

Rezone and amend lot size of Part Lot 2, DP 1198749, Cullerin/Grabbin Gullen Rd, Gunning

Proposal Title : **Rezone and amend lot size of Part Lot 2, DP 1198749, Cullerin/Grabbin Gullen Rd, Gunning**

Proposal Summary : **Rezone Part Lot 2, DP 1198749 from RU2 Rural Landscape to RU4 Primary Production Small Lots and amend the Lot Size Map from 100ha to 10ha.**

PP Number : **PP_2015_UPLAC_003_00** Dop File No : **15/17816-1**

Proposal Details

Date Planning Proposal Received : **14-Dec-2015** LGA covered : **Upper Lachlan**

Region : **Southern** RPA : **Upper Lachlan Shire Council**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **Cullerin and Grabbin Gullen Roads**

Suburb : **Gunning** City : Postcode : **2581**

Land Parcel : **Part Lot 2, DP 1198749**

DoP Planning Officer Contact Details

Contact Name : **Meredith McIntyre**

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RPA Contact Details

Contact Name : **Jacqui Impey**

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DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249468**

Contact Email : **graham.towers@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Sydney-Canberra Corridor** Consistent with Strategy : **Yes**

Regional Strategy : **Regional Strategy**

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MDP Number :	Date of Release :
Area of Release (Ha)	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
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 :

External Supporting Notes : **The subject land forms part of a larger holding (the whole of Lot 2) - part of which is already zoned RU4. The Masterplan for the whole site includes 5 stages - 4 of which can and are being undertaken in the existing RU4 zoned part of Lot 2.**

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

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

Comment : **The proposal seeks to facilitate the orderly and economic development of primary production small lots on land adjacent to land already zoned RU4 and in close proximity to Gunning village.**

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

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

Comment : **Rezoned the subject land from RU2 Rural Landscape Zone to RU4 Primary Production Small Lots Zone (Land Zoning Map LZN_003E); and Amend the minimum lot size applying to the subject land from 100 hectares to 10 hectares (Lot Size Map LSZ_003E).**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008

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

SECTION 117 DIRECTIONS:

1.2 RURAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural zone.

The proposal is considered to be **INCONSISTENT** with this direction as it contains provisions that will increase the permissible density of land within a rural zone.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is justified by a study that gives consideration to the objective of this Direction and is considered of minor significance.

1.5 RURAL LANDS: Council has not identified that this Direction applies to the planning proposal, however it does apply as the planning proposal will affect land within an existing or proposed rural zone and proposes to change the existing minimum lot size on land within a rural zone.

The proposal is considered to be **CONSISTENT** with this direction.

4.3 FLOOD PRONE LAND: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not create, remove or alter a zone or a provision that affects flood prone land.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction does apply to the planning proposal as it will affect/is in close proximity to land mapped as bushfire prone land.

RECOMMENDATION: The Secretary can need to be satisfied that the requirements of the Direction have been met. A condition should be included in the Gateway determination that consultation should be undertaken with the Rural Fire Service in accordance with the Direction.

5.1 IMPLEMENTATION OF REGIONAL STRATEGIES: This Direction does apply to the planning proposal as the Sydney-Canberra Corridor Regional Strategy applies to the land.

The proposal is considered to be **CONSISTENT** with this direction.

6.3 SITE SPECIFIC PROVISIONS: Council has not identified that this Direction applies to the planning proposal, however it does apply as it allows a particular development to be carried out.

The proposal is considered to be **CONSISTENT** with this direction.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The mapping is suitable for public exhibition.**

Technical maps will need to be prepared to finalise the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **Whilst mentioned in the applicant's planning proposal, no specific time frame has been provided for public exhibition of the proposal. A 28 day exhibition period is considered reasonable.**

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 :

Comments in relation to Principal LEP : **Upper Lachlan Local Environmental Plan 2010 is in force.**

Assessment Criteria

Need for planning proposal : **The objective of the proposal is to create additional rural residential style lots on the subject land - the current zoning and lot size does not allow for this. Therefore, the Council has agreed to rezone the subject land and amend the lot size map to enable further small lot subdivision.**

Consistency with strategic planning framework : **The proposal is relatively minor.
The proposal is consistent with the Sydney-Canberra Corridor Regional Strategy. The proposal is consistent with the Upper Lachlan Strategy Plan 2020 Vision (2009) that informed the strategic basis for the preparation of the Upper Lachlan LEP 2010.**

The Upper Lachlan LEP 2010 zoned the subject land as RU2 instead of RU4 as the zone boundary reflects land located within the Gunning/Dalton Water Supply Catchment. Council's Director of Works has no objection to the boundary between the RU4 and RU2 areas being moved to realign with Grabbin Gullen Road as the change to the water catchment will be minor.

Environmental social economic impacts : **The proposal will adjoin and existing subdivision of 10ha lots on one side and broad acre rural uses on the other. The subject land is almost adjoining the Village of Gunning to the south and will provide additional rural residential style allotments with good access to the village and its services. This type of development can also be a positive economic impact for a village like Gunning.**

The land will be supplied with reticulated water and on-site effluent disposal is considered to be acceptable with the 10ha minimum lot size.

The site has largely been cleared of vegetation and is currently used for grazing. There are no other environmental or heritage attributes on the site that require further protection.

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)(d)

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. :

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
Planning Proposal Final - Part Lot 2 DP 1198749 Gunning - Knight Frank Planning Town Planning.pdf	Proposal	Yes
Planning Proposal - Gunning - additional information from Knight Frank Town Planning dated 22 Oct 2015.pdf	Proposal	Yes
Council report and Minutes.pdf	Proposal	Yes
Upper Lachlan Shire Council_08-12-2015_Planning Proposal to amend Upper Lachlan LEP 2010 - Part of Lot 2 DP 1198749 Cullerin_Grabben Gully Road Gunning_.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies**

Additional Information : **It is RECOMMENDED that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Upper Lachlan**

Local Environmental Plan 2010 to rezone the subject land to RU4 Primary Production Small Lots and amend the Lot Size Map to 10ha for the subject land 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 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 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

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

* NSW Rural Fire Service (prior to exhibition under s117 Direction 4.4)

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. No public hearing is required to be held into the matter 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 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.5 Rural Land, 5.1 Implementing Regional Strategies and 6.3 Site Specific Provisions.

(b) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(c) The Secretary's delegate can be satisfied that the inconsistency with s117 Direction 1.2 Rural Zones is justified by a study that gives consideration to the objective of this Direction and is considered of minor significance.

(d) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(e) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

This is a relatively minor amendment. The proposed changes are consistent with surrounding land use and strategically well located. The proposal is consistent with strategic frameworks and there are no environmental constraints on the land. The scale of development is low and servicing is appropriate.

Signature:

Graham Towers

Printed Name:

GRAHAM TOWERS

Date:

17/12/15

