

**Rezone Lot 30 DP 754889 Burra Road, Burra, to rural residential**

Proposal Title : **Rezone Lot 30 DP 754889 Burra Road, Burra, to rural residential**

Proposal Summary : **Rezone approximately 16ha of Rural 1(a)(General Rural Zone) to Rural 1(d) (Rural Residential Zone) to enable it to be subdivided it into 2 lots of approximately 4ha and 12ha.**

PP Number : **PP\_2012\_COOMA\_002\_00**      Dop File No : **12/03404-1**

**Proposal Details**

Date Planning Proposal Received : **21-Feb-2012**      LGA covered : **Cooma-Monaro**

Region : **Southern**      RPA : **Cooma-Monaro Shire Council**

State Electorate : **MONARO**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street : **1760 Burra Road**

Suburb : **Burra**      City :      Postcode : **2620**

Land Parcel : **Lot 30, DP 754889, Burra Road, Burra**

**DoP Planning Officer Contact Details**

Contact Name : **Meredith McIntyre**

Contact Number : **0262297912**

Contact Email : **meredith.mcintyre@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Sue Robb**

Contact Number : **0264551777**

Contact Email : **sue.robb@cooma.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name :

Contact Number :

Contact Email :

**Land Release Data**

Growth Centre :      Release Area Name :

Regional / Sub Regional Strategy : **Alpine (Snowy Mountains)**      Consistent with Strategy : **N/A**

## Rezone Lot 30 DP 754889 Burra Road, Burra, to rural residential

|                        |   |                                                      |   |
|------------------------|---|------------------------------------------------------|---|
| MDP Number :           |   | Date of Release :                                    |   |
| Area of Release (Ha) : |   | Type of Release (eg Residential / Employment land) : |   |
| No. of Lots :          | 2 | No. of Dwellings (where relevant) :                  | 2 |
| Gross Floor Area :     | 0 | No of Jobs Created :                                 | 0 |

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**  
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**  
If Yes, comment :

### Supporting notes

Internal Supporting Notes : **Advice from Council is that Council supports it from a strategic context. It has not been included in the Principal LEP (Council has resolved to request exhibition of this LEP in the near future) as Council was hoping to deal with this issue more quickly than the Principal LEP.**

**This proposal is closely tied to the approval of a 25 lot rural residential subdivision (Mount Burra Estate) on land adjoining. Vehicle access to that Estate is to be provided through the this land which is a logical extension of the Estate.**

External Supporting Notes : **Lot 30, DP754889 is currently vacant. It is split by Burra Road and has been purchased by the owner of the approved, adjoining 25 lot subdivision (Mount Burra Estate) to provide access to the Estate.**

**The proposal involves the rezoning of the land to allow rural residential development and the subdivision of the land into 2 lots: a 4ha (approx.) allotment created by the location of the access road to Mount Burra Estate, and the remaining (approx.) 12ha allotment (split by Burra Road). A single dwelling would be erected on each lot, close to the proposed Mount Burra Estate.**

### Adequacy Assessment

#### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council's supporting information is adequate.  
The outcome is to rezone the land from 1(a) (General Rural Zone) to 1(d) (Rural Residential Zone) and to subdivide the subject land into two allotments of (approximately) 4 hectares and (approximately) 12 hectares.**

#### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The provision is to rezone the land to permit rural residential development, consistent with adjoining lands.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

**1.2 Rural Zones**

**1.5 Rural Lands**

**2.1 Environment Protection Zones**

**2.3 Heritage Conservation**

**2.4 Recreation Vehicle Areas**

**3.1 Residential Zones**

**3.2 Caravan Parks and Manufactured Home Estates**

**3.3 Home Occupations**

**3.4 Integrating Land Use and Transport**

**4.4 Planning for Bushfire Protection**

**6.1 Approval and Referral Requirements**

**6.2 Reserving Land for Public Purposes**

**6.3 Site Specific Provisions**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

**SEPP No 44—Koala Habitat Protection**

**SEPP No 55—Remediation of Land**

**SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered :

**No other matters to those identified by Council. These include additional flora and fauna investigations, additional Aboriginal Cultural Heritage assessment, a Stage 1 contaminated lands assessment.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**s117 DIRECTIONS**

**Of the s117 Directions identified by Council the Southern Region considers that the following Directions do not apply:**

**s117 2.1 Environmental Protection Zones - the land is not in an environmental protection zone;**

**s117 2.3 Heritage Conservation - there are no identified heritage items on the site;**

**s117 2.4 Recreation Vehicle Areas - the Planning Proposal is not seeking to allow a RVA;**

**s117 3.1 Residential Zones - this does not apply to a zone or land where significant residential development is proposed;**

**s117 3.2 Caravan Parks and Manufactured Home Estates - the Planning Proposal is not considering these land uses;**

**s117 3.4 Integrating Land Use and Transport - none of the zones applicable to this Direction are being addressed in this Planning Proposal;**

**s117 6.1 Approval and Referral Requirements - the Planning Proposal does not apply any such provisions;**

**s117 6.2 Reserving Land for Public Purposes - the Planning Proposal does not seek to do this; and**

**s117 6.3 Site Specific Provisions - the Planning Proposal does not propose such provisions.**

**s117 Direction 3.3 Home Occupations - The Planning Proposal is consistent with this s117 Direction as the Yarrowlumla LEP 2002 applying to the land already permits these uses.**

**s117 Direction 4.4 Planning for Bushfire Protection - The Council has advised that it will consult with the NSW Rural Fire Service. To be consistent with this s117 Direction this consultation needs to precede public consultation and the Council needs to take the RFS's comments into account.**

**RECOMMENDATION: Consult with NSW Rural Fire Service prior to exhibition.**

**The Planning Proposal is inconsistent with the following s117 Directions:**

**s117 Direction 1.2 Rural Zones - The Planning Proposal is inconsistent in that it increases**

the permissible density of development. However, as it is only 2 lots it can be considered to be of minor significance and has been justified by the study supporting the Planning Proposal.

s117 Direction 1.5 Rural Lands - The Planning Proposal is inconsistent with this Direction as it changes a rural zone boundary. However, as it is only 2 lots and affecting only 16ha it can be considered to be of minor significance.

**RECOMMENDATION:** The Director General can be satisfied that the inconsistencies with these s117 Directions have been justified by a study and/or are of minor significance.

**RECOMMENDATION:** The Director General can be satisfied that the Planning Proposal is consistent with all other s117 Directions or that any inconsistencies are only of minor significance.

#### **SEPPs**

**SEPP 55 Remediation of Land** - Clause 6 of SEPP 55 includes provisions that must be considered by a planning authority in a zoning or rezoning proposal. It requires the planning authority to consider whether the land is contaminated. Council has advised that it will undertake a stage 1 contaminated lands assessment if the Planning Proposal proceeds.

**RECOMMENDATION:** Council is to undertake a contaminated lands assessment consistent with clause 6 of SEPP 55 and advise the Regional Director of the Southern Region of the outcomes, prior to exhibition.

**SEPP Rural Lands** - The Planning Proposal is considered to be consistent with the Rural Planning Principles of the SEPP.

#### **Mapping Provided - s55(2)(d)**

Is mapping provided? **No**

**Comment :** Concept maps have been provided. There appears to be a discrepancy between the total size of the allotment as identified by the applicant (16.2ha) versus Council's rate base (15.3ha) ( this may exclude the Crown roads). However, the Planning Proposal is to rezone the subject land. The subdivision of the land into 2 lots would be subject to Council's approval through a separate development application. Therefore, the discrepancy is not considered important. The subject land is identified adequately.

#### **Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

**Comment :** Council is proposing that a range of State Government agencies be consulted, including NSW Rural Fire Service; NSW Office of Environment and Heritage; Department of Primary Industries; and NSW Office of Water.

28 days is recommended by Council which is supported by the Southern Region.

#### **Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

#### **Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

## Proposal Assessment

### Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : Council is currently requesting a section 65 certificate to publicly exhibit its draft Principal LEP. A certificate may be issued in April/May as the Department has not completed its pre-s64 comments and it is also amending Council's maps to comply with changes to Mapping Guidelines. Council has experienced considerable delays in preparing its LEP. It is expected that the LEP process should move much more quickly now that policy and drafting issues have largely been resolved.

### Assessment Criteria

Need for planning proposal : The applicant is attempting to maximise the development of the land that was purchased to provide vehicle access to the adjoining 25 lot subdivision (Mount Burra Estate). The subject land is approximately 16ha. The minimum standard to erect a dwelling in the 1(a) (General Rural Zone) requires an area of not less than 80ha. By rezoning the land to 1(d) (Rural Residential Zone), the subject land could be subdivided to erect (only) 2 dwellings.

Consistency with strategic planning framework : The Burra area has been extensively subdivided into rural residential allotments. The area maintains strong demand for rural residential (small lot) subdivisions. Part of the Burra area is located in Queanbeyan LGA and part in the Cooma-Monaro LGA (including the subject land). Cooma-Monaro Council has prepared a draft Twenty Year Strategic Direction that will be publicly exhibited with the draft Principal Local Environmental Plan. Council did not identify that this Planning Proposal would be inconsistent with that draft Strategy.

Environmental social economic impacts : Council has identified a number of measures to address any potential environmental and social impacts, including additional flora and fauna assessment, stage 1 contaminated land assessment and additional Aboriginal Cultural Heritage investigations. It has also considered water supply and wastewater disposal of the proposed 2 dwellings.

### Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **Nil**

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage  
NSW Department of Primary Industries - Agriculture  
Department of Trade and Investment  
NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

## Rezone Lot 30 DP 754889 Burra Road, Burra, to rural residential

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

### Documents

| Document File Name                                  | DocumentType Name | Is Public |
|-----------------------------------------------------|-------------------|-----------|
| 20120220 - Council report and Planning Proposal.pdf | Proposal          | Yes       |
| 20120220 - Consultant's report.pdf                  | Proposal          | Yes       |

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : That the delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act, that an amendment to the Yarrawlumla Local Environmental Plan 2002 to rezone the land from Rural 1(a)(General Rural Zone) land to Rural 1(d) (Rural Residential Zone) should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the Planning Proposal must be made publicly available for a minimum of 28 days; and  
(b) the relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

Office of Environment and Heritage  
NSW Rural Fire Service  
NSW Department of Primary Industries - Agriculture  
Department of Trade and Investment - Office of Water

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the Planning Proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination. This acknowledges that the Council has to undertake a contaminated land assessment under SEPP 55 and a number of other studies prior to exhibition.

#### S117 DIRECTIONS

5. It is recommended that the Director General can be satisfied that the Planning Proposal is consistent with s117 Direction 3.3 Home Occupations as the Yarrowlumla LEP 2002 applying to the land already permits these uses.

6. The Director General can be satisfied that the Planning Proposal is consistent with s117 Direction 4.4 Planning for Bushfire Protection as the Council has advised that it will consult with the NSW Rural Fire Service. This needs to proceed public consultation and the Council needs to take the RFS's comments into account.

7. The Director General can be satisfied that inconsistencies with the following s117 Directions have been justified by a study and/or are of minor significance:  
s117 Direction 1.2 Rural Zones - The Planning Proposal is inconsistent in that it increases the permissible density of development. However, as it is only 2 lots it can be considered to be of minor significance and has been justified by the study supporting the Planning Proposal.

s117 Direction 1.5 Rural Lands - The Planning Proposal is inconsistent with this Direction as it changes a rural zone boundary. However, as it only enables subdivision of 2 lots it can be considered to be of minor significance.

8. The Director General can be satisfied that the Planning Proposal is consistent with all other s117 Directions or that any inconsistencies are only of minor significance. No further consultation is required in relation to any s117 Directions while the Planning Proposal remains in its current form.

#### SEPPs

9. SEPP 55 Remediation of Land, Clause 6 requires the Council to consider whether the land is contaminated. Council has advised that it will undertake a stage 1 contaminated lands assessment if the Planning Proposal proceeds.

Council is to undertake a contaminated lands assessment consistent with clause 6 of SEPP 55 and advise the Regional Director of the Southern Region of the outcomes and await his response prior to exhibition.

10. The Planning Proposal is considered to be consistent with all other SEPPs.

Supporting Reasons :

This is a relatively minor rezoning proposal. Whilst this is a spot rezoning, this particular proposal has sufficient merit, given its circumstances about access to the adjoining subdivision, that it seems reasonable to allow it to be rezoned. Council has also committed to minimising impacts of the 2 lot subdivision through further environmental and social investigations.

Signature:



Printed Name:

**MARK PARKER**  
**Local Planning Manager**

Date:

*21st March 2012*