

15.3 UNZONED LAND AT CURRAWANG ROAD, CURRAWANG**Author:** Nick Thistleton, Graduate Strategic Planner**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil

Link to Community Strategic Plan:	Strategy EN4 Maintain a balance between growth, development and environmental protection through sensible planning.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report from the Graduate Strategic Planner regarding unzoned land at Currawang Road, Currawang be received.
2. A planning proposal be prepared to zone Lot 1 DP 590583 and Lots 131, 141, 150, 154, 190 and 204 DP 750047 to RU1 Primary Production with a minimum lot size of 100 hectares under the *Goulburn Mulwaree Local Environmental Plan 2009*.
3. The planning proposal, once drafted, be forwarded to the Department of Planning, Industry and Environment for a gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning, Industry and Environment be advised that the preferred zone for the site is RU1 Primary Production, while noting that Council is willing to instead rezone part or all of the land to E3 Environmental Management with the same minimum lot size if it is required in order to proceed with the planning proposal.
5. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this planning proposal.
6. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
7. The planning proposal will not incur a fee/charge to the landowner as it is Council initiated to rectify a zoning anomaly.

BACKGROUND

The zoning of the subject land at Currawang Road, Currawang has not previously been reported to Council.

REPORT**Introduction**

During a recent update of Council's graphic information systems (GIS), it was identified that there were several parcels of land on the far western boundary of the local government area (LGA) that appeared to be unzoned. Following further investigation it was confirmed that this land was unzoned.

Unzoned land can be extremely problematic when determining development applications and generating s10.7 planning certificates. Furthermore, during property transactions there is a lack of clarity as to what developments are permissible on the land and what planning controls and approval pathways apply. The rectification of the matter is therefore considered to be of a high priority to Strategic Planning.

The recommendation of this report is to prepare a planning proposal to zone this land to RU1 Primary Production, with the option of alternatively zoning part or all of the land to E3 Environmental Management. Both zones are consistent with the land uses of the subject land and the surrounding area.

Subject Land

The subject land is located approximately 500m north of Currawang Road, Currawang on the far western boundary of the Goulburn Mulwaree local government area, bordering Queanbeyan Palerang Regional Council (**Figure 1**). The subject land forms part of 1716 and 1801 Currawang Road.

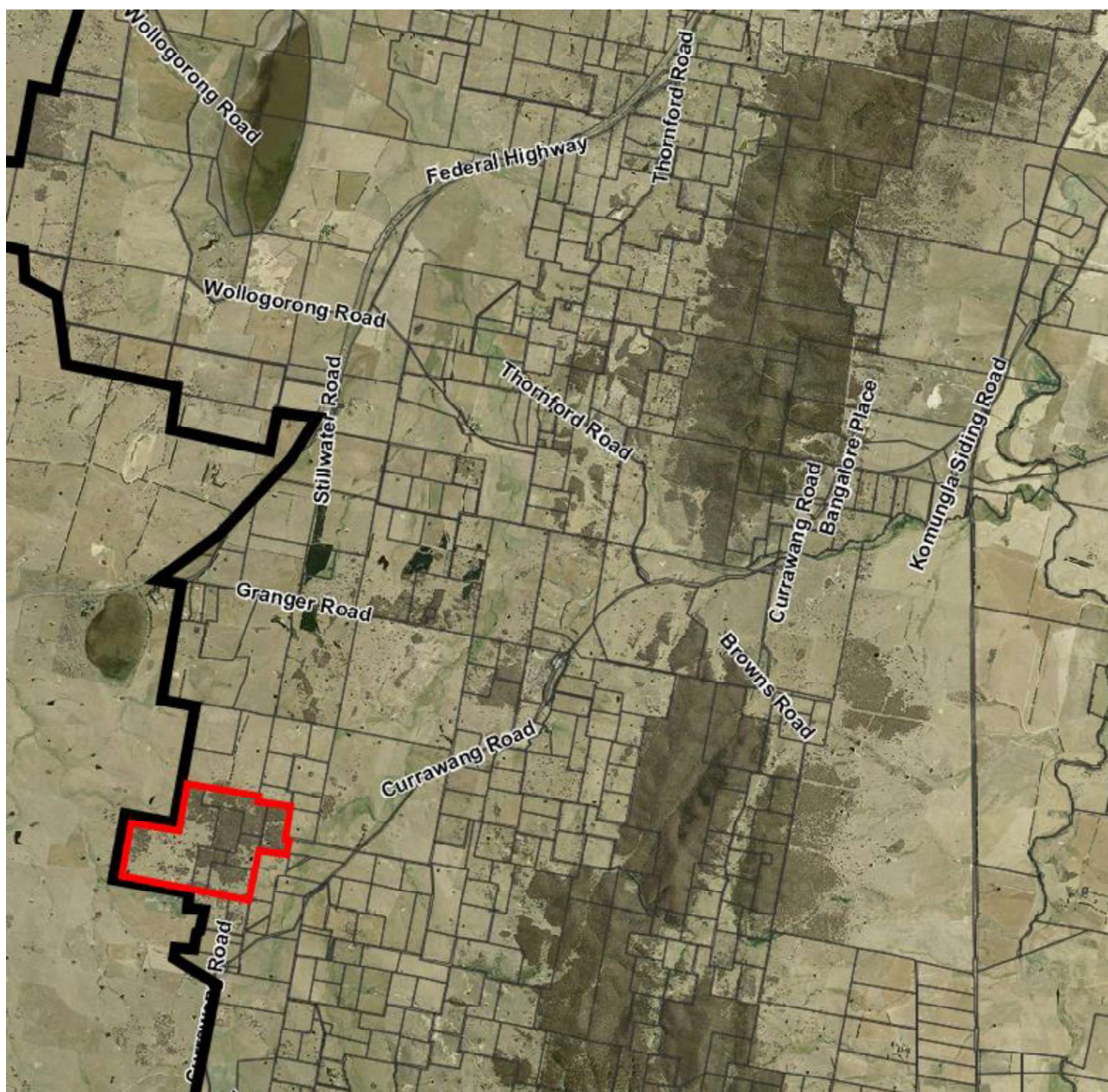


Figure 1: Subject land location (in red) in relation to the Goulburn Mulwaree local government boundary (in black).

The subject land is outside of the Sydney drinking water catchment, therefore, the planning proposal does not require referral to Water NSW prior to its submission to the NSW Department of Planning, Industry and Environment for a gateway determination.

Council records show that the subject lands are held in two ownerships.

Zoning History

The recent history of the land and events leading up to it becoming unzoned are detailed below:

- The subject site was last zoned as 1(a) Rural in the *Mulwaree Local Environmental Plan 1995*, commencing from the time that the subject land was in the former Mulwaree Shire.
- Following the 2004 Council amalgamations, the subject land then became a part of the former Palerang Council. Palerang Council did not immediately prepare its own Local Environmental Plan (LEP) and appeared to rely on the *Mulwaree Local Environmental Plan 1995*, and a combination of other pre-2004 Council amalgamation Local Environmental Plans to govern their zoning. The subject land kept its 1(a) Rural zoning under the *Mulwaree Local Environmental Plan 1995* throughout this period.
- In 2011, a minor boundary adjustment occurred between the former Palerang Council and Goulburn Mulwaree Council, resolving a split property issue between the two Council's and resulting in the subject land becoming a part of the Goulburn Mulwaree local government area. The subject land continued to retain its 1(a) Rural zoning under the *Mulwaree Local Environmental Plan 1995* as this was the most recent Local Environmental Plan to apply to the area.
- In 2014, the former Palerang Council prepared its own LEP, the *Palerang Local Environmental Plan 2014*. At the time, it would have appeared that Palerang Council was the last local government to actively use and rely on the *Mulwaree Local Environmental Plan 1995*. This resulted in the insertion of a clause under s1.8 of the *Palerang Local Environmental Plan 2014* that finally repealed the *Mulwaree Local Environmental Plan 1995* and any zoning that applied under it. The unintended consequence of this was that it caused the subject land to become unzoned.
- The subject land has remained unzoned since 2014 which was picked up through a recent internal GIS query.

Proposed Zoning

It is recommended that the land be zoned to RU1 Primary Production with a minimum lot size of 100 hectares. This is the same zoning and lot size arrangement as adjoining land. The RU1 Primary Production zone is also perhaps the most similar zone to the previous 1(a) Rural zone under the repealed *Mulwaree Local Environmental Plan 1995*. It should be noted that it is not possible to reinstate the previous 1(a) Rural zone, as Council can only zone land if it meets the requirements of the *Standard Instrument (Local Environmental Plans) Order 2006*, which standardises the names of each zone and specifies particular types of development that must be permitted or prohibited in the zone.

It has been noted that much of the subject land is covered in trees and could potentially be considered by the Department of Planning, Industry and Environment to be of environmental value. This may give cause for the Department to argue that the E3 Environmental Management zone should be used instead for part or all of the land. It is for this reason that the recommendation of the report includes advising the Department of Planning, Industry and Environment that while the RU1 Primary Production zone is preferred, Council will consider rezoning to E3 Environmental Management if required to proceed with the planning proposal. This prevents the need to report back to Council, should we be required to rezone part or all of the land to E3 Environmental Management.

While the E3 Environmental Management zone is more prohibitive in the land uses it allows and contains more stringent requirements for vegetation removal, it does allow for limited agricultural activities such as cattle and sheep grazing without the presence of feedlots.

Conclusion

Given the difficulty of assessing development applications and preparing s10.7 planning certificates for unzoned land, it is recommended that Council proceed to immediately zone this land to RU1 Primary Production with a minimum lot size of 100 hectares, with the option of instead rezoning to E3 Environmental Management if required in order to proceed with the planning proposal.

The landowners will be contacted and advised throughout this process.