

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 NOVEMBER 2015

ITEM 9.3 **PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - PART LOT 2 DP 1198749 CULLERIN/GRABEN GULLEN ROAD, GUNNING .**

321/15 **RESOLVED** by Clr Searl and Clr Barlow

1. Council endorse the planning proposal for an amendment to *Upper Lachlan Local Environmental Plan 2010* to amend the Land Zoning Map – Sheet LZN_003E and Lot Size Map – Sheet LSZ_003E to change the Land Zone from RU2 Rural Landscape to RU4 Primary Production Small Lots and the Minimum Lot Size from AD 100 hectares to AB1 10 hectares for the relevant part of Lot 2, DP 1198749.
2. The planning proposal and any other relevant information required under the Gateway Process be submitted to the NSW Department of Planning and Environment for a Gateway Determination including a request for authorisation to exercise Council's delegation on this matter as an 'other matter' of local significance.
3. The applicant be advised of Council's decision on this matter.

Councillors who voted for:- Crs Barlow, Craig, Culhane,
 McCormack, Marshall, O'Brien,
 Searl and Wheelwright

Councillors who voted against:- Nil

- CARRIED

CLR SHAW RETURNED TO THE MEETING THE TIME BEING 10.30AM

Environment and Planning - 19 November 2015

ITEM 9.3 **Planning Proposal to amend Upper Lachlan Local Environmental Plan 2010 - Part Lot 2 DP 1198749 Cullerin/Grabben Gullen Road, Gunning .**

FILE REFERENCE I15/448

AUTHOR **Senior Strategic Planner**

ISSUE

Planning Proposal for a proposed amendment to *Upper Lachlan Local Environmental Plan 2010* for part of Lot 2, DP 1198749 Cullerin/Grabben Gullen Road, Gunning.

RECOMMENDATION That -

1. Council endorse the planning proposal for an amendment to *Upper Lachlan Local Environmental Plan 2010* to amend the Land Zoning Map – Sheet LZN_003E and Lot Size Map – Sheet LSZ_003E to change the Land Zone from RU2 Rural Landscape to RU4 Primary Production Small Lots and the Minimum Lot Size from AD 100 hectares to AB1 10 hectares for the relevant part of Lot 2, DP 1198749.
2. The planning proposal and any other relevant information required under the Gateway Process be submitted to the NSW Department of Planning and Environment for a Gateway Determination including a request for authorisation to exercise Council's delegation on this matter as an 'other matter' of local significance.
3. The applicant be advised of Council's decision on this matter.

BACKGROUND

A Planning Proposal has been received from Knight Frank Australia Pty Ltd – Town Planning on behalf of Link Management Pty Ltd for the owners of Part Lot 2, DP 1198749 Cullerin Road/Grabben Gullen Road, Gunning. The submission requests an amendment to *Upper Lachlan Local Environmental Plan 2010* (LEP 2010) to rezone and vary the minimum lot size for part of the subject land.

The owners are Susan E Taylor, Peter J Shaw, SET Developments Pty Ltd (Directors, Susan E Taylor and Roger G Taylor) and PJ Shaw and Associates Pty Ltd (Directors, Peter J Shaw and Jeannette M Leyssen-Shaw).

Under the current planning provisions of LEP 2010 the subject land is zoned Part RU2 Rural Landscape and Part RU4 Primary Production Small Lots with a Minimum Lot Size for subdivision of Part AD 100 hectares and Part AB1 10 hectares.

This amendment is required to proceed in accordance with the NSW Department of Environment and Planning's Gateway Process.

Environment and Planning

PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - PART LOT 2 DP 1198749 CULLERIN/GRABBen GULLEN ROAD, GUNNING . cont'd

REPORT

Current situation

The subject land is described as Part Lot 2, DP 1198749 Cullerin Road/Grabben Gullen Road, Gunning and the proposal relates to the land fronting Grabben Gullen Road. The land is currently vacant and Lot 2 adjoins a recent rural-residential subdivision which created lots with a minimum area of 10 hectares (Boureong Drive).

Under the *Upper Lachlan Local Environmental Plan 2010* the following applies:

Land Zone: Lot 2, DP 1198749 – Part RU2 Rural Landscape and Part RU4 Primary Production Small Lots

Minimum Lot Size: Lot 2, DP 1198749 – Part AD 100 hectares and Part AB1 10 hectares

Natural Resources Sensitivity

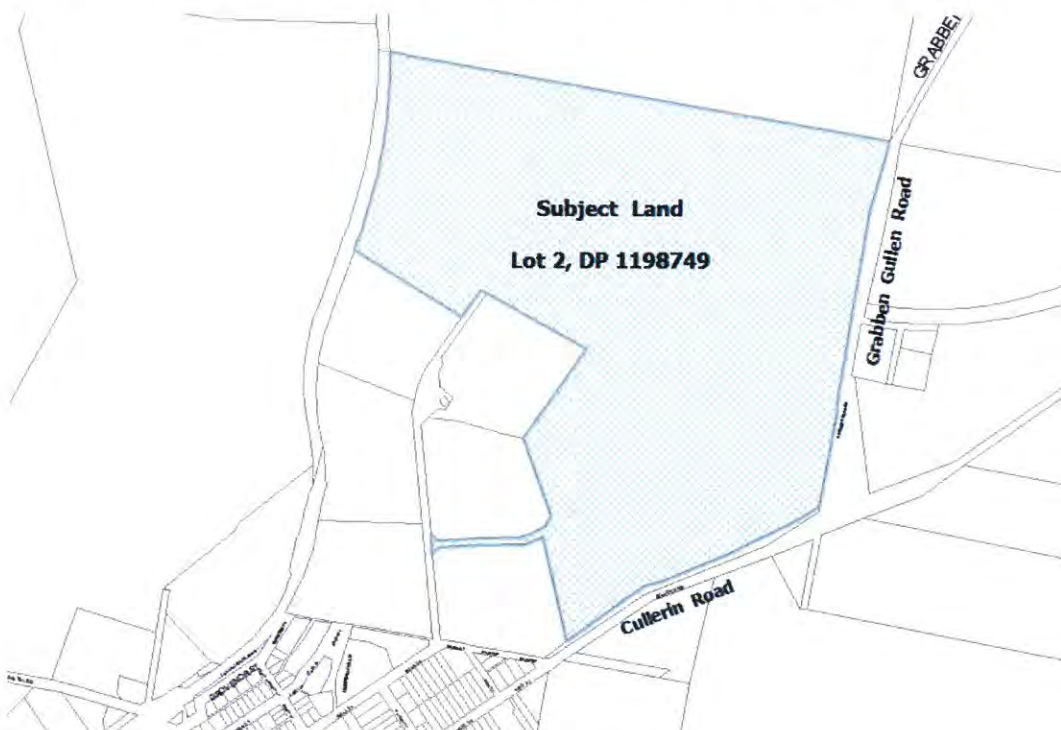
Applies to that part of Lot 2, DP 1198749 to be rezoned:

- *Biodiversity*: Not located within Sensitive land
- *Land*: Located within Sensitive land – Clause 6.3 Land applies
- *Water*: Located within Sensitive land – Clause 6.4 Water applies

Sewage Treatment Plan & Rubbish Tip Buffer: Not located within Buffer area

Heritage: Not a heritage listed property

The following map shows the location of the subject property, located to the north-east of Gunning, near the corner of Grabben Gullen and Cullerin Roads:



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PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - PART LOT 2 DP 1198749 CULLERIN/GRABBen GULLEN ROAD, GUNNING . cont'd

Proposal

Attached to this Report is a copy of the Planning Proposal prepared by Knight Frank Australia Pty Ltd – Town Planning outlining the proposal (Attachment 1).

The Planning Proposal seeks to amend LEP 2010 to vary the Land Zone from RU2 Rural Landscape to RU4 Primary Production Small Lots and Minimum Lot Size from AD 100 hectares to AB1 10 hectares for the relevant part of Lot 2. The new zone boundary will be located along Grabben Gullen Road.

Background to proposal

The subject land Lot 2, DP 1198749 is part of a development consent (Development Application No. DA 93/2014) issued in January 2015 for a Rural-residential subdivision to create 6 lots, 5 for the purpose of a dwelling house and the remaining lot (lot 14) as a residue (extensive agriculture) lot which includes the land proposed to be rezoned. If the rezoning of the land and change to the minimum lot size is successful, this residual land would potentially be subject to a future development application for subdivision to create lots for dwelling house purposes.

Reticulated sewerage is not available to the approved subdivision however the current development consent includes connection to Council's reticulated water supply with onsite treatment and disposal of effluent.

Subdivision DA 93/2014 included the carrying out of works for the purpose of a road with an extension to Boureong Drive as a Right of Carriageway through to Grabben Gullen Road with this access being provided as an alternative emergency egress during bushfires (emergency purposes only).

The following is the approved plan of subdivision of Lot 2 (DA 93/2014):



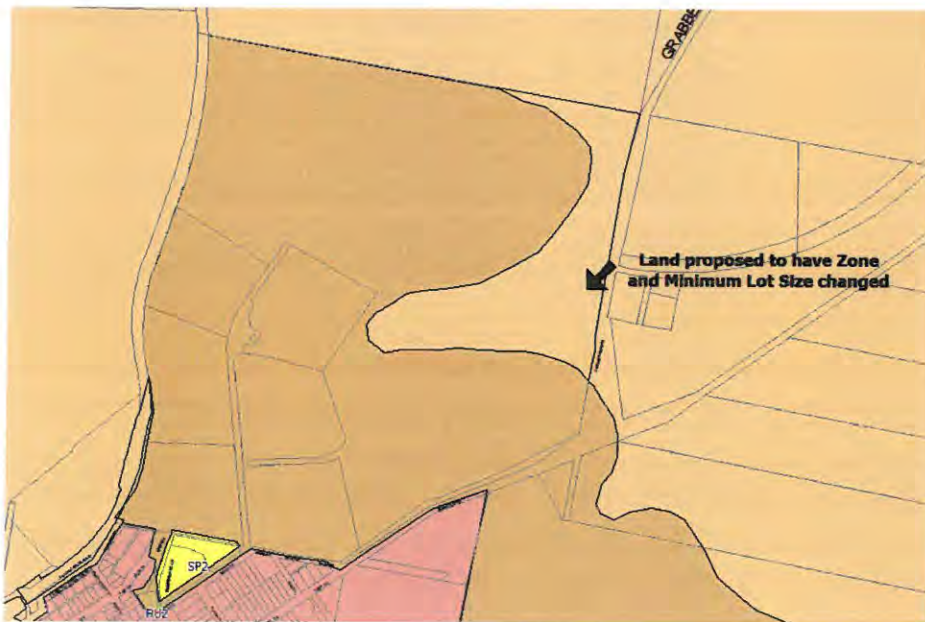
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PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - PART LOT 2 DP 1198749 CULLERIN/GRABBen GULLEN ROAD, GUNNING . cont'd

Land Zoning and Minimum Lot Size

The Planning Proposal seeks to amend LEP 2010 to vary the Land Zone from RU2 Rural Landscape to RU4 Primary Production Small Lots and Minimum Lot Size from AD 100 hectares to AB1 10 hectares for the relevant part of Lot 2.

The following map shows current Land Zone and Minimum Lot Size requirements and that part of Lot 2 proposed to be amended:



Supporting plans and information from applicant

In addition to the detail in the planning proposal the applicant was asked to provide written justification and information in support of the proposed changes to the Land Zone and Minimum Lot Size. The response is provided as an Attachment (Attachment 2).

The written justification and information submitted is considered sufficient detail in support of the proposal.

Advice from Director of Works

The matter was referred to the Director of Works for comment. The original Land Zone and Minimum Lot Size (MLS) boundaries were based on the location of the Gunning Water Supply Catchment boundary and land located within the Water Supply Catchment has a MLS of 100 hectares.

The current proposal is to relocate the Land Zone and MLS boundary to realign with Grabben Gullen Road. The Director of Works has no objection to the realignment of both boundaries to Grabben Gullen Road. The change to the water catchment will be minor with the overland flow path between the site and the Gunning water supply pumping station being relatively long. It is noted that the new water filtration plant has many features that minimise the impact that contamination of the Lachlan River may have on the Gunning/Dalton water supply (if such contamination should occur).

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PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - PART LOT 2 DP 1198749 CULLERIN/GRAB BEN GULLEN ROAD, GUNNING . cont'd

Department's advice

Although Council's support is required for this proposal, the support of NSW Department of Planning and Environment is required for the proposal to proceed beyond a concept through the Gateway Process.

Conclusion

To proceed with a proposal to amend *Upper Lachlan Local Environmental Plan 2010* the Department's Gateway process must be followed and Council's endorsement of the planning proposal is required.

Endorsement is now sought from Council to proceed to the NSW Department of Planning and Environment for a Gateway Determination.

In regard to plan making delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* that Council has accepted, it is considered that the current proposal falls within Council's delegations in regard to amendments to *Upper Lachlan Local Environmental Plan 2010*. The current proposal is considered to fall within the delegation as 'other matters of local significance', this does, however, need to be determined by the Gateway as a matter of local significance.

POLICY IMPACT

The amendment will impact on *Upper Lachlan Local Environmental Plan 2010*.

OPTIONS

1. Amend Land Zone Map – Sheet LZN_003E for that part of Lot 2, DP 1198749 currently zoned RU2 Rural Landscape to be amended to RU4 Primary Production Small Lots, and
2. Amend Lot Size Map – Sheet LSZ_003E for that part of Lot 2, DP 1198749 currently within Minimum Lot Size AD 100 hectares to be amended to AB1 10 hectares.

FINANCIAL IMPACT OF RECOMMENDATIONS

Financial impact of the recommendations are minimised as the applicant has prepared the Planning Proposal in accordance with the Department's Gateway Process and paid the relevant fee to Council in accordance with Council's Operational Plan 2015-2016, Fees and Charges.

Approximately \$5,000 in Council staff resourcing costs is anticipated.

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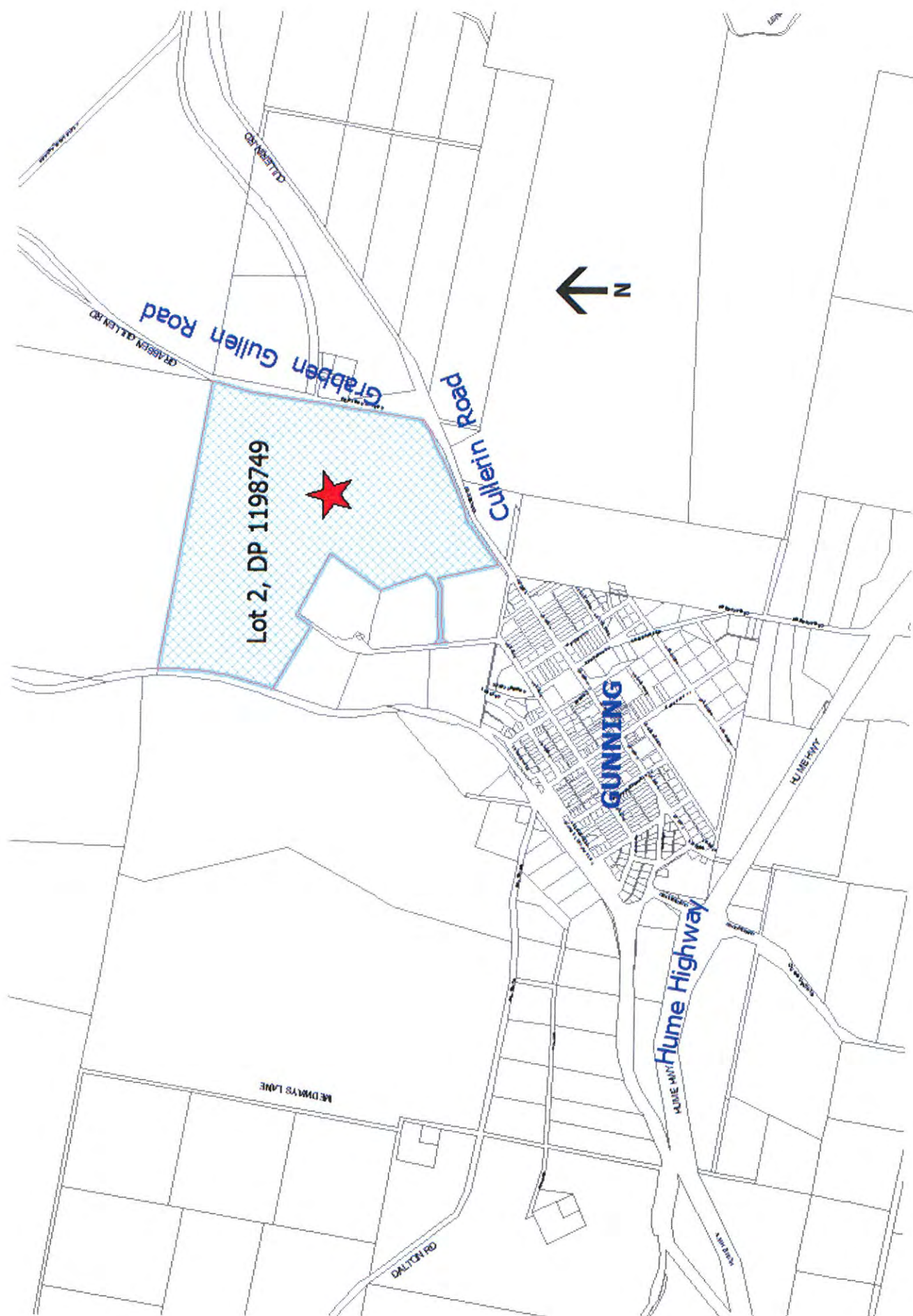
PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - PART LOT 2 DP 1198749 CULLERIN/GRABBen GULLEN ROAD, GUNNING . cont'd

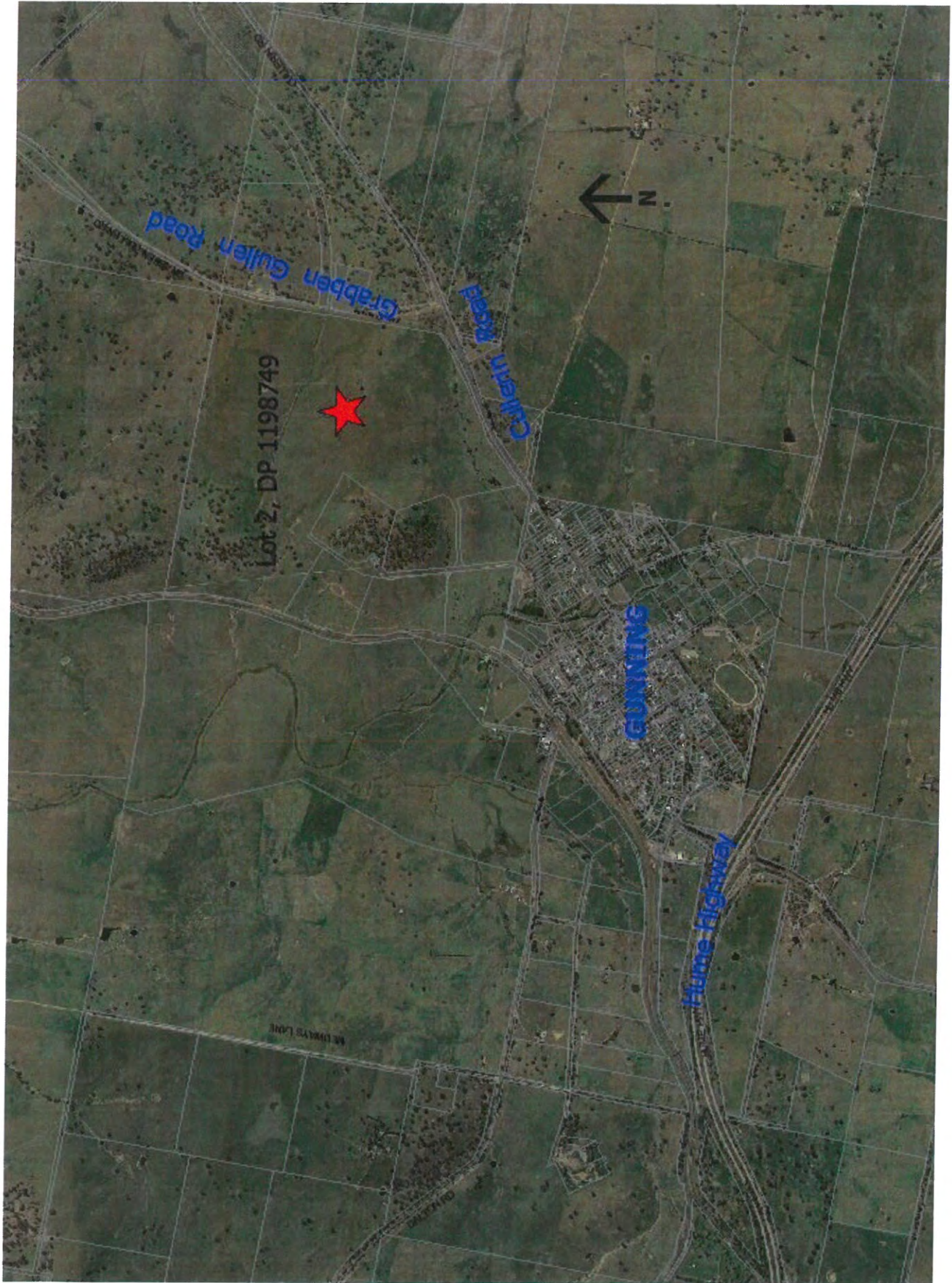
RECOMMENDATION That -

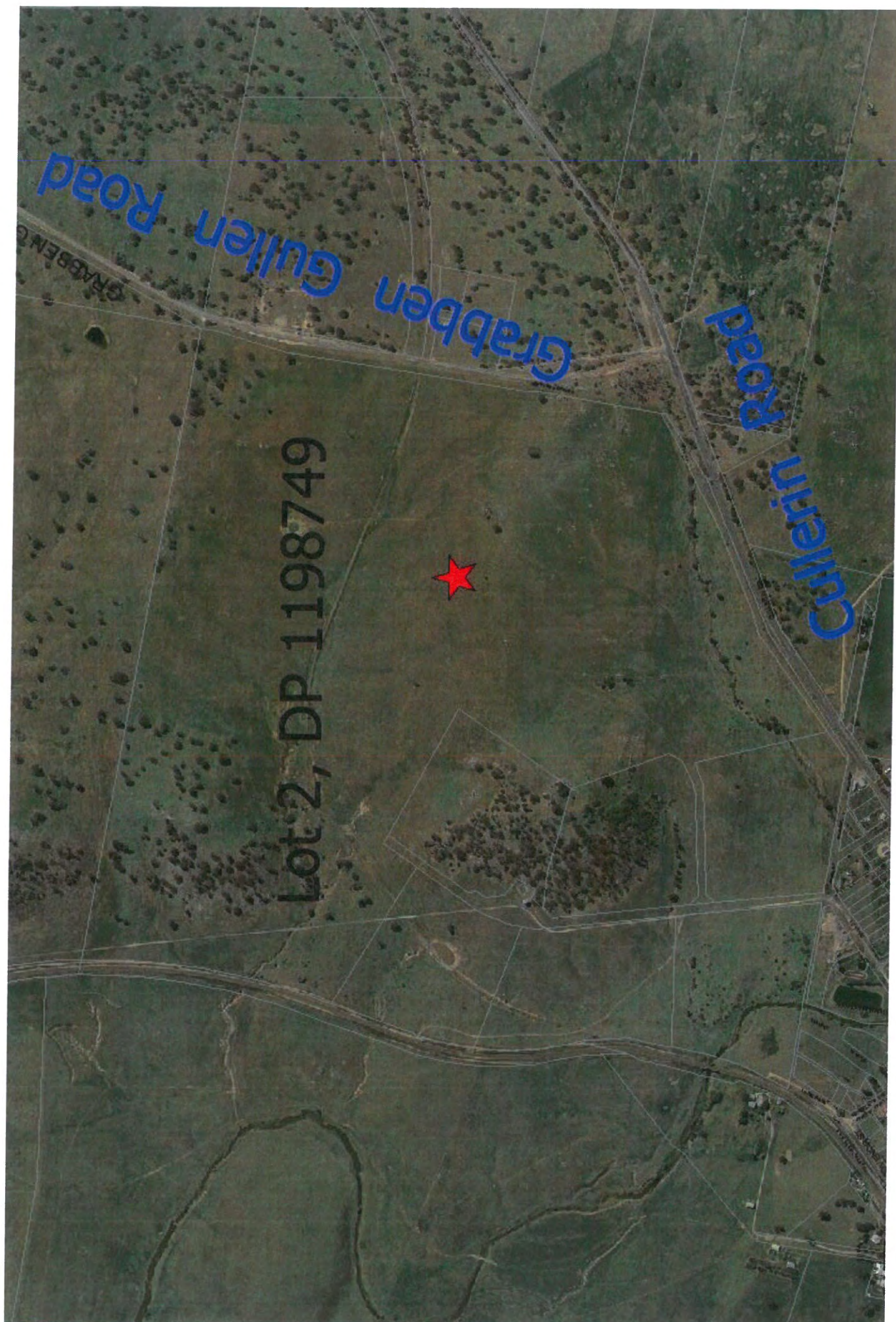
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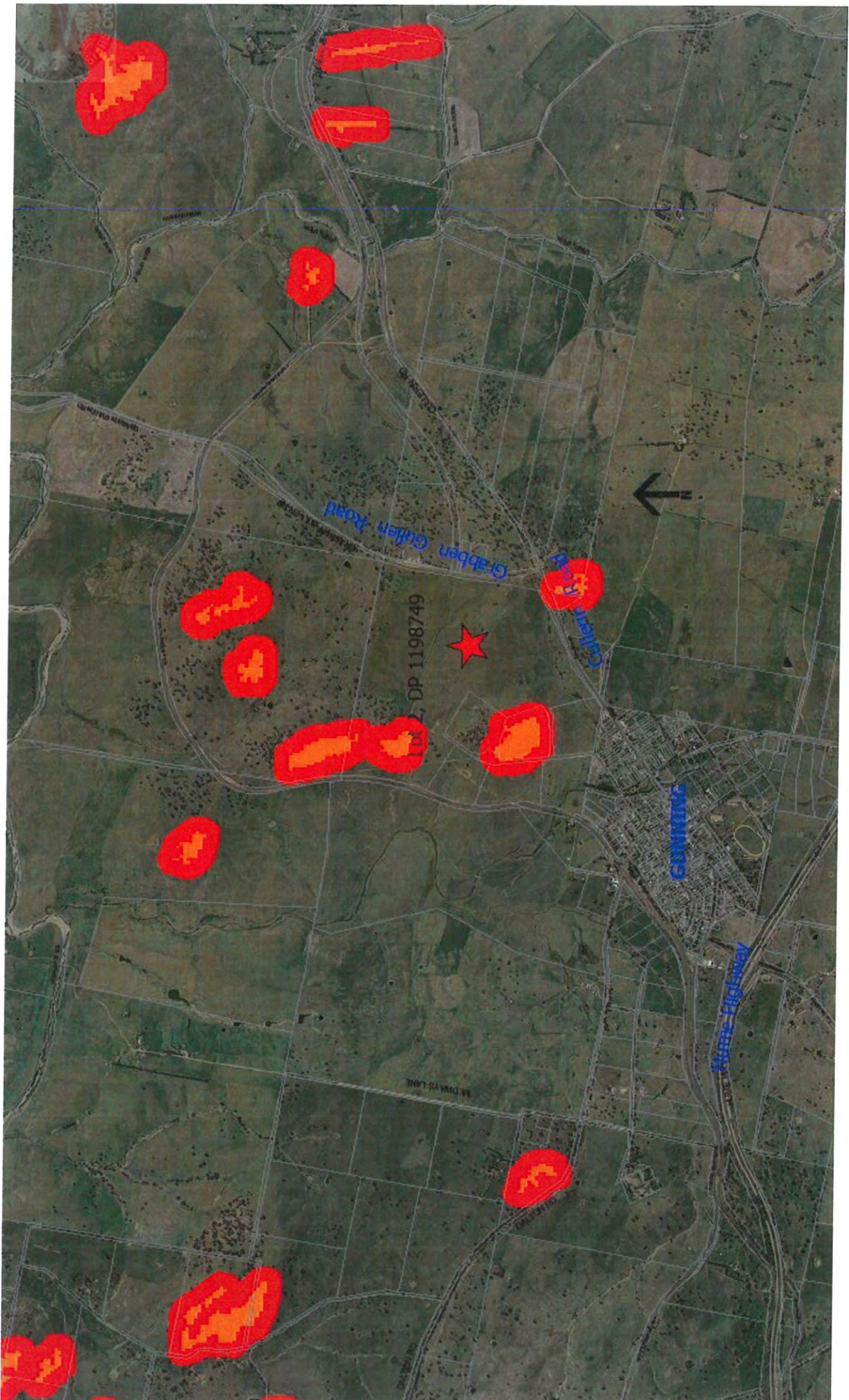
ATTACHMENTS

1.	Planning Proposal Final - Part Lot 2 DP 1198749 Gunning - Knight Frank Planning Town Planning	Appendix
2.	Planning Proposal - Gunning - additional information from Knight Frank Town Planning dated 22 October 2015	Appendix











Upper Lachlan Local Environmental Plan 2010

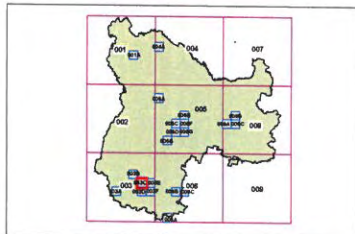
Land Zoning Map - Sheet LZN_003C

Zone

- B2 Local Centre
- B4 Mixed Use
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- IN2 Light Industrial
- R2 Low Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Rural Small Holdings
- RU5 Village
- SP1 Special Activities
- SP2 Infrastructure

Cadastral

Cadastral 1/9/06 © LPMA NSW



Projection: GDA 1994
Zone 55

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METRES

Scale 1:20000 @ A3

Map Identification Number:
7640_COM_LZN_003C_020_20100227





Upper Lachlan Local Environmental Plan 2010

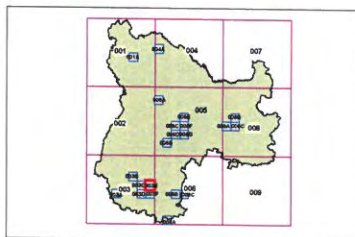
Land Zoning Map - Sheet LZN_003E

Zone

B2	Local Centre
B4	Mixed Use
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
IN2	Light Industrial
R2	Low Density Residential
R5	Large Lot Residential
RE1	Public Recreation
RU1	Primary Production
RU2	Rural Landscape
RU3	Forestry
RU4	Rural Small Holdings
RU5	Village
SP1	Special Activities
SP2	Infrastructure

Cadastre

Cadastre 1/9/08 © LPMA NSW



Projection: GDA 1994
Zone 55

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Map Identification Number:
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Upper Lachlan Local Environmental Plan 2010

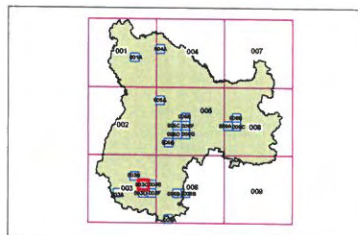
Lot Size Map - Sheet LSZ_003C

Minimum Lot Size (sq m)

S	800
U	1000
V	2000
W	4000
Z	2 ha
AA	5 ha
AB1	10 ha
AB2	40 ha
AC	80 ha
AD	100 ha
AE	200 ha

Cadastral

Cadastral 1/9/08 © LPMA NSW

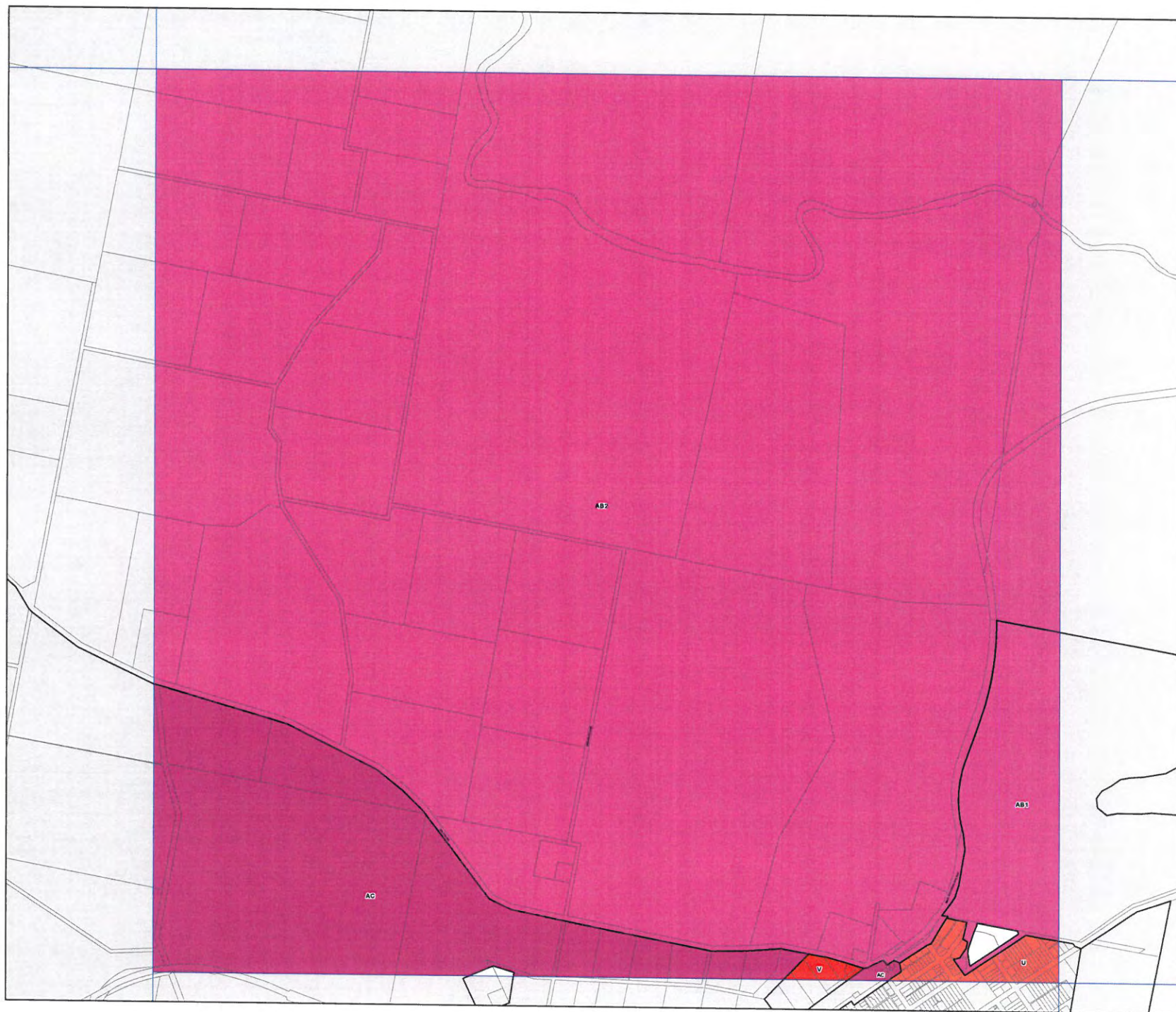


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Upper Lachlan Local Environmental Plan 2010

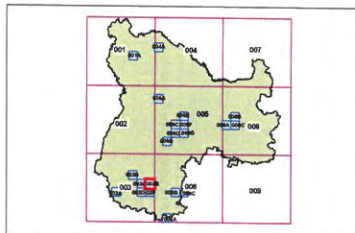
Lot Size Map - Sheet LSZ_003E

Minimum Lot Size (sq m)

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AE	200 ha

Cadastral

Cadastral 1/9/08 © LPMA NSW

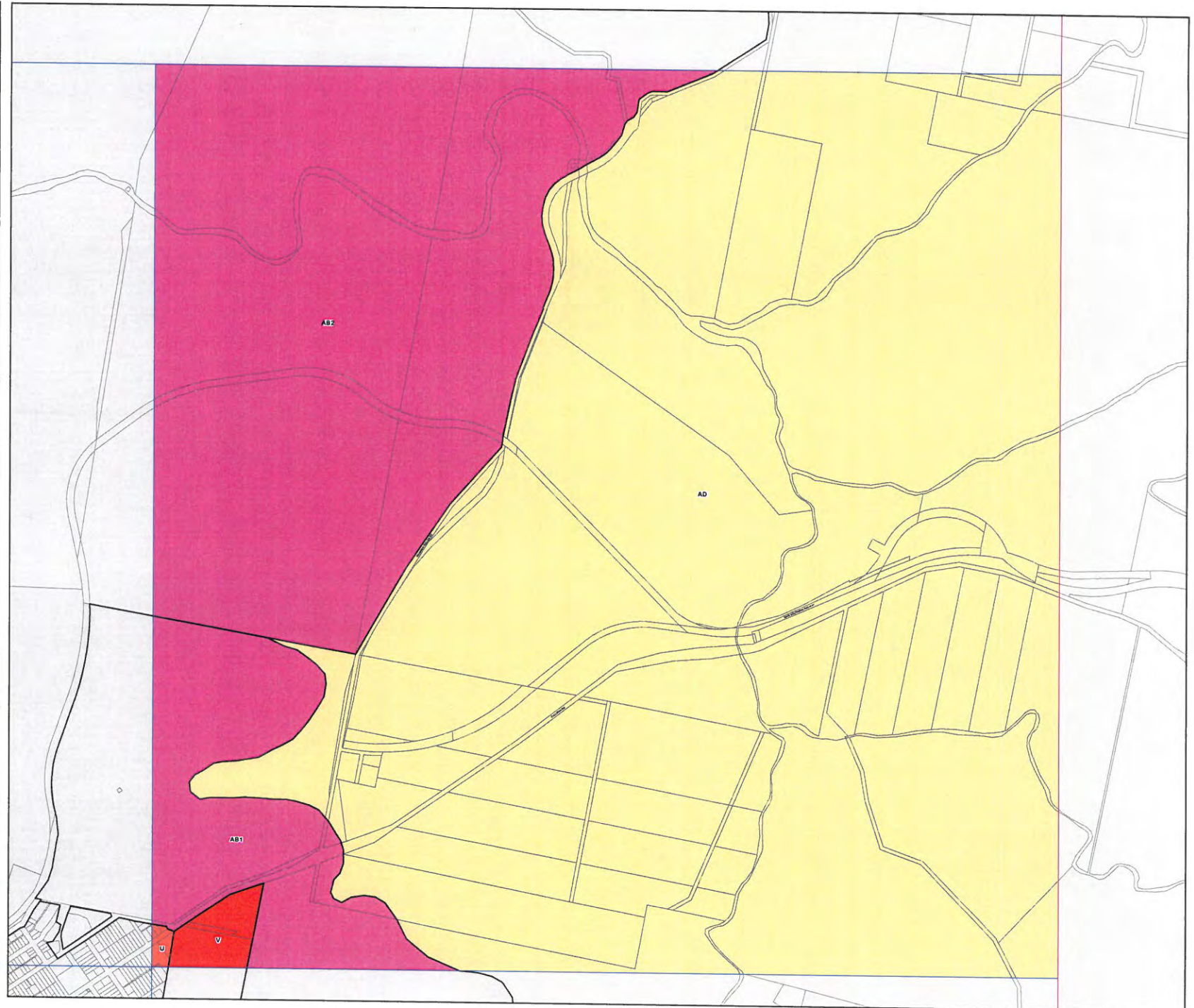


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Upper Lachlan Local Environmental Plan 2010

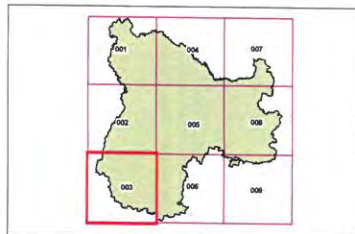
Natural Resources Sensitivity
- Water Map
- Sheet NRW_003

Sensitive Land

 Sensitive Land

Cadastre

 Cadastre 1/9/08 © LPMA NSW

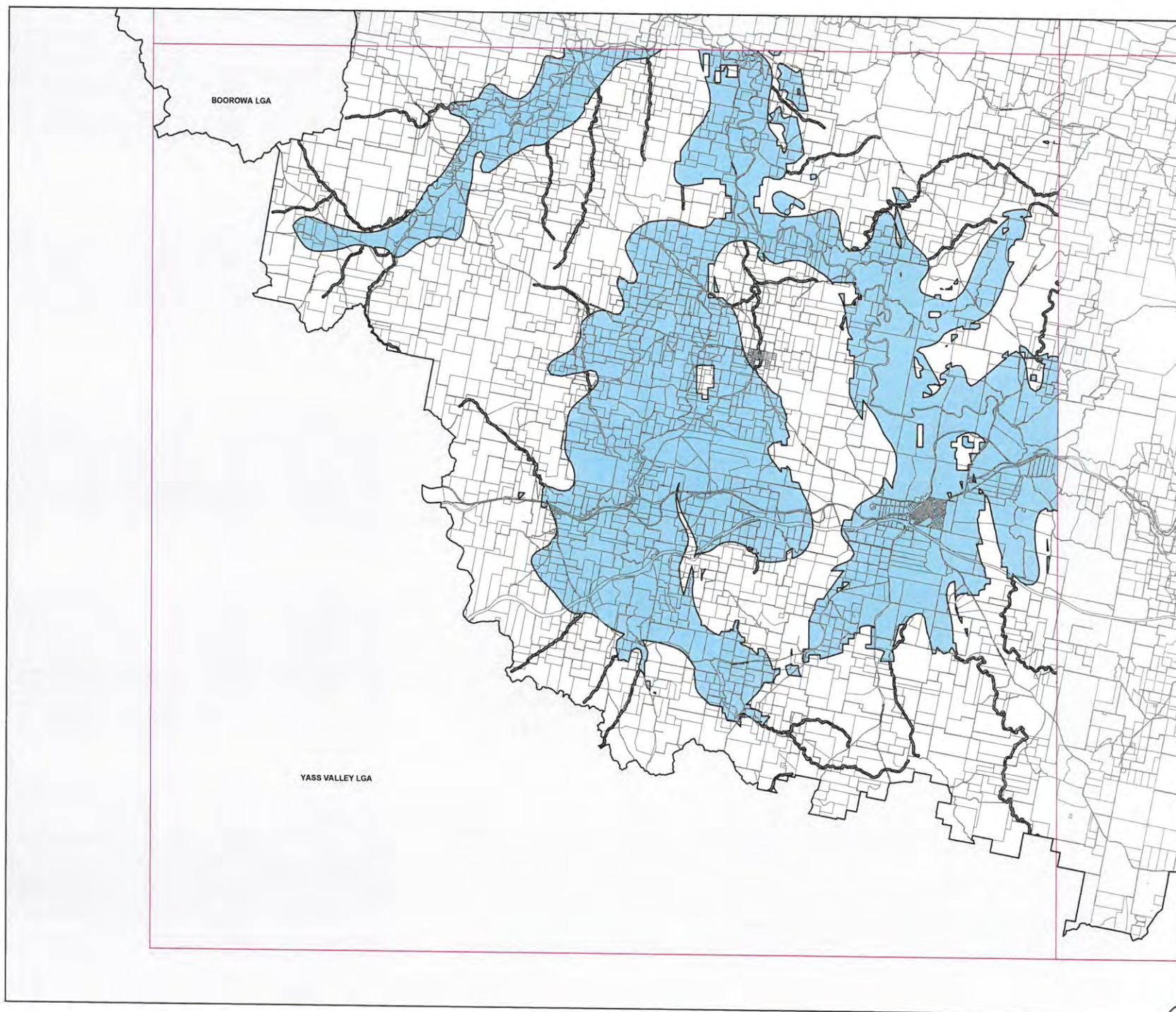


Projection: GDA 1994
Zone 55

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METRES

Scale 1: 160000 @ A3

Map Identification Number:
7640_COM_NRW_003_160_20100227





Extract of Natural Resources Sensitivity
Water Map - Sheet NRW_003



Upper Lachlan Local Environmental Plan 2010

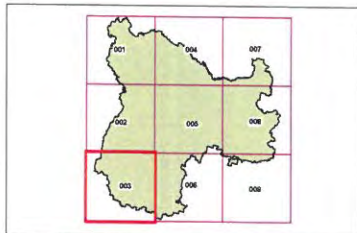
Natural Resources Sensitivity
- Land Map
- Sheet NRL_003

Sensitive Land

 Sensitive Land

Cadastre

 Cadastre 1/9/06 © LPMA NSW

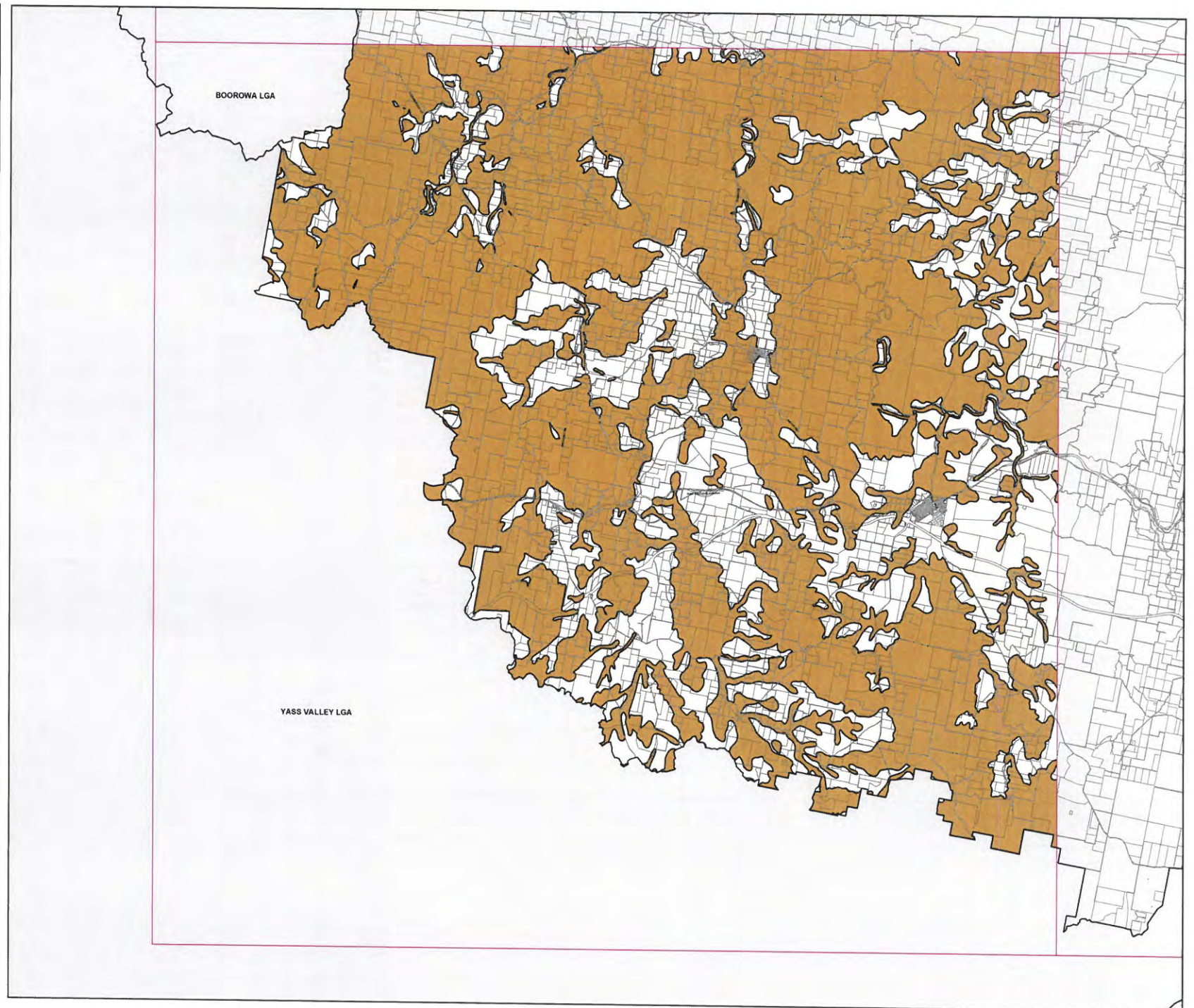


Projection: GDA 1994
Zone 55

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METRES

Scale 1: 160000 @ A3

Map Identification Number:
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Extract of Natural Resources Sensitivity
Land Map - Sheet NRL_003



Upper Lachlan Local Environmental Plan 2010

Natural Resources Sensitivity
- Biodiversity Map
- Sheet NRB_003

Sensitive Land

 Sensitive Land

Cadastral

 Cadastral 1/9/08 © LPMA NSW

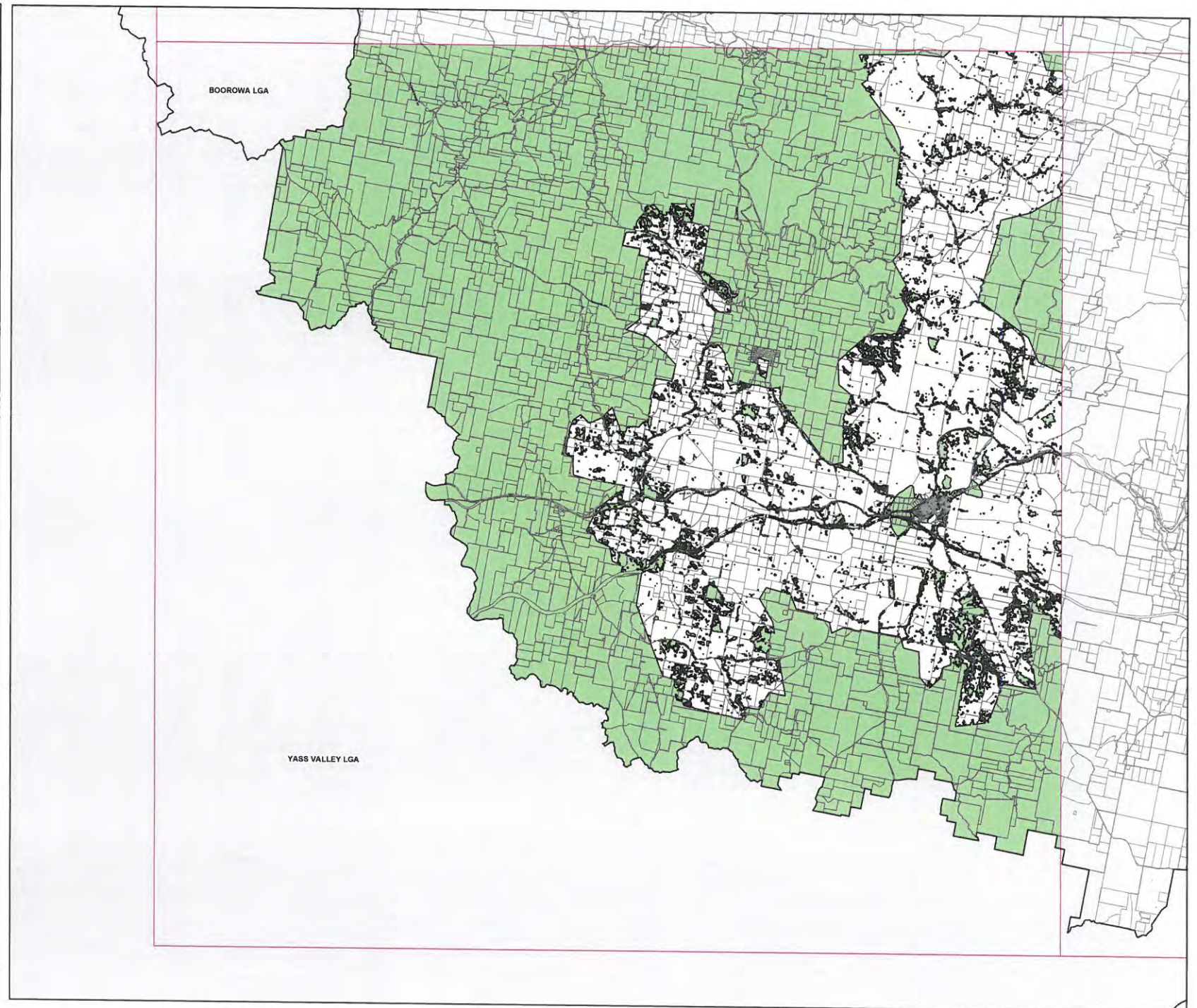


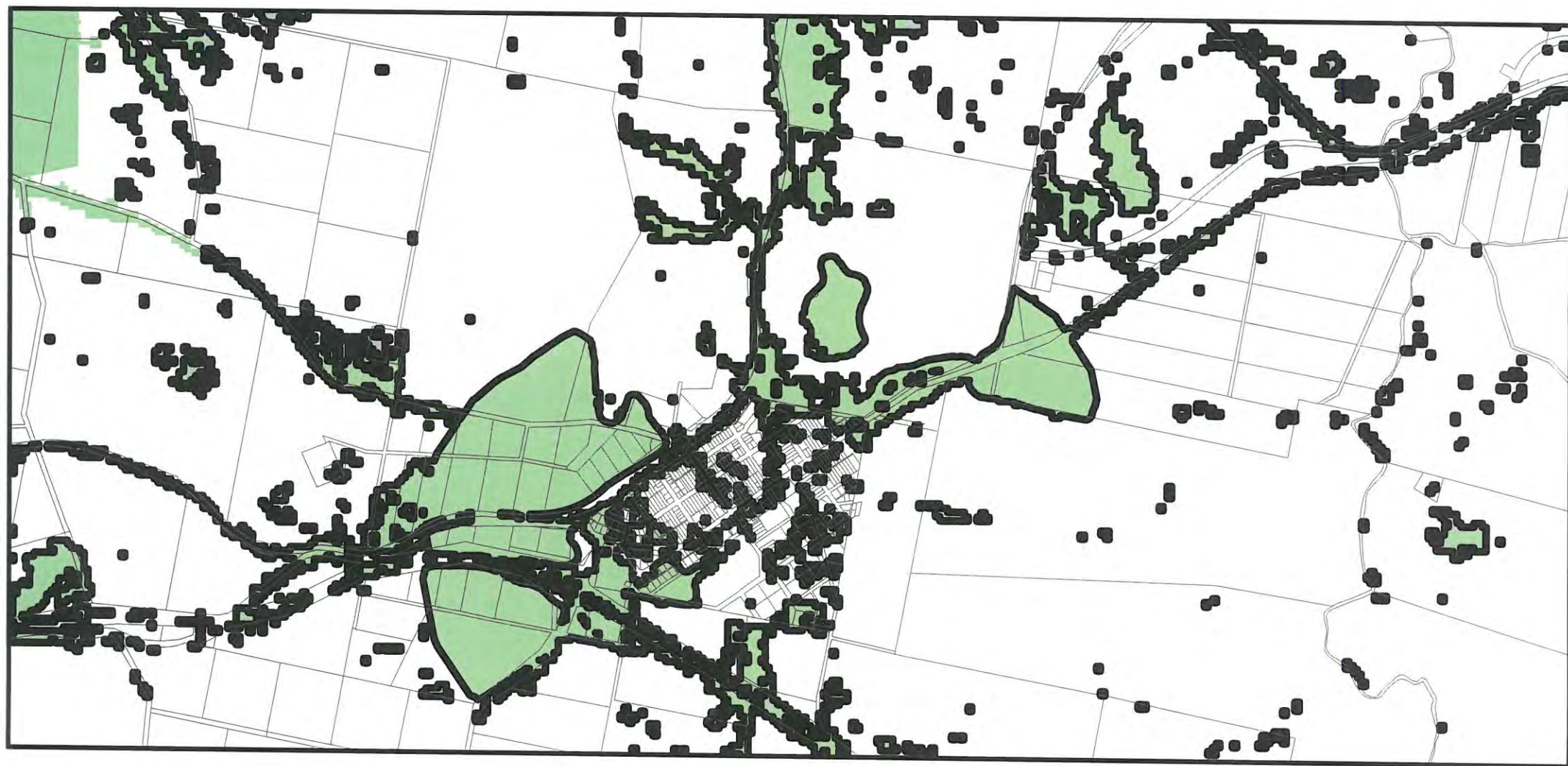
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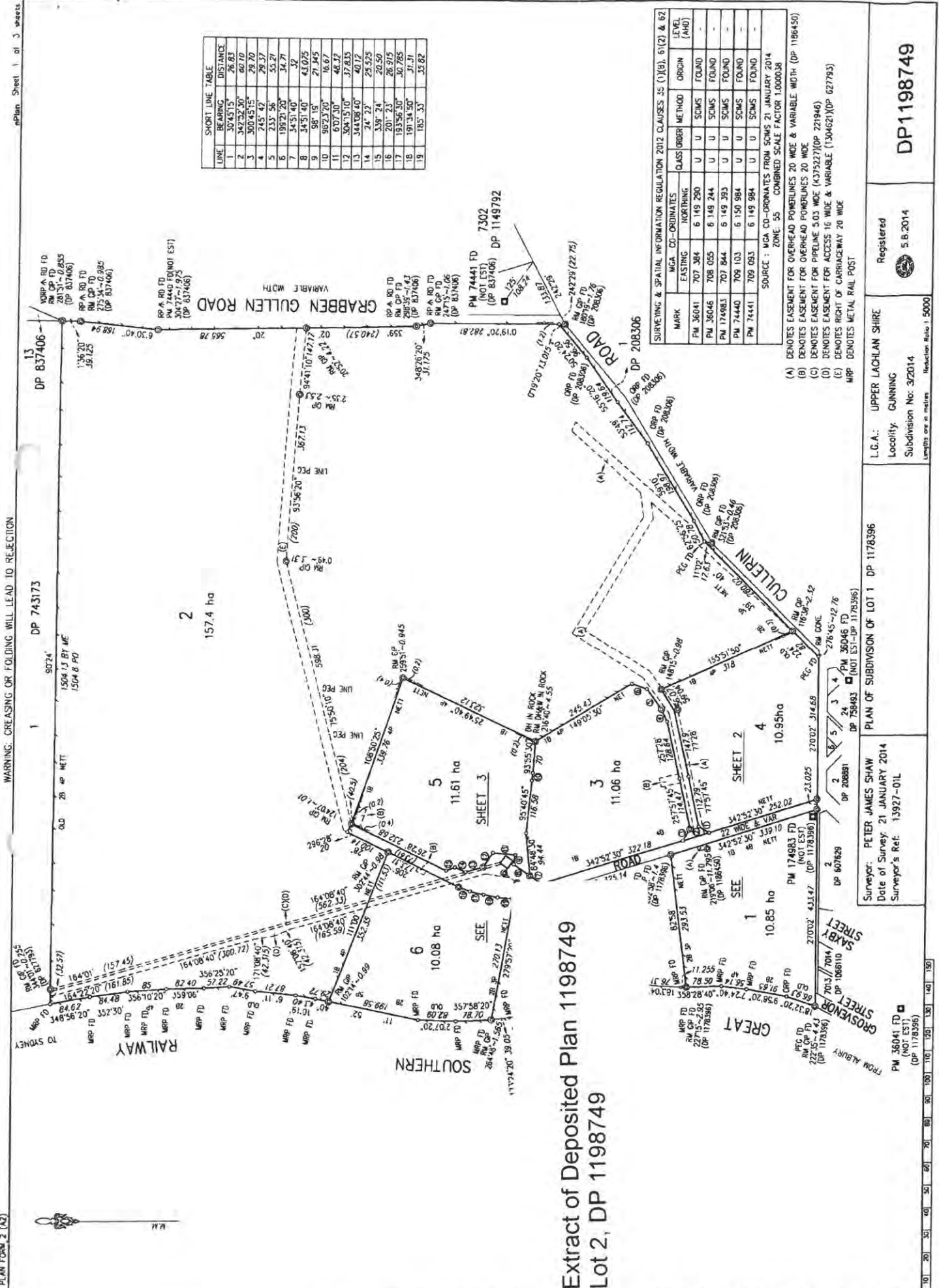
Map Identification Number:
7640_COM_NRB_003_160_20100227





Extract of Natural Resources Sensitivity
Biodiversity Map - Sheet NRB_003

WARNING: CREASING OR FOLDING WILL LEAD TO REFLECTION



Extract of Deposited Plan 1198749 Lot 2, DP 1198749

Surveyor: PETER JAMES SHAW
Date of Survey: 21 JANUARY 2014
Surveyor's Ref: 13927-01L

PLAN OF SUBDIVISION OF LOT 1 DP 1178396

L.G.A.: UPPER LACHLAN SHIRE
Locality: GUNNING
Subdivision No: 3/2014
Lengths are in metres Reduction Ratio: 1:5000

DP1198749