

56. Additional Planning Proposals for Sedgefield Rural Residential Candidate Area
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FILE: LA1/2010

Executive Summary:

Council has received three additional rezoning requests for the Sedgefield Rural Residential Candidate Area, with details as follows:

Proponent: Tony Mexon & Associates on behalf of the owners
Owner: Mr R L & Mrs S D B George
Land & Location: Lot 2 DP 632054, 490 Gresford Road, Sedgefield
Current Zoning: Zone 1(a) (Rural Zone)
Proposal: To rezone to environmental living to allow subdivision (potential: one additional lot)

Proponent: Orbit Planning on behalf of the owners
Owner: Mr P C & Mrs D J Kibble
Land & Location: Lot 2 DP 710420, 79 Mirannie Road (via Ironbark Lane), Sedgefield
Current Zoning: Zone 1(a) (Rural Zone)
Proposal: To rezone to environmental living to allow subdivision (potential: four additional lots)

Proponent: Orbit Planning on behalf of the owners
Owner: Mr N R Fuller & Ms J M Neely
Land & Location: Lot 72 DP 1040144, 338 Gresford Road, Sedgefield
Current Zoning: Zone 1(a) (Rural Zone)
Proposal: To rezone to environmental living to allow subdivision (potential: twenty-two additional lots)

Council planning staff have prepared a planning proposal for each of the above requests based on information submitted by the proponents. The requests are in accordance with Council's Sedgefield Structure Plan 2009, as detailed in the planning proposals, which are appended as **Attachments 1, 2 and 3**.

RECOMMENDED that Council adopt the three planning proposals attached to this report (being for Lot 2 DP 632054, Lot 2 DP 710420 & Lot 72 DP 1040144) and forward them to the Department of Planning for gateway determination.

Background:

Council has resolved to proceed with three rezoning requests at the Sedgefield Rural Residential Candidate Area (SCA) to date. One of these (LA70/2009) was a minor proposal to subdivide into two lots. This was processed by means of an enabling clause and was finalised in July this year. The other two proposals are older proposals which

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were pending Department of Planning (DoP) endorsement of Council's Sedgefield Structure Plan (SSP) which occurred in March last year. They have carried out updated studies and are currently addressing government authority requirements prior to being placed on formal exhibition.

When DoP issued the gateway determination for LA70/2009 early this year, it also advised that the rest of the SCA should be implemented through one Local Environmental Plan (LEP) amendment. When Council received an additional rezoning request for the SCA in March this year, staff wrote to all the other property owners in the SCA advising of the DoP request and suggesting if they wished to proceed with rezoning in the near future they should prepare and lodge a rezoning request so they could all be assessed concurrently. Two further requests were subsequently received. These, together with the abovementioned request, form the subject of this Council report. The file references are LA1/2010, LA2/2010 and LA3/2010, with the land owners being R & S George, P & D Kibble, and N Fuller & J Neely respectively.

Council staff have prepared three separate planning proposals for the three requests. They are appended as **Attachments 1, 2 and 3** to this report.

Past experience has demonstrated that if proposal are to be combined into one amendment, it is more effective to combine them toward the end of processing, rather than at the beginning. Different proposals often raise different issues, which are addressed and resolved within different timeframes. There have been a number of cases where proposals which had been combined have been separated so that those where issues have been resolved can be finalised. Otherwise, major needless delays would have been experienced. There have also been instances where government agencies found it difficult to comment on rezoning requests which had been combined into one proposal.

The regional office of DoP has recently expressed support for this approach of processing proposals separately.

Management Plan:

Not applicable.

Council Policy/Legislation:

The three planning proposals have been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act and the DoP guidelines. The proponent for LA1/2010 provided background information which was used in the preparation of the proposal. The proponent for LA2 & 3/2010 prepared more formal draft planning proposals which were extensively used in the preparation of the Council planning proposals.

Since Council is not priority listed for completion of its comprehensive Standard Instrument (SI) LEP, which is currently pending Council obtaining further DoP funding, the planning proposals will need to be implemented by amending Council's current Singleton LEP 1996.

The appended planning proposals address legislative requirements in detail.

Financial Implications:

There are no direct financial implications for Council.

Consultation/Social Implications:

The DoP gateway determinations on the proposals will dictate consultation requirements. It is anticipated that LA1/2010 will be considered as a minor proposal only requiring a 14 day public consultation period. LA2 & 3/2010 will most likely require consultation with relevant government authorities and the full 28 day public consultation period.

The proposals, in combination, will provide the potential for approximately 30 lots averaging five hectares in area, for environmental living purposes. Since DoP removed all provisions which permitted the creation of "concessional" allotments from LEPs in May 2008, it is anticipated there will be strong demand for such lots when they are available.

Environmental Consideration:

Environmental considerations are addressed in the planning proposals. In summary, all three proposals are on largely cleared sites and their development will not require any significant removal of vegetation. Environmental issues can be further addressed through the preparation of Development Control Plan (DCP) provisions in accordance with the SSP.

Risk Implications:

Not applicable.

Options:

Council has the option to support the proposals, not support the proposal, or require them to be modified.

Conclusions:

The three proposals are in accordance with the SSP and are recommended for support by Council.

LA1/2010 is of minor significance, with potential to yield only one additional lot, and should be provided the opportunity of a short assessment timeframe by the use of an enabling clause.

LA2/2010 and LA3/201 are of more significance, with the potential to yield four additional lots and twenty-two additional lots respectively. These will require a more comprehensive assessment and be rezoned for environmental living purposes in accordance with the SSP.

Attachments

<u>AT-1</u>	LA1 Planning Proposal	17 Pages
<u>AT-2</u>	LA2 Planning Proposal	21 Pages
<u>AT-3</u>	LA3 Planning Proposal	20 Pages

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