

Subdivision of Rural Land Severed by a Sealed Road

Proposal Title : Subdivision of Rural Land Severed by a Sealed Road

Proposal Summary : The proposal seeks to include provisions into Nambucca LEP 2010 to permit the subdivision of land zoned RU1 Primary or RU2 Rural Landscape, severed by a sealed road, and identified on the 'Severed Land Application Map'.

PP Number : PP_2015_NAMBU_002_00

Dop File No : 15/09740

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions : 1.2 Rural Zones

Additional Information : It is recommended that:

(a) the proposal not be supported as it does not sufficiently demonstrate the need or justification for the proposed provisions or its inconsistencies with the SEPP (Rural Lands) 2008, s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 5.1 Implementation of Regional Strategies and the Mid North Coast Regional Strategy and associated planning settlement guidelines; and

(b) Council be advised that the Department would need to undertake a review of the State wide implications of such a policy before it can be determined whether a similar proposal could be supported in the future.

Supporting Reasons : The principle of permitting ad hoc and scattered rural subdivision and dwellings on the basis of a potential physical constraint (such as the location of a sealed road) without a detailed strategic analysis of its need, implications or merits is not supported. Such a principle if supported would have State wide precedence and implications for the future management of rural lands and the wider agricultural sector.

The presence of a potential physical constraint is not considered sufficient in the absence of any strategic assessment to justify the need to fragment rural land, increase the number of scattered and difficult to service rural dwellings, increase potential land use conflict and put at risk the undertaking of routine agricultural activities on the surrounding lands. These outcomes would have significant implications if adopted across the State for the NSW agricultural sector and would jeopardise agricultural activities that produced agricultural commodities valued at over \$10.8 billion in 2011/12 for the NSW economy.

It is also noted that a number of existing agricultural holdings across NSW are being conducted successfully and efficiently even when affected by such a physical constraint. It is considered preferable that the Department undertake a review of the State wide implications of such a policy to determine whether it would support a similar proposal in the future prior to Council committing further resources to this issue. If the outcome of the review was to support such a policy, Council could then undertake a strategic assessment to identify and justify the sites that are physically suitable and warrant subdivision and that could be incorporated into Council's rural residential strategy and release program.

Panel Recommendation

Subdivision of Rural Land Severed by a Sealed Road

Recommendation Date : 02-Jul-2015

Gateway Recommendation : Rejected

Panel

Recommendation :

- The matter was considered by the Local Environmental Plan Review Panel (Panel) on 2 July 2015. The Panel consisted of:
 - o Simon Manoski, Acting General Manager (Chair);
 - o James Matthews, Team Leader, Planning Services;
 - o Ashley Albury, General Manager, Western Region; and
 - o David Green, Land Use Planning Manager, Wollongong City Council.
- The Panel supported the regional office's concerns regarding the potential rural land fragmentation and the precedence that may be set to the broader implications on rural and agricultural land management.
- Further, the Department has not previously approved the subdivision of lots severed by a sealed road. It is acknowledged that there may be some merit under certain circumstances in appropriate locations where land is a certain size, that subdivision may achieve the objectives of the rural zones, complement agricultural activities and minimise any rural fragmentation. However, insufficient analysis and justification was provided in support of the planning proposal.
- It is recommended that the planning proposal be refused as a sealed road is not considered to be sufficient justification to fragment rural land and increase the number of scattered and potentially difficult to service rural dwellings, increase potential land use conflict and put at risk the undertaking of routine agricultural activities on the surrounding lands.
- The Panel attempted to contact Council at the Panel meeting but Officers were not available to discuss the Department's concerns. Council did not return the Department's call.

Therefore, it is recommended that the planning proposal to permit the subdivision of certain rural land severed by a sealed road should not proceed for the following reason:

1. The planning proposal does not adequately address inconsistencies with Section 117 Directions 1.2 Rural Zones and 1.5 Rural Lands as well as State Environmental Planning Policy (Rural Lands) 2008 as it will create potential land use conflict and result in the fragmentation of rural lands.

Signature:



Printed Name:

Simon Manoski

Date:

16.7.15