposal to gain permission to further develop this property, predominantly to build a managers residence.

THE PROPERTY

This property is zoned Farmland and is 3.92 Ha in area, situated adjacent the Tocumwal Golf Club & Golf Motor Inn, nearby to the existing residential area of southern Tocumwal. The property is surrounded by residential dwellings, motel accommodation and the Tocumwal Golf Club. The property is completely cleared, undulating sandy slopes with only small display trees and shrubs planted along some of the boundaries. There is also some small groups of native trees we have recently planted. Adjoining the south boundary of the property is a lagoon and River Red Gums with little understory that is kept maintained to a neat state. To both the west and east are rural residential properties. The north fronts onto Barooga Road and the Tocumwal Golf Links.

SERVICES

The property currently has town water, power, telephone services all connected. There is also a licence for 10 megalitres of high security domestic & stock water. The proposed dwelling would be fitted with a certified to Australian Standards wastewater treatment system so as to eliminate any possibility of effluent leakage into the soil.

FLOOD PLANNING LEVEL

The proposed dwelling would be positioned at the rear of the property above the 100 year flood level.

ACCESS

The property has excellent clear access off Barooga Road within the 50 Kilometre zone of Tocumwal. All weather access roads are currently in place with excellent gravel roadways to existing workshop shedding. The same would be extended beyond the shedding to the dwelling. Due to the undulating sandy soil there is very little pooling of water even with extremely heavy rain.

ASSET PROTECTION

The position of the proposed dwelling would be strategically placed so no clearing of any vegetation would be required and the dwelling would have a protection zone in all directions of a minimum of 120 metres. The proposed dwelling would be constructed to fit aesthetically and environmentally with the surrounding area.

CONCLUSION

In the past three years since owning this property we have made significant improvements both environmentally and aesthetically including clearing of noxious weeds, entrance and allweather roadways installed, existing boundary trees pruned, mulched and fertilized, planted plots of native trees and cleared scrub and diseased trees.

As all adjoining land is typical of rural residential areas and any farming enterprise would be impractical due to restrictions because of the close proximity of residential housing, motels and businesses, this property would be well suited to our proposal for a managers residence to further enhance our expanding business. Also any primary production would be worthless as the size of the property would not sustain any viable enterprise.

As the use of this land is limited due to current zoning restrictions, we feel if our proposal to build a managers residence was successful this would allow us the scope to continue to further develop our business thus in turn substantially enhance the property. This would ensure the continued improvement & beautification to the southern entrance to Tocumwal and surrounding area .

6.9 PLANNING PROPOSAL – LOT 133 DP773957 BAROOGA ROAD, TOCUMWAL

AUTHOR: Town Planner

STRATEGIC OUTCOME:

Sustainable natural and built landscapes

STRATEGIC OBJECTIVE:

1.1 Support sustainable use of our natural resources and built landscapes

FILE NO: 18.121.2

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