

Uralla LEP 2012 - Amendment No. 1 - Rezoning of Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, to E3 Environmental Management and Correction of a LEP Drafting Error

Proposal Title : **Uralla LEP 2012 - Amendment No. 1 - Rezoning of Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, to E3 Environmental Management and Correction of a LEP Drafting Error**

Proposal Summary : **The proposal seeks to rezone Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, from R5 Large Lot Residential to E3 Environmental Management, amend the lot size of Lot 7 DP 1168505 to 5ha, and to correct a drafting error in Uralla LEP 2012 which included Zone E2 Environmental Conservation in clause 4.2A Erection of dwellings on land in certain rural and environmental protection zones.**

PP Number : **PP_2012_URALL_001_00** Dop File No : **12/15045**

Proposal Details

Date Planning Proposal Received : **13-Sep-2012** LGA covered : **Uralla**

Region : **Northern** RPA : **Uralla Shire Council**

State Electorate : **NORTHERN TABLELANDS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Devoncourt Rd**

Suburb : City : **Uralla** Postcode : **2358**

Land Parcel : **Lots 1 - 7 DP 1168505**

Street :

Suburb : City : Postcode :

Land Parcel : **Land zoned E2 Environmental Conservation**

DoP Planning Officer Contact Details

Contact Name : **Craig Diss**

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RPA Contact Details

Contact Name : **Elizabeth Cumming**

Contact Number : **0267786300**

Contact Email : **council@uralla.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Uralla LEP 2012 - Amendment No. 1 - Rezoning of Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, to E3 Environmental Management and Correction of a LEP Drafting Error

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
 If Yes, comment :

Supporting notes

Internal Supporting Notes : **The Department of Planning and Infrastructures's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. Northern Region has not met any lobbyists in relation to this matter, nor has the region been advised of any meeting between departmental officers and lobbyists concerning the proposal.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the Planning Proposal are adequately expressed.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal provides a satisfactory explanation of the intended provisions.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**

* May need the Director General's agreement

Uralla LEP 2012 - Amendment No. 1 - Rezoning of Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, to E3 Environmental Management and Correction of a LEP Drafting Error

- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 44—Koala Habitat Protection
SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered : **The New England North West Strategic Regional Land Use Plan applies to the Uralla LGA.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **The Planning Proposal is considered to be consistent with all relevant SEPPs and the New England North West Strategic Regional Land Use Plan.**

The inconsistencies with relevant section 117 Directions are considered to be of minor significance and are discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Maps illustrating the site, the existing zoning and lot size standards, and the proposed zoning and lot size standards have been provided and are considered to be adequate.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The RPA has identified the proposal as being 'low impact' and has recommended a 14 day exhibition period. The RPA has also recommended consultation with the NSW Rural Fire Service and the Federal Department of Sustainability, Environment, Water, Population and Communities. These recommendations are supported subject to the inclusion of the NSW Office of Environment and Heritage in the agency consultation phase.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Uralla LEP 2012 was notified on 23 March 2012.**

Assessment Criteria

Need for planning proposal :

During the processing of a Development Application to create Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, a vulnerable species (dichanthium setosum - bluegrass) and an endangered ecological community (white box - yellow box - blakely's red gum grassy woodland and derived native grasslands) identified under the NSW Threatened Species Conservation (TSC) Act and the Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Act were identified on the land. In obtaining concurrence for a controlled action under the EPBC Act from the Commonwealth, it was agreed that the land be identified with an appropriate environmental zone. The Planning Proposal is required to finalise this matter and to rezone the land to E3 Environmental Management and to alter the minimum lot size standard for Lot 7 to 5ha to ensure no further subdivision of the land is possible (and thereby minimise any potential impacts above those already considered).

The Planning Proposal is also required to remove Zone E2 Environmental Conservation from clause 4.2A Erection of dwellings on land in certain rural and environmental protection zones of Uralla LEP 2012. The inclusion of Zone E2 in clause 4.2A(2) has been identified as a drafting error as dwellings are prohibited in the E2 Zone in the LEP.

Uralla LEP 2012 - Amendment No. 1 - Rezoning of Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, to E3 Environmental Management and Correction of a LEP Drafting Error

Consistency with strategic planning framework :

The Planning Proposal is considered to be consistent with all relevant SEPPs.
 While no Regional Strategies apply the Uralla LGA, the New England North West Strategic Regional Land Use Plan does apply. The Planning Proposal is considered to be consistent with the provisions of the Regional Land Use Plan.

The New England Development Strategy was prepared by Council (in association with Armidale Dumaresq, Guyra and Walcha Councils) and was approved by the Director General in March 2010. The subject land was not specifically discussed or identified in the strategy. The strategy does however recommend that as environmentally sensitive areas are identified that appropriate planning provisions be applied for their protection. In this regard, the proposed rezoning and lot size change is considered to be consistent with Council's approved strategy.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions, except in relation to 3.1 Residential Zones and 4.4 Planning for Bushfire Protection as discussed below (despite the RPA also considering a minor inconsistency with 1.5 Rural Lands).

3.1 Residential Zones

The proposal is considered to be inconsistent with this Direction as it reduces the quantity of residential land available for development. The inconsistency is considered to be of minor significance due to the small quantity of land involved (20ha), as the ability to erect a dwelling on each lot will be retained and as the level of environmental sensitivity affecting the site is likely to preclude any further intensification of the existing rural residential land use.

4.4 Planning for Bushfire Protection

Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, are identified as being bushfire prone land. The Planning Proposal is considered to be inconsistent with this Direction as it does not contain all the required provisions as specified by the Direction and as the RPA has not yet consulted with the Commissioner of the NSW Rural Fire Service. It is anticipated that the Planning Proposal will be consistent with this Direction after post Gateway Determination consultation with the NSW Rural Fire Service has been undertaken.

Environmental social economic impacts :

The Planning Proposal identifies no adverse social or economic impacts resulting from this matter and a positive environmental outcome due to the introduction of planning provisions to better reflect the environmentally sensitive nature of the land.

Assessment Process

Proposal type : **Minor** Community Consultation **14 Days**
 Period :

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority **Office of Environment and Heritage**
 Consultation - 56(2)(d) **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **It is recommended that consultation be undertaken with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities that granted concurrence to the controlled action under the EPBC Act for the rural residential subdivision that commenced this process and the need for the rezoning. It is also**

Uralla LEP 2012 - Amendment No. 1 - Rezoning of Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, to E3 Environmental Management and Correction of a LEP Drafting Error

recommended that consultation be undertaken with the NSW Office of Environment and Heritage due to the environmentally sensitive nature of the land (and as the NSW TSC Act also applies).

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Uralla Planning Proposal - Amd No.1 - Covering Letter.pdf	Proposal Covering Letter	Yes
Uralla Planning Proposal - Amd No.1.pdf	Proposal	Yes
Uralla Planning Proposal - Amd No.1 - Council Report and Minutes.pdf	Proposal	Yes
7650_COM_LZN_004C_020_20120824_SiteID_Admnt_1.pdf	Map	Yes
7650_COM_LSZ_004C_020_20120824_SiteID_Admnt_1.pdf	Map	Yes
7650_COM_LZN_004_160_20120207 - Existing Zoning.pdf	Map	Yes
7650_COM_LZN_004C_020_20120111 - Existing Zoning.pdf	Map	Yes
7650_COM_LSZ_004C_020_20120209 - Existing Lot Size.pdf	Map	Yes
7650_COM_LZN_004_160_20120824 - Proposed Zoning.pdf	Map	Yes
7650_COM_LZN_004C_020_20120824 - Proposed Zoning.pdf	Map	Yes
7650_COM_LSZ_004C_020_20120824 - Proposed Lot Size.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.5 Rural Lands**
 - 2.1 Environment Protection Zones**
 - 2.3 Heritage Conservation**
 - 2.4 Recreation Vehicle Areas**
 - 3.1 Residential Zones**
 - 3.2 Caravan Parks and Manufactured Home Estates**
 - 3.3 Home Occupations**
 - 3.4 Integrating Land Use and Transport**
 - 4.4 Planning for Bushfire Protection**
 - 6.1 Approval and Referral Requirements**
 - 6.2 Reserving Land for Public Purposes**

Additional Information : **1. The Planning Proposal be supported;**

Uralla LEP 2012 - Amendment No. 1 - Rezoning of Lots 1-7 DP 1168505, Devoncourt Rd, Uralla, to E3 Environmental Management and Correction of a LEP Drafting Error

- 2. The Planning Proposal be exhibited for 14 days;
- 3. That the following agencies be consulted prior to community consultation being undertaken:
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Commonwealth Department of Sustainability, Environment, Water, Population and Communities
- 4. The Planning Proposal be completed within 9 months;
- 5. The Director General (or delegate) agree that the inconsistency with s117 Direction 3.1 Residential Zones is of minor significance.

Supporting Reasons : The Planning Proposal is required to introduce planning provisions that better reflect the environmentally sensitive nature of the land and to correct a drafting error in clause 4.2A Erection of dwellings on land in certain rural and environmental protection zones.

Signature:



Printed Name:

JIM CLARK

Date:

19 September 2012