

### 13.02 PLANNING PROPOSAL – 2519 O'CONNELL ROAD

File No: PR186-2519

Author: Brendan O'Loan Consulting Town Planner / Shane Wilson Planning & Development Director

#### Summary:

Council is in receipt of a Planning Proposal from 'Geolyse' for an amendment to the Oberon Local Environmental Plan 2013. The Planning Proposal has been submitted to Oberon Council on behalf of Belvoir Hill Pastoral Company Pty Ltd in May 2017. The subject site is land located at 2519 O'Connell Road, O'Connell which is to the south of the township of O'Connell and 18km south-east of Bathurst. The Planning proposal is for a rezoning of the subject site from RU1 Primary Production Zone to R5 Large Lot Residential Zone with a 10ha minimum lot size. This rezoning would facilitate a potential 17-lot subdivision on the subject site.

Oberon Council officer's assessed the planning proposal in August 2017 and identified the following reasons on which not to recommend support to the planning proposal at that time:

- *Does not accord with the Oberon Land Use Strategy criteria in identifying future rural lifestyle living sites as O'Connell is not a primary or secondary service centre.*
- *The additional lot supply in O'Connell may generate disproportionate demands for services and infrastructure in the village of O'Connell which is currently not zoned to allow commercial, retail or community facilities.*
- *There has been no evidence provided within the Planning Proposal that there is less than 10 years supply of rural lifestyle living sites and/or a lack of supply of rural lifestyle living sites in O'Connell or Oberon Council.*
- *In accordance with Section 117 Direction 1.2 Rural Lands, there is no compelling reason that this agricultural land should be rezoned to lifestyle living lots.*
- *Is not supported by SEPP (Rural Lands) 2008, as the Planning Proposal has failed to provide evidence that additional R5 zoned land would contribute to the social and economic welfare of the O'Connell community.*

Despite not supporting the planning proposal the Council officer's assessment of August 2017 stated:

*"To a certain extent there is some planning merit to the Planning Proposal as the subject site is located between two areas of R5 zoned land and in the future there may be some land use conflict between the R5 and the subject sites RU1 zoning. The land also has manageable constraints, is close to the centre of O'Connell and is potentially the most suitable RU1 land in the O'Connell surrounds suited for large lot living."*

Initial advice on the draft report was provided to 'Geolyse' for their consideration. 'Geolyse' have since responded to the Council officer's recommendation with 'Further Information' dated 5 October 2017, which is affirmation of the strategic merit of the planning proposal. This report has subsequently been prepared in response to the Geolyse 'Further Information'.

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Moved: McCarthy  
Second: Lyon

That:

1. Council support the Planning Proposal and request for gateway determination due to the following reasons:
  - This area should have been included in the 2013 LEP.
  - The land release is of low agricultural value.
  - Services and infrastructure are currently available in the area.
  - Community interest in the adoption of the 2013 LEP.
2. Forward the endorsed Planning Proposal to the Department of Planning and Environment with a request for a Gateway determination and proceed to public exhibition subject to advice received and
3. Request that the Gateway delegate plan making functions to Council under Sections 59(2) and (3) of the Environmental Planning and Assessment Act 1979, in this instance.

Amendment Moved: Capel  
Second: KELLAM

That the matter be deferred for one month to allow Council the opportunity to seek further information.

The amendment was put and lost, the original motion stands.

Moved: McCarthy  
Second: Lyon

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4. A division be called in accordance with Section 375A of The Local Government Act 1993.

Carried

In accordance with Section 375A of The Local Government Act 1993 the following votes are recorded for and against the Motion:

Votes For: Councillors Kellam, Lyon, McKechnie, McCarthy, Capel, McKibbin and Gibbons  
Against: Councillors Sajowitz and Doney