



ABN 81 011 241 552

Upper Lachlan Shire Council

All correspondence addressed to the General Manager, PO Box 42, Gunning NSW 2581

Crookwell Office: 44 Spring Street, Crookwell NSW 2583

p: 02 4830 1000 | f: 02 4832 2066 | e: council@upperlachlan.nsw.gov.au | www.upperlachlan.local-e.nsw.gov.au

Gunning Office: 123 Yass Street, Gunning NSW 2581

p: 02 4845 4100 | f: 02 4845 1426 | e: council@upperlachlan.nsw.gov.au

Taralga Office: Taralga Community Service Centre, Orchard Street, Taralga NSW 2580

p: 02 4840 2099 | f: 4840 2296 | e: taralgacsc@ceinternet.com.au

Environment and Planning Department – Council reference: F14/302

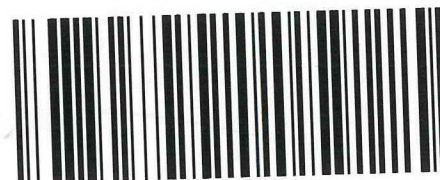
11 March 2015

NSW Department of Planning and Environment
Southern Region
PO Box 5475
Wollongong NSW 2520

Attention: Meredith McIntyre

Dear Madam

**Planning Proposal to Amend Upper Lachlan Local Environmental Plan 2010
Schedule 1 Additional permitted uses
Lots 347 and 348, DP 754108 Smith Road, Crookwell.**



At its meeting held 19 February 2015 Council resolved to endorse the planning proposal for an amendment to *Upper Lachlan Local Environmental Plan 2010* Schedule 1 Additional permitted uses to enable the erection of a dwelling house on the subject lots.

The Planning Proposal, which has been prepared in accordance with the Department's Guidelines, is accompanied with other relevant information and documentation required under the Gateway Process.

In regard to the 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'. Council accordingly requests an authorisation from the Department to exercise delegation on this matter as an 'other matter of local significance'

Should you require any further information or have any enquiries regarding this submission please contact Mrs Jacqueline Impey in Council's Environment and Planning Department.

The Department's support in expediting this matter would be greatly appreciated.

Yours faithfully

Tina Dodson
Director of Environment and Planning

for

John K Bell
General Manager
encl.

Department of Planning
& Environment
RECEIVED

19 MAR 2015

Southern Region-Wollongong

Supporting Documents
Planning Proposal to amend Upper Lachlan Local Environmental Plan 2010
(LEP 2010) Lots 347 and 348, DP 754108 Smith Road, Crookwell.

1. Planning Proposal for Lots 347 and 348, DP 754108 Smith Road, Crookwell.
2. Council Minutes of the Ordinary Meeting of Council – 19 February 2015
3. Report to the Ordinary Meeting of Council – 19 February 2015
4. Aerial Photograph showing Smith Road locality and existing development
5. Aerial Photograph showing subject lots – Lot 347 and Lot 348 Smith Road
6. Cadastre plan showing subject lots and existing development
7. Bush fire prone land in vicinity of Lots 347 and 348 Smith Road
8. Land Zoning Map – Sheet LZN_005
9. Lot Size Map – Sheet LSZ_005
10. Natural Resources Sensitivity – Water Map – Sheet NRW_005
11. Extract Natural Resources Sensitivity – Water Map – Sheet NRW_005
12. Natural Resources Sensitivity – Land Map – Sheet NRL_005
13. Extract Natural Resources Sensitivity – Land Map – Sheet NRL_005
14. Natural Resources Sensitivity – Biodiversity Map – Sheet NRB_005
15. Extract Natural Resources Sensitivity – Land Map – Sheet NRL_005
16. Deposited Plan 754108 (2 pages)
17. Submission from owners and Waste Water Management Report Lot 348 DP 754108
18. Waste Water Management Report for Lot 347 DP 754108
19. Report to the Ordinary Meeting of Council – 21 August 2014 (background information)
20. Report to the Ordinary Meeting of Council – 17 April 2014 (background information)
21. Planning Proposal prepared by consultant Laterals – superseded by Council prepared Planning Proposal.

Upper Lachlan Shire Council – Planning Proposal

Upper Lachlan Local Environmental Plan 2010 – Schedule 1 Additional permitted uses Lots 347 and 348, DP 754108 Smith Road, Crookwell.

Part 1 – Objectives

To enable the erection of a dwelling house on each lot, being Lots 347 and 348, DP 754108 Smith Road, Crookwell.

Part 2 – Explanation of the Provisions

The proposed outcome will be achieved by amendment of the *Upper Lachlan Local Environmental Plan 2010* Schedule 1 Additional permitted uses as follows:

Schedule 1 Additional permitted uses

6 Use of certain land at Smith Road, Crookwell

- (1) This clause applies to land at Smith Road, Crookwell, being Lots 347 and 348, DP 754108.
- (2) Development for the purpose of a dwelling house on each lot is permitted with consent.

Amendments are not required to the *Upper Lachlan Local Environmental Plan 2010* Land Zoning and Lot Size maps.

Part 3 – Justification

Section A

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

The planning proposal is not a result of any current strategic study or report. It is as a result of a request by the property owners to reinstate dwelling entitlements previously permissible under Crookwell Local Environmental Plan 1994. It is also considered consistent with the current Upper Lachlan Strategy Plan 2020 which states to promote large lot residential growth (allotments greater than 4,000 square metres) which has the effect of retaining the existing low scale residential density and ensure efficient planning of communities (Part C Growth Strategy for Upper Lachlan, Sections 10 and 10.1).

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

It is considered that the Planning Proposal is the most appropriate and best means of achieving the proposed outcome for the subject land.

Section B – Relationship to strategy planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional strategy?*

The planning proposal is consistent with the objectives and actions of the Sydney Canberra Regional Strategy which aims to:

- Cater for housing demand of up to 25,200 new dwellings to accommodate an additional 46,350 people (by 2013) – *satisfied*
- Increase the amount of housing in existing centres to ensure the needs of households are better met, especially for the ageing population – *satisfied*
- Only considering additional development areas if they satisfy a Sustainability Criteria – *satisfied*
- Not allow new rural residential zones, unless part of a broader strategy – *this is not a new rural residential zone but an effective use of existing subdivided land*
- Ensure an adequate supply of land to support economic growth and provide capacity for an additional 27,800 new jobs – *no impact on Employment Lands*
- Limit development in places constrained by important primary industry resources and significant and cultural landscapes – *no impact on primary industry resources, existing lots.*

Lots 347 and 348 are existing lots within a small area of similar sized lots. These lots do not create further fragmentation and do not have any adverse impact.

4. *Is the planning proposal consistent with a Council's local strategy or other local strategic plan?*

The planning proposal is consistent with the Upper Lachlan Strategy Plan 2020 Vision which informed the *Upper Lachlan Local Environmental Plan 2010* which states to promote large lot residential growth (allotments greater than 4,000 square metres) which has the effect of retaining the existing low scale residential density and ensure efficient planning of communities (Part C Growth Strategy for Upper Lachlan, Sections 10 and 10.1)

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The planning proposal is consistent with the State Environmental Planning Policies applicable to Upper Lachlan Shire Council.

See Annexure 1 for applicable State Environmental Planning Policies.

6. *Is the planning proposal consistent with applicable Ministerial Directions?*

The applicable Section 117 Ministerial Directions have been considered and the planning proposal is consistent with the Directions with the exception of:

1. Employment and Resources
 - 1.2 Rural Zones
 - 1.5 Rural Lands
5. Regional Planning
 - 5.1 Implementation of Regional Strategies
6. Local Plan Making
 - 6.3 Site Specific Provisions

Justification for the inconsistencies is attached to this planning proposal as Annexure 2.

Section C – Environmental, Social and Economic Impact

7. *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?*

Due to the nature of the amendment proposed there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. There are no known critical habitat or threatened species, populations or ecological communities, or their habitats located on Lots 347 and 348. Natural Resources Sensitivity, Biodiversity Map Sheet NRB_005 identifies the subject land as Sensitive land and requires the consideration of the provisions of *Upper Lachlan Local Environmental Plan 2010* clause 6.2 Biodiversity for any future development.

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

There are no other likely environmental effects as a result of the planning proposal. Waste water management for future development will be appropriately addressed with appropriate investigations and reports by suitably qualified consultants.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal provides a positive social and economic effect by enabling development of the lots for the purpose of a dwelling house.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

There is adequate public infrastructure for the planning proposal, sealed road access exists and electricity and telephone infrastructure are available.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

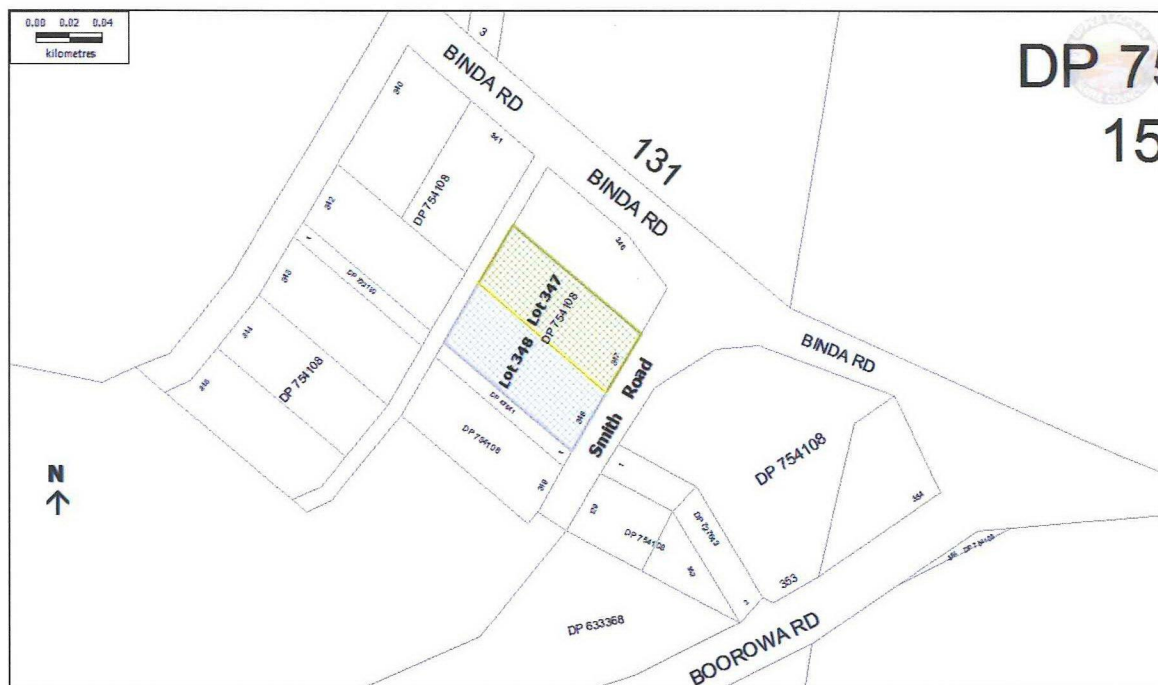
Any requirement to consult State and Commonwealth public authorities, as advised by the Department, will be undertaken in accordance with the relevant community consultation requirements.

Part 4 – Mapping

The land subject to the planning proposal location in proximity to Crookwell:



The land subject to the planning proposal and land to which a local provision (under Schedule 1) will apply (Lots 347 and 348, DP 754108):



Current land use zone applying to the land:

- Zone = RU2 Rural Landscape (Annexure 3 – Land Zoning Map, Sheet LZN_005)

Current development standards relating to the land (MLS)

- MLS = AC 80 hectares (Annexure 4 – Lot Size Map, Sheet LSZ_005)

Aerial photograph identifying the subject lots:



Standard Instrument Local Environmental Plan compliant mapping

- No new mapping required with this planning proposal.

Part 5 – Community Consultation

Community consultation to be undertaken in respect of the proposal having regard to the requirements set out in *A guide to preparing local environmental plans*. It is considered that this proposal is a 'low impact proposal' as it meets the description of a 'low impact proposal' contained in *A guide to preparing local environmental plans*, as follows:

A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

Part 6 – Project timeline

The following project timeline is provided for the planning proposal:

Anticipated commencement date (*date of Gateway determination*)

31 March 2015

Anticipated timeframe for the completion of required technical information

30 April 2015

Timeframe for government agency consultation

(*pre and post exhibition as required by Gateway determination*)

14 days

Commencement and completion dates for public exhibition period

18 May to 1 June 2015 (14 days)

Dates for public hearing (if required)

Not required

Timeframe for consideration of submissions

14 days

Timeframe for the consideration of a proposal post exhibition

14 days

Date of submission to the department to finalise the LEP

Within 4 months of the date of the Gateway determination

Anticipated date RPA will make the plan (if delegated)

Within 4 months of the date of the Gateway determination

Anticipated date RPA will forward to the department for notification

As soon as possible after RPA make the plan

Annexure 1

Instrument		Inconsistent
State Environmental Planning Policies		
SEPP	State Environmental Planning Policy (Seniors Living) 2004	No
SEPP	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No
SEPP	State Environmental Planning Policy (Major Development) 2005	No
SEPP	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No
SEPP	State Environmental Planning Policy (Temporary Structures) 2007	No
SEPP	State Environmental Planning Policy (Infrastructure) 2007	No
SEPP	State Environmental Planning Policy (Rural Lands) 2008	No
SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No
SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009	No
SEPP	State Environmental Planning Policy (State and Regional Development) 2011	No
SEPP	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No
SEPP 15	Rural Landsharing Communities	No
SEPP 21	Caravan Parks	No
SEPP 30	Cattle Feedlots	No
SEPP 32	Urban Consolidation (Redevelopment of Urban Land)	No
SEPP 33	Hazardous and Offensive Development	No
SEPP 36	Manufactured Home Estates	No
SEPP 44	Koala Habitat Protection	No
SEPP 50	Canal Estate Development	No
SEPP 55	Remediation of Land	No
SEPP 64	Advertising and Signage	No
SEPP 65	Design Quality of Residential Flat Development	No

Annexure 2

Section 117 Directions	Issue date/ date effective	Relevant	Inconsistent
1. Employment and Resources	1 July 2009		
1.1 Business and Industrial Zones		No	-
1.2 Rural Zones		Yes	Yes
1.3 Mining, Petroleum Production and Extractive Industries		No	-
1.4 Oyster Aquaculture		No	-
1.5 Rural Lands		Yes	Yes
2. Environment and Heritage	1 July 2009		
2.1 Environment Protection Zones		No	-
2.2 Coastal Protection		No	-
2.3 Heritage Conservation		No	-
2.4 Recreation Vehicle Areas		No	-
3. Housing, Infrastructure and Urban Development	1 July 2009 (Except for new Direction 3.6 – effective 16 February 2011)		
3.1 Residential Zones		No	-
3.2 Caravan Parks and Manufactured Home Estates		No	-
3.3 Home Occupations		No	-
3.4 Integrating Land Use and Transport		No	-
3.5 Development Near Licensed Aerodromes		No	-
3.6 Shooting Ranges		No	-
4. Hazard and Risk	1 July 2009		
4.1 Acid Sulfate Soils		No	-
4.2 Mine Subsidence and Unstable Land		No	-
4.3 Flood Prone Land		No	-
4.4 Planning for Bushfire Protection		No	-
5. Regional Planning	1 July 2009 (Except for new Direction 5.4 effective 29 November 2009, Direction 5.2 effective 3 March 2011 & Direction 5.9 effective 30 September 2013)		
5.1 Implementation of Regional Strategies		Yes	Yes
5.2 Sydney Drinking Water Catchments		No	-
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		No	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		No	-
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)		No	-
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)		No	-
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)		No	-
5.8 Second Sydney Airport: Badgerys Creek		No	-
5.9 North West Rail Link Corridor Strategy		No	-
6. Local Plan Making	1 July 2009		
6.1 Approval and Referral Requirements		No	-
6.2 Reserving Land for Public Purposes		No	-
6.3 Site Specific Provisions		Yes	No
7. Metropolitan Planning	14 January 2015		
7.1 Implementation of A Plan for Growing Sydney		No	-

Justification for Inconsistencies

Direction 1. Employment and Resources

1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

The planning proposal contains provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village) [(4)(b)] however it is considered that this inconsistency is of minor significance [(5)(d)]. In support of this inconsistency, the lots benefited from dwelling entitlements prior to *Upper Lachlan Local Environmental Plan 2010*, under the provisions of *Crookwell Local Environmental Plan 1994*. These lots already exist, will not create further fragmentation of land and there is currently no agricultural production use of this rural land.

1.5 Rural Lands

The objectives of this direction are to:

- (a) protect the agricultural production value of rural land.
- (b) facilitate the orderly and economic development of rural lands for rural and related purposes.

This direction applies as the planning proposal will affect land within an existing rural zone. It is considered that the planning proposal is consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008* in particular principles (d), (e), (f) and (g) which state:

- (d) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing.*

Direction 5. Regional Planning

5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. Sydney-Canberra Corridor Regional Strategy applies to the Upper Lachlan Shire Council area.

The planning proposal achieves the overall intent of the Sydney-Canberra Corridor Regional Strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

Direction 6. Local Plan Making

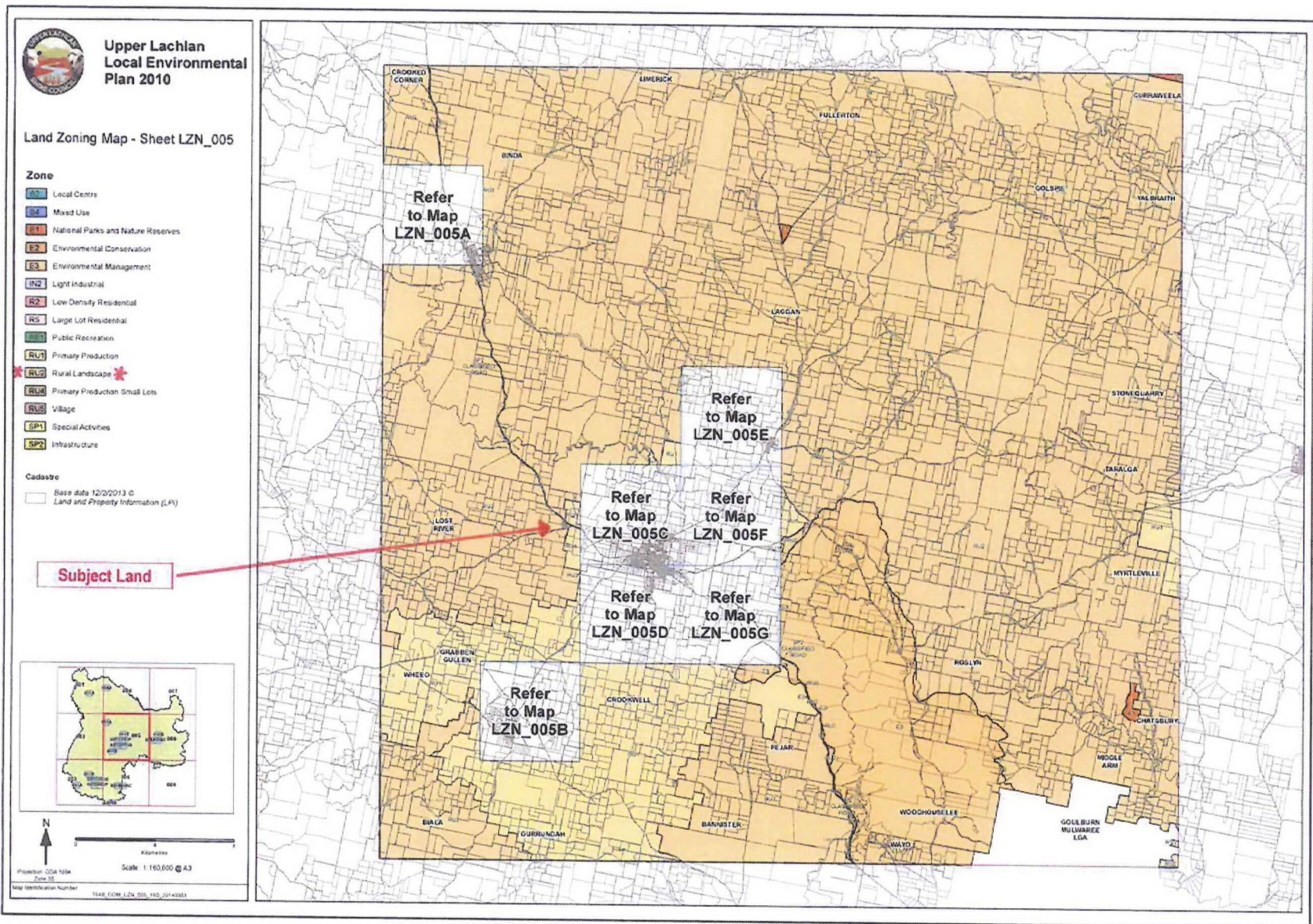
6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The planning proposal would allow the land use on Lots 347 and 348 without imposing any development standards or requirements in addition to those already contained in *Upper Lachlan Local Environmental Plan 2010*. The planning proposal is considered to be of minor significance and intends to provide for the erection of a dwelling house on each of Lots 347 and 348, existing lots, which are surrounded by lots with the same land use. There are no restrictive site specific planning controls proposed.

Annexure 3

Land Zoning Map – Sheet LZN_005



Annexure 4

Lot Size Map – Sheet LSZ_005

