



Planning,
Industry &
Environment

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Gateway determination report – PP-2021-5019

Amendment of the Land Use Tables and Zone
Objectives of the Upper Lachlan Local Environmental
Plan 2010

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Upper Lachlan Shire Council
PPA	Upper Lachlan Shire Council
NAME	Amend Land Use Table and Zone Objectives of Upper Lachlan LEP 2010
NUMBER	PP-2021-5019
LEP TO BE AMENDED	Upper Lachlan LEP 2010
ADDRESS	Whole LGA
DESCRIPTION	Whole LGA
RECEIVED	20/09/2021
FILE NO.	IRF21/3578
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.

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives and intended outcomes of the planning proposal are to:

- create a more flexible planning framework for the Shire;
- support economic development by reducing unnecessary impediments to growth and encouraging economic activity and innovation;
- ensure land use prohibitions are appropriate to the needs of Upper Lachlan while reducing the potential for land use conflict and incompatible development;
- diversify the economy and reduce the Shire's reliance on agriculture, and strengthen opportunities for the provision of tourism services and facilities, ensuring the Shire becomes competitive;
- address critical issues facing the Shire, such as an aging workforce, declining economy and depopulation;
- diversify residential housing options to support changing demographics;
- increase the resilience and adaptability of the Shire against external shocks; and
- increase the capacity for new jobs, businesses and dwellings to stimulate economic growth.

This planning proposal aims to facilitate a more comprehensive array of land uses that are consistent with planning objectives, as well as the Upper Lachlan Local Strategic Planning Statement (LSPS). The current existing list of prohibited uses includes contradictory prohibitions.

Changes to the land use zone objectives will better support the proposed land use changes for each zone, will assist with aligning to the LSPS and will provide for a more appropriate mix of dwellings, jobs and land use options for the Shire.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

To achieve the objectives of the planning proposal, it is proposed to amend the land use tables in the Upper Lachlan LEP 2010 as detailed in Table 1 of the planning proposal, and to amend the objectives of the zones.

This includes the objectives of the RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lots, RU5 Village, R2 Low Density Residential, R5 Large Lot Residential, B2 Local Centre, B4 Mixed Use, IN2 Light Industry, SP1 Special Activities, SP2 Infrastructure, RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation and E3 Environmental Management zones.

The proposed changes to Land Use tables and proposed additional uses permitted with consent in the first version of the proposal were reviewed for consistency with zone objectives and compatibility with other land uses from a policy perspective. The Department recommended that Council reconsider a number of proposed land uses and Council agreed to amend the proposal to address these concerns.

However, Council indicated that it would prefer to retain the following Land Uses as it aims to support diversification of agriculture and value add opportunities, to promote recreation and tourism and encourage employment opportunities:

R2 Low Density Residential Zone - Small bar, Restaurant or Café;

IN2 Light Industrial Zone - Freight Transport Facility;

E2 Environmental Conservation Zone - Recreational Facility Outdoor; and

E3 Environmental Management Zone - Kiosk, Artisan Food and Drink, Restaurant or Café, and Small Bar should remain as Permissible with Consent.

The Department is comfortable with these land uses remaining in the proposal for consultation and the broad approach taken regarding the land use tables. These may be subject to change following consultation with the community and agencies or through the drafting process with Parliamentary Counsel's Office.

1.4 Need for the planning proposal

The planning proposal is a direct action arising out of the Upper Lachlan Strategic Planning Statement. The LSPS identified the land use tables as a future opportunity to improve strategic planning outcomes for the Shire.

The planning proposal also implements the strategic outcomes of an Economic Health Check analysis previously undertaken by Council which identified strengths, challenges and gaps and made future recommendations to improve economic outcomes in the Shire.

Council has identified the three main reasons driving the need for the proposed changes as:

- there is a demand for more housing diversity, given the changing demographics of the Shire;

- there is a lack of tourism accommodation in the Shire, hampering progress in tourism and associated sectors; and
- the Shire needs to diversify its dominant industry (agriculture), and this can be supported by enabling land uses that will allow for alternative income forms for farmers, as well as diversification of the sector.

A planning proposal of this nature is the best and most efficient means to achieve the intended outcomes.

2 Strategic assessment

2.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

Table 2 Regional Plan assessment

Regional Plan Objectives	Justification
Goal 1, A connected and prosperous economy	Unlocking development potential through enabling a more flexible planning land use table will support a stronger, connected and more prosperous Upper Lachlan economy while ensuring the growth of local jobs.
Goal 3, Healthy and connected communities;	The planning proposal addresses the need to ensure that future growth of towns and villages across the shire are maximised while protecting the lifestyle choices of residents based on good planning. Encouraging local job creation will also provide incentives for younger families to move to, or to remain in the LGA rather than leave to seek work elsewhere.
Goal 4, Environmentally sustainable housing choices	A stronger and more prosperous economy will provide benefits to the community as well as a wider and more appropriate range of housing stock types and subsequent housing choices. The planning proposal presents an opportunity to better align the growth in jobs and housing to the village character of the area actions.

2.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies.

Table 3 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The planning proposal implements an action of the LSPS. The LSPS identified the land use tables as a future opportunity to address in order to improve strategic planning outcomes for the Shire. Council aims to support the diversification of agriculture, value add to agriculture and to promote recreation and tourism and employment opportunities.

Draft Local Housing Strategy	The Draft LHS identifies the need to encourage the growth of towns and villages without putting the agricultural productivity of the Shire at risk. There has been a decline in population in some hamlets and villages. The planning proposal (if adopted) will provide for a more contemporary range of permissible land uses to help attract new residents and make better use of available housing stock.
Social and Community Plan 2013-2018	The planning proposal is generally consistent with the Social and Community Plan. The economic opportunities expected to arise because of reducing land use prohibitions are expected to contribute to better outcomes for the community.
Regional Community Strategic Plan	This planning proposal is consistent with the Regional Community Strategic Plan insofar that the land use table changes will provide for various opportunities whilst ensuring environmental sustainability, preservation of history and a sense of belonging in a community. It also aims to provide services and facilities to enhance quality of life and economic viability within the Council area.

2.3 Section 9.1 Ministerial Directions

Council identifies that the planning proposal is consistent with applicable section 9.1 Ministerial Directions.

The planning proposal's consistency with key relevant section 9.1 Directions is discussed below:

Table 4 Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 4.4 - Planning for Bushfire Protection	No	The planning proposal is currently inconsistent with this Direction as consultation has not occurred with the NSW Rural Fire Service (RFS). Whilst no adverse bushfire impacts are anticipated, consultation is required with the RFS under the terms of the Direction. Consistency with this Direction remains unresolved until this occurs.
Direction 5.2 – Sydney Drinking Water Catchment	No	The planning proposal is currently inconsistent with this Direction as consultation has not occurred with WaterNSW. Whilst no adverse water impacts are anticipated, consultation is required with WaterNSW. Consistency with this Direction remains unresolved until this occurs.

The planning proposal is considered to be generally consistent with all other relevant section 9.1 Directions.

2.4 State environmental planning policies (SEPPs)

The planning proposal addresses most land use zones in the Upper Lachlan LEP 2010 and will apply to all potential development across the Shire.

Council has provided an analysis around the consistency with each SEPP in the planning proposal.

This view that the planning proposal is consistent with all applicable SEPPs is supported.

2.5 Environmental

The planning proposal is not expected to result in any direct adverse environmental impacts.

Council considered that although some previously prohibited uses will become permissible with consent, the proposal will not produce any significant environmental effects.

In any case, it is noted that these impacts may be appropriately considered at the DA stage.

2.6 Social and economic

Council considers the proposal would result in positive social and economic impacts.

The planning proposal will have a positive impact on the availability of local jobs, as it opens the possibility for a more diverse range of potential land uses in the LEP that are consistent with the actions of Council's LSPS.

The planning proposal ensures land use permissibility is consistent with planning objectives, aligned with the Shire's vision in its LSPS, creates value-adding opportunities, and also manages land use conflict.

Council considers the proposal:

- maintains necessary restrictions on the development of rural land in keeping with community expectations;
- will facilitate the provision of vibrant and attractive village centres, suited to their location, and maintain a high level of amenity for residents and visitors;
- will create new opportunities, stimulate growth, and enable more appropriate land uses specific to the Shire's context.; and
- will encourage a better standard of living within the Shire.

3 Consultation

3.1 Community

Council has not specifically identified the number of days for exhibition.

Given the nature of the planning proposal, a community consultation period of 28 days is recommended.

3.2 Agencies

The proposal does not specifically raise which or any agencies to be consulted.

3.3 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 12 months in case unforeseen issues arise.

A condition to the above effect is recommended in the Gateway determination.

4 Local plan-making authority

As the planning proposal implements the strategic objectives of the Council's Local Strategic Planning Statement, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

5 Assessment summary

The planning proposal is supported to proceed with conditions as it is consistent with local and regional strategic planning objectives, particularly Council's adopted LSPS.

In particular, the planning proposal would help to:

- create a more flexible planning framework for the Shire;
- support economic development;
- diversify the economy and reduce the Shire's reliance on agriculture, and strengthen opportunities for the provision of tourism and value add to agriculture;
- address critical issues facing the Shire, such as an aging workforce, declining economy and depopulation;
- diversify residential housing options to support changing demographics;
- increase the resilience and adaptability of the Shire against external shocks; and
- increase the capacity for new jobs, businesses and dwellings to stimulate economic growth.

The proposal would permit a range of new uses with development consent. The new uses proposed are generally consistent with zone objectives and it is reasonable to allow consultation on the proposal.

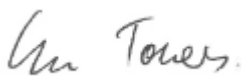
6 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the planning proposal is generally consistent with applicable section 9.1 directions (except those outlined below); and
- Note that the consistency with section 9.1 Direction 4.4 – Planning for Bushfire Protection and Direction 5.2 – Sydney Drinking Water Catchment is unresolved and will require further consideration.

It is recommended 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:
 - DPIE – Biodiversity and Conservation
 - DPI - Agriculture
 - WaterNSW; and
 - NSW Rural Fire Service.
3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



24/09/21

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