
The General Manager – Mr Hopkins
Uralla Shire Councillors
Uralla Shire Council
32 Salisbury Street
URALLA NSW 2358
By email: council@uralla.nsw.gov.au

23rd March 2018

**Re. Planning Proposal – The Gap Rd URALLA
Uralla Shire Council - Business Paper - 27 March 2018
pp.109-140**

Dear Mr Hopkins & Councillors,

I refer to Report 11 for the March Council meeting to be held on 27 March 2018. This report deals with the planning proposal for The Gap Road seeking the rezoning and change to minimum lot size to create small rural lots. The objective of this planning proposal is for the provision of suitably sized and zoned lots to encourage opportunities for emerging intensive agriculture and agribusiness trends and emerging boutique food and tourism-based cottage retail enterprises. This will encourage and promote diversity and employment opportunities related to primary industry and tourism enterprises in a location close to the Uralla township.

The planning proposal achieves a more appropriate zoning and lot size that is reflective of its location, nature, size and the likely future uses for the surrounding locality.

Interestingly, the assessment report does not give any mention to the above. This is strongly aligned with one of the core objectives of Council's function to improve the prosperity of the Uralla community and ensure its land use planning documents reflect the emerging land use trends and needs.

By way of background, a draft planning proposal was provided to Council's Manager Planning & Regulation on 30 October 2017 seeking planning advice and input. On 9 February 2018, we requested feedback on the progress of this review. On 16 February 2018, Council's Manager Planning & Regulation provided the following advice:

"It will need to be amended to incorporate the New England North West Regional Plan.

Generally I'm not a fan of rezoning agricultural land to permit smaller blocks, however the Council may take a different view."

No planning advice was provided regarding inconsistencies with planning directions of policies. It is unclear as to the motivations and reasons why planning advice was not provided and why the assessment in the Council report seeks to discredit the benefits this planning proposal will provide for the Uralla Community. What is even more concerning, is that if the rationale or justifications provided in the assessment report are ratified by Council, then the precedent will be set that prevents any rural zoned land being rezoned in Uralla Shire. This would compromise the future provision of new residential, commercial, industrial and agricultural land releases. This is not the intention of the NSW planning system and not the approach that is implemented by all other local government areas across NSW. As such, the assessment appears to be incorrectly interpreting and applying the legislative planning framework. We strongly request Council to give appropriate consideration to the merits of this planning proposal, and to make decisions in line with the legislative planning framework.

It is hoped that Council embraces this proposal to provide land that is suitable for encouraging opportunities for emerging intensive agriculture and agribusiness trends and emerging boutique food and tourism-based cottage retail enterprises. This is an opportunity that is identified in the New England North West Regional Planning, which encourages Councils in the region to capitalise on these opportunities and to ensure its land use plans accommodate for these emerging trends and opportunities.

In recent years, Uralla has been quite successful in capitalising on boutique food and tourism-based enterprises. The potential opportunities associated with this planning proposal will support the existing tourism successes and facilitate the expansion of new opportunities and contribute to a stronger tourism and agricultural sector, with flow on socio-economic benefits to the Uralla community.

It is noted that we requested a copy of the Council Report from Council's Manager Planning & Regulation on 14 March 2018. The report was not provided and no reply was forthcoming. We have only today, accessed the report on Council's website. Comments have been provided below regarding the assessment report, although brief, we have had limited opportunity to review and make comments.

Unfortunately, I will not be able to attend the Council meeting on 27 March 2018, due to a family commitment in Sydney. I do hope that due consideration is given to this email and that your decision is based on embracing and facilitating opportunities for the betterment of the Uralla Community.

Extract from Council Report, with comments made in red:

KEY ISSUES: Consistency with State Environmental Planning Policy (Rural Lands) 2008:
7 Rural Planning Principles (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural

areas: Inconsistent. The proposed 20 hectare minimum lot size is inconsistent with the dominant land use in the area, which is extensive agriculture.

Disagree: The objective of this planning proposal is for the provision of suitably sized and zoned lots to encourage opportunities for emerging intensive agriculture and agribusiness trends and emerging boutique food and tourism-based cottage retail enterprises. This will encourage and promote diversity and employment opportunities related to primary industry and tourism enterprises in a location close to the Uralla township. It is therefore, consistent with this principle.

(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. Inconsistent. No data or anecdotal evidence has been presented indicating that small primary production lots are needed in the area.

Disagree: This is an opportunity that is identified in the New England North West Regional Planning, which encourages Councils in the region to capitalise on these opportunities and to ensure its land use plans accommodate for these emerging trends and opportunities. This is very strong evidence. Furthermore, Armidale Regional Council and Tamworth Regional Council are embracing and capitalising on these sectors, showing demand for small primary production lots.

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development. Inconsistent. No data or anecdotal evidence has been presented indicating this provision of small primary production lots will provide social or economic benefits to the community.

Disagree: Evidence is provided in the New England North West Regional Plan. Specifically, the relevant directions and actions specified for Uralla, being:

- *Grow and diversify the local agricultural base by encouraging opportunities for agribusiness and research and development institutions.*
- *Support emerging boutique food and tourism-based cottage retail enterprises.*

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community. Inconsistent. No data or anecdotal evidence has been presented indicating benefits to the community from provision of these small primary production lots.

Disagree: Evidence is provided in the New England North West Regional Plan. Clearly, the provision of suitably sized and zoned lots to encourage opportunities for emerging intensive agriculture and agribusiness trends and emerging boutique food and tourism-based cottage retail enterprises will encourage and promote diversity and employment opportunities related to primary industry and tourism enterprises in a location close to the Uralla township.

(e) 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. Inconsistent. The proposed intensification of land use can reasonably be suggested to have more negative impacts on the natural environment.

Disagree: This statement is simplistic and lacks evidence to suggest this is the case. The size of land does not determine environmental impacts. The management techniques and capacity of the land owner strongly influence environmental outcomes. For instance, if small intensive agricultural operations are forced to purchase land in excess of need, due to lack of supply of smaller lots, the surplus land is less likely to form part of the operational activities, and consequently be more likely to be neglected and lead to poorer environmental outcomes.

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities. No data or anecdotal evidence has been presented indicating benefits to the community from provision of these small primary production lots.

Disagree: Altering the lot size standards from 200 ha to 20 ha is consistent with the existing lot sizes of the Site and allows for small primary production lots with dwelling entitlements. It is noted that two of the key drivers for the feasibility of intensive and tourism based agricultural uses is the lower land purchase price (price reflective of the area of land required, without purchasing surplus land) and the interconnection between running smaller operations/activities and the need to live onsite to attend to daily operational needs. This allows for the establishment of sustainable smaller operations/activities that will encourage employment opportunities and flow-on socio-economic benefits. The Northern Rivers, Bega Valley and Hunter Valley represent just a few examples of communities that benefit substantially from embracing activities on small primary production lots.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing. Inconsistent. The site has no identified services, and none are provided for in Council's forward planning.

Disagree: The planning proposal will retain a rural zoning and Council does not provide services and infrastructure in rural zoned areas.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General. Inconsistent. Direction 1.1 of the New England North West Regional Plan (NENWRP) is "Grow broadacre agriculture and livestock grazing sectors", and Direction 1.3 of NENWRP is "Protect agricultural land from urban encroachment and fragmentation". It is reasonable to suggest that the proposed rezoning of rural land is inconsistent with these directions.

Disagree: The New England North West Regional Plan needs to be considered holistically. The relevant directions and actions specified for Uralla in the New England North West Regional Plan are:

- *Grow and diversify the local agricultural base by encouraging opportunities for agribusiness and research and development institutions.*
- *Support emerging boutique food and tourism-based cottage retail enterprises.*

Furthermore, the planning proposal is consistent with the following actions of the New England North West Regional Plan:

ACTION 1.2 Promote the expansion of agribusiness and associated value-adding activities through local plans.

ACTION 1.4 Encourage commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's adaptability.

8 Rural Subdivision Principles

(a) the minimisation of rural land fragmentation. Inconsistent. The proposed rezoning and subsequent development will fragment productive agricultural land.

Disagree: The Site and adjoining land to the east of the Site is already fragmented, well below the relevant minimum lot size of 200 ha for dwellings in the immediate surrounding area. The site has an area of approximately 230 hectares, consisting of 22 lots with 2 dwelling entitlements. The adjoining land to the east of the Site, created in the 1990's by the Deposited Plan 836597, consists of 6 lots with one 4ha, five ranging from 20 to 25ha and one 40ha. All these lots have dwelling entitlements.

(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses. Inconsistent. The proposed rezoning will necessarily increase the probability of land use conflict due to the proximity to extensive agriculture.

Disagree. This statement is simplistic and lacks evidence to suggest this is the case. Future development of the land will require development applications that address potential land use issues. The land adjoins other small rural holdings. The planning proposal is likely to reduce the current potential for land use conflict in the area, with the zoning reflecting the predominant small rural holding use in the area.

(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands. Inconsistent. The dominant land use in the area is extensive agriculture, and there is arguably a sufficient supply of rural residential land in the locality.

Disagree. The planning proposal does not involve a rezoning to the R5 Rural Residential zone and will not influence land supply in the R5 Rural Residential zone. The land adjoins other small rural holdings.

(d) the consideration of the natural and physical constraints and opportunities of land. Inconsistent. The proposed lot sizes are of insufficient size for most productive agricultural enterprises.

Disagree. This statement is simplistic and lacks evidence to suggest this is the case. The objective of this planning proposal is to the provision of suitably sized and zoned lots to encourage opportunities for emerging intensive agriculture and agribusiness. These will allow more productive use of the land.

(e) ensuring that planning for dwelling opportunities takes account of those constraints. Inconsistent. The proposed rezoning does not adequately account for the constraints of the land.

Disagree. This statement is simplistic and lacks evidence to suggest this is the case. The planning proposal includes a comprehensive consideration of potential constraints of the land. There are minimal constraints associated with the site, making it suitable for the proposed zoning.

Consistency with the New England Development Strategy 2010: Objective: agricultural landholdings that are sufficient in size to maintain commercial agricultural production. Inconsistent. It is reasonable to suggest that the proposed minimum lot size of 20 hectares is insufficient for most commercial agricultural production.

Disagree. This statement is simplistic and lacks evidence to suggest this is the case. The RU4 Small Primary Production Lots with minimum lot size is adopted across other local government areas of NSW, demonstrating the proposed lot size is sufficient for commercial agricultural production.

Objective: agricultural landholdings that accommodate a range of agricultural uses in accordance with land capability and suitability. Inconsistent. No demand has been identified for agricultural uses which are viable on lot sizes in the vicinity of 20 hectares.

Disagree. The RU4 Small Primary Production Lots with minimum lot size is adopted across other local government areas of NSW, demonstrating the proposed lot size is sufficient for commercial agricultural production.

Consistency with applicable Section 9.1 Directions by the Minister of Planning: 1.2 Rural Zones - The objective of this direction is to protect the agricultural production value of rural land. A planning proposal must: (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). Inconsistent. The proposed rezoning will enable increased density of the land.

The planning proposal proposes to retain a rural zone for the Site. The Site is located within 3km of the Uralla Township. The Site and surrounding land is already fragmented land with lot sizes below the proposed minimum lot size. The inconsistency is of a minor significance. This inconsistency, alone, would not prevent the proposal from proceeding to Gateway determination. The suitability of the site, consistency with other planning requirements and overall public benefit provides sound justification for this proposal to be supported.

It is further noted; this inconsistency occurs whenever RU1 Primary Production Land is rezoned. Rezoning's are supported by NSW Planning, where the inconsistency is minor and there is greater benefit in proceeding with the rezoning.

1.3 Rural Land - The objectives of this direction are to: (a) protect the agricultural production value of rural land. Inconsistent. Intensification of the land use can reasonably be predicted to lessen the agricultural production value.

Disagree: This statement is simplistic and lacks evidence to suggest this is the case. The planning proposal proposes to retain a rural zone for the Site and provide opportunities for more productive agricultural uses.

(b) facilitate the orderly and economic development of rural lands for rural and related purposes. Inconsistent. Creation of dwelling entitlements on minimum 20 hectare size lots is arguably not a rural and related purpose given the commercial production constraints of the land.

Disagree: This statement is simplistic and lacks evidence to suggest this is the case. The objective of this planning proposal is to provide suitably sized and zoned lots to encourage opportunities for emerging intensive agriculture and agribusiness trends and emerging boutique food and tourism-based cottage retail enterprises. Altering the lot size standards from 200 ha to 20 ha is consistent with the existing lot sizes of the Site and allows for small primary production lots with dwelling entitlements. It is noted that two of the key drivers for the feasibility of intensive and tourism based agricultural uses is the lower land purchase price (price reflective of the area of land required, without purchasing surplus land) and the interconnection between running smaller operations/activities and the need to live onsite to attend to daily operational needs. This allows for the establishment of sustainable smaller operations/activities that will encourage employment opportunities and flow-on socio-economic benefits. The Northern Rivers, Bega Valley and Hunter Valley represent just a few examples of communities that benefit substantially from embracing activities on small primary production lots.

In light of this, I request that Council **refer this Planning Proposal to the Department of Planning and Environment for a Gateway Determination** and rigorous assessment.

Thank you for your kind consideration of this matter.

Yours faithfully,



Michael Croft
B.Surveying (QUT),
G.Dip Geomatics (GIS) (USQ)
M.I.S. (Aust.)
Registered Surveyor No.8267 under the
Surveying & Spatial Information Act 2002.