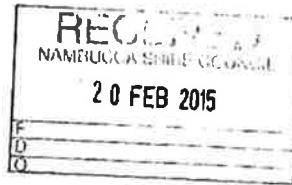


ITEM 9.7 PLANNING PROPOSAL - RURAL ROAD LAND SEVERANCE PROVISIONS**Planning &
Environment**

Mr M Coulter
General Manager
Nambucca Shire Council
PO Box 177
MACKSVILLE NSW 2447

Our ref: 14/01383
Your ref: SF1541

18 February 2015

Dear Mr Coulter

Proposed Road Severance Provisions

I refer to your letter of 12 December 2014 concerning a proposal to include provisions to enable the subdivision of rural lots that are severed by a public road. I apologise for the delay in responding.

We have examined the information you have provided and appreciate the strategic approach Council is taking with this matter.

The road severance provisions you propose have the potential to increase the proliferation of dwellings in rural areas. While you have indicated that this increase is expected to be approximately 63 lots throughout the local government area, we note that Council's Local Growth Management Strategy - Rural Residential Component already provides a total of 28 years supply of rural residential land. It is also noted that secondary dwellings are permissible in the RU1 Primary Production and RU2 Rural Landscape zones in the Nambucca LEP 2010. It is therefore considered that there is adequate opportunity for dwellings in rural areas in Nambucca Shire.

The issues with the use and management of severed rural land that you have highlighted are often given as reasons for the subdivision of rural land. The Nambucca LEP 2010 contains boundary adjustment provisions in clause 4.1C, and rural subdivision provisions in clause 4.2. These provisions may already provide an opportunity to subdivide lots that are severed by public roads. These provisions ensure that the creation of new lots do not result in additional ad hoc rural residential development. Similar provisions also exist within clause 9 of State Environmental Planning Policy (Rural Lands) 2008.

Should Council seek to proceed with the introduction of severed land provisions in its LEP, an amendment to the Local Growth Management Strategy - Rural Residential Component would be necessary in the first instance. Such an approach would enable a more thorough analysis of the lots which may be subject to these provisions. The amendment to the strategy would also need to justify the change in minimum lot size against the SEPP (Rural Lands) 2008 and section 117 Direction 1.5 Rural Land.

If the amendment to the Strategy is approved Council may then either rezone the land and change the minimum lot size if appropriate, or include the land on a map to which the severed land provisions will apply.

ITEM 9.7 PLANNING PROPOSAL - RURAL ROAD LAND SEVERANCE PROVISIONS

2

Any land which is subject to these proposed provisions should be located adjoining existing rural residential areas or in close proximity to the towns of Macksville, Bowraville or Scotts Head. The guiding principles outlined in your letter of the 12 December 2014 are considered appropriate for a review of the severed land that may be suitable for inclusion in an amendment to the strategy.

In addition to these principles consideration should also be given to the following matters:

- an assessment of the traffic volumes on the roads should be conducted to determine a level of traffic movements, in vehicles per day, which makes the management of the land that is severed by these roads unworkable;
- whether the land is cleared of significant native vegetation or whether the subdivision of the land would result in the need for extensive clearing of the land to accommodate a dwelling and bush fire asset protection zones; and
- the presence of existing land uses on neighbouring land which may be incompatible with future rural residential development.

In summary, it is considered that suitable provisions exist to manage specific instances of severed land at the development application level. Alternatively, in isolated instances a planning proposal may be used to amend the minimum lot size for land where the subdivision of the land is appropriate though the provisions of the LEP cannot be used.

If you have any further enquiries in relation to this matter please contact me at the Department's Northern Region office on 6641 6607.

Yours sincerely



Paul Garnett
Senior Planning Officer
Northern Region

ATTACHMENTS:

There are no attachments for this report.