



10. Implementation

10.1 The Need for a New Planning Regime

On the 31 March 2006 the NSW Government gazetted the Standard Instrument (Local Environmental Plans) Order 2006, under the *Environmental Planning and Assessment Act 1979*. The Model LEP template sets the new direction for the preparation of Local Environmental Plans across NSW.

The major initiative of the reform package is to develop a unified system for the delivery of land use controls by enabling all mandatory requirements for development to be identifiable by reviewing local environmental plans. The application of a common LEP template, common planning provisions, common definitions and common zones will provide a robust structure to give effect to regional strategies. It provides a framework within which each LEP asserts a leading role in environmental planning and management. The LEP is proposed as the primary source for all statutory land use and environmental planning provisions for any particular parcel of land.

The outcomes of this Growth Management Strategy will form the basis upon which a new LEP will be prepared for the Bellingen Shire.

10.2 Review of Land Use Zones

The utilisation of land use zoning to segregate land uses is a commonly used practice in New South Wales. In rural areas however there has generally been one or 2 generic type zones that have been called a "rural" zone. One of the major reasons for zoning an area is to preclude or regulate specific uses that are considered to be not in keeping with the general amenity of the area.

Zone names such as residential, commercial and industrial are used to identify a list of specific land uses that are permissible in a particular location. Rural zones are often less specific. The term rural describes a character, not a use. It is therefore appropriate to use a zone name that provides an indication of the uses that are carried out within that area.

Zoning can also be used to identify the major objective for any future as well as existing development in an area for example, if an area is of high conservation status then a zone name outlining this is also appropriate.

The zones to be considered in the new LEP are as follows:

- ▶ RU1 Primary Production
- ▶ RU2 Rural Landscape
- ▶ RU3 Forestry
- ▶ RU4 Rural Small Holdings
- ▶ RU5 Village
- ▶ R1 General, R2 Low, R3 Medium and R4 High Density and R5 Large Lot Residential
- ▶ B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core
- ▶ IN1 General Industrial
- ▶ IN2 Light Industrial
- ▶ SP1 Special Activities



- ▶ SP2 Infrastructure
- ▶ SP3 Tourist
- ▶ RE1 Public Recreation
- ▶ RE2 Private Recreation
- ▶ E1 National Parks and Nature Reserves
- ▶ E2 Environmental Conservation
- ▶ E3 Environmental Management
- ▶ E4 Environmental Living

Each zone is discussed below. Urban land use zones will cover the existing urban areas which include residential, commercial, industrial, special uses and recreational zonings.

Primary Production

This is the fertile floodplain of the Bellinger and Kalang Rivers and the Dorrigo Plateau. In the valley it is mostly flood prone and is used for mainly dairying and some aquaculture uses. It is the current 1(a1) Agricultural Protection and 1(a2) Secondary Agriculture zones. On the plateau, it is used for potato growing and cattle grazing as well as some dairying.

The mixture of rural uses is to be retained with controls placed on the location of houses so that they do not create a conflict by being too close to the boundaries, thereby creating rural land use conflict. Agriculture uses are to be encouraged as are rural tourism and accommodation.

No subdivision will be permitted for dwellings under this zone in the Valley whilst for the Plateau, it is to be 70 ha.

The following zone objectives should remain with the addition of objectives dealing with conservation of native vegetation, developing land to its capability, landscape conservation and maintenance of large rural holdings:

- ▶ to protect and conserve the productive potential of agricultural land, and
- ▶ to encourage the productive and efficient use of land for agricultural purposes, and
- ▶ to control subdivision of land having regard to the efficient use of the land for agricultural purposes, and
- ▶ to enable other forms of development associated with rural activity to be carried out where they are in keeping with the rural character of the area and where they minimise potential interference with the agricultural use of the land, and
- ▶ to prevent development of inappropriate traffic-generating uses along main road frontages, and
- ▶ to prevent development that is inappropriate, having regard to the risks of bush fire, flooding, soil erosion, land instability, quality of access and the provision of utility services and community facilities, and
- ▶ to protect the natural and scenic resources of the Bellinger local government area, and
- ▶ to preserve and enhance native vegetation, including habitat linkages, and
- ▶ to maintain large holdings, and
- ▶ to ensure buildings blend into the landscape, and



- ▶ to develop land to its capability, and
- ▶ to protect the amenity of existing residents.

The uses that would be permitted without consent, with consent and which would be prohibited for this zone would be those that currently apply to the Rural 1(a1) and 1(a2) zones. Controls should also be placed on the height of dwellings as well as the impact they have on the landscape by way of location and appearance.

Rural Landscape

This zone would apply to those parts of the Shire which contribute to the rural landscape character of the Shire. The following zone objectives would apply:

- ▶ To maintain the rural landscape character of the land.
- ▶ To provide for a range of compatible land uses, including extensive agriculture.

Forestry

This zone would cover that land currently zoned 1(f) Forestry.

Rural Small Holdings

This land covers that existing Rural 1(c2) land which is not considered suitable for rural-residential development nor capable of large scale agricultural activities. This zone recognises the current rural landscape and development of the land. There will be no subdivision allowed for dwellings in this zone.

The uses that would be permitted without consent, with consent and which would be prohibited for this zone would be those that currently apply to the Rural 1(c1), 1(c2) and 1(c3) zones. Intensive forms of agriculture should be prohibited as they will conflict with the rural residential nature of the land. Intensive forms of agriculture that already exist should be permitted to remain with restrictions placed on their expansion.

Controls should also be placed on the height of dwellings as well as the impact they have on the landscape by way of location and appearance. For example, they should be located below ridgelines and be of colours that blend in with the surrounding environment.

Consideration should be given to placing controls on the clearing of land and preservation of areas of known biodiversity habitat and important habitat linkages.

Large Lot Residential

This land covers that existing Rural 1(c1), 1(c2) and 1(c3) land considered suitable for small lot rural-residential development. To avoid the current problems associated with averages, it is recommended that a minimum lot size of 1 ha be adopted for this zone.

The mixture of rural uses are to be retained with controls placed on the location of houses so that they do not create a conflict by being too close to the boundaries, thereby creating rural land use conflict. Agriculture, particularly intensive forms, are not to be encouraged as they have the potential to cause land use conflict with the predominantly rural residential uses in the area. These rural residential uses are on a variety of lot sizes and this variety is to be maintained as it adds to the landscape character of the area.

The uses that would be permitted without consent, with consent and which would be prohibited for this zone would be those that currently apply to the Rural 1(c1), 1(c2) and 1(c3) zones. Intensive forms of



agriculture should be prohibited as they will conflict with the rural residential nature of the land. Intensive forms of agriculture that already exist should be permitted to remain with restrictions placed on their expansion.

Controls should also be placed on the height of dwellings as well as the impact they have on the landscape by way of location and appearance. For example, they should be located below ridgelines and be of colours that blend in with the surrounding environment.

Consideration should be given to placing controls on the clearing of land and preservation of areas of known biodiversity habitat and important habitat linkages.

Residential, Neighbourhood Centre, Local Centre, Core Commercial, Light Industrial, Special Activities, Public and Private Recreation

These zones retain the existing residential, commercial, industrial, special use and open space zones for Bellingen and Urunga. These zones are to be applied to Dorrigo. There is no proposal to alter these zones, except for the land to be rezoned to residential.

National Parks and Nature Reserves

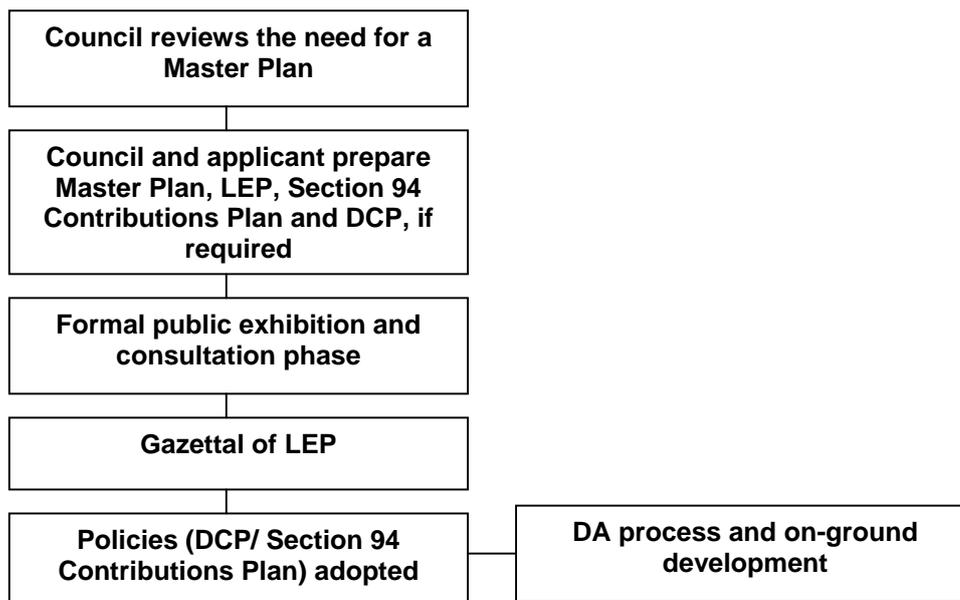
This zone would cover the existing areas that are zoned as National Parks, Nature Reserves under the provisions of Bellingen LEP 2003.

Environmental Conservation, Management and Living

This zone would cover those areas where environmental features of the landscape should be conserved and/ or managed but provide a limited range of development that does not impact upon those features. Such a zone would include 7(s) Special Emphasis.

10.3 Investigation Process

The process by which the identified investigation areas are implemented is as follows:





10.3.1 Master Plans

The preparation of a master plan will be necessary in some investigation areas either due to the range of issues, the number of landowners and/ or the need for increased community consultation or to satisfy the requirements of State Environmental Planning Policy No. 71. A master plan may also be deemed to be necessary for other Investigation Areas as the implementation of the Strategy progresses.

A master plan is essentially a broad planning study of an area to provide planning principles and direction for a whole investigation area or planning locality. The contents of the master plan will vary depending on each site but might include coordinated transport planning, water and sewer infrastructure planning, guidelines for development density, community service planning and/ or environmental outcomes. The master plan will generally be undertaken up-front, prior to more detailed investigations for the land in question to set a broad planning framework.

The importance of the master plan is to ensure that planning does not take place in an ad-hoc, piecemeal fashion. The process involves landowners, Council and other relevant government agencies to produce a plan, with input from the community to form the basis of land use decisions for a particular locality.

In instances where multiple landowners are involved, the initial coordination may need to be carried out by Council. For example, it may be necessary that Council facilitate a workshop of interested parties and/ or assist landowners to determine a fair and equitable system of distributing the cost of studies and planning between affected parties.

Council's role could also be related to the preparation of studies relevant to Section 94 of the Environmental Planning and Assessment Act (Developer Contributions). This could include studies to determine the appropriate types of development in a locality (e.g. residential, open space, neighbourhood facilities or studies related to traffic planning, drainage and cycleways).

Council may also play a role in coordinating consultation with the community and the exhibition of plans. The distribution of costs for Council's involvement will need to be considered on a case-by-case basis by Council. However, as a general principle, the cost of undertaking master planning should wherever possible be distributed between landowners who stand to gain from the expected outcomes of the master planning, bearing in mind that there are no guarantees regarding the outcomes of this process.

All costs incurred by Council in preparing the master plan will be recouped through increased fees (such as rezoning fees) or as part of a Section 94 Contributions Plan.

Landowners are therefore encouraged to undertake the preparation of a master plan for these areas, with guidance from Council.

10.3.2 Local Environmental Plans and Development Control Plans

Prior to any urban development occurring in the Investigation Areas, Local Environmental Plans and any necessary Development Control Plans need to be formulated and adopted.

Whilst Council will retain control of the LEP and DCP process, proponents of the rezoning proposals will be required to fund all necessary studies, including local environmental studies (LES) and any work prepared by consultants. The NSW Department of Planning are the lead State Government agency involved in the rezoning process.

The process of investigation will be required to be undertaken holistically, irrespective of the size of an area that is proposed to be rezoned. Council will expect that the design of the area proposed for rezoning



will be considered in the context of any master plan including consideration of future development patterns, constraints and sequencing to ensure that successive developments are not fragmented and uncoordinated.

The Local Environmental Study will investigate such matters as follows:

- ▶ Traffic generation and the standard of the road surface for the anticipated increase in vehicular movements.
- ▶ Ecological investigations to identify the presence of any species listed under the provisions of the Threatened Species Conservation Act.
- ▶ Drainage investigations to identify the 1% AEP flood.
- ▶ Bushfire risk. An assessment will have to be carried out of the potential bushfire risk to the land. Reference should be made to the recently published *Planning for Bushfire Protection* document.
- ▶ Effluent Disposal Study to identify the most efficient means of disposing of domestic effluent on the site. This will need to be done in accordance with the NSW Government *Environment and Health Protection Guidelines – On-site Effluent Management for Single Households*, published in 1998.
- ▶ Scenic and Landscape analysis of the area to identify the important landscape features.
- ▶ The staging of the release of land to ensure that it occurs in a timely and efficient manner.
- ▶ Protection and management of riparian zones
- ▶ Flooding and access.
- ▶ Staging for the release of the land.
- ▶ The preparation of master plans to highlight the overall subdivision pattern and the ways that it will blend into the landscape.

The major steps involved in the preparation of LEPs and DCPs are:

