



Warrumbungle Shire Council

Planning proposal

Dwelling Permissibility in the RU1 Zone

Prepared by WSC November 2014

Contents

| | |
|---|----|
| Introduction & Background..... | 3 |
| Part 1 – Objectives or Intended Outcomes..... | 5 |
| Part 2 – Explanation of Provisions..... | 6 |
| Part 3 – Justification..... | 7 |
| Part 4 – Mapping..... | 17 |
| Part 5 – Community Consultation..... | 18 |
| Part 6 – Project Timeline..... | 19 |

Attachments

Appendix A – Map: Previous and Current Zoning

Appendix B – Map: Allotments Eligible for a Dwelling

This Planning Proposal report has been prepared by Warrumbungle Shire Council Town Planner, Alia Slamet. The content of this report is in accordance with the directions and intentions of Council and does not reflect the professional opinion or objectives of the Town Planner.

Introduction

The Warrumbungle Local Environmental Plan 2013 (WLEP) was gazetted on 29 November 2013. A notable feature of the Plan has been the application of the RU1 Primary Production Zone in place of several rural zones which existed under the former Coonabarabran Local Environmental Plan 1990 (CLEP).

Consistent with the objectives of the RU1 Zone, the WLEP has enforced considerably larger 'minimum lot sizes for the erection of a dwelling' than were previously permitted under the former Zone 1(b) Rural General and Zone 1(c) Rural Small Holdings. Subsequently, for many rural allotments in the Shire it is no longer permissible to erect a dwelling.

Background

Prior to gazettal of the WLEP 2013

On 18 April 2013 Council resolved to confirm the minutes from the Special Council Meeting (27 March 2013) which made recommendations on submissions received during exhibition of the Draft WLEP.

The following Council recommendation was made in response to a submission on loss of 'dwelling entitlement' for certain rural allotments:

...Change to use most recent Clause 4.2A regarding dwelling entitlements so as to retain existing dwelling entitlements...

This Council recommendation was made with reference to a version of 'Clause 4.2A', specifically subclause 3(b), from the *Second Round of settled Model local provisions for Standard Instrument LEPs*. This model provision allowed consent for the erection of a dwelling if the land is:

(3)(b) a lot created before this plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement.

Council sought to adopt this model clause so that every allotment created prior to gazettal of the WLEP would retain dwelling permissibility under the WLEP if it was so afforded under CLEP.

Council's request to amend the exhibited LEP accordingly was put forward to the Department of Planning and Environment (The Department) 24 May 2013 under section 68 of the Environmental Planning and Assessment Act 1979. However the amendment was not adopted into the final (gazetted) WLEP.

Post gazettal of the WLEP 2013:

Since gazettal of the WLEP the following requirements have applied to dwelling permissibility in the RU1 Zone (to paraphrase Clause 4.2A): development consent cannot be granted for the erection of a dual occupancy or dwelling house within the RU1 Primary Production Zone unless

- The allotment achieves the specified minimum lot size (of generally 500 or 600ha); or
- The allotment was created under a previous Environmental Planning Instrument and a dwelling was permissible on that allotment prior to commencement of the WLEP; or
- The allotment was created from a subdivision approved before the WLEP commenced and, had the subdivision been registered, a dwelling would have been permissible before the WLEP commenced; or
- The allotment is an 'existing holding' (as defined in WLEP).

Since the commencement of the WLEP there has been considerable concern within the community regarding loss of dwelling entitlement in the RU1 Zone on land that was formerly zoned 1(b) and 1(c) under the CLEP.

Council's intention remains to retain dwelling permissibility for rural allotments where afforded prior to commencement of the WLEP, however not in perpetuity. Council therefore no longer seeks to adopt the model clause it originally resolved on in 2013, but to create a sunset provision for lost dwelling entitlement subject to a 5 year expiry.

Council has addressed these matters with the Department and at the July 2014 Council Meeting (in accordance with the Department's advice) Council resolved as follows:

That Council support the preparation of a Planning proposal to address the issue of 'lost dwelling entitlement' under the current LEP Zone RU1, including any other amendments necessary, which would be determined at a later date.

Coolah Shire LGA Note: This planning proposal does not apply to the former Coolah Shire LGA because the only land subject to Zone 1 (b) Rural General under the Coolah Local Environmental Plan 2000 (Coolah LEP) is now zoned R5 Large Lot Residential under the WLEP. Additionally, there was no Zone 1(c) Rural Small Holdings under the Coolah LEP.

Part 1 – Objectives or Intended Outcomes

The objectives and intended outcomes of the proposed LEP amendment are:

1. To provide the opportunity for anyone to apply to erect a dwelling on any allotment in Zone RU1 Primary Production, if: the allotment was created before the commencement of the WLEP; the allotment was previously Zoned 1(b) General Rural or 1(c) Rural Small Holdings under the CLEP; and if the allotment achieves the applicable minimum lot size under its former Zone.
2. To ensure that environmental impacts associated with rural-residential development are appropriately managed at the development application stage.

Such considerations include: fragmentation of agricultural land; preferred land uses; protection of natural resources and native fauna and flora; bushfire risk and protection; access and servicing, contamination/remediation; dwelling location and appropriate residential/agricultural land use buffers.

3. To establish a reasonable timeframe within which applications for dwellings can be lodged in order to limit the extent of rural-residential development within the Shire.
4. To ensure that once expired, the assessment of dwelling permissibility in the RU1 Zone (the application of Clause 4.2A) would revert to what it was at the time of WLEP gazettal.

Part 2 – Explanation of Provisions

It is proposed that the objectives and intended outcomes as described in Part 1 will be achieved by the inclusion of a sunset provision relating to *Clause 4.2A Erection of dwellings and dual occupancies in the RU1 Zone*.

It is intended that the sunset provision would allow applications to be lodged for the erection of a dwelling in the RU1 Zone in the following circumstances:

- a) The allotment was created before the commencement of the WLEP; **and**
- b) The allotment has not been altered since the commencement of the WLEP unless affected by a minor realignment of its boundaries that did not create an additional lot, or subdivision creating or widening a public road or public reserve or for another public purpose, or a consolidation with an adjoining public road or public reserve for another public purpose; **and**
- c) There is no dwelling currently on the lot and no current approvals for a dwelling on the lot (unless the application is for a dual occupancy); **and**
- d) The allotment was zoned 1(b) General Rural and achieves a minimum lot size of 40ha under the CLEP; **Or**
- e) The allotment was zoned 1(c) Rural Small Holdings and achieves a minimum lot size of 1ha under the CLEP.

Further to point a), the proposed amendment would only apply to allotments created prior to commencement of the WLEP and would not permit subdivision for the purpose of a dwelling (it would not vary the minimum lot size for subdivision).

It is expected that the sunset provision would refer to an LEP Map which shows those allotments previously Zoned 1(b) and previously Zoned 1(c) under the CLEP. It would then have to be demonstrated by the applicant and confirmed by the consent authority that the remaining criteria under the proposed provision (such as those listed above) as well as those existing relevant provisions of Clause 4.2A can be satisfied.

It is intended that the sunset provision would expire 5 years from the date of gazettal of the sunset provision. Once expired, it would allow Clause 4.2A to be applied as per the date of gazettal of the WLEP.

It is suggested that Council adopts a Development Control Plan (DCP) Chapter (or equivalent) which relates to rural-residential development, to ensure that environmental impacts (as listed in Part 1) have been given due consideration in the assessment of Development Applications under this provision.

Part 3 – Justification

Section A – Need for the Planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

This planning proposal is a result of a report to Council (July 2014) which considered 'loss of dwelling entitlement' for rural allotments under the RU1 Primary Production Zone (Clause 4.2A) as well as the impacts felt by the community. The report included advice from The Department that:

Council is able to amend the subject clause [Clause 4.2A] to an earlier model clause through a Planning proposal process. Council needs to be satisfied that the change to an earlier model clause will achieve its intended outcome. The Department would support a 5 year sunset period on that Clause.

Council resolved to:

Support the preparation of a planning proposal to address the issue of 'lost dwelling entitlement' under the current LEP Zone RU1, including any other amendments necessary, which would be determined at a later date.

The Department have since advised Council that a separate sunset provision would be a more appropriate way of adopting the proposed change, as opposed to amending Clause 4.2A (specifically subclause 3(b)) to an earlier model clause. Additionally, through this approach, another planning proposal would not be required to remove the relevant provision after 5 years. The Department is satisfied that the above Council resolution is sufficient to provide for this approach.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

WSC considers that the planning proposal is the best means of achieving the objectives outlined in Part 1 of this report.

A sunset clause would be the most effective way of providing the opportunity for dwelling applications to be lodged where dwelling permissibility was 'lost' under the WLEP. Once the provision has lapsed, Clause 4.2A would continue to operate as originally gazetted.

A DCP chapter on rural-residential development could assist in ensuring that development applications lodged under the proposed provision are in accordance with Council's land use objectives. It is understood that these planning controls are better managed in the content of a DCP than an LEP. It is also noted that a DCP would not require approval from The Department, thereby reducing time frames for implementation.

Section B – Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There are currently no strategies in place for the region.

Q4. Is the planning proposal consistent with a Council local strategy or other local strategic plan?

The Planning proposal is generally consistent with the intent of the Warrumbungle Shire Council Land Use Strategy (2013), which notes that:

The recommendation to cut back the Shire wide rural residential land supply from 14,660ha to 2178ha may result in some landowners who have yet to get an approval for a dwelling losing both their ability to subdivide into small lots (intentional) and their current dwelling entitlement (which is not intentional) [emphasis added] – p.126

The Land Use Strategy recommended the following Action:

Include a special provision in Council's upcoming LEP that provides for a sunset period of 5 years after the zoning changes for an applicant to lodge an application for a single dwelling on a holding that was previously zoned for rural residential purposes, is less than 500ha and does not have a dwelling on it or an approval for a dwelling [emphasis added] – p.126

The action suggests that the sunset provision operates 5 years from the date the zoning changes. Given that nearly a year has passed since the gazettal of the WLEP, Council request that the sunset provision operates from 5 years of the gazettal of the sunset provision.

Council also notes that the Action involves providing dwelling opportunity for 'holdings' and not individual allotments. Council's intent has since been refined, it now seeks to provide the opportunity for a dwelling on any *allotment* Zoned RU1 which was created prior to gazettal of the WLEP, that was zoned 1(b) or 1(c) under the CLEP and that met the respective minimum lot size (as opposed to only *holdings* which met these requirements).

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

| SEPP | Comment/Consistency |
|---|---|
| 1—Development Standards | Not relevant |
| 14—Coastal Wetlands | Not relevant |
| 15—Rural Landsharing Communities | Not relevant |
| 19—Bushland in Urban Areas | Not relevant |
| 21—Caravan Parks | Not relevant |
| 26—Littoral Rainforests | Not relevant |
| 29—Western Sydney Recreation Area | Not relevant |
| 30—Intensive Agriculture | Not relevant |
| 32—Urban Consolidation (Redevelopment of Urban Land) | Not relevant |
| 33—Hazardous and Offensive Development | Not relevant |
| 36—Manufactured Home Estates | Not relevant |
| 39—Spit Island Bird Habitat | Not relevant |
| 44—Koala Habitat Protection | The SEPP will be of relevance in the assessment of dwelling applications under the proposed provision if the site is located within Core or Potential Koala Habitat. It is noted that land within Warrumbungle Shire is listed in Schedule 1 of the SEPP. |
| 47—Moore Park Showground | Not relevant |
| 50—Canal Estate Development | Not relevant |
| 52—Farm Dams and Other Works in Land and Water Management Plan Areas | Not relevant |
| 55—Remediation of Land | The SEPP will be of relevance in the assessment of dwelling applications under the proposed provision to ensure that the |

site is suitable for the residential land use.

| | |
|---|---|
| 59—Central Western Sydney Regional Open Space and Residential | Not relevant |
| 62—Sustainable Aquaculture | Not relevant |
| 64—Advertising and Signage | Not relevant |
| 65—Design Quality of Residential Flat Development | Not relevant |
| 70—Affordable Housing (Revised Schemes) | Not relevant |
| 71—Coastal Protection | Not relevant |
| Affordable Rental Housing 2009 | Not relevant |
| Building Sustainability Index: BASIX 2004 | The SEPP will apply in the assessment dwelling applications under the proposed provision with respect to dwelling design. |
| Exempt and Complying Development Codes 2008 | Not relevant |
| Housing for Seniors or People with a Disability 2004 | Not relevant |
| Infrastructure 2007 | Not relevant |
| Kosciuszko National Park—Alpine Resorts 2007 | Not relevant |
| Kurnell Peninsula 1989 | Not relevant |
| Major Development 2005 | Not relevant |
| Mining, Petroleum Production and Extractive Industries 2007 | Not relevant |
| Miscellaneous Consent Provisions 2007 | Not relevant |
| Penrith Lakes Scheme 1989 | Not relevant |
| Rural Lands 2008 | Refer to comments below. |
| 53 Transitional Provisions 2011 | Not relevant |
| State and Regional Development 2011 | Not relevant |
| Sydney Drinking Water Catchment 2011 | Not relevant |
| Sydney Region Growth Centres 2006 | Not relevant |
| Three Ports 2013 | Not relevant |
| Urban Renewal 2010 | Not relevant |
| Western Sydney Employment Area 2009 | Not relevant |

(Deemed SEPP) Orana REP No 1 – Siding Spring

The deemed SEPP will apply in the assessment of dwelling applications under the proposed provision with respect to lighting impact on the Siding Spring Observatory. The appropriate lighting controls can be enforced at the development application or approval stage.

Rural Lands SEPP (2008)

The primary resource-based sector (agriculture) is the most significant economic contributor in the WSC LGA (WSC Land Use Strategy 2013); thus the Rural Lands SEPP (2008) is of particular significance to the Shire.

Council considers that the proposed amendment would be consistent with *Clause 7 Rural Planning Principles*, in particular subclause (g), provided that a DCP chapter guiding appropriate rural-residential development is adopted by Council.

Clause 10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings would support Council in its assessment of dwelling applications under the proposed provision with regards to appropriate dwelling location and determining preferred land uses and land use buffers.

The proposed 5 year expiry of the amendment would ensure that the opportunity for rural-residential development in the RU1 Zone (where not currently permitted under the gazetted version of Clause 4.2A) does not continue in perpetuity. This would serve to limit the extent of fragmentation of rural lands.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

| SECTION 117 DEIRECTION | APPLICABLE | CONSISTENT/COMMENT |
|--|-------------------|---------------------------|
| 1. Employment and Resources | | |
| 1.1 Business & Industrial zones | N/A | |
| 1.2 Rural zones | Yes | Refer to comments below |
| 1.3 Mining, Petroleum Production and Extractive Industries | N/A | |
| 1.4 Oyster Aquaculture | N/A | |
| 1.5 Rural Lands | Yes | Refer to comments below |

2. Environment & Heritage

| | | |
|---|-----|--------------------------|
| 2.1 Environment Protection Zones | N/A | |
| 2.2 Coastal Protection | N/A | |
| 2.3 Heritage Conservation | N/A | |
| 2.4 Recreation Vehicle Areas | N/A | |
| 3. Housing, Infrastructure and Urban Development | | |
| 3.1 Residential Zones | N/A | |
| 3.2 Caravan Parks and Manufactured Home Estates | N/A | |
| 3.3 Home Occupations | N/A | |
| 3.4 Integrating Land Use and Transport | N/A | |
| 3.5 Development Near Licensed Aerodromes | N/A | |
| 3.6 Shooting range | N/A | |
| 4. Hazard and Risk | | |
| 4.1 Acid Sulfate Soils | N/A | |
| 4.2 Mine Subsidence and Unstable Land | N/A | |
| 4.3 Flood Prone Land | N/A | |
| 4.4 Planning for Bushfire Protection | Yes | Refer to comments below. |
| 5. Regional Planning | | |
| 5.1 Implementation of Regional Strategies | N/A | |
| 5.2 Sydney Drinking Water Catchments | N/A | |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | N/A | |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | N/A | |
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010) | N/A | |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) | N/A | |
| 5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1) | N/A | |
| 5.8 Second Sydney Airport: Badgerys Creek | N/A | |
| 5.9 North West Rail Link Corridor Strategy | N/A | |

6. Local Plan making

| | |
|--|-----|
| 6.1 Approval and Referral Requirements | N/A |
| 6.2 Reserving Land for Public Purposes | N/A |
| 6.3 Site Specific Provisions | N/A |

7. Metropolitan Planning

| | |
|---|-----|
| 7.1 Implementation of the Metropolitan Strategy | N/A |
|---|-----|

117s Directions

1.2 Rural Zones

The objective of this Direction is to protect the agricultural production value of rural land. The subject proposal will affect land within an existing rural zone and therefore the Direction applies.

Pursuant to Clause 4(a), the planning proposal does not involve any rezoning of land from a rural zone to a residential, business, industrial, village or tourist zone. The planning proposal is therefore considered to be consistent with this Direction and consistent with the intent of the endorsed Warrumbungle Shire Land Use Strategy 2013.

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.*

The planning proposal will affect land within an existing rural zone and therefore the Direction applies. It is noted that although the proposal will involve changing the minimum lot size for the erection of a dwelling for certain allotments, it will not involve changing the minimum lot size for subdivision. Therefore Clause (4) of the Direction is relevant:

(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

Consistency with SEPP (Rural Lands) 2008 - Rural Planning Principles:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*

- (d) 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,*
- (e) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (f) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (g) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

Council recognises the social and economic significance of rural lands and the primary (resource-based) sector within the Shire.

It is considered that the social and economic interests of the community can be served in providing the opportunity for a dwelling in certain circumstances where permissible prior to the WLEP. This is particularly the case for small time farming operations where the dwelling is to be used in association with the agricultural use of the land.

The 5 year sunset provision is proposed in order to limit the potential for fragmentation of current and potential productive land.

As mentioned earlier in this report, environmental impacts associated with residential development in rural areas could be addressed by adopting a DCP chapter to be utilised in the assessment of development applications. Amongst other considerations, the chapter could provide for the assessment of service and infrastructure provision, appropriate dwelling location and protection of natural resources.

The planning proposal is considered to be consistent with the Rural Planning Principles of the SEPP (Rural Lands) 2008 and is based on the endorsed Warrumbungle Shire Council Land Use Strategy 2013.

4.4 Planning for Bushfire Protection

The objectives of this direction are:

- a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- b) (b) to encourage sound management of bush fire prone areas.*

This Direction applies in so far as the planning proposal will affect land in the RU1 Zone which is predominantly mapped as bushfire prone land.

As such, the following consultation must be undertaken:

- (4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*

Additionally:

- (5) A planning proposal must:*

- (a) have regard to Planning for Bushfire Protection 2006,*
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.*

The planning proposal will create the opportunity for additional rural residential development in bushfire prone land. Council proposes that applications for rural dwellings are assessed under a DCP chapter for rural residential development and that addresses the suitability of the site with regards to bushfire risk and protection, specifically the ability of the development to comply with the requirements of Planning for Bushfire Protection 2006.

Q7. 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?

The majority of land of environmental value within the Shire (and mapped 'Biodiversity' on the Terrestrial Biodiversity Map) is located within the RU1 Zone. As such, there is the potential that Council will receive applications for dwellings on environmentally sensitive land.

Council proposes that the assessment of impacts on 'terrestrial biodiversity, critical habitat, threatened species, populations or ecological communities, and their habitats' is provided for under the abovementioned DCP chapter to ensure that they are given due consideration in the assessment of development applications under the proposed clause.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As previously recommended, the following environmental considerations could be addressed in the form of a DCP Chapter on rural residential-development assessment:

- Biodiversity and native fauna and flora;
- Natural resource protection;
- Bushfire risk and protection;
- Contamination/remediation;
- Access and servicing;
- Preferred land uses;
- Limiting fragmentation of rural/production lands;
- Preferred dwelling location;
- Establishment of residential-agricultural land use buffers.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The predominant potential economic effect of the proposal is if there is a significant extent of fragmentation of productive/rural lands. The 5 year sunset expiry, in combination with a DCP chapter which considers appropriate location of rural dwellings, could serve to mitigate these adverse impacts.

There may also be adverse social and economic impacts arising from insufficient land use buffers between dwelling locations and agricultural land. Residential complaints may impede

upon the ability of primary producers to undertake economic activities on their land to the required extent.

The DCP chapter that includes consideration of appropriate buffers between a proposed dwelling site and any adjoining primary production land is crucial.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The planning proposal is unlikely to result in any substantial increased demand for infrastructure/residential service delivery. Under the proposed DCP Chapter, applications for dwellings would have to demonstrate that servicing arrangements are in place in lieu of public service provision (including access). It will be stated that it is not Council's intention to provide additional infrastructure/services to accommodate approvals for dwellings under the proposed clause.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

It is planned to undertake consultation with the following government agencies after gateway determination:

- Commissioner of the NSW Rural Fire Service

This consultation will be carried out in accordance with Ministerial *Direction 4.4 Planning for Bushfire Protection*. The planning proposal is likely to increase the amount of residential development on land mapped 'bush fire prone'.

- NSW Department of Primary Industries (Agriculture)

This consultation is considered necessary given the potential impacts on the local primary (resource-based) sector.

The consultation process is to be confirmed with the gateway determination.

Part 4 – Mapping

Proposed LEP Map:

It is intended that the proposed sunset provision would refer to an LEP Map showing which allotments were previously zoned 1(b) and 1(c) under the CLEP. As an example, a map depicting the area of the two zones is attached in **Appendix A**.

To avoid confusion between the new and old zones, Zone 1(b) could be referred to as 'Area A' under the new LEP Map, and Zone 1(c) as 'Area B' (or to that effect). It would then have to be determined by the consent authority whether or not the allotment meets the other criteria under the sunset provision or Clause 4.2A as relevant. For instance, whether there have been any changes to the boundaries of the allotment since the gazettal of the WLEP; whether the minimum lot size under the previous zone was achieved; or whether there are any existing dwellings or dwelling approvals for the land.

Assistance would be sought by The Department to prepare the LEP Map/s.

Planning Proposal Application Map:

Council has prepared a map (**Appendix B**) to demonstrate the location and number of allotments affected by the proposed sunset provision. This map is not intended to form part of the WLEP.

According to Council's mapping system, it is calculated that 1170 allotments now zoned RU1 were previously subject to Zone 1(b) and achieved the minimum lot size of 40ha; and 873 allotments were subject to Zone 1(c) and achieved the minimum lot size of 1ha. Thus in total, there are 2043 allotments for which an application for a dwelling could be lodged under the proposed provision.

Although the total number of allotments eligible for a dwelling is significant, Council does not expect that the number of dwelling approvals realised under the proposed provision would resemble that figure. This assumption is based on Council's past dwelling DA lodgement records and in consideration of the limited opportunity to lodge an application for a dwelling under the proposed 5 year expiry.

Part 5 – Community Consultation

The planning proposal is considered to fit within the category 'all other planning proposals' as outlined by *A guide to preparing local environmental plans*. The type of development permitted under the proposed provision (residential) has the potential to be inconsistent with the pattern of surrounding land use zones/land uses (primary production).

Accordingly, the following community consultation is proposed:

- A public exhibition period of 28 days commencing on the date that a notice of exhibition is printed in the local news press, advertised on Council's website and in writing to relevant landowners.
- The public exhibition period will also be advertised on Council's website for the duration of the exhibition period.
- The planning proposal, gateway determination and WSC Land Use Strategy will be made available for inspection at Council Offices (Coonabarabran and Coolah) for the duration of the exhibition period.

The content of the written notice will:

- Give a brief description of the objectives or intended outcomes of the planning proposal;
- Indicate the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Give the name and address of the RPA for the receipt of submissions; and
- Indicate the last date for submissions.

The community consultation process will be complete when the consent authority has considered any submissions made concerning the planning proposal.

Part 6 – Project Timeframe

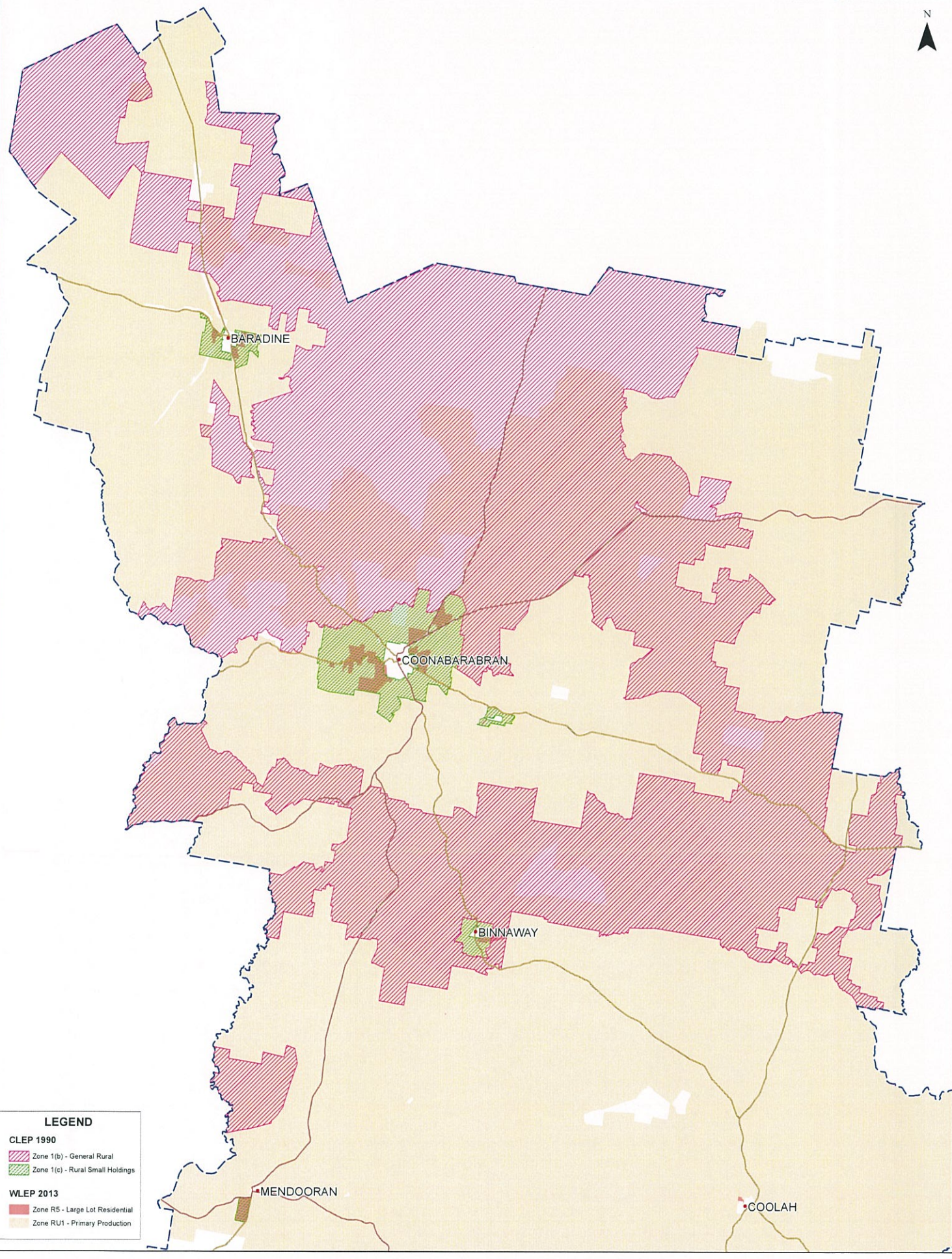
It is expected that the planning proposal should be realised within 6 months of the date of the Gateway Determination, in accordance with the following timeframe.

| MILESTONE | TIMEFRAME |
|--|---|
| Anticipated Commencement (Gateway Determination) | December 2014 |
| Completion of technical information | N/A |
| Agency Consultation | December 2014 to February 2015 |
| Public Exhibition | February to March 2015 (after Dec/Jan summer holiday period) |
| Agency Consultation – post exhibition | March to April 2015 |
| Consideration of Submissions | March 2015 (Council Meeting 19 th) |
| Consideration of proposal post exhibition | March to April 2015 |
| Mapping and Drafting (in consultation with the Department) | April/May 2015 |
| Date of submission to Department | May 2015 |
| RPA makes plan | May 2015 |
| RPA forwards to DoP for notification | May 2015 |

It is noted that the above timeframe may be subject to change dependant on the requirements specified by The Department as part of the Gateway Determination.

Appendix A

Map: Previous and Current Zoning (CLEP and WLEP)



LEGEND

CLEP 1990

- Zone 1(b) - General Rural
- Zone 1(c) - Rural Small Holdings

WLEP 2013

- Zone R5 - Large Lot Residential
- Zone RU1 - Primary Production

DISCLAIMER

The Warrumbungle Shire Council makes every effort to ensure the accuracy and quality of information available on this map. The Warrumbungle Shire Council does not guarantee and assumes no legal liability or responsibility for any damages or loss occurred as a result of the use of this map.

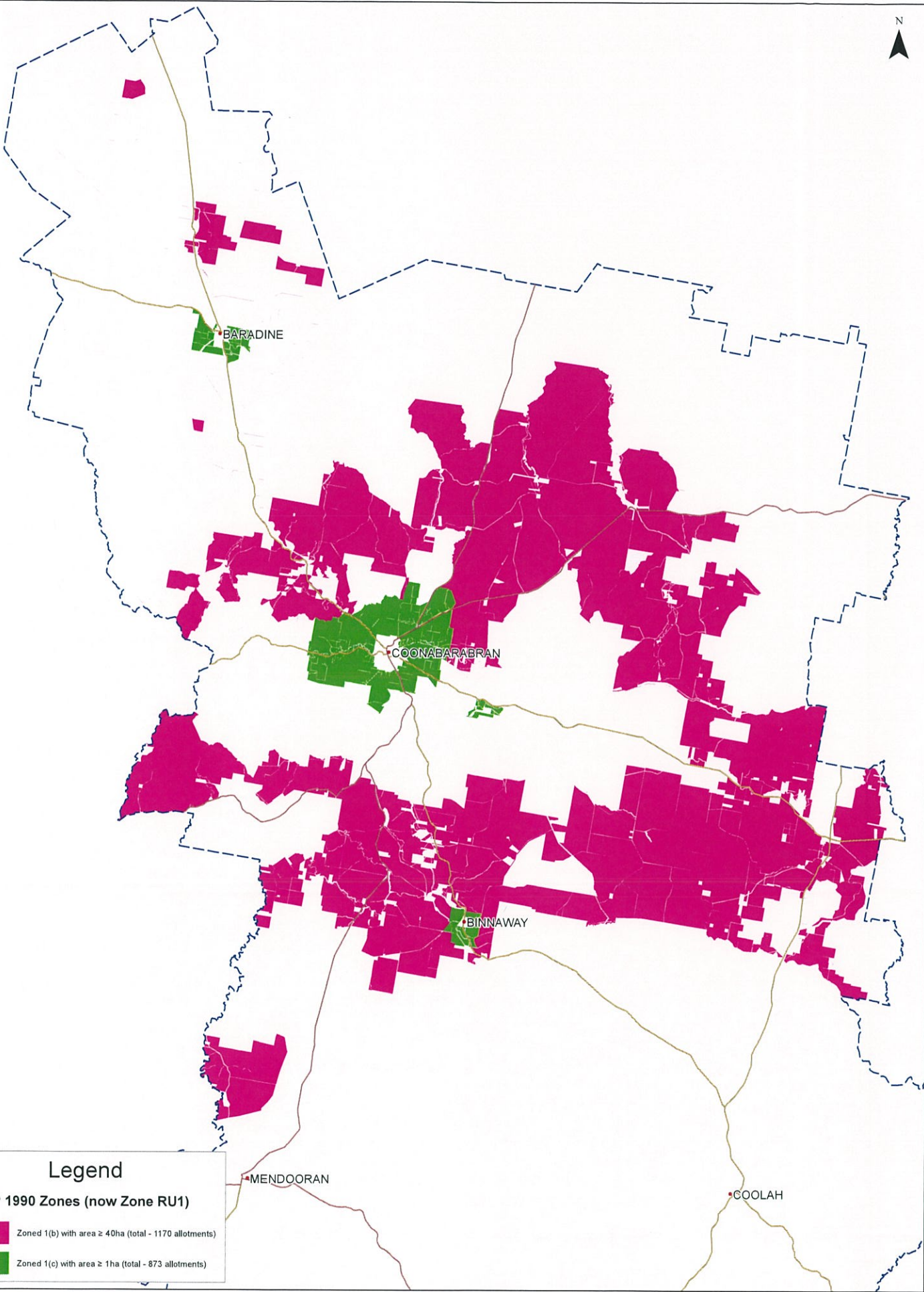
WARRUMBUNGLE SHIRE COUNCIL

Previous and Current Zoning
 (Land Zoned 1(b) or 1(c) under CLEP 1990
 now Zoned RU1 & R5 under WLEP 2013)



Appendix B

Map: Allotments Eligible for a Dwelling



Legend

CLEP 1990 Zones (now Zone RU1)

- Zoned 1(b) with area \geq 40ha (total - 1170 allotments)
- Zoned 1(c) with area \geq 1ha (total - 873 allotments)

DISCLAIMER
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WARRUMBUNGLE SHIRE COUNCIL
 Allotments Eligible for a Dwelling
 (Land in RU1 Zone Potentially Affected by Planning Proposal)

