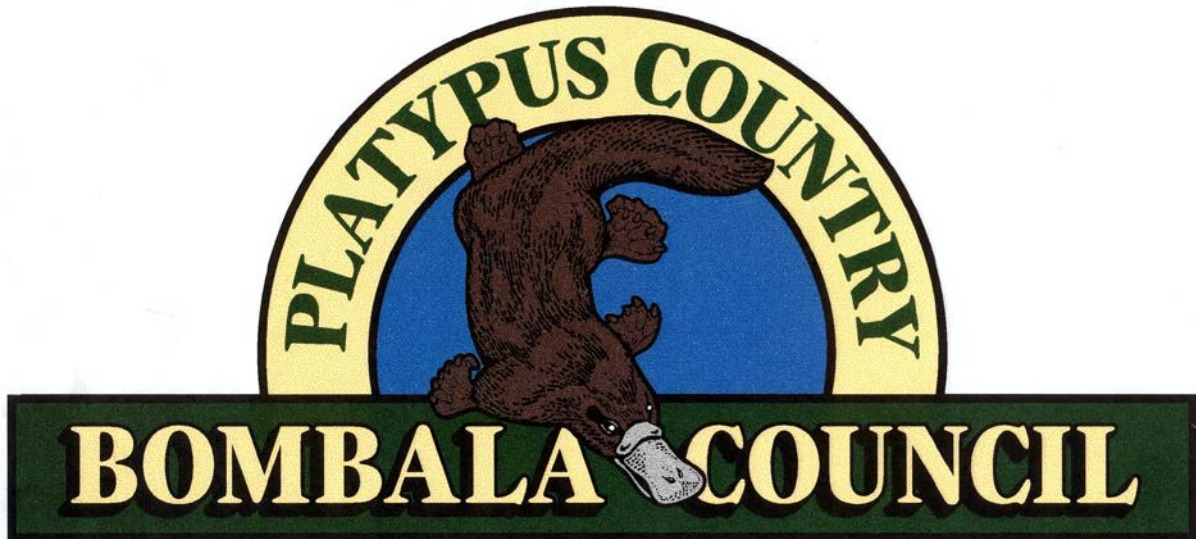




PLANNING PROPOSAL TO AMEND BOMBALA LOCAL ENVIRONMENTAL PLAN 2012

This planning proposal has been prepared in accordance with section 55(2) of the *Environmental Planning and Assessment Act 1979* and *A guide to preparing planning proposals* issued by the Department of Planning & Infrastructure in October 2012.

Part 1 Objectives and intended outcomes

The objective of the planning proposal is to correct minor mapping errors in *Bombala Local Environmental Plan (LEP) 2012* relating to the land zoning and minimum lot sizes applying to several properties in the vicinity of Cathcart and Bombala.

Part 2 Explanation of provisions

The proposed outcomes will be achieved by:

Amending the *Bombala LEP 2012* Land Zoning Map as follows and as shown on proposed land zone maps at Attachment 1:

- Change Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 from zone IN2 Light Industrial to zone R1 General Residential,
- Change Lots 54, 109, 248, 249, 259 and 350 DP 756826 from zone RU3 Forestry to zone RU1 Primary Production, and
- Change Lot 141 DP 756826 from zone RU1 Primary Production to zone RU3 Forestry.

Amending the *Bombala LEP 2012* Lot Size Map as follows and as shown on proposed lot size maps at Attachment 2:

- Change Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 from a minimum lot size of 100m² to no minimum lot size,
- Change Lots 54, 109, 248, 249, 259 and 350 DP 756826 from no minimum lot size to a minimum lot size of 40 hectares, and
- Change Lot 141 DP 756826 from zone RU1 Primary Production from a minimum lot size of 40 hectares to no minimum lot size.

Part 3 Justification

Justification for the proposed amendments to *Bombala LEP 2012* is presented by way of a response to each of the questions posed in *A guide to preparing planning proposals*.

Q1. Is the planning proposal a result of any strategic study or report?

The amendments are to correct some minor anomalies in *Bombala LEP 2012* which was prepared primarily as a conversion plan to implement the *Standard Order (LEPs) 2006*. The planning proposal has been the result of detection of these anomalies and subsequent reporting to Bombala Council.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The alternative to this planning proposal is to allow individual land owners to apply to rezone their land. This would mean that each land owner would need to prepare a separate planning proposal for their respective parcels of land. This alternative would cause unnecessary expense and be a time-consuming exercise when compared to a single amendment that corrects anomalies.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There are no regional or sub-regional strategies that apply to Bombala local government area. However, the planning proposal is consistent with the directions and actions of the *Bombala Land Use Strategy* which was endorsed by the Director General as a blueprint for the preparation of the new principal instrument.

The proposed amendments would be compatible with existing, approved and likely future uses of land in the vicinity of each parcel and not require any augmentation of infrastructure services.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with the directions and actions of the *Bombala Land Use Strategy* as follows:

Settlement and housing actions

SH2: allocate urban residential and industrial zones to Bombala township based on sub-zones currently in DCP No 2 Bombala Urban Area, that is, zone residential areas as R1 General Residential and the industrial area as IN1 General Industrial

The land at the southern end of Bombala urban area that is now zoned IN2 Light Industrial was formerly occupied by a sawmill. DCP No 2 (now repealed) 'sub-zoned' this land as industrial, however, the two allotments that are the subject of this planning proposal have been occupied by a dwelling and used for residential purposes for some time. The dwelling was not associated with the former sawmill. They are not known to be potentially contaminated as sawmilling activities took place only on adjoining land. A decontamination report for the adjoining land formerly occupied by the sawmill has been accepted by the Environment Protection Authority. It is considered that the mapping of the extent of industrial land in DCP No 2 was erroneous.

Rural activity actions

RA1: Zone land that is currently zoned 1(a) Rural Zone as RU1 Primary Production in the new LEP

RA2: zone land that is in the care, control and management of Forests NSW as RU3 Forestry and consult with the Department of Investment & Industry to ensure that mapping of this estate is accurate

The rural land east of Cathcart that is the subject of this planning proposal was incorrectly zoned in *Bombala LEP 2012*. The Department of Primary Industries was consulted during exhibition of the draft plan in 2011 with the purpose of verification of the zoning of public forests. However, no comment was received from the forestry division. Council subsequently relied upon local knowledge and mapping obtained from other state agencies such as the Office of Environment and Heritage. The affected private landholders did not make a submission to the draft LEP during exhibition.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The planning proposal is consistent with the provisions of *SEPP (Rural Lands) 2008, SEPP No 55 – Remediation of Land*. Because the amendment is to correct minor zoning anomalies, the rezoning of agricultural and forestry land will enable these primary industries to continue in accordance with Rural Planning Principles. There is no known contamination of the land

south of Bombala and further investigation is not required at this stage.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following local planning directions are relevant to the planning proposal:

1.1 Business and Industrial Zones

This direction applies when a planning proposal alters the zone boundaries and aims to protect existing industrial zoned land by retaining the areas and locations of existing industrial zones. In this instance, the land to be rezoned to residential is occupied by a dwelling and used for residential purposes. There will be no loss to the area of land able to be developed for industrial uses.

1.2 Rural Zones

This direction aims to protect agricultural land by not permitting rezoning to an urban zone or increasing densities of residential uses. The planning proposal does not aim to rezone the rural land east of Cathcart to an urban zone and seeks to retain the existing agricultural and forestry uses.

1.5 Rural Lands

This direction applies when a planning proposal affects rural land and alters a minimum lot size applying to that land. The proposal is consistent with the Rural Planning Principles of SEPP (Rural Lands) 2008.

3.1 Residential Zones

The relevant objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services, and ensure that new housing has appropriate access to infrastructure and services. It applies when a planning proposal affects a residential zone including an alteration of the zone boundary. The planning proposal is consistent with this direction because the land is within an urban zone that is already provided with essential services and a development control plan is in place that seeks to encourage sustainable residential development.

4.4 Planning for Bushfire Protection

The land within the urban area of Bombala is not mapped as bushfire prone. The rural and forestry land east of Cathcart is mapped as bushfire prone, however, this does not affect the proposed rezonings which aim to recognise the current ownership and use of these parcels of land.

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not applicable

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Not applicable

Q9. Has the planning proposal adequately addressed any social and economic effects?

Not applicable

Q10. Is there adequate public infrastructure for the planning proposal?

Not applicable

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

It is expected that consultation regarding the planning proposal will be limited to the affected private landholders and the NSW Forestry Corporation (formerly a division of the Department of Primary Industries).

Part 4 Mapping

The land subject to this planning proposal is shown on accompanying maps. These maps comprise:

- extracts from the land zoning that show the current and proposed zones (Attachment 1),
- extracts from the lot size maps that show current and proposed lot sizes (Attachment 2), and
- cadastral mapping obtained from the NSW Government's SIX Maps on-line database with the subject land shown outlined in red (Attachment 3).

As council does not have GIS mapping capability to amend the land zoning and lot size maps, the cartographic division of the Department will be asked to amend the LEP maps at the end of the process.

Part 5 Community consultation

The planning proposal aims to correct minor anomalies in *Bombala LEP 2012* that were not detected during exhibition of the draft plan in 2011. The proposed amendments are consistent with the pattern of surrounding land use zones, land uses and *Bombala Land Use Strategy*, present no issues regarding infrastructure servicing and do not reclassify public land.

For the above reasons it is proposed to consult only with the affected private land owners and the NSW Forestry Corporation. This will be by means of a direct letter explaining the proposed amendments and seeking comment within 14 days.

Part 6 Timeline

Bombala Council estimates that the planning proposal can be completed by March 2014 as shown in the timeline below.

Timeline	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14
Council resolution to forward planning proposal to the Director General					
Anticipated date of Gateway determination					
Completion of technical information					
Government agency consultation					
Public exhibition period					
Public hearing					
Consideration of submissions					
Council report to resolve to proceed					
Submission to DP&I to finalise LEP					
RPA makes plan					
Forward to DP&I for notification					

Prepared by Zenith Town Planning for and on behalf of Bombala Council, dated 4 October 2013.

ATTACHMENT 1 – LAND ZONING MAP

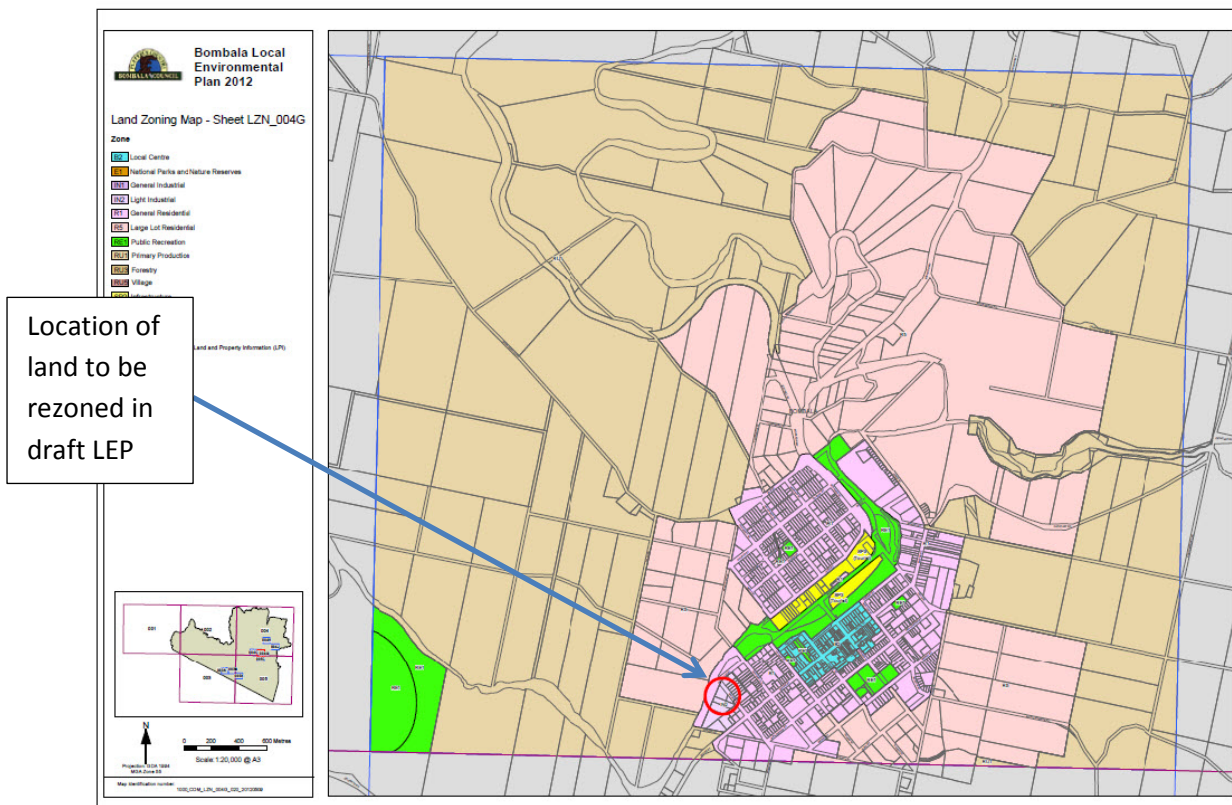


Figure 1: Land Zoning Map - Sheet LZN_004G - Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 [Map Identification Number 1000_COM_LZN_004G_020_20120509]

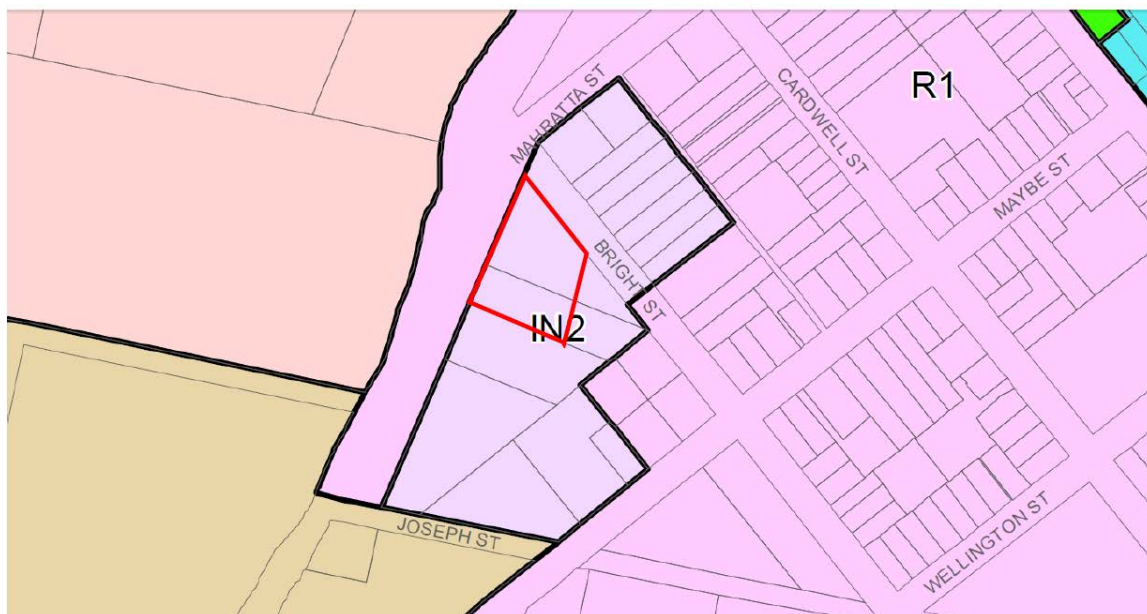


Figure 2: Site identification map. Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 currently IN2 Light Industrial zone

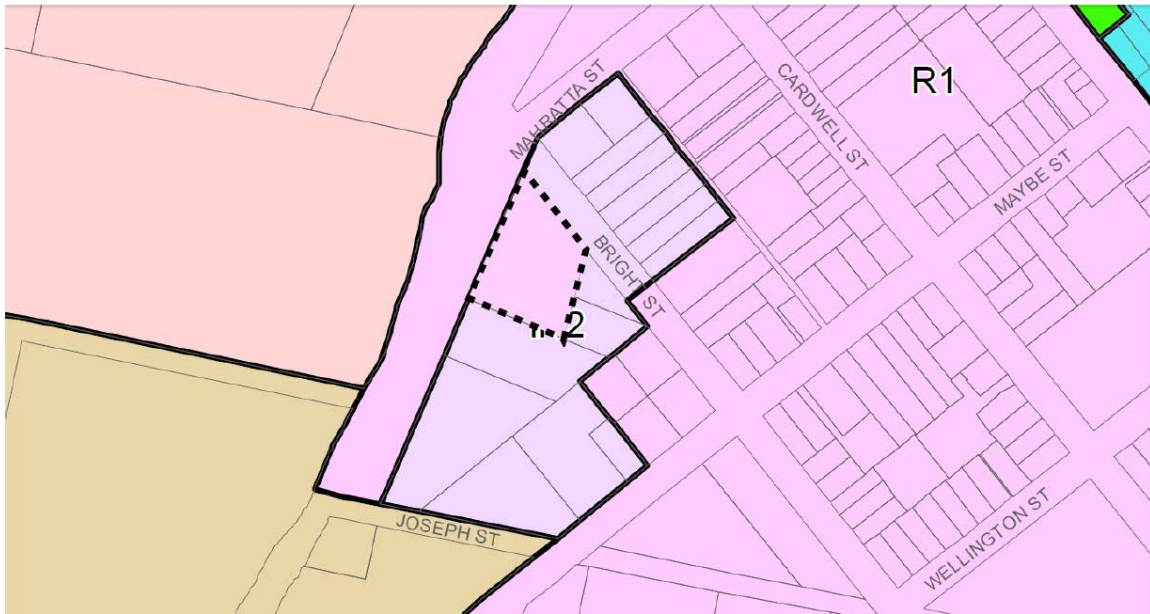


Figure 3: Proposed zoning map. Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 shown edged in broken black line – proposed R1 General Residential zone

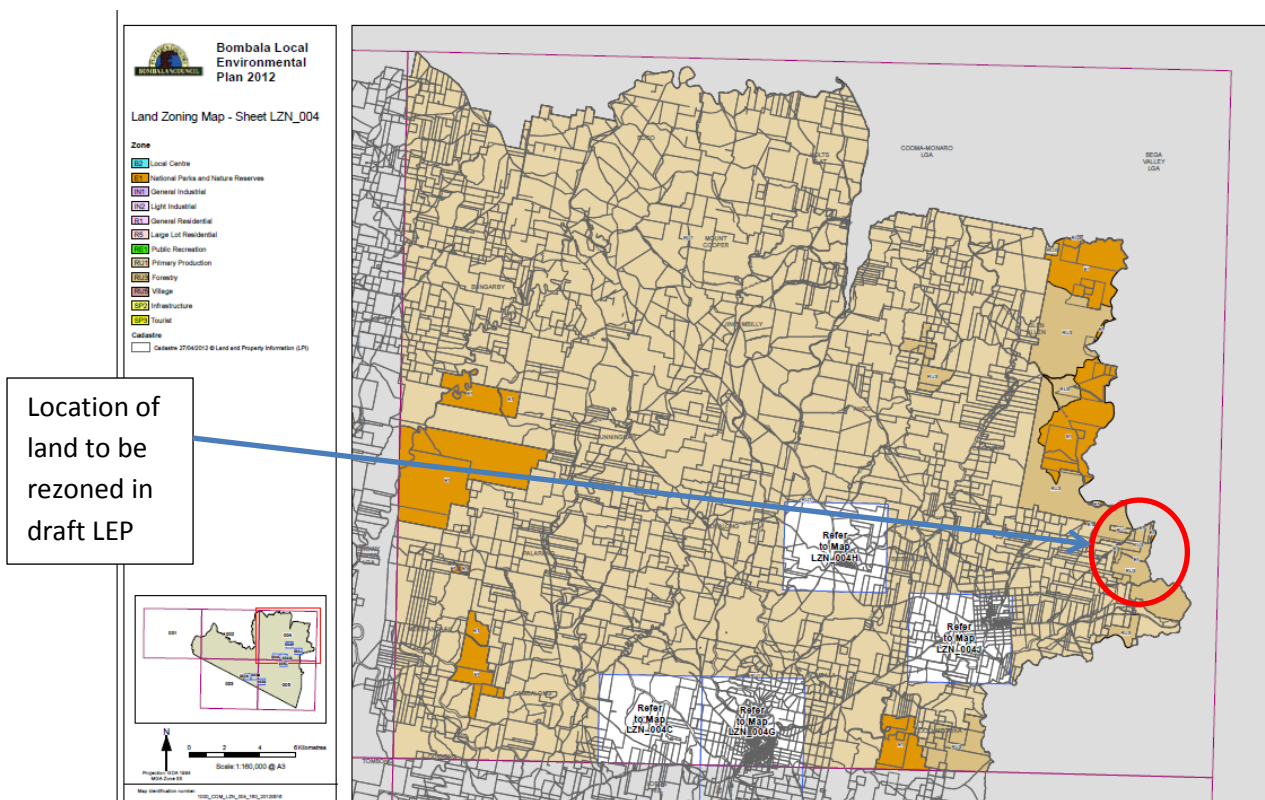


Figure 4: Land Zoning Map - Sheet LZN_004 - Lot 141 DP 756826, Lots 54, 109, 248, 249, 259 and 350 DP 756826 [Map Identification Number 1000_COM_LZN_004_160_20120509]

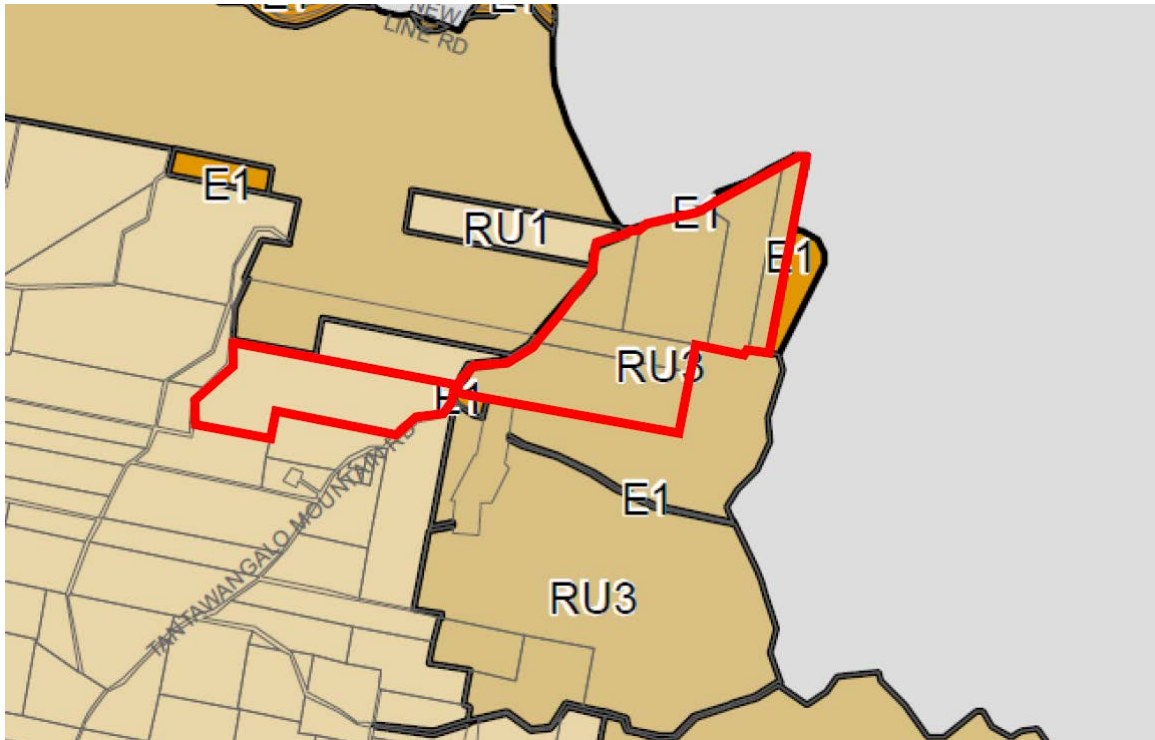


Figure 5: Site identification map. Lot 141 DP 756826 currently RU1 Primary Production zone; Lots 54, 109, 248, 249, 259 and 350 DP 756826 currently RU3 Forestry zone

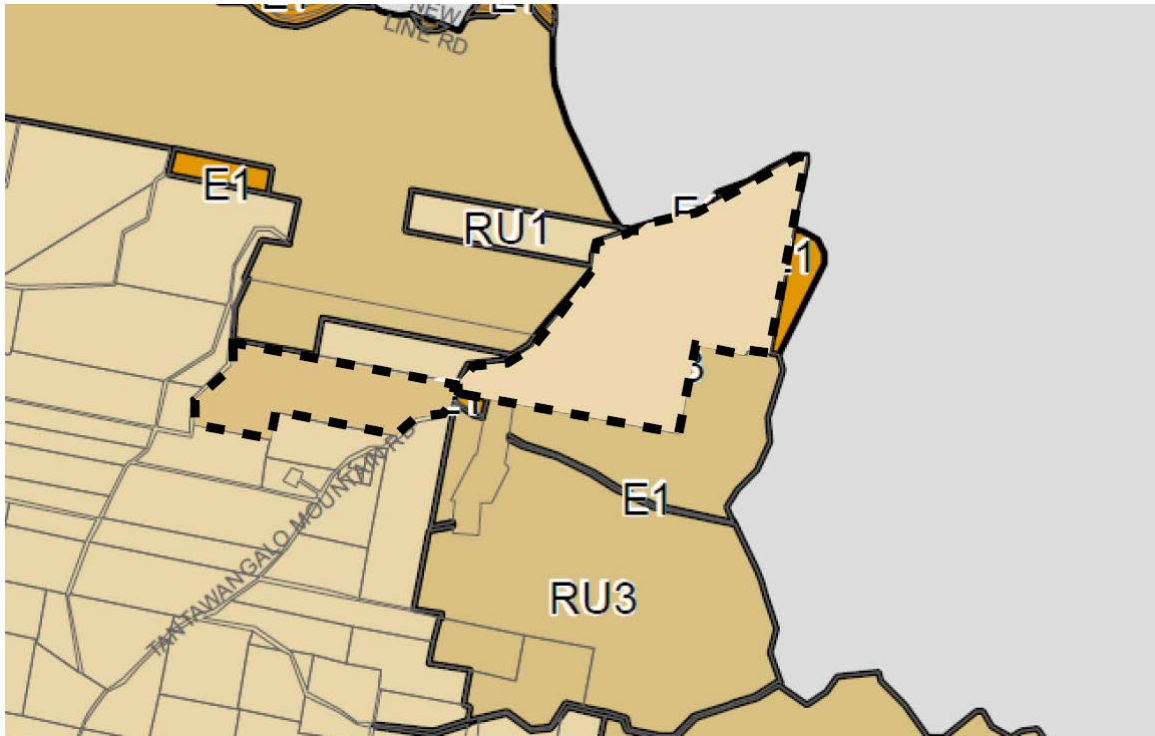


Figure 6: Proposed zoning map. Lot 141 DP 756826 proposed RU3 Forestry zone; Lots 54, 109, 248, 249, 259 and 350 DP 756826 proposed RU1 Primary Production zone

ATTACHMENT 2 – LOT SIZE MAPS

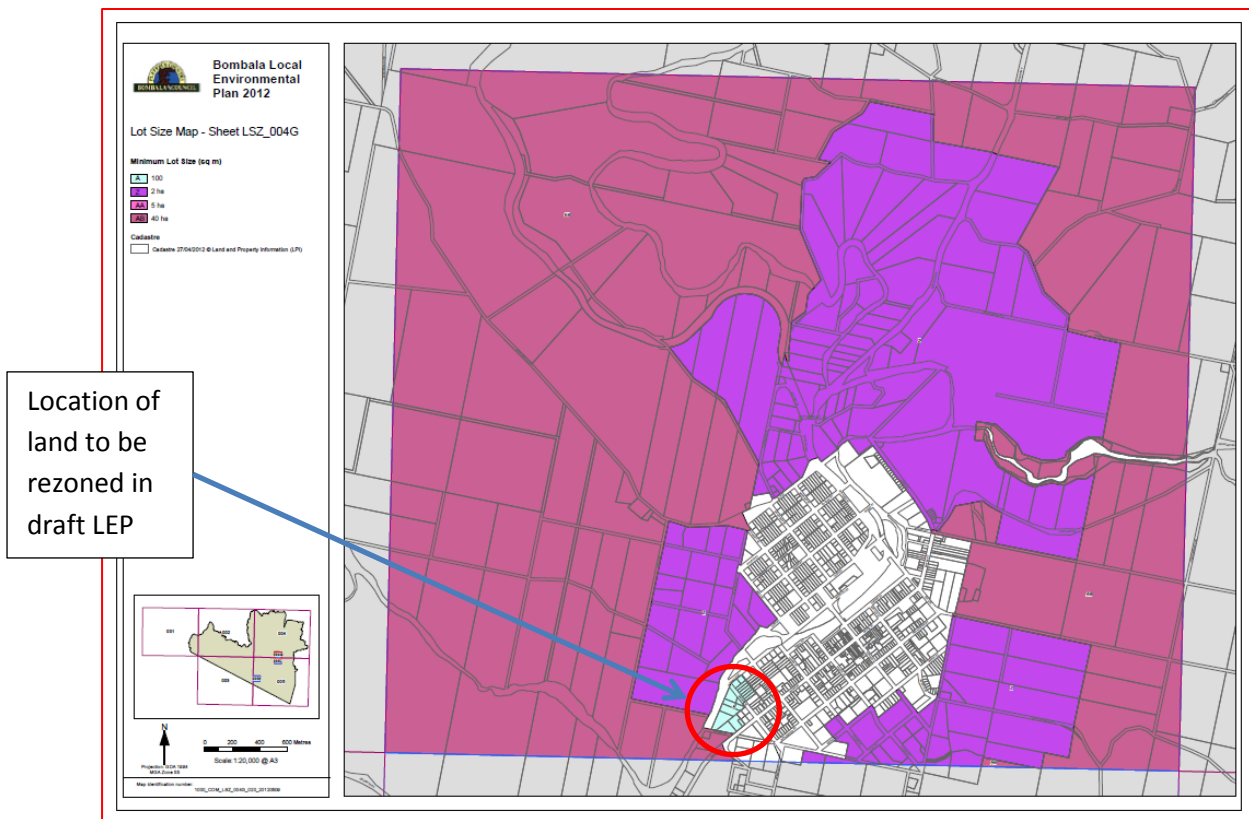


Figure 1: Lot Size Map - Sheet LSZ_004G - Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 [Map Identification Number 1000_COM_LSZ_004G_020_20120516]

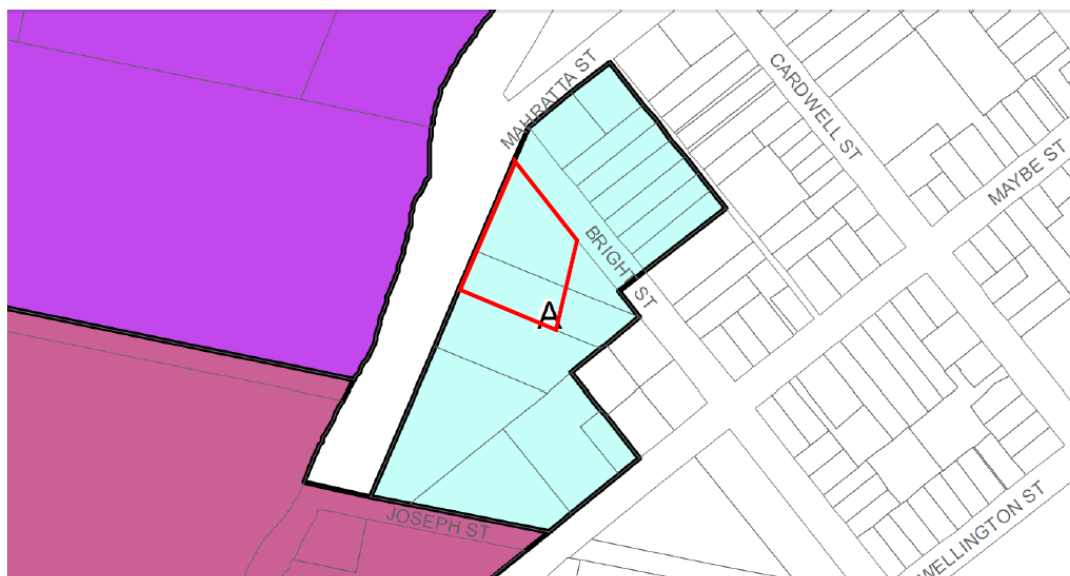


Figure 2:

Figure 2: Site identification map. Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 currently 100m² minimum lot size

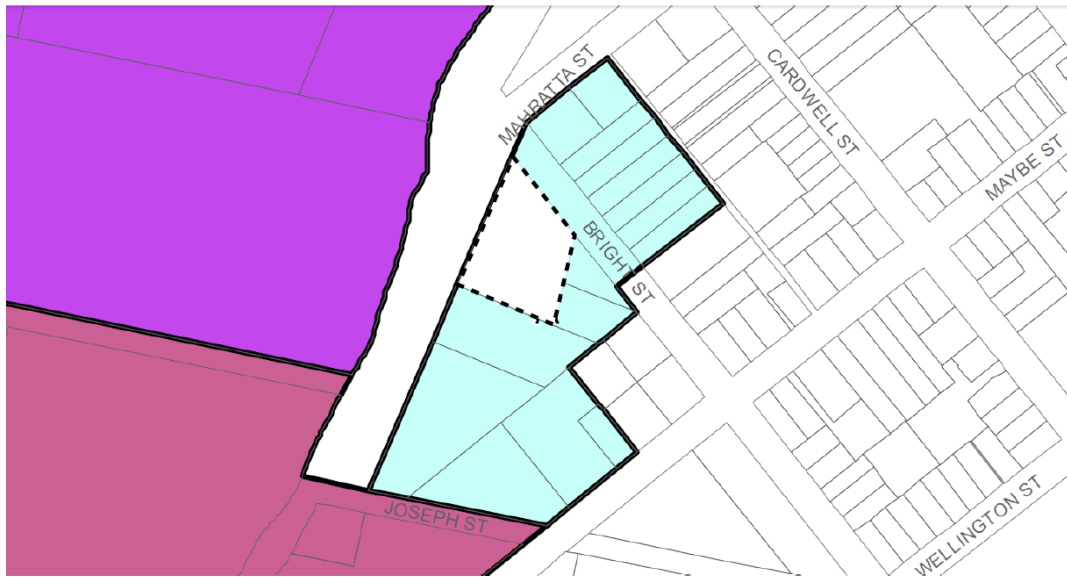


Figure 3: Proposed lot size map. Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 shown edged in broken black line – proposed no minimum lot size

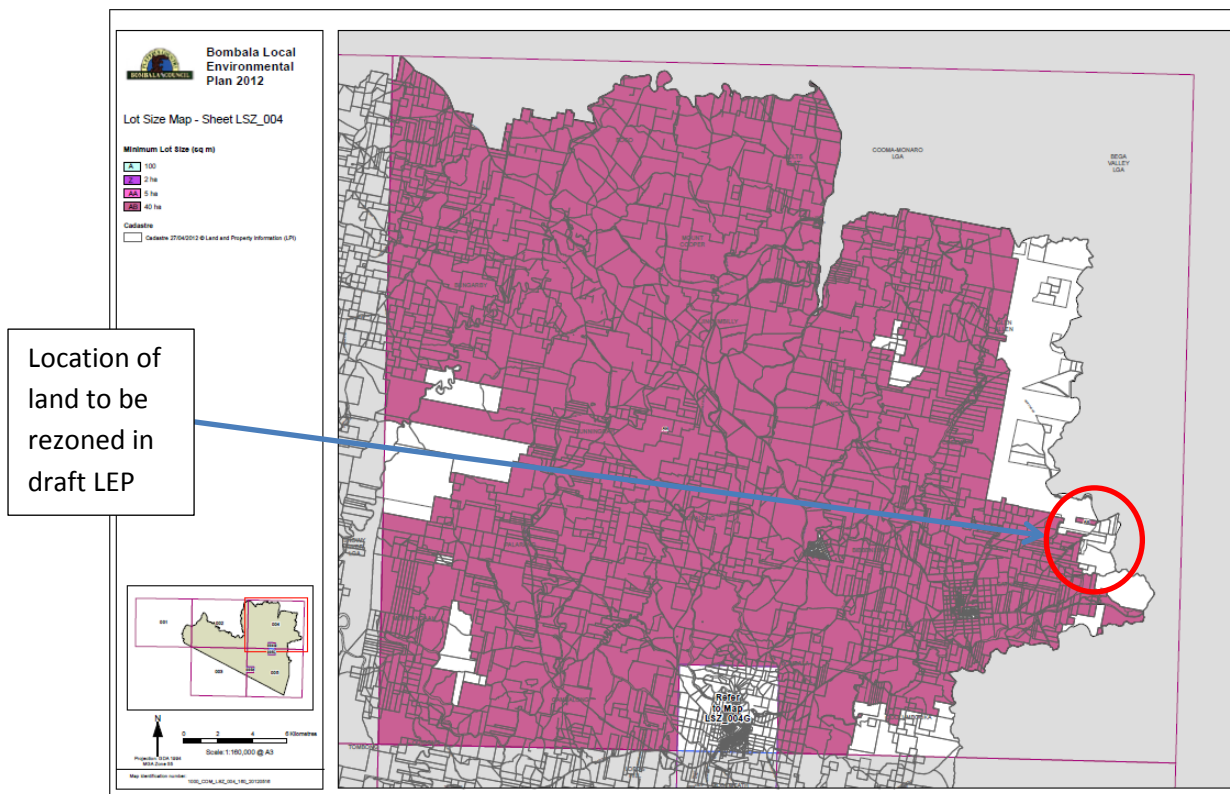


Figure 4: Lot Size Map - Sheet LSZ_004 - Lot 141 DP 756826, Lots 54, 109, 248, 249, 259 and 350 DP 756826 [Map Identification Number 1000_COM_LSZ_004_160_20120516]

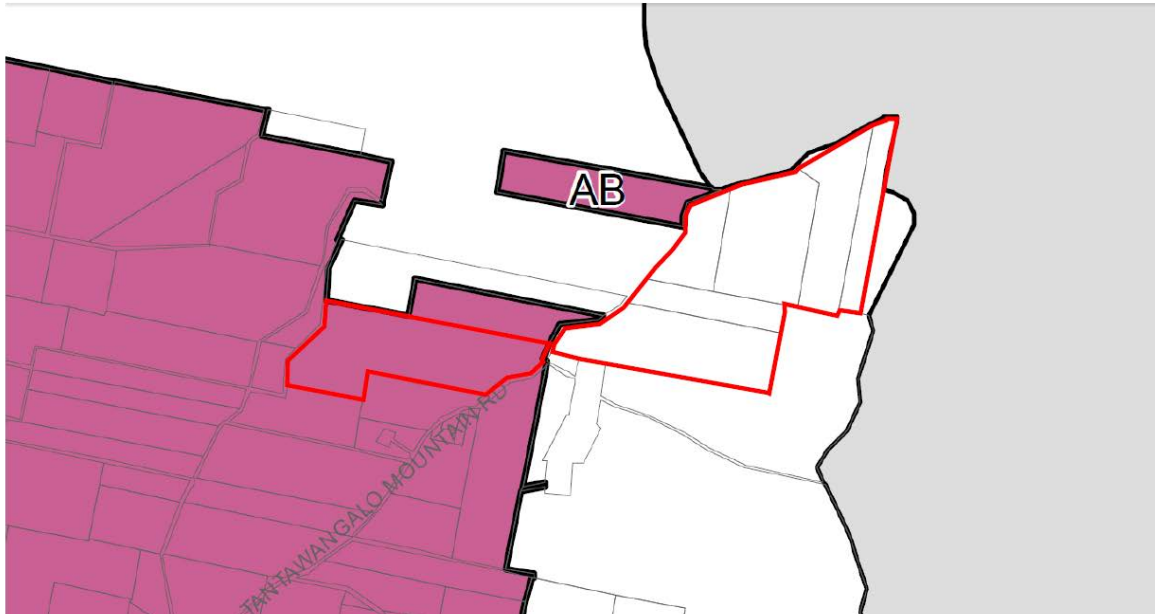


Figure 5: Site identification map. Lot 141 DP 756826 currently 40ha minimum lot size; Lots 54, 109, 248, 249, 259 and 350 DP 756826 currently no minimum lot size

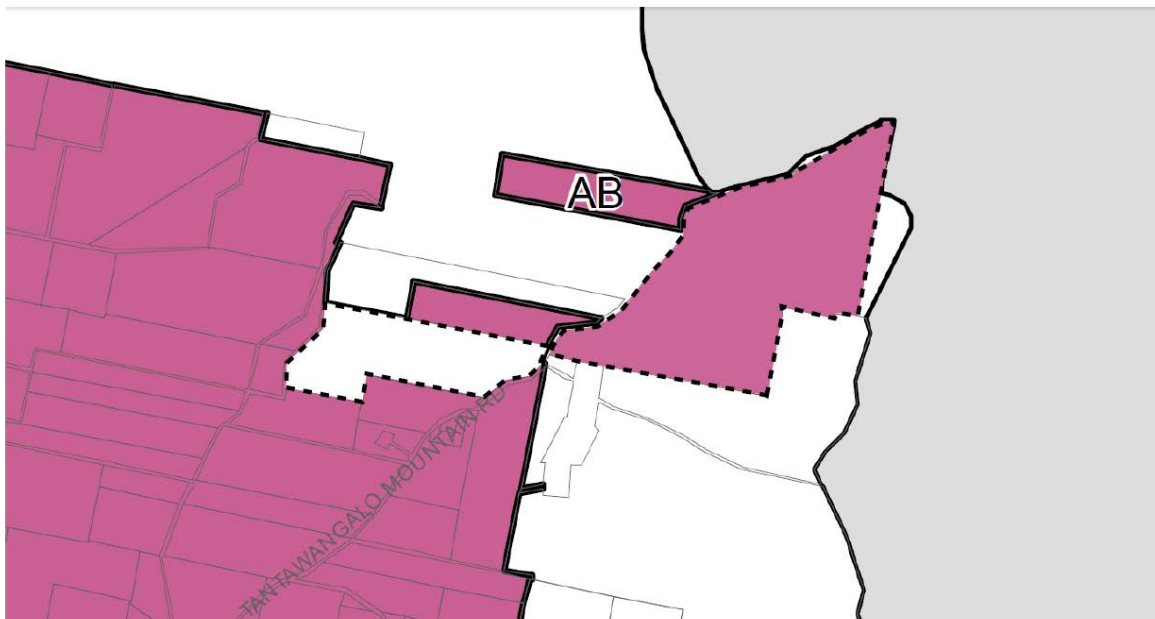


Figure 6: Proposed lot size map. Lot 141 DP 756826 proposed no minimum lot size; Lots 54, 109, 248, 249, 259 and 350 DP 756826 proposed 40ha minimum lot size

ATTACHMENT 3 – LOCATION MAPS

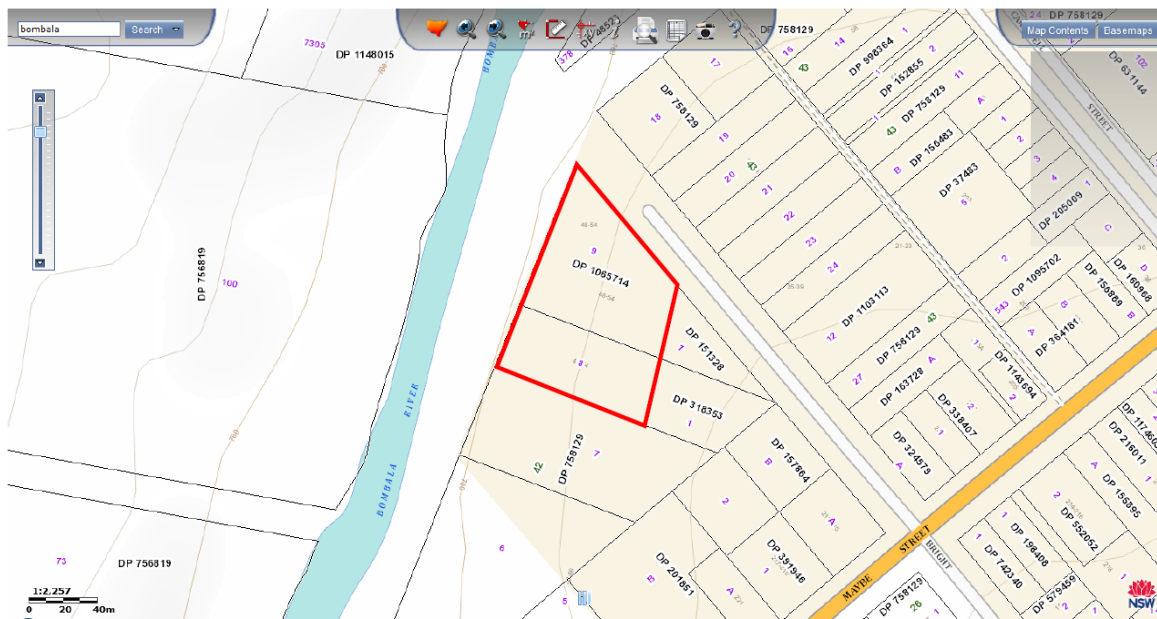


Figure 1: Extract from SIX Maps - cadastre - Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 shown edged in red

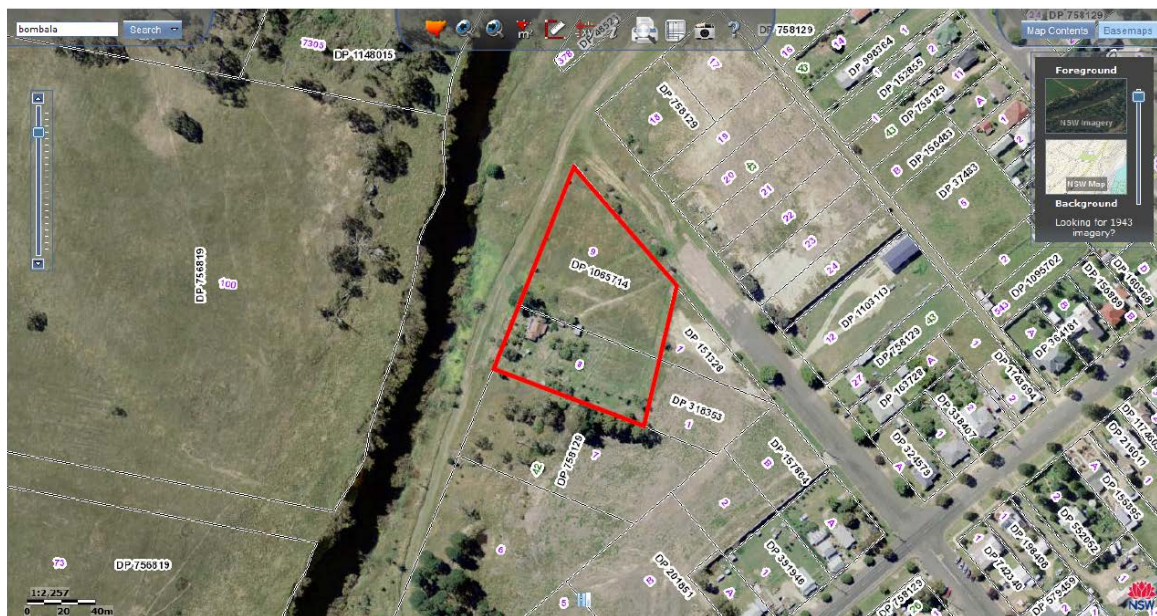


Figure 2: Extract from SIX Maps - imagery - Lot 9 DP 1065714 and Lot 8 section 42 DP 758129 shown edged in red

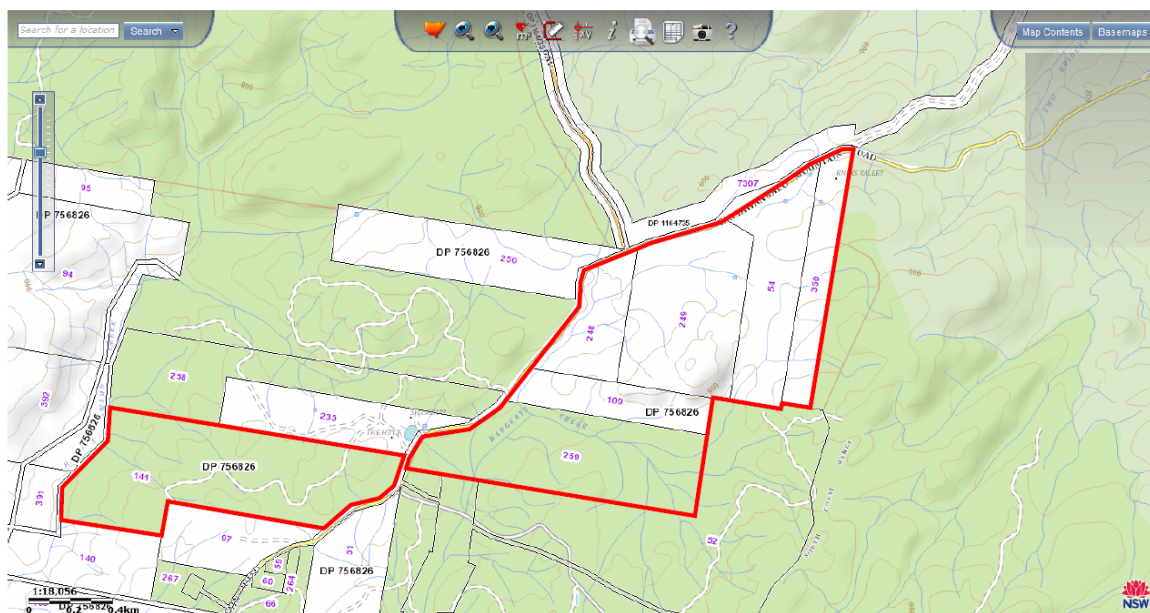


Figure 3: Extract from SIX Maps - cadastre - Lot 141 DP 756826, Lots 54, 109, 248, 249, 259 and 350 DP 756826 shown edged in red

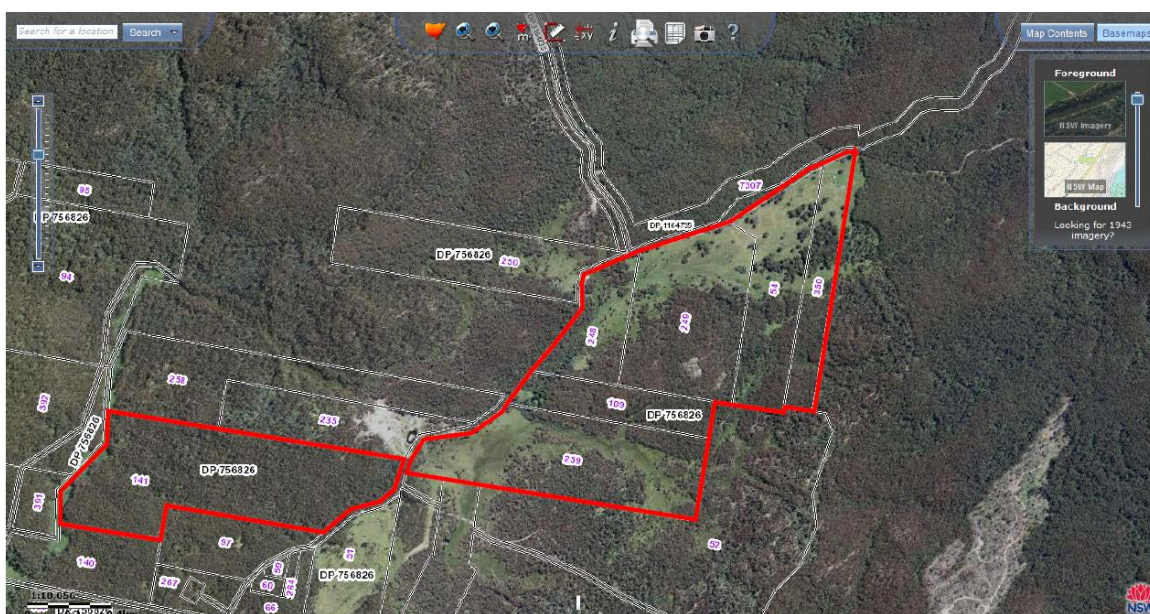


Figure 4: Extract from SIX Maps - imagery - Lot 141 DP 756826, Lots 54, 109, 248, 249, 259 and 350 DP 756826 shown edged in red