

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**

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.

Panel Recommendation

Recommendation Date : 29-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

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

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 they 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. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

5. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. If necessary, the planning proposal is to be amended prior to exhibition to take into consideration any comments made by the NSW Rural Fire Service.

Signature:



Printed Name:

10/4/12 G. CIRILLO

Date:

10/4/12