

Planning and Assessment

IRF20/531

Gateway determination report

LGA	Upper Lachlan Shire
PPA	Upper Lachlan Shire Council
NAME	Collector Planning Proposal- 28 Dwellings.
NUMBER	PP_2020_UPLAC_001_00
LEP TO BE AMENDED	Upper Lachlan LEP 2010
ADDRESS	Various addresses
DESCRIPTION	Various Lots and DP's at Collector
RECEIVED	Revised version no 3 received 12 th February 2020
FILE NO.	EF20/1645
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to:

- rezone certain land at Collector from RU1 Primary Production to E3 Environmental Management and amend the MLS from 40 hectares to part 10 hectares and part 20 hectares; and
- rezone certain land at Collector RU1 to RU4 Primary Production Small Lots and amend the minimum lot size from 40ha to 2 ha.

1.2 Site description

The subject site is approximately 130 hectares in area and is located 2kms north east of the village of Collector. The subject site is largely cleared, with some remnant vegetation communities. The site is bounded by the Federal Highway, Breadalbane Road and rural properties and is located outside of the Sydney Water catchment area.

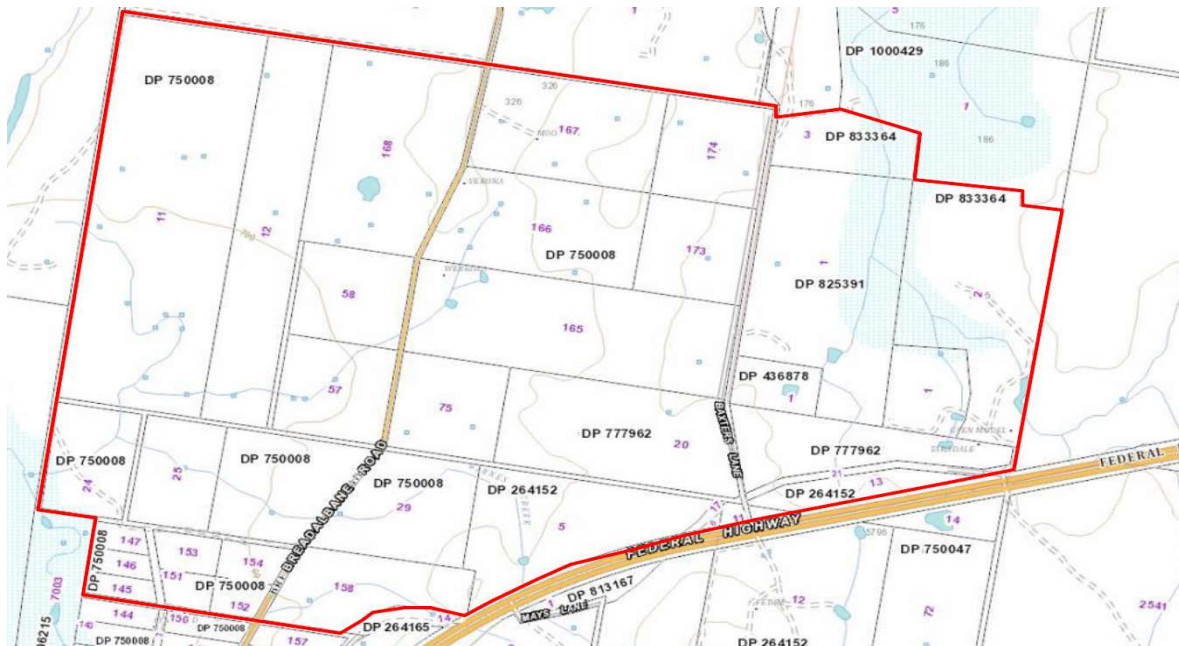


Figure 1- Site Map

(Source- Planning Proposal Document- prepared by Kingsdale Consulting)

1.3 Existing planning controls

The subject lots are currently zoned RU1 Primary Production with a minimum lot size of 40 hectares. The subject site includes mapped Natural Resource Sensitivity - Biodiversity areas, and bushfire prone land.

Figure 2- Proposed Zones (Source- Planning Proposal Document- prepared by Kingsdale Consulting)

1.4 Surrounding area

The study area is located within the flat and undulating and open slopes between Collector and Willow Tree Creek. The area is approximately 2.3 km wide and 3.6km long with topography ranging from flat land to sloping lands with grades up to approximately 10%. The area is described as Class 4 agricultural land suitable for uses such as grazing. **(Figure 3)**

2.2 Explanation of provisions

To rezone and change the minimum lot size of certain land being:

- Lots 5, 6, 11, 13 (part) and 17 DP 264152, Lots 20 (part) and 21 (part) DP 777962 and Lots 29 and 75 (part) DP 750008 from RU1 Primary Production zone to E3 Environmental Management zone;
- Reduce the minimum lot size in the proposed E3 zoned land from 40ha to 20ha (part) and 10ha (part) to enable the development of 4 dwelling houses under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010).
- Rezone Lot 75 (part) DP 750008, Lots 20 (part) and 21 (part) DP 777962 and Lot 13 (part) DP 264152 from RU1 Primary Production zone to RU4 Primary Production Small Lots zone; and
- Reduce the minimum lot size from on the proposed RU4 land from 40ha to 2ha to enable small lot intensive agriculture on 24 lots with dwelling houses under the *Upper Lachlan Local Environmental Plan 2010* (LEP 2010)
(Figures 3 & 4 below)

It is considered that the LEP amendments proposed under the planning proposal, are clear and do not require amendment prior to community consultation.

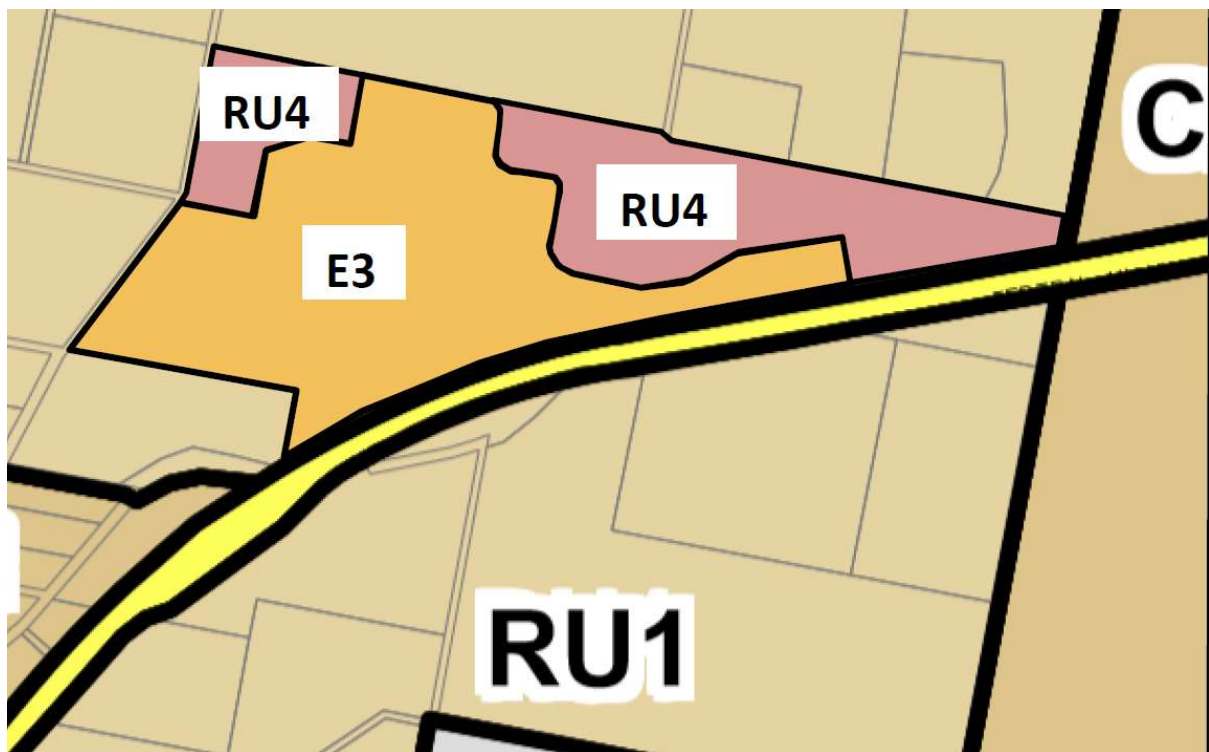


Figure 3 – Proposed zones (Source - PP- prepared by Kingsdale Consulting)

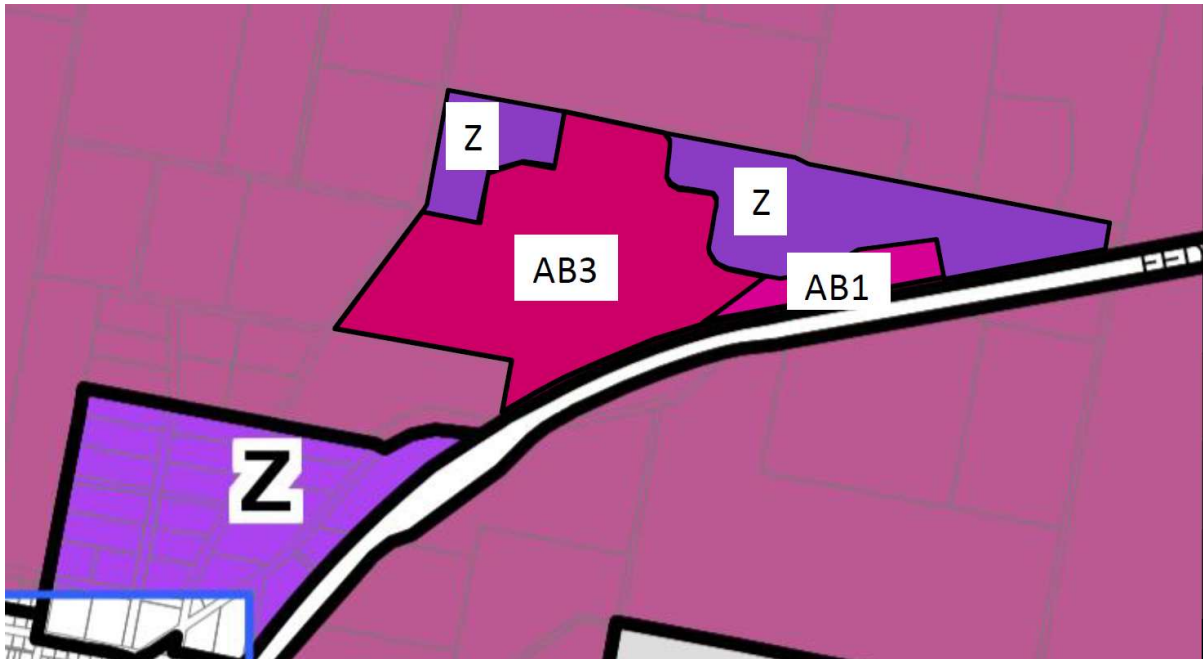


Figure 4 – Proposed Minimum Lot Size (Source- Planning Proposal Document- prepared by Kingsdale Consulting)

2.3 Mapping

The proposal includes the following amendments to LEP zoning and lot size maps:

- Amending Upper Lachlan Land Zoning Map Sheet LZN_006 by rezoning:
 - Lots 5, 6, 11, 13 (part) and 17 DP 264152, Lots 20 (part) and 21 (part) DP 777962 and Lots 29 and 75 (part) DP 750008 from RU1 Primary Production to E3 Environmental Management.
 - Lot 75 (part) DP 750008, Lots 20 (part) and 21 (part) DP 777962 and Lot 13 (part) DP 264152 from RU1 Primary Production to RU4 Primary Production Small Lots.
- Amending Upper Lachlan LEP 2010 Lot Size Map – Sheet LSZ_006 by including:
 - Lot 5 (part) DP 264152, Lot 20 (part) DP 777962 and Lots 29 and 75 (part) DP 750008 identified as “AB3” having a Minimum Lot Size of 20ha;
 - Lots 5 (part), 6, 11, 13 (part) and 17 DP 264152 and Lot 21 (part) DP 777962 identified as “AB1” having a Minimum Lot Size of 10ha;
 - Lot 75 (part) DP 750008, Lots 20 (part) and 21 (part) DP 777962 and Lot 13 (part) DP 264152 identified as “Z” having a Minimum Lot Size of 2ha.

The maps included in the planning proposal do not require amendments and are suitable for exhibition purposes.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is the first in a tranche of future planning proposals that seek to address town and village boundaries, and the scale of agricultural activity in the Upper Lachlan Shire. This planning proposal will provide for a combination of smaller lots available for primary production, as well as potential dwellings providing for a greater housing choice in areas that are in easy access to Canberra and other regional centres like Bathurst, Goulburn and Wollongong.

The planning proposal, while being ahead of the exhibition of Council's Local Strategic Planning Statement and Housing Strategy, is consistent with the general direction of the draft LSPS.

It is considered that the planning proposal is the appropriate mechanism to facilitate the amendment of the Upper Lachlan LEP 2010.

4. STRATEGIC ASSESSMENT

4.1 Regional

The planning proposal is consistent with the objectives and actions contained within the *South East and Tablelands Regional Plan 2036* particularly in respect to:

Goal 1: A connected and prosperous economy

Direction 5: Promote agricultural innovation, sustainability and value-add opportunities

Goal 2: A diverse environment interconnected by biodiversity corridors

Direction 14: Protect important environmental assets

Direction 15: Enhance biodiversity connections

Goal 4: Environmentally sustainable housing choices

Direction 24: Deliver greater housing supply and choice

Direction 25: Focus housing growth in locations that maximise infrastructure and services

Direction 28: Manage rural lifestyles

The proposal will result in some additional housing opportunities and opportunities for small scale agriculture while also protecting environmental assets consistent with the Regional Plan.

4.2 Local

The Upper Lachlan 2020 Strategy prepared in 2009 examined potential growth scenarios for the Upper Lachlan LGA and formed the view that:

“with targeted expansion and successful promotion of Upper Lachlan, it is possible that the population would be capable of reaching 9,000 residents by 2020. This represents a total growth of 1,400 persons at an average annual growth rate of 1.5 percent”. (Clause 10.6.2)

The Strategy also states that:

“rural small holdings should be focused around the existing Village zones. The future use of rural lands will seek to balance agricultural requirements, environmental

constraints and minimise potential for land use conflicts. These areas comprise unserviced lots that will be defined by minimum lot sizes for dwelling entitlements. Prime agricultural lands are a key resource and need protection. The local Strategy aims to prevent future fragmentation of these areas.”

The March 2020 Draft Upper Lachlan Local Strategic Planning Statement (LSPS) seeks as part of the economic development study to increase the agricultural diversity of the area, coupled with encouraging residential growth in and close to existing villages and services. Council has reiterated and amended the planning proposal to reinforce that residential development in the RU4 zoned area is not the primary aim of the planning proposal.

The proposal is consistent with local planning strategies.

4.3 Section 9.1 Ministerial Directions

Council has identified that the following s 9.1 Ministerial Directions apply to the planning proposal.

1.2 Rural Zones

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

Council has advised that the proposal is considered to be CONSISTENT with this Direction because the majority of the land is being rezoned from RU1 Primary Production to RU4 Primary Production Small Lots and is consistent with the Direction.

The primary intent of the rezoning of the RU4 zoned land is to provide for a more diverse range of small lot agricultural opportunities. The proposed rezoning of the RU1 Land to E3 Environmental Management will provide for continued agricultural uses, while managing the environment and allowing for environmental management with the potential for 4 dwellings. Council's view is supported.

1.5 Rural Lands

This Direction does apply to the planning proposal as it will affect land within an existing or proposed rural or environmental protection zone and proposes to change the zoning and minimum lot size on land within a rural or environmental protection zone.

Council has advised that the proposal is CONSISTENT with this Direction.

This view is not supported as there is a reduction in the minimum lot size proposed for the lots formally zoned RUI Primary Production Zone, to be replaced with the proposed RU4 Primary Production Small Lots and the E3 Environmental Management Zones.

However, the inconsistency is considered to be minor due to the relatively small area of land affected and as the majority of the land will be available for more intensive agricultural uses.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is of minor significance as the proposed zones and changes to the minimum lot size in both the RU4 and the E3 zones will continue to provide for agricultural uses.

2.1 Environmental Protection Zones

Council has not identified that this direction applies to the planning proposal. This Direction however does apply as it is proposed to rezone land for environmental protection. The planning proposal seeks to rezone land from RU1 Primary Production to E3 Environmental Management.

The proposal is considered to be CONSISTENT with this Direction as it will allow environmental management of land where studies have shown the presence of species of high conservation value areas such as Box Gum Woodland and native grasslands which will be zoned E3 Environmental Management.

4.3 Flood Prone Land

The proposal is considered to be CONSISTENT with this Direction as the areas identified as potentially flood affected have been excluded from any consideration of a reduced lot size.

A preliminary Flood Assessment has been undertaken and confirms (pages 29/30 of the planning proposal) that:

“The results show the extent of the 100 year flood event within Byrnes Creek would be retained mainly within the existing creek alignment leaving sufficient areas for siting future building envelopes with levels above the future flood planning levels. The site also sits outside of the flood plain as described in the recent Collector Flood Study, 2014.”

This view is supported.

4.4 Planning for Bush Fire protection

This Direction does apply to the planning proposal as it will affect land mapped as bushfire prone land. The planning proposal is neither CONSISTENT or INCONSISTENT at this stage.

RECOMMENDATION: The Secretary will 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 and the results of the consultation be included in the exhibition of the planning proposal.

5.10 Implementation of Regional Plans

This Direction does apply to the planning proposal as the Regional Plan applies to the land. As per the Regional Planning section 4.1 of this report the proposal is considered to be CONSISTENT with this Direction.

4.4 State environmental planning policies (SEPPs)

There are no identified State Environmental Policies that apply to the planning proposal.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Renewable energy projects have been the most significant new area of activity in the Upper Lachlan Shire. Numerous wind farms, and a large solar farm have emerged in the landscape over the last few years.

However, there has been limited growth in residential and housing choice available and there is a sense that change needs to be encouraged with a strong mind to the protection of agricultural capacity and encouraging this activity close to existing villages.

The social benefits of the planning proposal include additional rural housing opportunities near a village and the possible increase in the residential and working population related to the new smaller agricultural lots and boutique farming opportunities.

5.2 Environmental

An ecological study has been undertaken as part of the planning proposal supporting documentation. It was found that the study area supports high conservation values including areas of White Box, Yellow Box and Blakey's Red Gum that may meet the definition of an endangered ecological community. There are also identified areas of native grasslands. The environmental attributes in the proposed E3 Environmental Management lots will be better protected and managed than what is currently required under the RU1 Primary Production Zone.

5.3 Economic

The planning proposal will provide for a range of new small lot agricultural uses close to the village of Collector, and close to the Federal Highway.

This may enhance the opportunity of a more diversified agricultural sector, including specialised cropping, market gardens, flowers and other intensive agricultural uses. Additionally, the increase in residents living in the area may provide the opportunity for small businesses to emerge out of the increased demand for local services and building works.

6. CONSULTATION

6.1 Community

Council has proposed a 14 day public exhibition period. As the planning proposal will reduce the minimum lot size of rural zoned land adjacent to Collector, an exhibition period of 28 days is more appropriate.

6.2 Agencies

Council should consult with the NSW Rural Fire Service to ensure consistency with the Section 9.1 - 4.4 Planning for Bushfire Protection, and the results of the consultation be exhibited along with the planning proposal.

7. TIME FRAME

Council has proposed a 7 month timeframe for notification. To allow sufficient time to finalise the proposal a 12 month timeframe is recommended.

8. LOCAL PLAN-MAKING AUTHORITY

Given the local nature of the planning proposal, it is recommended that Council should be the local plan making authority.

9. CONCLUSION

The planning proposal should proceed as a means to apply more flexible options for small scale agriculture with dwelling potential close to the existing Collector Village and the Federal Highway. The planning proposal will also provide for better management of a number of native grasslands and EEC's with the application of the E3 Environmental Management Zone.

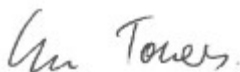
10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.5 Rural Lands and 4.4 Planning for Bushfire Protection , are minor or justified; and

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - NSW Department of Planning, Industry and Environment (Biodiversity and Conservation)
 - NSW Department of Planning, Industry and Environment (Primary Industries)
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



9/3/20

Graham Towers
Team Leader,
Southern Region



10/3/20

Sarah Lees
Director, Southern Region
Local and Regional Planning

Assessment officer: Ann Martin
Planning Officer, Southern
Phone: 42471826