



*Liverpool Plains
Shire Council
Planning Proposal*

**Liverpool Plains Local
Environmental Plan
2011
Amendment No. 2**



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Proposal Objective

This Planning Proposal has the following primary aims and objectives:

- (a) To enable minor anomalies, misdescriptions and errors to be rectified as part of a 'housekeeping amendment' to the recently gazetted Liverpool Plains Local Environmental Plan 2011 (LPLEP2011);
- (b) To facilitate proposals with sufficient strategic planning merit that have been identified as part of the LPLEP2011 preparation, but were unable to be addressed as part of the comprehensive LEP process due to a variety of issues;
- (c) To request the rezoning of certain additional lands identified in, or, that are in accordance with, the strategic objectives of the Liverpool Plains Growth Management Strategy 2009;
- (d) To permit certain additional site-specific uses within particular land use zones under the LPLEP2011.

Structure of this Document

This Planning Proposal comprises five (5) specific chapters which pertain to distinct geographical areas (communities of interest) located within the Liverpool Plains Local Government Area. Each chapter addresses primary issues for consideration as detailed in the relevant sections of the NSW Department of Planning & Infrastructure's *Guideline to Preparing LEPs*.

- 1. Chapter 1: Braefield
- 2. Chapter 2: Quirindi
- 3. Chapter 3: Spring Ridge
- 4. Chapter 4: Werris Creek
- 5. Chapter 5: Bundella

Aerial photographs and contextual maps have been provided within each specific chapter.

Chapter 1 – Braefield

1.1 Objectives and Intended Outcomes of the Planning Proposal

To rectify mapping errors which resulted in incorrect zoning of the village of Braefield. The village of Braefield is currently zoned RU1 Primary Production. It is intended to rezone the subject land to RU5 Village.

1.2 Explanation of the Provisions

Amending the Liverpool Plains Local Environmental Plan (LPLEP) 2011 by rezoning the lands in Table1 below from RU1 Primary Production to RU5 Village.

Property ID	LPSC ASS. No.	Real Property Description	Lot Size	Current Zone	Proposed Zone	Proposed MLS
BR01	619	1//6372	1.835ha	RU1	RU5	Y2 – 1.5ha
BR02	619	2//6372	0.899ha	RU1	RU5	X2 - 8000m ²
BR03	620	3//6372	5482m ²	RU1	RU5	X1 – 5000m ²
BR04	736	4//735950	1810m ²	RU1	RU5	V – 2000m ²
BR05	736	5//735950	2070m ²	RU1	RU5	V – 2000m ²
BR06	736	6//735950	1740m ²	RU1	RU5	U – 1000m ²
BR07	739	1//115797	4760m ²	RU1	RU5	W1 - 3000m ²
BR08	739	2//115797	4420m ²	RU1	RU5	W1 – 3000m ²
BR09	739	3//117357	3720m ²	RU1	RU5	W1 - 3000m ²
BR10	739	4//117357	4260m ²	RU1	RU5	V – 2000m ²
BR11	739	5//117357	3180m ²	RU1	RU5	V – 2000m ²
BR12	739	6//117357	2770m ²	RU1	RU5	V – 2000m ²
BR13	739	7//117357	2770m ²	RU1	RU5	V – 2000m ²
BR14	739	8//117357	2810m ²	RU1	RU5	V – 2000m ²
BR15	739	9//117537	2380m ²	RU1	RU5	V – 2000m ²

Table 1: Schedule of Proposed Lands to be Rezoned (Village of Braefield)

Property ID	LPSC ASS. No.	Real Property Description	Lot Size	Current Zone	Proposed Zone	Proposed MLS
BR16	739	10//117537	2220m ²	RU1	RU5	V – 2000m ²
BR17	739	11//117537	2290m ²	RU1	RU5	V – 2000m ²
BR18	71,756	12//117537	2020m ²	RU1	RU5	V – 2000m ²
BR19	71,756	13//117537	2500m ²	RU1	RU5	V – 2000m ²
BR20	71,756	14//997235	2350m ²	RU1	RU5	V – 2000m ²
BR21	735	15//1008375	2130m ²	RU1	RU5	U – 1000m ²
BR22	735	16//1008375	1920m ²	RU1	RU5	U – 1000m ²
BR23	740	7//735950	784.1m ²	RU1	RU5	Q – 700m ²
BR24	741	1//196946	854.1m ²	RU1	RU5	Q – 700m ²
BR25	738	16//1148258	3212m ²	RU1	RU5	W1 - 3000m ²
BR26	737	15//1148258	3660m ²	RU1	RU5	W1 - 3000m ²
BR27	737	14//1148258	3550m ²	RU1	RU5	W1 - 3000m ²
BR28	737	13//1148258	3790m ²	RU1	RU5	W1 - 3000m ²
BR29	737	12//1148258	3780m ²	RU1	RU5	W1 - 3000m ²
BR30	737	11//1148258	4780m ²	RU1	RU5	W2 – 4000m ²
BR31	737	10//1148258	4490m ²	RU1	RU5	W2 – 4000m ²
BR32	737	9//1148258	4600m ²	RU1	RU5	W2 – 4000m ²
BR33	69352	8//999050	4470m ²	RU1	RU5	W2 – 4000m ²
BR34	69352	7//999050	4300m ²	RU1	RU5	W2 – 4000m ²

Table 1 - cont: Schedule of Proposed Lands to be Rezoned (Village of Braefield)

1.3 Justification for the Planning Proposal

During the finalisation of the LPLEP2011 it was identified that the land had been inadvertently rezoned due to an error with the map collation process. Given the advanced nature of the LPLEP2011 it was not possible to rectify this error due to the potential need to re-exhibit the Plan. This Planning Proposal aims to rectify this error and reinstate the previous zoning of the village.

1.4 Proposed Community Consultation

It is considered appropriate to apply the recommended community consultation guidelines which include the following:

- An exhibition period of 28 days commencing on the date that a notice of exhibition is printed in the local news press.
- Advertising in the local newspaper at the start of the exhibition period.
- Advertising on Council's website for the duration of the exhibition period.

Section A: Need for the Planning Proposal

1A.1 Is the planning proposal a result of any strategic study or report.

The Planning Proposal is not the result of any strategic study or report. During the finalisation of the LPLEP2011 it was identified that the land had been inadvertently rezoned due to an error with the map collation process. Given the advanced nature of the LPLEP2011 it was not possible to rectify this error due to the potential need to re-exhibit the Plan.

The village of Braefield had been omitted from the specified settlement hierarchies under the Liverpool Plains Shire Council Growth Management Strategy 2009 (refer s8.3.1 of the Strategy) which may have led to the original mapping error. Notwithstanding, it is not the intention of the Strategy to backzone any existing village zoned lands. The reinstatement of the prior zoning status (under the Quirindi LEP 1991) will also protect existing housing entitlements on vacant allotments located within the settlement.

1A.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The planning proposal process is the most efficient process in which to rectify this anomaly. No other suitable mechanisms have been identified by Council.

1A.3 Is there a net community benefit?

The Planning Proposal will reinstate the previous zoning framework which will provide greater certainty for landowners, particularly those owners of vacant allotments which are currently being marketed for sale and which would not carry permissibility for future dwellings given the current LEP provisions. It is considered that the overall community benefit will be positive.

Section B: Relationship to the Strategic Planning Framework

1B.4 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy?

The recently released Draft New England Strategic Regional Land Use Plan (Draft SRLUP) was reviewed in relation to the Planning Proposal. The objectives of the Draft SRLUP are not considered to be of relevance to the subject lands.

1B.5 Is the planning proposal with the local Community Strategic Plan, or other local strategic plan?

The proposed rezoning is considered to be consistent with the following key strategic directions and actions under the LPSC Community Strategic Plan:-

- *To develop strategies that facilitate growth and guide Council toward ecological sustainability through responsible management of both natural and built environments.*
- *To be recognised as a leader in environmental management.*
- *To maximise the tourism and economic development potential of the Shire and facilitate increased growth and sustained development.*

1B.6 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs), as follows:

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

The subject lands are located within a highly disturbed environment which has historically been utilised for urban purposes. The subject lands are not known to comprise core koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The planning proposal has no implications in terms of the application of the provisions of SEPP 55. None of the lands identified are known to be contaminated.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The settlement of Braefield is located in proximity to an existing rail network, the Main Northern Railway Line and is dissected by a classified main road - the Kamilaroi Highway. Any future construction of dwelling houses on vacant lands within the village zone would need to have appropriate regard to the relevant provisions of the ISEPP, particularly in regard to noise attenuation measures and setbacks.

Allotments within the village are relatively large, which is proposed to be reflected in the proposed Minimum Lot Size (MLS) criteria. This in turn will facilitate achievement of separation and buffer distances from the existing infrastructure facilities. Future development applications for dwelling houses (and other applicable uses) would be referred for the consideration of the ARTC and NSW Roads and Maritime Services (RMS) as required under the provisions of the ISEPP.

State Environmental Planning Policy (Rural Lands) 2008

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) to implement measures designed to reduce land use conflicts,*
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

Given that the proposal entails the reinstatement of a previous zoning framework commensurate with the current pattern of development, it is not considered that the planning proposal is inconsistent with the attainment of the RSEPP objectives.

In accordance with the provisions of the RSEPP, consistency or otherwise, with the rural planning and subdivision provisions is detailed below:

7(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

The proposed rezoning will not impinge on existing or proposed opportunities for surrounding highly productive agricultural lands. The planning proposal will entail the rezoning of already fragmented and undersized land parcels which are well below the specified minimum lot size of 200ha in the RU1 Primary Production Zone).

7(b) the 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,

Braefield currently provides for comparatively affordable housing which is suitable to meet the needs of persons employed in local agricultural industries and rural operations.

7(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

It is considered that the overall economic and social benefit of the planning proposal will be positive. The rezoning will facilitate the community in maintaining their identity as a defined rural settlement in addition to providing greater certainty to landholders.

7(d) in planning for rural lands, to balance the social, economic and environmental interests of the community

It is considered that the overall community benefit will be positive via the reinstatement of the previous planning regime which will provide greater certainty to existing landholders.

7(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

The planning proposal and associated rezoning will not impact on significant or valuable natural resources, including threatened species. No vegetation removal is required as a result of this rezoning and the proposed rezoning will have no implications for the maintenance of local biodiversity.

The lands affected by the planning proposal are not constrained by bushfire and flooding. With the exception to proximity to the transport network, no other geographical or site specific constraints are known to impact on the land(s).

7(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities

It is considered that the proposed rezoning will facilitate the attainment of infill, affordable housing which will meet the needs of the rural community. The planning proposal will provide greater certainty and security for existing landholders and the community of Braefield by the reinstatement of previous housing entitlements.

7(g) *the consideration of impacts on servicing and infrastructure and appropriate location when providing for rural housing*

There are no additional servicing implications or considerations resultant from this Planning Proposal. The village of Braefield is not connected to a community water supply, nor is there any demonstrated demand for future connections. Land parcels are of a sufficient size to warrant on-site sewage disposal.

7(h) *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director General.*

There are no regional strategies of relevance to this planning proposal.

8(a) *Minimisation of rural land fragmentation*

Land within settlement of Braefield is already heavily fragmented. All land parcels are considerably below the prescribed MLS of 200ha. It is not considered that the proposed rezoning will result in the further fragmentation of prime agricultural land.

8(b) *The minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*

Council is unaware of any history of land use conflict within, or in proximity to the village. The settlement has been in existence for a considerable period of time and is consistent with the rural character of the area. As detailed in a previous section, many residents are directly involved in (or are employed by) agricultural and rural allied pursuits and enterprises.

8(c) *The consideration of the nature of existing agricultural holdings and the existing and planned supply of rural residential land when considering lot sizes for rural lands,*

A range of lot sizes is proposed commensurate with the pattern of existing development and cadastral boundaries. The proposed MLS ranges from 700m² to 4000m², as detailed on the draft MLS map.

8(d) *The consideration of the natural and physical constraints and opportunities of land,*

The proposed zoning configuration will be commensurate with the historical village boundaries under the recently repealed QLEP1991. Current village boundaries are cognisant of cadastral boundaries and the local infrastructure network (road and rail).

8(e) *Ensuring that planning for dwelling opportunities takes account of those constraints.*

In accordance with the provisions of the ISEPP, the siting and standard of construction of future dwellings on vacant lands will need to have regard to existing constraints presented by the operation of the transport infrastructure network and associated best practice assessment guidelines.

1B.7 Is the planning proposal consistent with applicable Ministerial Directions (section 117 Directions)?

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	When this Direction Applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or a proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies A planning proposal must: (a) Give effect to the objectives of this direction, (b) Retain the areas and locations of existing business and industrial zones, (c) Not reduce the total potential floor space area for employment uses and related public services in business zones, (d) Not reduce the total potential floor space area for industrial uses and industrial zones, and (e) Ensure that proposed new employment areas are in accordance with a Strategy that is approved by the Director-General of the Department of Planning.	This chapter of the planning proposal will not affect any lands located within a business or an industrial zone. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
1.2 Rural Zones	What a relevant planning authority must do if this direction applies A planning proposal must: (a) Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (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). Consistency A planning proposal may be inconsistent with the terms	The planning proposal endeavours to rezone lands within the RU1 Primary Production Zone to an RU5 Zone consistent with previous land use designations under the recently repealed Quirindi Local Environmental Plan 1991 (QLEP). The Planning Proposal is identified as being inconsistent with this S117(2) Direction, however, it is considered that the variation is of minor significance

	of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objectives of this direction, (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) Is approved by the Director General of the Department of Planning, or (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) Is of minor significance.	as it reinstates the previous zoning designations which were inadvertently omitted during the comprehensive LEP preparation process. Future development potential of lands will not be intensified as a result of the application of this planning proposal due to the application of a range of MLS standards commensurate with the historical pattern of development.
1.3 Mining, Petroleum Production & Extractive Industries	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting land use that is likely to be incompatible with such development.	The planning proposal does not affect nor compromise the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials.
1.4 Oyster Aquaculture	Where this direction applies This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture as identified in the <i>NSW</i>	The planning proposal does not relate to any identified oyster farming areas.

	<i>Oyster Industry Sustainable Aquaculture Strategy.</i>	
1.5 Rural Lands	When this direction applies This direction applies when: (a) A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objectives of this direction, (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) Is approved by the Director-General of the Department of Planning and is in force, or (b) Is of minor significance.	This proposal will permit the permissibility of a small number of dwelling houses on existing parcels within the town environs reflecting the current pattern of development. It is not considered that the proposal will lead to the fragmentation or high quality agricultural lands or create unmanageable land use conflicts. It is considered that this planning proposal is of minor significance
2.1 Environment Protection Zones	What a relevant planning authority must do if this direction applies A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise	This planning proposal does not affect any environmentally sensitive lands or lands that are zoned for environment protection purposes. The planning proposal is not

	identified for environment protection purposes in an LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change in a development standard for minimum lot size in accordance with clause (5) of Direction 1.5 “ <i>Rural Lands</i> ”.	inconsistent with this direction.
2.2 Coastal Protection	Where this direction applies This direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.	This planning proposal does not apply to designated coastal zones. The planning proposal is not inconsistent with this direction.
2.3 Heritage Conservation	What a planning authority must do if this direction applies A planning proposal must contain provisions that facilitate the conservation of: (a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by	A comprehensive overview of heritage provisions was undertaken as part of the LPLEP2011 process. This chapter of the Planning Proposal does not seek to amend existing heritage schedules. The planning proposal is not considered to be inconsistent with this direction.

	the Director-General) that: (a) The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (b) The provisions of the planning proposal that are inconsistent or are of minor significance.	
2.4 Recreation Vehicle Areas	What a relevant planning authority must do if this direction applies A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>): (a) Where the land is within an environmental protection zone, (b) Where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) Where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: (i) The provision of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and (ii) The provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.	This planning proposal does not relate to the establishment of any recreation vehicle areas. The planning proposal is not inconsistent with this direction.
3.1 Residential Zones	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) An existing or proposed residential zone (including the alteration of any existing	Direction 3.1 is not considered to be applicable to the planning proposal in that the RU5 Village Zone is embodied within the Rural Zone designations pursuant

	residential zone boundary), (b) Any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies A planning proposal must include provisions that encourage the provision of housing that will: (a) Broaden the choice of building types and locations available in the housing market, and (b) Make more efficient use of existing infrastructure and services, and (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) Be of good design. A planning proposal must, in relation to land to which this direction applies: (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority have been made to service it), and (b) Not contain provisions which will reduce the permissible residential density of land. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objectives of this direction, (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a	to clause 2.1 of the LPLEP2011. Notwithstanding, the proposed rezoning will also not facilitate 'significant residential development' and is of minor significance. It is not considered that the planning proposal is inconsistent with this direction.
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	particular site or sites), and (iii) Is approved by the Director-General of the Department of Planning and is in force, or (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objectives of this direction, or (d) Of minor significance.	
3.2 Caravan Parks & Manufactured Home Estates	What a relevant planning authority must do if this direction applies In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (a) Retain provisions that permit development for the purpose of a caravan park to be carried out on land, and (b) Retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (a) Take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located. (b) Take into account the principles listed in clause 9 of SEPP36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) Include provisions that the subdivision of MHEs by long term lease of up to 20 years or under	No caravan parks or Manufactured Housing Estates are affected, nor are envisaged as a result of this planning proposal. The LPLEP2011 maintains appropriate provisions in order to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates. The proposed RU5 zone permits a range of land uses, including caravan parks. The planning proposal is not considered to be inconsistent with this direction.

	the <i>Community Land Development Act 1989</i> be permissible with consent.	
3.3 Home Occupations	What a relevant planning proposal must do if this direction applies Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The LPLEP2011 permits home occupations to be carried out within the RU5 Village Zone without the need to obtain development consent. The Planning Proposal is not considered to be inconsistent with this direction.
3.4 Integrating Land Use & Transport	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What the relevant planning authority must do if this direction applies A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objective of	This chapter of the planning proposal pertains to the reinstatement of an existing village. The proposal does not enhance or intensify development potential of lands within Braefield nor increase substantially demands on public transport and reliance on motor vehicles. Whilst this chapter of the planning proposal is inconsistent with this direction, it is considered that the proposed amendment is of minor significance as it seeks to rectify a drafting error.

	this direction, and (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) Is approved by the Director General of the Department of Planning, or (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) Of minor significance.	
3.5 Development Near Licensed Aerodromes	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	The lands affected by the planning proposal are not in proximity to any licensed aerodromes. The planning proposal is not inconsistent with this direction.
3.6 Shooting Ranges	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	The lands affected by the planning proposal are not in proximity to any existing or proposed shooting ranges. The planning proposal is not considered to be inconsistent with this direction.
4.1 Acid Sulphate Soils	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	The lands affected by the planning proposal are not identified as containing acid sulphate soils. The planning proposal is not considered to be inconsistent with this direction.
4.2 Mine Subsidence & Unstable Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that permits	The land is not identified as being located within a designated mine subsidence district.

	development on land that: (a) Is within a mine subsidence district, or (b) Has been identified as unstable in a study, strategy or other assessment undertaken.	The planning proposal is not considered to be inconsistent with this direction.
4.3 Flood Prone Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The land affected by the planning proposal is not identified as flood prone land. No alterations to existing flooding provisions are proposed. The planning proposal is not considered to be inconsistent with this direction.
4.4 Planning for Bushfire Protection	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	No properties within Braefield, or in proximity to the village, are identified as being bushfire prone. This chapter of the planning proposal is not considered to be inconsistent with this direction.
6.3 Site Specific Provisions	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. What a relevant planning authority must do if this direction applies A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) Allow that land use to be carried out in the zone that the land is situated on, or (b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must no contain or refer to	No schedule amendments (enabling clauses) are proposed as part of this chapter of the planning proposal. The proposal endeavours to rezone lands to RU5 Village in accordance with the LPLEP2011. This chapter of the planning proposal is not considered to be inconsistent with this direction.

	drawings that show details of the development.	
	Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are of minor significance.	

Section C: Environmental, Social & Economic Impacts

1C.8 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 proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats.

1C.9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed rezoning of land and reinstatement of previous zoning frameworks is unlikely to result in any negative environmental effects.

1C.10 How has the planning proposal adequately addressed any social or economic effects?

The planning proposal is considered unlikely to result in adverse social or economic impacts. Furthermore, it is considered that the proposal will have a positive economic benefit to the community as it will facilitate the construction of new dwellings within the existing village boundaries.

Section D: State & Commonwealth Interests

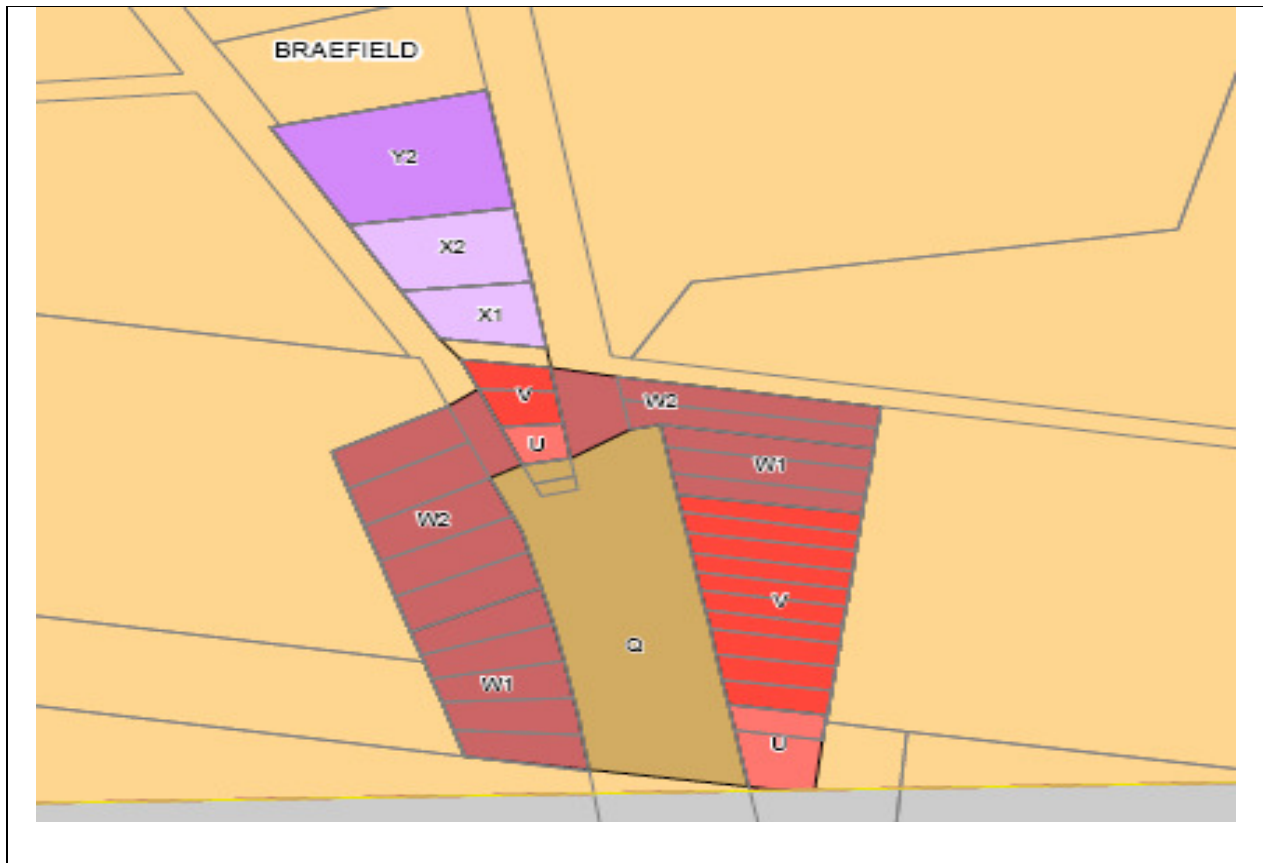
1D.11 Is there adequate public infrastructure for the planning proposal?

The proposed rezoning is to be undertaken on land parcels that are currently serviced or parcels that require minimal upgrades.

1D.12 Views of State & Commonwealth public authorities?

It is proposed that formal consultation will be undertaken with the ARTC and RMS upon gateway determination.

Map 1: Village of Braefield – Proposed MLS



Map 2: Village of Braefield – Aerial Overlay



Chapter 2 – Quirindi

2.1 Objectives and Intended Outcomes of the Planning Proposal

- (a) To rectify drafting and zoning errors and anomalies which were identified during the finalisation of the Liverpool Plains LEP 2011; and
- (b) To include a B4 Mixed Use zoning in the Liverpool Plains LEP 2011 and rezone land reflective of current land use patterns and existing uses.
- (c) To incorporate certain additional land uses commensurate with local strategic planning objectives.

2.2 Explanation of the Provisions

Amending the Liverpool Plains Local Environmental Plan 2011 (LPLEP) in accordance with Table 2 below:

Property ID	Real Property Description	Current Zone LPLEP2011	Proposed Zone	Current Lot Size	Proposed MLS	Commentary
QU01 Ass: 71995, 71997 & 71996 (Duke Street Industrial Land)	Part Lots 3, 4 & 5 in DP1125557 (Map 3)	Part IN1/Part R1 (Split zone)	IN1	N/A	N/A	Rectification of map drafting error identified during comprehensive LEP finalisation (post exhibition).
QU02 Ass: 1721 (LPSC Vacant Land)	Lot 1 in DP811945 (Map 4)	SP1 (Rail Infrastructure)	B2	N/A	N/A	Council-owned land identified for potential future commercial/retail development located within the CBD. Land is not required for rail infrastructure purposes (map drafting anomaly). This land was subject to reclassification under LPLEP2011 Amendment No. 1 (PP_2011_LPWS_001_00)

Table 2: Schedule of Proposed Lands to be Rezoned / Required Amendments (Quirindi)

Property ID	Real Property Description	Current Zone LPLEP2011	Proposed Zone	Current Lot Size	Proposed MLS	Commentary
QU03 Ass: Various (Mixed Use)	Various (Refer to Maps 5, 6, 7 & Table 3 overleaf)	R1	B4	N/A	N/A	Sites feature clusters of mixed use commercial and residential activities located on arterial roads leading to the commercial core of Quirindi. Proposed zoning reflects existing and predicted future land use.
QU04 Ass: 71813 (T Pursehouse)	Lot 11 DP1130672 & Lot 221 in DP1105151 (Map 8)	RU1	RU1	53.5ha 55.75 ha	50ha 50ha	Change the MLS from 200 ha to 50ha to give two (2) dwelling entitlements.
QU05 Ass: 222 & 236 (Quirindi Golf Club)	Lots 321 and 214 in DP751009 Lot 347 in DP751009 (Map 9)	RE2	RE2 + insert additional land use	N/A	N/A	Insertion of additional land use in zone table – development with consent: <i>Tourist & Visitor Accommodation</i> .
QU06 Ass: 2257 (Nowland Street)	Lot 1 in DP5241 (Map 10)	R1	N/A	N/A	N/A	Amend Schedule 5 (Item No. 1036) to rectify land description anomaly to refer to Lot 1 in DP5241.
QU07 Ass: 711 (Skerrett)	Lot 2 DP746462 (Map 11)	RU1	IN1	N/A	N/A	Rectification of zoning error. Land identified in the Liverpool Plains Growth Management Strategy as suitable for industrial purposes.
QU08 (Barnes Estate)	Various – refer draft map Lots 1–19 DP1091735 (Map 12)	R5	R5	Y1 – 1ha	Z1 - 2ha	Increase MLS reflective of current and desired pattern of development.

Table 2 - cont: Schedule of Proposed Lands to be Rezoned / Required Amendments (Quirindi)

Map Ref.	LPSC Ass. No.	Real Property Description	Lot Size	Current Zone	Proposed Zone	Proposed MLS	Current Land Use
Map 5	2523	1//350514	481m ²	R1	B4	N/A	Commercial Premises> Castle Mtn Zeolites
Map 5	2266	269//751009	5826m ²	R1	B4	N/A	Light industry > Tamarang Engineering
Map 5	2522	1//737103	1290m ²	R1	B4	N/A	Service Station > Shell Service Station
Map 5	71925	11//1109779	1026m ²	R1	B4	N/A	Commercial Premises> BHP Billiton
Map 5	2264	c//383219	557m ²	R1	B4	N/A	Residential > single storey dwelling
Map 5	2265	10//808032	637m ²	R1	B4	N/A	Residential > single storey dwelling
Map 5	71924	12//1109779	1000m ²	R1	B4	N/A	Light industry > B&R Refrigeration
Map 5	71924	B//383219	250m ²	R1	B4	N/A	Light industry > Vacant industrial building
Map 5	1736	A//379978	380m ²	R1	B4	N/A	Light industry > Vacant industrial building
Map 6	1837	5//37304	1190m ²	R1	B4	N/A	Retail Premises > Robinson's Butchery
Map 6	1837	Part 2//152790	440m ²	R1	B4	N/A	Retail Premises > Robinson's Butchery
Map 6	1838	2//194434	100m ²	R1	B4	N/A	Retail Premises > Take Away Food Shop
Map 6	1838	1//194434	780m ²	R1	B4	N/A	Retail Premises > Take Away Food Shop
Map 6	1840	1//709872	1300m ²	R1	B4	N/A	Light industry > Quirindi Doors & Screens
Map 6	1841	1//737807	764m ²	R1	B4	N/A	Vehicle Sales> BL Cars

Table 3: Item No. QU05 – Proposed B4 Mixed Use Zoning – Schedule of Lands to be Rezoned

Map Ref.	LPSC Ass. No.	Real Property Description	Lot Size	Current Zone	Proposed Zone	Proposed MLS	Current Land Use
Map 6	1842	1//90223	3392m ²	R1	B4	N/A	Retail Premises > Used Furniture Sales
Map 6	1842	4//157345		R1	B4	N/A	Retail Premises > Used Furniture Sales
Map 6	1842	2//737807		R1	B4	N/A	Retail Premises > Used Furniture Sales
Map 6	1845	5//157345	780m ²	R1	B4	N/A	Vehicle Repairs > Quirindi Motor Cycle Repairs
Map 6	1845	6//157345		R1	B4	N/A	Vehicle Repairs > Quirindi Motor Cycle Repairs
Map 6	1846	1//780927	1234m ²	R1	B4	N/A	Light Industry > Vacant industrial building
Map 6	1848	1//194278	1333m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1849	1//1152656	1088m ²	R1	B4	N/A	LPSC > Vacant Land
Map 6	1850	1//986138	1560m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1850	2//312762		R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1850	4//17476		R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1851	5//17476	677m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1852	6//17476	651m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1853	1//83266	3908m ²	R1	B4	N/A	Retail premises > Imperial Hotel
Map 6	1854	1//196756	1777m ²	R1	B4	N/A	Retail premises > Imperial Hotel
Map 6	1854	2//196756		R1	B4	N/A	Retail premises > Imperial Hotel
Map 6	1871	1//88204	1201m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1872	2//742974	1214m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1873	3//13869	1070m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1874	1//741397	1062m ²	R1	B4	N/A	Residential > Single Storey Dwelling

Table 3 - cont: Item No. QU05 – Proposed B4 Mixed Use Zoning – Schedule of Lands to be Rezoned

Map Ref.	LPSC Ass. No.	Real Property Description	Lot Size	Current Zone	Proposed Zone	Proposed MLS	Current Land Use
Map 6	1875	5//1064771	1062m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1876	1//198539	1062m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 6	1877	7//1163200	1062m ²	R1	B4	N/A	Vehicle Sales > Browning Motors
Map 6	1878	111//569569	2883m ²	R1	B4	N/A	Vehicle Sales > Browning Motors
Map 6	72175	8//1139602	2428m ²	R1	B4	N/A	Vehicles Sales > Browning Motors
Map 6	72175	9//1139602	1214m ²	R1	B4	N/A	Vehicles Sales > Browning Motors
Map 6	1878	10//1139602	2047m ²	R1	B4	N/A	Vehicles Sales > Browning Motors
Map 7	2000	A//374638	613m ²	R1	B4	N/A	Residential > Single Storey Dwelling
Map 7	2001	1//383910	670m ²	R1	B4	N/A	Commercial Premises > Agracom
Map 7	2002	2//383910	552m ²	R1	B4	N/A	Commercial Premises > Agracom
Map 7	2050	A//387384	1132m ²	R1	B4	N/A	Commercial Premises > Agracom
Map 7	2049	B//387384	1107m ²	R1	B4	N/A	Service Station > Liberty Service Station
Map 7	2003	10//2705	2024m ²	R1	B4	N/A	Rural Supplies > Pursehouse Rural
Map 7	2052	3//594124	4452m ²	R1	B4	N/A	Rural Supplies> Pursehouse Rural
Map 7	2052	2//111935		R1	B4	N/A	Rural Supplies> Pursehouse Rural
Map 7	2052	1//111935		R1	B4	N/A	Rural Supplies > Pursehouse Rural
Map 7	2053	4//594124	1619m ²	R1	B4	N/A	Rural Supplies > Pursehouse Rural
Map 7	2054	6//6//758863	3035m ²	R1	B4	N/A	Residential > Single storey dwelling
Map 7	2054	1//196522		R1	B4	N/A	Residential > Single storey dwelling
Map 7	2055	5//1116044	5058m ²	R1	B4	N/A	Residential > Single storey dwelling
Map 7	2055	4//1115716		R1	B4	N/A	Residential > Single storey dwelling
Map 7	2055	3//1115716		R1	B4	N/A	Residential > Single storey dwelling
Map 7	2056	2//6//758863	2023m ²	R1	B4	N/A	Vehicle repair station > Quirindi Auto Elec

Table 3 - cont: Item No. QU05 – Proposed B4 Mixed Use Zoning – Schedule of Lands to be Rezoned

Map Ref.	LPSC Ass. No.	Real Property Description	Lot Size	Current Zone	Proposed Zone	Proposed MLS	Current Land Use
Map 7	2057	1//1048727	674m ²	R1	B4	N/A	Residential > Single storey dwelling
Map 7	2058	11//595901	483m ²	R1	B4	N/A	Light industry > Sylmoors TV repairs
Map 7	2059	12//595901	866m ²	R1	B4	N/A	Residential > Single storey dwelling
Map 7	2034	8/703012	6109m ²	R1	B4	N/A	Vehicle sales > Peel Valley Motors
Map 7	2033	3//63//758863	3131m ²	R1	B4	N/A	Vehicle sales > Peel Valley Motors
Map 7	2033	2//63//758863		R1	B4	N/A	Vehicle sales > Peel Valley Motors
Map 7	2032	1//63//758863	1530m ²	R1	B4	N/A	Vehicle sales > Peel Valley Motors

Table 3 - cont: Item No. QU05 – Proposed B4 Mixed Use Zoning – Schedule of Lands to be Rezoned

2.3 Justification for the Planning Proposal

This chapter of the Planning Proposal is the result of a review of zoning, land description and the identification of drafting anomalies during the finalisation of the LPLEP 2011. The zoning anomalies include the zoning of existing industrial land (Item No. QU01) part IN1 Industrial/R1 General Residential. This part zoning has created uncertainty regarding the operation of existing (and proposed) industrial-allied land uses and further, has restricted the future development potential of the allotments. The rezoning of the three (3) allotments to wholly IN1 industrial will resolve this anomaly and assist in the achievement of a logical pattern of industrial development. Land comprising Item No QU06, which is located in proximity to these land parcels, was also identified during the LEP (and preceding Growth Strategy) process as being suitable and desirable for industrial purposes. This land was inadvertently unable to be considered during the comprehensive LEP process due to a need to re-exhibit the plan.

An allotment located within the Quirindi CBD (item No. QU02) has been identified as being incorrectly zoned SP1 (Rail Infrastructure). This land is under the ownership of Council and is suitable for future commercial development. The land is not required for future rail-allied development and was recently reclassified to an operational land status as part of LPLEP2011 – Amendment No. 1.

Mixed use ‘clusters’ are currently situated on the three primary arterial roads leading to the Quirindi CBD. These clusters of mixed commercial and residential land are located within reasonable proximity to the CBD but do not form a natural or desirable extension to the existing commercial B2 Local Centre zoning. Therefore, it is considered that the insertion of a B4 ‘Mixed Use’ zoning for these particular commercial activity clusters would benefit the existing land owners by enabling business expansion activities to be undertaken, if

considered appropriate by Council. The subject lands were previously zoned 2(v) Village under the QLEP1991 which permitted a wide variety of land uses. The attributes of the individual land parcels are described in Table 3 (QU03).

Two (2) allotments of land were identified as being suitable for dwellings during the comprehensive LEP process (QU04). This land has been the subject of an ecological constraints assessment (prepared by environmental consultants OzArk EHM) which has identified that no significant constraints exist to the future development of the land for residential purposes. As illustrated in Table 2, both allotments are significantly under the prescribed MLS of 200 ha, however, they are located in the township environs within an already fragmented pattern of land ownership.

The Quirindi Golf Club (QU05) has been identified as being suitable and desirable for a future motel development. A review of existing RE2 zoned land and its current pattern of site usage arrangements has revealed a desirability and broader need to permit tourist and visitor accommodation facilities to both support and complement existing land uses and recreational activities.

Following a review of the LPLEP2011 heritage schedule, heritage item no. I036 (QU06) was identified as containing the incorrect real property description. The planning proposal requests a corresponding amendment to schedule 5 to rectify the description anomaly.

Land located within the 'Barnes' rural residential estate (QU07) currently possesses a MLS of 2ha. Following a review of land use patterns, the character of existing development in this area and prevailing environmental and physical constraints, it has been determined that and MLS of 1ha is more appropriate for this precinct. This matter was unable to be addressed during the comprehensive LEP process due to a potential need to re-exhibit the plan.

2.4 Proposed Community Consultation

The Planning Proposal addresses issues that are currently generating community interest and it is considered appropriate to apply the recommended community consultation guidelines which include the following:

- An exhibition period of 28 days commencing on the date that a notice of exhibition is printed in the local news press.
- Advertising in the local newspaper at the start of the exhibition period.
- Advertising on Council's website for the duration of the exhibition period.
- Targeted consultation with affected landholders proposed to be affected by the proposed B4 zoning.

Section A: Need for the Planning Proposal

2A.1 Is the planning proposal a result of any strategic study or report.

The Planning Proposal is not the result of any strategic study or report. During the finalisation of the LPLEP2011 it was identified that certain land parcels had been incorrectly zoned, land descriptions were not accurate and MLS did not reflect the desired pattern for development. Given the advanced nature of the LPLEP2011 it was not possible to rectify these errors due to the potential need to re-exhibit the Plan.

2A.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

It is considered by Council that the Planning Proposal is the most appropriate vehicle for achieving the intended outcomes.

2A.3 Is there a net community benefit?

The rezoning of the lands and the rectification of drafting errors and anomalies will enable a range of community aspirations to be met. This particularly applies to the proposed additional B4 Mixed Use zoning which will facilitate the expansion and/or consolidation of existing businesses, if considered appropriate by Council. It is considered that the overall community benefit will be positive by providing greater operational certainty for existing business premises.

Section B: Relationship to the Strategic Planning Framework

2B.4 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy?

The recently released *Draft New England Strategic Regional Land Use Plan* (Draft SRLUP) was reviewed in relation to the Planning Proposal. The objectives of the Draft SRLUP are not considered to be of relevance to the subject lands.

2B.5 Is the planning proposal with the local Community Strategic Plan, or other local strategic plan?

The proposed rezoning is considered to be consistent with the following key strategic directions and actions under the LPSC Community Strategic Plan:-

- *To develop strategies that facilitate growth and guide Council toward ecological sustainability through responsible management of both natural and built environments.*
- *To be recognised as a leader in environmental management.*

- *To maximise the tourism and economic development potential of the Shire and facilitate increased growth and sustained development.*

2B.6 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) as follows:

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

The subject lands are located within a highly disturbed environment which has historically been utilised for urban purposes. The subject lands are not known to comprise core koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The planning proposal has no implications in terms of the application of the provisions of SEPP 55. None of the lands identified are known to be contaminated.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The settlement of Quirindi is located in proximity to an existing rail network, the Main Northern Railway Line and is dissected by a classified main road - the Kamilaroi Highway.

Future development applications for dwelling houses (and other applicable uses) would be referred for the consideration of the ARTC and NSW Roads and Maritime Services (RMS) as required under the provisions of the ISEPP.

State Environmental Planning Policy (Rural Lands) 2008

The aims of this Policy are as follows:

- (a) *to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) *to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) *to implement measures designed to reduce land use conflicts,*
- (d) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) *to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

Given that the proposal entails the facilitation of two (2) dwelling entitlements in relation to site number Q06, being Lot 11 in DP1130672 and Lot 221 in DP1105151, in a manner which is commensurate with the current pattern of development, it is not considered that the planning proposal is inconsistent with the attainment of the RSEPP objectives.

2B.7 Is the planning proposal consistent with applicable Ministerial Directions (section 117 Directions)?

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	When this Direction Applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or a proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies A planning proposal must: (f) Give effect to the objectives of this direction, (g) Retain the areas and locations of existing business and industrial zones, (h) Not reduce the total potential floor space area for employment uses and related public services in business zones, (i) Not reduce the total potential floor space area for industrial uses and industrial zones, and (j) Ensure that proposed new employment areas are in accordance with a Strategy that is approved by the Director-General of the Department of Planning.	This chapter of the planning proposal will affect three (3) parcels of land (Item No. QU09) presently located within the existing industrial zone. These lands are presently split-zoned and the proposal seeks to rectify a map drafting error by wholly zoning the lands IN1 in accordance with the recommendations of the adopted <i>LPSC Growth Management Strategy 2009</i> and reflective of current patterns of industrial development. One (1) additional land parcel (QU09) is proposed to be rezoned from RU1 to IN1, to rectify a map drafting error. The rezoning of this land is also consistent with the recommendations of the adopted <i>LPSC Growth Management Strategy 2009</i> and commensurate with existing patterns of industrial development. The proposed insertion of a B4 mixed use zone & the rezoning of one (1) parcel of land to a B2 zone designation will alter the existing R1 residential zone boundaries. Such amendments are considered necessary in order to appropriately recognise and facilitate the clustering of business activities already

		occurring in the subject areas. No reduction of floor space for employment or public services uses is proposed. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
1.2 Rural Zones	What a relevant planning authority must do if this direction applies A planning proposal must: (c) Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (d) Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (e) Justified by a strategy which: (iv) Gives consideration to the objectives of this direction, (v) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (vi) Is approved by the Director General of the Department of Planning, or (f) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (g) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives	Future development potential of lands will not be intensified as a result of the application of this planning proposal. The planning proposal will entail the rezoning of one (1) parcel of land item no. QU09) from RU1 to IN1. This parcel of land was identified in the <i>LPSC Growth Management Strategy 2009</i> as being suitable for future industrial development and presently adjoins the existing Quirindi industrial estate. The subject allotment is also significantly under the prescribed MLS of 200ha and is not presently utilised for agricultural pursuits. Whilst the planning proposal is considered to be inconsistent with this direction, appropriate justification to the rezoning of item no. QU09 is provided in Council's adopted Growth Management Strategy 2009 and it is considered to be of minor significance.

	consideration to the objective of this direction, or (h) Is of minor significance.	
1.3 Mining, Petroleum Production & Extractive Industries	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of: (c) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (d) Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting land use that is likely to be incompatible with such development.	The planning proposal does not affect nor compromise the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials.
1.4 Oyster Aquaculture	Where this direction applies This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i>.	The planning proposal does not relate to any identified oyster farming areas.
1.5 Rural Lands	When this direction applies This direction applies when: (c) A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (d) A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning	This proposal will enable the permissibility of two (2) additional dwelling houses on existing land parcels in proximity to the town environs (item no. QU07), thus reflecting the current pattern of development. Given that these parcels are already significantly undersized, and are located in proximity to urban services, it is not considered that the proposal will lead to the fragmentation of high quality agricultural lands or create unmanageable land use conflicts. It is considered that the inconsistency created by this planning proposal is of minor significance. The planning proposal will also entail the rezoning of one (1)

	proposal that are inconsistent are: (c) Justified by a strategy which: (iv) Gives consideration to the objectives of this direction, (v) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (vi) Is approved by the Director-General of the Department of Planning and is in force, or (d) Is of minor significance.	parcel of land item no. QU09) from RU1 to IN1. This parcel of land was identified in the <i>LPSC Growth Management Strategy 2009</i> as being suitable for future industrial development and presently adjoins the existing Quirindi industrial estate. The subject allotment is also significantly under the prescribed MLS of 200ha and is not presently utilised for agricultural pursuits. Whilst the planning proposal is considered to be inconsistent with this direction, appropriate justification to the rezoning of item no. QU09 is provided in Council's adopted Growth Management Strategy 2009 and it is considered to be of minor significance.
2.1 Environment Protection Zones	What a relevant planning authority must do if this direction applies A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in an LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change in a development standard for minimum lot size in accordance with clause (5) of Direction 1.5 "<i>Rural Lands</i>".	This planning proposal does not affect any environmentally sensitive lands or lands that are zoned for environment protection purposes. The planning proposal is not inconsistent with this direction.
2.2 Coastal Protection	Where this direction applies This direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.	This planning proposal does not apply to designated coastal zones. The planning proposal is not inconsistent with this direction.
2.3 Heritage	What a planning authority must do if this direction	A comprehensive overview of heritage provisions was

Conservation	applies A planning proposal must contain provisions that facilitate the conservation of: (d) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (e) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (f) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (c) The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (d) The provisions of the planning proposal that are inconsistent or are of minor significance.	undertaken as part of the LPLEP2011 process. This chapter of the Planning Proposal seeks to amend the existing heritage schedule to rectify one (1) land description anomaly. This amendment will not compromise the application of existing heritage provisions under the LPLEP2011. The planning proposal is not considered to be inconsistent with this direction as the proposed amendments to the heritage schedule are considered to be of minor significance.
2.4 Recreation Vehicle Areas	What a relevant planning authority must do if this direction applies A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act</i>	This planning proposal does not relate to the establishment of any recreation vehicle areas. The planning proposal is not

	1983): (d) Where the land is within an environmental protection zone, (e) Where the land comprises a beach or a dune adjacent to or adjoining a beach, (f) Where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: (iii) The provision of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and (iv) The provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.	inconsistent with this direction.
3.1 Residential Zones	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (c) An existing or proposed residential zone (including the alteration of any existing residential zone boundary), (d) Any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies A planning proposal must include provisions that encourage the provision of housing that will: (e) Broaden the choice of building types and locations available in the housing market, and (f) Make more efficient use of existing	Direction 3.1 is not considered to be applicable to the planning proposal in that the alteration of residential boundaries proposed will facilitate the insertion of a mixed use zone into an existing residential zone. Notwithstanding, the proposed rezoning will also not facilitate 'significant residential development' and is considered to be of minor significance. It is not considered that the planning proposal is inconsistent with this direction.

	infrastructure and services, and (g) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (h) Be of good design. A planning proposal must, in relation to land to which this direction applies: (c) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority have been made to service it), and (d) Not contain provisions which will reduce the permissible residential density of land. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that are inconsistent are: (e) Justified by a strategy which: (iv) Gives consideration to the objectives of this direction, (v) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (vi) Is approved by the Director-General of the Department of Planning and is in force, or (f) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (g) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objectives of this direction, or (h) Of minor significance.	
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3.2 Caravan Parks & Manufactured Home Estates	What a relevant planning authority must do if this direction applies In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (c) Retain provisions that permit development for the purpose of a caravan park to be carried out on land, and (d) Retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (d) Take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located. (e) Take into account the principles listed in clause 9 of SEPP36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (f) Include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	No caravan parks or Manufactured Housing Estates are affected, nor are envisaged as a result of this planning proposal. The LPLEP2011 maintains appropriate provisions in order to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates. The planning proposal is not considered to be inconsistent with this direction.
3.3 Home Occupations	What a relevant planning proposal must do if this direction applies Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The LPLEP2011 permits home occupations to be carried out within the R1 zone without the need to obtain development consent. The Planning Proposal is not considered to be inconsistent with this direction.

3.4 Integrating Land Use & Transport	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What the relevant planning authority must do if this direction applies A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (c) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (d) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (e) Justified by a strategy which: (iv) Gives consideration to the objective of this direction, and (v) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (vi) Is approved by the Director General of the Department of Planning, or (f) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (g) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction,	This chapter of the planning proposal pertains to the proposed insertion of a B4 mixed use zone within the town of Quirindi. The proposal will enable a minor addition to the current land use table in order to better reflect the existing patterns of development. Given the location of the new zoning, limited to three clusters of mixed use activity it is not anticipated that the proposal will significantly increase demands on public transport and reliance on motor vehicles. Whilst this chapter of the planning proposal is inconsistent with this direction, it is considered that the proposed amendment is of minor significance as it seeks to rectify a zoning error and provide recognition for existing patterns of development.
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	or (h) Of minor significance.	
3.5 Development Near Licensed Aerodromes	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	The lands affected by the planning proposal are not in proximity to any licensed aerodromes. The planning proposal is not inconsistent with this direction.
3.6 Shooting Ranges	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	The lands affected by the planning proposal are not in proximity to any existing or proposed shooting ranges. The planning proposal is not considered to be inconsistent with this direction.
4.1 Acid Sulphate Soils	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	The lands affected by the planning proposal are not identified as containing acid sulphate soils. The planning proposal is not considered to be inconsistent with this direction.
4.2 Mine Subsidence & Unstable Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that: (c) Is within a mine subsidence district, or (d) Has been identified as unstable in a study, strategy or other assessment undertaken.	The land is not identified as being located within a designated mine subsidence district. The planning proposal is not considered to be inconsistent with this direction.
4.3 Flood Prone Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Some of the properties affected by the planning proposal are identified as flood prone, including some lands within the proposed B4 mixed use zoning. However, the flood prone nature of these sites is not expected to substantially inhibit their current or future use. No alterations to existing flooding provisions are

		proposed. The planning proposal is not considered to be inconsistent with this direction.
4.4 Planning for Bushfire Protection	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	None of the identified properties within Quirindi, or in proximity to the town, are identified as being significantly bushfire prone. Liaison with the NSW Rural Fire Service would occur upon gateway determination.
6.3 Site Specific Provisions	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. What a relevant planning authority must do if this direction applies A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (c) Allow that land use to be carried out in the zone that the land is situated on, or (d) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are of minor significance.	No schedule amendments (enabling clauses) are proposed as part of this chapter of the planning proposal. This chapter of the planning proposal is not considered to be inconsistent with this direction.

Section C: Environmental, Social & Economic Impacts

2C.8 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 proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats.

2C.9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal is unlikely to result in adverse environmental effects.

2C.10 How has the planning proposal adequately addressed any social or economic effects?

The planning proposal is considered unlikely to result in adverse social or economic impacts. It is intended that extensive community consultation will be undertaken as part of the public exhibition process. It is considered that the proposal will have a positive economic benefit to the community as it will facilitate the rectification of errors and facilitate proposals considered to have strategic planning merit. Furthermore, the requested rezoning will reflect the strategic objectives of the *Liverpool Plains Growth Management Strategy 2009*.

Section D: State & Commonwealth Interests

2D.11 Is there adequate public infrastructure for the planning proposal?

Existing public infrastructure is already adequate for the affected lands

2D.12 Views of State & Commonwealth public authorities?

It is proposed that the issues raised by State and Commonwealth public authorities will be addressed during the Planning Proposal's public exhibition phase. It is intended that formal consultation will be undertaken with the RMS upon gateway determination.

Map 3: QU01 – Part Lot 3, 4 & 5 in DP 1125557 (Duke Street Industrial Estate)



Map 4: QU02 – Lot 1 in DP811945 (Vacant LPSC Land adjacent to B2 zoning)



Map 5: QU03 – Proposed B4 Mixed Use Area (Station Street, Quirindi North)



Map 6: QU03 – Proposed B4 Mixed Use Area (Henry Street, Quirindi East)



Map 7: QU03 – Proposed B4 Mixed Use Area (Loder Street, Quirindi South)



Map 8: QU04 – Modify MLS: Lot 11 in DP1130672 & Lot 221 in DP1105151 (T Pursehouse)



Map 9: QU05 – Lots 321 & 214 in DP751009 & Lot 347 in DP751009 (Quirindi Golf Club)



Map 10: QU06 – Lot 1 in DP5241 (Nowland Street - Heritage)



Map 11: QU07 – Lot 2 in DP746462 (Skerrett– Quirindi Industrial Estate)



Map 12: QU08 – Modify MLS (Barnes Estate)



Chapter 3 – Spring Ridge

3.1 Objectives and Intended Outcomes of the Planning Proposal

- (a) To provide for dwelling permissibility on certain allotments within the Spring Ridge Village environs; and
- (b) To provide future operational certainty for an existing business premises (service station).

3.2 Explanation of the Provisions

Amending the Liverpool Plains Local Environmental Plan (LPLEP) 2011 as described in the following table:

Property ID	Real Property Description	Current Zone LPLEP2011	Proposed Zone	Current Lot Size	Current MLS	Proposed MLS	Commentary
SR01 Ass: 840 (Toppin)	Lot 5 DP239148 (Maps 13-16)	RU1	RU1	3.8ha	200ha	3ha	Reduction of MLS to achieve building entitlement
SR02 Ass: 848 (Coxon)	Lot 1 DP620298 (Maps 13-16)	RU1	RU1	1ha	200ha	X1-5000m ²	Reduction of MLS to achieve future subdivision potential.
SR03 Ass:71773 (McHardy)	Lot 16 DP773316 (Maps 13-16)	RU1	RU1	7.4ha	200ha	7ha	Reduction of MLS to achieve building entitlement.
SR04 Ass:69603 (Burgess)	Lot 15 DP773316 (Maps 13-16)	RU1	RU5	1.295ha	200ha	U-1000m ²	Minor expansion of existing zone boundaries to accommodate an existing land use (service station).
SR05 Ass: 72114 (Malden)	Lot 11 DP543754 (Maps 13-16)	RU1	RU5	0.5ha	200ha	U-1000m ²	Minor expansion of existing zone boundaries to reflect existing pattern of development and provide contiguity of zoning arrangements with SR05).

Table 4: Schedule of Proposed Lands to be amended.

3.3 Justification for the Planning Proposal

The Planning Proposal is the result of a review of submissions received during the exhibition of the Draft Liverpool Plains Local Environmental Plan (LPLEP) 2011. Following initial interest by the community, further strategic investigations were undertaken that revealed that the proposed dwelling permissibility within the town environs or a minor expansion of the zoning to accommodate an existing commercial premises (service station) had sufficient merit to be further considered.

This was not undertaken as part of the comprehensive LEP process due to the potential need to re-exhibit the draft LEP as a result of the substantial changes.

3.4 Proposed Community Consultation

Extensive community consultation has already been undertaken in preparation for this planning proposal and Council believes that the interest shown by the community during the Draft LEP exhibition phase and subsequent gazettal of the LPLEP confirms that the community's aspirations will be met by the proposed amendment. However, it is considered appropriate to apply the recommended community consultation guidelines which include the following:

- An exhibition period of 28 days commencing on the date that a notice of exhibition is printed in the local news press.
- Advertising in the local newspaper at the start of the exhibition period.
- Advertising on Council's website for the duration of the exhibition period.

Section A: Need for the Planning Proposal

3A.1 Is the planning proposal a result of any strategic study or report.

The Planning Proposal is not the result of any strategic study or report. During the preparation of the LPLEP 2011 submissions were made with regard to potential for dwelling entitlements and other zoning issues. Given the advanced nature of the LPLEP 2011 it was not possible to address each of the submissions in detail and fully analyse the strategic planning implications of the various requests. Subsequently an extensive land audit has been completed and community consultation undertaken. It the intention of this Planning Proposal to address the submissions and undertake some minor amendments with regard to Minimum Lot Size (MLS) and zoning boundaries in order that both community aspirations and strategic planning outcomes may be met.

3A.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The Planning Proposal process is the most efficient process in which to achieve the stated amendments. No other suitable mechanisms have been identified by Council.

3A.3 Is there a net community benefit?

The Planning Proposal will rezone and reduce the MLS requirement for a small number of land parcels, allowing some additional residential development to be undertaken and business activities to be consolidated.

Section B: Relationship to the Strategic Planning Framework

3B.4 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy?

The recently released Draft New England Strategic Regional Land Use Plan (Draft SRLUP) was reviewed in relation to the Planning Proposal. The objectives of the Draft SRLUP are not considered to be of relevance to the subject lands.

3B.5 Is the planning proposal with the local Community Strategic Plan, or other local strategic plan?

The proposed rezoning is considered to be consistent with the following key strategic directions and actions under the LPSC Community Strategic Plan:-

- *To develop strategies that facilitate growth and guide Council toward ecological sustainability through responsible management of both natural and built environments.*
- *To be recognised as a leader in environmental management.*
- *To maximise the tourism and economic development potential of the Shire and facilitate increased growth and sustained development.*

3B.6 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) as follows:

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

The subject lands are located within a highly disturbed environment which has historically been utilised for urban purposes. The subject lands are not known to comprise core koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The planning proposal has no implications in terms of the application of the provisions of SEPP 55. None of the lands identified are known to be contaminated.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The planning proposal is not considered to have any specific implications in relation to the ISEPP, however, future development may require referral for the consideration of the ARTC

and NSW Roads and Maritime Services (RMS) as required under the provisions of the ISEPP.

State Environmental Planning Policy (Rural Lands) 2008

The aims of this Policy are as follows:

- (a) *to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) *to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) *to implement measures designed to reduce land use conflicts,*
- (d) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) *to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

Given that the proposal entails the adjustment of zone boundaries and MLS requirements of relatively small land parcels in a manner which is commensurate with the current pattern of development, it is not considered that the planning proposal is inconsistent with the attainment of the RSEPP objectives.

3B.7 Is the planning proposal consistent with applicable Ministerial Directions (section 117 Directions)?

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	When this Direction Applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or a proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies A planning proposal must: (a) Give effect to the objectives of this direction, (b) Retain the areas and locations of existing	This chapter of the planning proposal will not affect any lands located within a business or an industrial zone. The planning proposal is not considered to be inconsistent with this S117(2) Direction.

	business and industrial zones, (c) Not reduce the total potential floor space area for employment uses and related public services in business zones, (d) Not reduce the total potential floor space area for industrial uses and industrial zones, and (e) Ensure that proposed new employment areas are in accordance with a Strategy that is approved by the Director-General of the Department of Planning.	
1.2 Rural Zones	What a relevant planning authority must do if this direction applies A planning proposal must: (a) Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (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). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objectives of this direction, (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) Is approved by the Director General of the Department of Planning, or (b) Justified by a study prepared in support of the planning proposal which gives consideration to	The planning proposal endeavours to rezone a small number of lands within the RU1 Primary Production Zone to an RU5 Zone. These lands (item no. SR04 & SR05) are located adjacent to the existing village zone boundaries. The rezoning of these lands will reflect existing patterns of development and will provide greater operational certainty to the existing service station. Both allotments are well below the prescribed MLS of 200ha. The Planning Proposal is identified as being inconsistent with this S117(2) Direction, however, it is considered that the variation is of minor significance.

	the objectives of this direction, or (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) Is of minor significance.	
1.3 Mining, Petroleum Production & Extractive Industries	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting land use that is likely to be incompatible with such development.	The planning proposal does not affect nor compromise the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials.
1.4 Oyster Aquaculture	Where this direction applies This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i>.	The planning proposal does not relate to any identified oyster farming areas.
1.5 Rural Lands	When this direction applies This direction applies when: (a) A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. Consistency A planning proposal may be inconsistent with the terms	This proposal will permit the permissibility of a small number of dwelling houses on existing parcels within the town environs reflecting the current pattern of development. The allotments identified in Table 3 can be serviced from the existing town water reticulation system or are already connected. It is not considered that the proposal will lead to the fragmentation or high quality agricultural lands or create unmanageable land use conflicts.

	of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objectives of this direction, (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) Is approved by the Director-General of the Department of Planning and is in force, or (b) Is of minor significance.	It is considered that this planning proposal is of minor significance.
2.1 Environment Protection Zones	What a relevant planning authority must do if this direction applies A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in an LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change in a development standard for minimum lot size in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.	This planning proposal does not affect any environmentally sensitive lands or lands that are zoned for environment protection purposes. The planning proposal is not inconsistent with this direction.
2.2 Coastal Protection	Where this direction applies This direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.	This planning proposal does not apply to designated coastal zones. The planning proposal is not inconsistent with this direction.

2.3 Heritage Conservation	What a planning authority must do if this direction applies A planning proposal must contain provisions that facilitate the conservation of: (a) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (a) The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (b) The provisions of the planning proposal that are inconsistent or are of minor significance.	A comprehensive overview of heritage provisions was undertaken as part of the LPLEP2011 process. This chapter of the Planning Proposal does not seek to amend existing heritage schedule. The planning proposal is not considered to be inconsistent with this direction.
2.4 Recreation Vehicle Areas	What a relevant planning authority must do if this direction applies A planning proposal must not enable land to be	This planning proposal does not relate to the establishment of any recreation vehicle areas.

	developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>): (a) Where the land is within an environmental protection zone, (b) Where the land comprises a beach or a dune adjacent to or adjoining a beach, (c) Where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: (i) The provision of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and (ii) The provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.	The planning proposal is not inconsistent with this direction.
3.1 Residential Zones	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) An existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) Any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies A planning proposal must include provisions that encourage the provision of housing that will: (a) Broaden the choice of building types and locations available in the housing market, and	Direction 3.1 is not considered to be applicable to the planning proposal in that the RU5 Village Zone is embodied within the Rural Zone designations pursuant to clause 2.1 of the LPLEP2011. Notwithstanding, the proposed rezoning will also not facilitate ‘significant residential development’ and is of minor significance. It is not considered that the planning proposal is inconsistent with this direction.

	(b) Make more efficient use of existing infrastructure and services, and (c) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) Be of good design. A planning proposal must, in relation to land to which this direction applies: (a) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority have been made to service it), and (b) Not contain provisions which will reduce the permissible residential density of land. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objectives of this direction, (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) Is approved by the Director-General of the Department of Planning and is in force, or (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (c) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objectives of this	
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	direction, or (d) Of minor significance.	
3.2 Caravan Parks & Manufactured Home Estates	What a relevant planning authority must do if this direction applies In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (a) Retain provisions that permit development for the purpose of a caravan park to be carried out on land, and (b) Retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (a) Take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located. (b) Take into account the principles listed in clause 9 of SEPP36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (c) Include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	No caravan parks or Manufactured Housing Estates are affected, nor are envisaged as a result of this planning proposal. The LPLEP2011 maintains appropriate provisions in order to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates. The proposed RU5 zone permits a range of land uses, including caravan parks. The planning proposal is not considered to be inconsistent with this direction.
3.3 Home Occupations	What a relevant planning proposal must do if this direction applies Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The LPLEP2011 permits home occupations to be carried out within the RU5 Village Zone without the need to obtain development consent. The Planning Proposal is not

		considered to be inconsistent with this direction.
3.4 Integrating Land Use & Transport	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What the relevant planning authority must do if this direction applies A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (a) Justified by a strategy which: (i) Gives consideration to the objective of this direction, and (ii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) Is approved by the Director General of the Department of Planning, or (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) In accordance with the relevant Regional	The proposal does not enhance or intensify development of potential lands within Spring Ridge nor increase substantially demands on public transport and reliance on motor vehicles. Whilst this chapter of the planning proposal is inconsistent with this direction, it is considered that the proposed amendments are of minor significance.

	Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) Of minor significance.	
3.5 Development Near Licensed Aerodromes	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	The lands affected by the planning proposal are not in proximity to any licensed aerodromes. The planning proposal is not inconsistent with this direction.
3.6 Shooting Ranges	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	The lands affected by the planning proposal are not in proximity to any existing or proposed shooting ranges. The planning proposal is not considered to be inconsistent with this direction.
4.1 Acid Sulphate Soils	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	The lands affected by the planning proposal are not identified as containing acid sulphate soils. The planning proposal is not considered to be inconsistent with this direction.
4.2 Mine Subsidence & Unstable Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that: (a) Is within a mine subsidence district, or (b) Has been identified as unstable in a study, strategy or other assessment undertaken.	The land is not identified as being located within a designated mine subsidence district. The planning proposal is not considered to be inconsistent with this direction.
4.3 Flood Prone Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The land affected by the planning proposal is not identified as flood prone land. No alterations to existing flooding provisions are proposed. The planning proposal is not considered to be inconsistent

		with this direction.
4.4 Planning for Bushfire Protection	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	Some properties affected by the Planning Proposal are identified as being bushfire prone. It is intended that liaison be undertaken with the NSW Rural Fire Service upon gateway determination.
6.3 Site Specific Provisions	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. What a relevant planning authority must do if this direction applies A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) Allow that land use to be carried out in the zone that the land is situated on, or (b) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are of minor significance.	No schedule amendments (enabling clauses) are proposed as part of this chapter of the planning proposal. The proposal endeavours to rezone lands to RU5 Village in accordance with the LPLEP2011. This chapter of the planning proposal is not considered to be inconsistent with this direction.

Section C: Environmental, Social & Economic Impacts

3C.8 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 proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats.

3C.9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed rezoning and changes to MLS requirements are unlikely to result in any negative environmental effects.

3C.10 How has the planning proposal adequately addressed any social or economic effects?

The Planning Proposal is likely to create positive social and economic impacts due to the extensive community support indicated during consultation previously undertaken. It is considered that the proposal will benefit the community by facilitating the construction of new dwellings and ensuring the continued growth of certain local businesses.

Section D: State & Commonwealth Interests

3D.11 Is there adequate public infrastructure for the planning proposal?

The proposed LEP amendments are to be undertaken on land parcels that are currently serviced or parcels that require minimal upgrades. Any required upgrades to services will be addressed as part of the Development Application process.

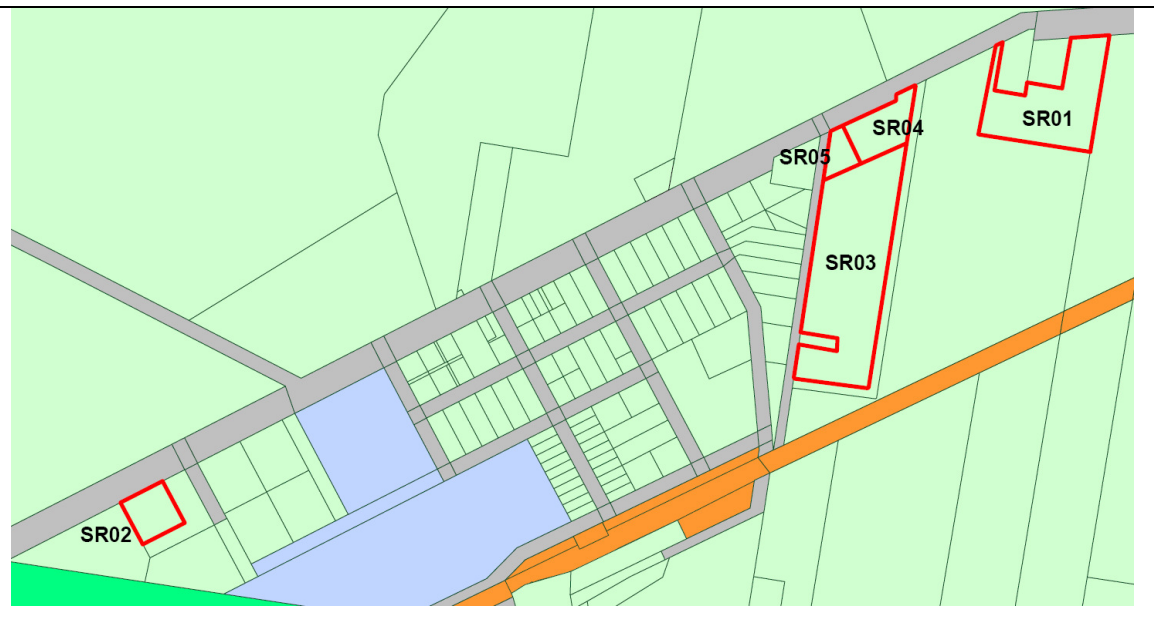
3D.12 Views of State & Commonwealth public authorities?

It is proposed that formal consultation will be undertaken with relevant public authorities upon gateway determination.

Map 13: Spring Ridge (SR01 – SR05 Aerial)



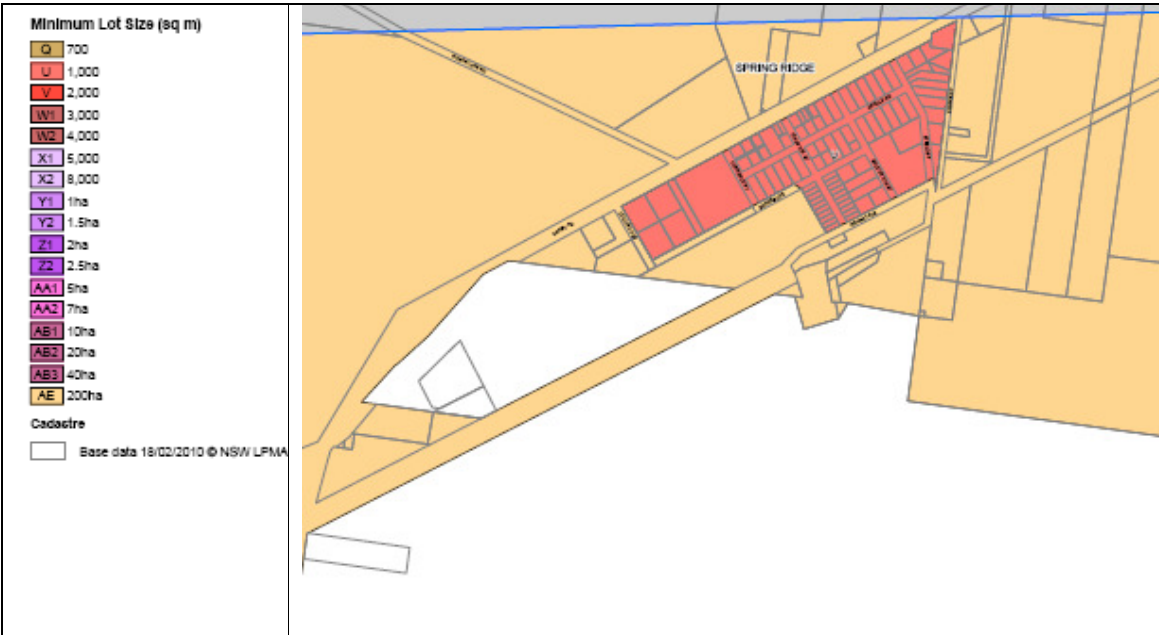
Map 14: Spring Ridge (SR01 – SR05 Cadastre)



Map 15: Spring Ridge (LPLEP2011 Zone)



Map 16: Spring Ridge (LPLEP2011 MLS)



Chapter 4 – Werris Creek

4.1 Objectives and Intended Outcomes of the Planning Proposal

- a) To rezone the lands described below in order to achieve specific strategic planning objectives.

4.2 Explanation of the Provisions

Amending the Liverpool Plains Local Environmental Plan (LPLEP) 2011 by rezoning the lands in Table 4 below:

Property ID	Real Property Description	Current Zone LPLEP2011	Proposed Zone	Proposed MLS	Commentary
WC01 Ass:71412 (Mac Group)	Lot 112 in DP611306 (Map 17)	RU1	R1	Q - 700m ²	Unproductive rural land adjoining land identified as suitable for future residential development in the LPSC Growth Management Strategy. Land is the subject of an approved Workforce Accommodation facility. Insertion of clause which defines “Temporary Workers Accommodation” within the context of permissible development such as “Tourist and Visitor Accommodation”.
WC02 Ass: 71340 (Lewis)	Lot 17 Section A in DP29984 (Map 17)	RU1	R1	Q -700m ²	Unproductive rural land identified for potential future residential development in the LPSC Growth Management Strategy. Land identified as suitable for accommodating future housing requirements associated with the mining industry.
WC03 Ass: 71303 (Macklinshaw)	Lot 14 Section A in DP29984 (Maps 18a & 18b)	RU1	Part RU1 Part R5	AE-200 ha Y1-1ha	Ecological Constraints Assessment undertaken to confirm portions of the subject land would be suitable for large lot rural residential.
WC04 Ass: 71085 (Mackay)	Lot 4 in DP751034 (Map 19)	RU1	N/A	N/A	Rectify mapping anomaly in heritage schedule for “Glen Alpine” (Item No I086). Incorrectly refers to Part Lot 267, DP751034.

Table 5: Schedule of Proposed Lands to be Rezoned/LEP Amendments (Werris Creek)

4.3 Justification for the Planning Proposal

The Planning Proposal is the result of growth in the mining sector and submissions made during the preparation of the comprehensive LPLEP 2011 that were unable to be addressed at the time. The Liverpool Plains region, Werris Creek in particular, is experiencing growth in the resources sector via an increase in mining activity. Resources led growth typically generates employment which is often sourced outside the LGA. While the current LEP has made provision for urban growth to accommodate the anticipated increase in permanent population, the demand for short term and temporary accommodation is resulting in a shortage of suitable options. The current standard instrument does not specifically define Temporary Workers Accommodation as a development type. Therefore, in order to facilitate such development in areas considered appropriate and provide necessary certainty it is considered such a land use should be formally recognised within the LEP framework. This particular land use would be best described as a Temporary Workers Accommodation facility, and is within the ambit of the definition of *Tourist and Visitor Accommodation*, defined for the purposes of the LPLEP2011 as follows:

***tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:*

- (a) backpackers' accommodation,*
 - (b) bed and breakfast accommodation,*
 - (c) farm stay accommodation,*
 - (d) hotel or motel accommodation,*
 - (e) serviced apartments,*
- but does not include:*
- (f) camping grounds, or*
 - (g) caravan parks, or*
 - (h) eco-tourist facilities.*

The above is considered a suitable overarching definition for the purposes of LPLEP 2011 due to the nature of Temporary Workers Accommodation which essentially provides non-permanent accommodation on a commercial basis. To provide greater certainty, the planning proposal also proposes to amend the definition of Tourist and Visitor Accommodation to specifically define and incorporate Temporary Workers Accommodation. It is anticipated that this would consist of a specific reference to "Temporary Workers Accommodation" (to which cross-referencing of the proposed new term may also be inserted after sub-clause (e) of the abovementioned definition).

For the purposes of the operation of the clause “Temporary Workers Accommodation” is defined as follows:

Development which remains in place on a temporary basis that provides temporary accommodation for mine-related workers or those associated with large scale infrastructure projects and their dependants (usually employed on a “drive in/drive out or fly in/fly out basis) and consists of accommodation units and associated amenity buildings.

It is also proposed that the subject lands (WC01 and WC02) be rezoned to R1 and that the definition of “Temporary Workers Accommodation” be incorporated as a specific land use within the LPLEP 2011.

The rezoning of land located at the fringe of the existing urban area to the north of Werris Creek (WC03), is the result of a submission that was made to Council during the Draft LEP exhibition period. An extensive Ecological Constraints and Values Assessment (EC&VA) has been undertaken for the site which identified portions of the subject land considered to be suitable for large lot residential development (R5). This rezoning was not progressed as part of the comprehensive LEP due to the need for the EC&VA.

The Glen Alpine homestead is a significant item of local environmental heritage, and was previously identified in the *Parry Shire Community Based Heritage Study*. The location of this property was incorrectly identified in the heritage schedule of the LPLEP2011. The planning proposal seeks to amend this anomaly, through a rectification of the property description within schedule 5 (Item No. I086)

4.4 Proposed Community Consultation

The Planning Proposal addresses issues that are currently generating community interest and it is considered appropriate to apply the recommended community consultation guidelines which include the following:

- An exhibition period of 28 days commencing on the date that a notice of exhibition is printed in the local news press.
- Advertising in the local newspaper at the start of the exhibition period.
- Advertising on Council’s website for the duration of the exhibition period.

Section A: Need for the Planning Proposal

4A.1 Is the planning proposal a result of any strategic study or report.

The Planning Proposal is not the result of any strategic study or report. During the preparation of the LPLEP 2011 submissions were received with regard to item WC03 in Table 4. However, due to the complexity of the ecological issues surrounding the application and prevailing timeframes it was not possible to address the submission during the LEP process.

Site No. WC02 was identified as suitable for future residential development in the *Liverpool Plains Growth Management Strategy 2009*.

4A.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

It is considered that the Planning Proposal is the most appropriate vehicle for implementing the required strategic planning outcomes.

4A.3 Is there a net community benefit?

The Planning Proposal will enable the release of suitable rural lands, located within close proximity to the Werris Creek township, to be utilised for the development of appropriate housing. Further, the rezoning of lands considered appropriate for the development of Temporary Workers Accommodation also reflects community aspirations with regard to development that will benefit the community and generate positive social and economic outcomes.

The LPSC *Growth Management Strategy 2009* identified land located on the southern fringe of the township of Werris Creek, as desirable and suitable as a rural living area. Such land was proposed to be zoned R5 large Lot Residential under the LPLEP2011. However, it was identified during the exhibition process that this land may be detrimentally impacted from the operations of the Werris Creek Coal Mine. Consequently, this land was not rezoned and a shortfall of R5 zoned land in proximity to the township of Werris Creek now exists. The planning proposal seeks to compensate the loss of R5 zoned land by identifying additional lands north of Werris Creek that possess similar attributes to the land previously identified in the Growth Management Strategy. The proposed R5 land (WC03) has adequate separation from existing mining operations and will cater for the attainment of a range of housing choice.

The Glen Alpine homestead is a significant item of local environmental heritage, and was previously identified in the *Parry Shire Community Based Heritage Study*. The planning proposal seeks to amend this anomaly, which will in turn facilitate the appropriate ongoing management of the heritage item which is considered to be in the broader community interest.

Section B: Relationship to the Strategic Planning Framework

4B.4 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy?

The recently released *Draft New England Strategic Regional Land Use Plan* identifies the Liverpool Plains as an area currently facing many challenges arising from growth in the resources sector. One of those challenges is identified as a need for increased variety in housing options to cater for the expected population growth. Further, the report goes on to identify the likelihood of “ongoing demand for short term and temporary accommodation housing” (p.7). At present, the Liverpool Plains LGA is significantly under-supplied with accommodation of this type and faces increased pressures in this regard with resource extraction expanding throughout the LGA and wider region. Werris Creek is well placed to accommodate this type of development as the land parcels in question are cleared unproductive land that has been vacant for a number of years but are located within one (1) kilometre of the town centre with excellent pedestrian and vehicular connections.

As detailed in the preceding section, a shortfall of R5 zoned land in proximity to the township of Werris Creek exists. The planning proposal seeks to compensate the loss of R5 zoned land by identifying additional lands north of Werris Creek that possess similar attributes to the land previously identified in the Growth Management Strategy. The proposed R5 land (WC03) has adequate separation from existing mining operations and will cater for the attainment of a range of housing choice.

The land comprising item no. WC02 has been identified as suitable for residential development under the *LPSC Growth Management Strategy 2009*. The subject land has been specifically described in this strategy as an urban expansion area.

4B.5 Is the planning proposal with the local Community Strategic Plan, or other local strategic plan?

The proposed rezoning is considered to be consistent with the following key strategic directions and actions under the LPSC Community Strategic Plan:-

- *To develop strategies that facilitate growth and guide Council toward ecological sustainability through responsible management of both natural and built environments.*
- *To be recognised as a leader in environmental management.*
- *To maximise the tourism and economic development potential of the Shire and facilitate increased growth and sustained development.*

Further, the Planning Proposal is considered to be consistent with the recommendations of the *Liverpool Plains Growth Management Strategy* which identified the parcels referred to in item WC02 as both suitable for R1 zoning. Item No. WC01 directly adjoins this land and is the subject of an approved DA for a Workforce Accommodation Facility.

4B.6 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs), as follows:

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

The land referred to as WC03 in Table 4 was assessed in relation to possible koala habitat in the Ecological Constraints and Values Assessment (2012) undertaken by OzArk Environmental Heritage Management (OzArk) resulting in the following findings:

“None of the land parcels were assessed as being ‘Core koala habitat’ as resident population of koala, evidenced by attributes such as breeding females, recent sightings and records of a population were not evident, however, there is potential for the species to occur as transient and dispersing individuals”.

Council accepts the assessment undertaken by OzArk which concludes that the subject site is not considered to be core koala habitat, therefore the provisions of this SEPP will not apply.

The land referred to as WC01 in Table 4 was the subject of an ecological assessment in 2011. The report concluded that a 10ha parcel of land on the site was considered ‘koala habitat’, although there were no koala sightings made during the study. The report recommended a ‘Koala Plan of Management’ (KPoM) be prepared prior to the issue of a Construction Certificate for the proposed Workforce Accommodation Facility on the site. This report has not yet been submitted to Council. Given the predominantly cleared and disturbed nature of the land, in addition to the measures that have been put in place as part of the historical development approvals framework, it is considered that the land is suitable for R1 zoning and the commensurate development of a Workforce Accommodation village.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The planning proposal has no implications in terms of the application of the provisions of SEPP 55. None of the lands identified are known to be contaminated.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The settlement of Werris Creek is located in proximity to an existing rail network, the Main Northern Railway Line and is dissected by a classified main road – Werris Creek Road.

Future development applications for dwelling houses (and other applicable uses), if considered necessary, would be referred for the consideration of the ARTC and NSW Roads and Maritime Services (RMS) as required under the provisions of the ISEPP.

State Environmental Planning Policy (Rural Lands) 2008

The aims of this Policy are as follows:

- (a) *to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) *to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) *to implement measures designed to reduce land use conflicts,*
- (d) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) *to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

Given that the proposal entails the rezoning of relatively small land parcels in a manner which is commensurate with stated strategic objectives, it is not considered that the planning proposal is inconsistent with the attainment of the RSEPP objectives.

4B.7 Is the planning proposal consistent with applicable Ministerial Directions (section 117 Directions)?

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	When this Direction Applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or a proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies	This chapter of the planning proposal will not affect any lands located within a business or an industrial zone. The planning proposal is not considered to be inconsistent with this S117(2) Direction.

	A planning proposal must: (f) Give effect to the objectives of this direction, (g) Retain the areas and locations of existing business and industrial zones, (h) Not reduce the total potential floor space area for employment uses and related public services in business zones, (i) Not reduce the total potential floor space area for industrial uses and industrial zones, and (j) Ensure that proposed new employment areas are in accordance with a Strategy that is approved by the Director-General of the Department of Planning.	
1.2 Rural Zones	What a relevant planning authority must do if this direction applies A planning proposal must: (c) Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (d) Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (e) Justified by a strategy which: (iv) Gives consideration to the objectives of this direction, (v) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and	The planning proposal endeavours to rezone lands within the RU1 Primary Production Zone to an R5 Zone and an RU1 Zone to an R1 Zone, consistent with the findings of an ecological constraints study and with the recommendations of the Liverpool Plains Growth Management Study 2009. The Planning Proposal is identified as being inconsistent with this S117(2) Direction, however, it is considered that the amendment will respond to community aspirations with regard to development potential and economic development objectives and the attainment of broader strategic principles.

	(vi) Is approved by the Director General of the Department of Planning, or (f) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (g) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (h) Is of minor significance.	
1.3 Mining, Petroleum Production & Extractive Industries	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of: (c) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (d) Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting land use that is likely to be incompatible with such development.	The planning proposal does not affect nor compromise the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials.
1.4 Oyster Aquaculture	Where this direction applies This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i>.	The planning proposal does not relate to any identified oyster farming areas.
1.5 Rural Lands	When this direction applies This direction applies when: (c) A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (d) A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or	The planning proposal relates to one parcel of land (WC03) currently zoned RU1 Primary Production which is considered to be in a potentially environmentally sensitive area. An extensive ecological study has been undertaken in relation to the subject parcel and the portions of this parcel identified in this proposal were found to be

	environment protection zone. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (c) Justified by a strategy which: (iv) Gives consideration to the objectives of this direction, (v) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (vi) Is approved by the Director-General of the Department of Planning and is in force, or (d) Is of minor significance.	suitable for rezoning. The planning proposal is not inconsistent with this direction as it is of minor significance.
2.1 Environment Protection Zones	What a relevant planning authority must do if this direction applies A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in an LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change in a development standard for minimum lot size in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.	This planning proposal does not affect any environmentally sensitive lands or lands that are zoned for environment protection purposes. The planning proposal is not inconsistent with this direction.
2.2 Coastal Protection	Where this direction applies This direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.	This planning proposal does not apply to designated coastal zones. The planning proposal is not inconsistent with this direction.

2.3 Heritage Conservation	What a planning authority must do if this direction applies A planning proposal must contain provisions that facilitate the conservation of: (d) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (e) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (f) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (c) The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (d) The provisions of the planning proposal that are inconsistent or are of minor significance.	A comprehensive overview of heritage provisions was undertaken as part of the LPLEP2011 process. This chapter of the Planning Proposal seeks to amend the existing heritage schedule to rectify one (1) land description anomaly. This amendment will not compromise the application of existing heritage provisions under the LPLEP2011. The planning proposal is not considered to be inconsistent with this direction as the proposed amendments to the heritage schedule are considered to be of minor significance.
2.4 Recreation Vehicle Areas	What a relevant planning authority must do if this direction applies A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act</i>	This planning proposal does not relate to the establishment of any recreation vehicle areas.

	1983): (d) Where the land is within an environmental protection zone, (e) Where the land comprises a beach or a dune adjacent to or adjoining a beach, (f) Where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: (iii) The provision of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and (iv) The provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.	The planning proposal is not inconsistent with this direction.
3.1 Residential Zones	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (c) An existing or proposed residential zone (including the alteration of any existing residential zone boundary), (d) Any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies A planning proposal must include provisions that encourage the provision of housing that will: (e) Broaden the choice of building types and locations available in the housing market, and (f) Make more efficient use of existing	Direction 3.1 is considered to be applicable to the planning proposal in that the RU1 Rural Zone is embodied within the designations pursuant to clause 2.1 of the LPLEP2011. Notwithstanding, the proposed rezoning will facilitate 'significant residential development' but of a type (short term accommodation) which will broaden the choice of building types available while making efficient use of existing infrastructure. The proposed workforce accommodation development is contained within the urban boundaries of Werris Creek. It is not considered that the planning proposal is inconsistent

	infrastructure and services, and (g) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (h) Be of good design. A planning proposal must, in relation to land to which this direction applies: (c) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority have been made to service it), and (d) Not contain provisions which will reduce the permissible residential density of land. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that are inconsistent are: (e) Justified by a strategy which: (iv) Gives consideration to the objectives of this direction, (v) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (vi) Is approved by the Director-General of the Department of Planning and is in force, or (f) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (g) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objectives of this direction, or	with this direction.
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	(h) Of minor significance.	
3.2 Caravan Parks & Manufactured Home Estates	What a relevant planning authority must do if this direction applies In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (c) Retain provisions that permit development for the purpose of a caravan park to be carried out on land, and (d) Retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (d) Take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located. (e) Take into account the principles listed in clause 9 of SEPP36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (f) Include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	No caravan parks or manufactured Housing Estates are affected, nor are envisaged as a result of this planning proposal. The LPLEP2011 maintains appropriate provisions in order to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates. The planning proposal is not considered to be inconsistent with this direction.
3.3 Home Occupations	What a relevant planning proposal must do if this direction applies Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The LPLEP2011 permits home occupations to be carried out within the R1 Zone without the need to obtain development consent. The Planning Proposal is not considered to be inconsistent with this direction.

3.4 Integrating Land Use & Transport	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What the relevant planning authority must do if this direction applies A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (c) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (d) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (e) Justified by a strategy which: (iv) Gives consideration to the objective of this direction, and (v) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (vi) Is approved by the Director General of the Department of Planning, or (f) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (g) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction,	This chapter of the planning proposal pertains to the rezoning of three (3) land parcels on the fringe of an existing settlement. Given the nature and location of these developments, the proposal will not substantially increase demands on public transport and reliance on motor vehicles. Whilst this chapter of the planning proposal is inconsistent with this direction, it is considered that the proposed amendment is of minor significance as it seeks to rezone lands considered to satisfy Council's strategic land use objectives which are in proximity to existing transport networks (including road and railway transport networks).
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	or (h) Of minor significance.	
3.5 Development Near Licensed Aerodromes	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	The lands affected by the planning proposal are not in proximity to any licensed aerodromes. The planning proposal is not inconsistent with this direction.
3.6 Shooting Ranges	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	The lands affected by the planning proposal are not in proximity to any existing or proposed shooting ranges. The planning proposal is not considered to be inconsistent with this direction.
4.1 Acid Sulphate Soils	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	The lands affected by the planning proposal are not identified as containing acid sulphate soils. The planning proposal is not considered to be inconsistent with this direction.
4.2 Mine Subsidence & Unstable Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that: (c) Is within a mine subsidence district, or (d) Has been identified as unstable in a study, strategy or other assessment undertaken.	The land is not identified as being located within a designated mine subsidence district. The planning proposal is not considered to be inconsistent with this direction.
4.3 Flood Prone Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The land affected by the planning proposal is not identified as flood prone land. No alterations to existing flooding provisions are proposed. The planning proposal is not considered to be inconsistent with this direction.

4.4 Planning for Bushfire Protection	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	One of the properties contained in the proposal is in proximity to land considered to be bushfire prone. Referral to the Rural Fire Service will be required as part of the Development Application process. The NSW RFS was recently consulted in relation to the LPLEP2011 (Amendment No. 1) – proposed reclassification of seven (7) sites of Council-owned land from community to operational (NSW RFS ref: LEP/0178 DA12030882445). No issues or concerns were raised in response to the referral process. This chapter of the planning proposal is not considered to be inconsistent with this direction.
6.3 Site Specific Provisions	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. What a relevant planning authority must do if this direction applies A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (c) Allow that land use to be carried out in the zone that the land is situated on, or (d) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development.	No schedule amendments (enabling clauses) are proposed as part of this chapter of the planning proposal. The proposal endeavours to rezone lands to R1 and R5 in accordance with the LPLEP2011. This chapter of the planning proposal is not considered to be inconsistent with this direction.

	Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are of minor significance.	
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Section C: Environmental, Social & Economic Impacts

4C.8 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 proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats.

4C.9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal is unlikely to result in adverse environmental effects as detailed in the ecological study undertaken in relation to relevant land parcels.

4C.10 How has the planning proposal adequately addressed any social or economic effects?

The planning proposal is considered unlikely to result in adverse social or economic impacts. It is intended that extensive community consultation will be undertaken as part of the public exhibition process. It is considered that the proposal will have a positive economic benefit to the community as it will facilitate future development and support economic growth while facilitating proposals considered to possess strategic planning merit. Furthermore, the requested rezoning will reflect the strategic objectives of the *Liverpool Plains Growth Management Strategy 2009*.

Section D: State & Commonwealth Interests

4D.11 Is there adequate public infrastructure for the planning proposal?

Existing public infrastructure is already adequate for the affected lands. An analysis of infrastructure capability has been undertaken by Council's Engineering Division. Existing infrastructure is able to cater for any additional development loads.

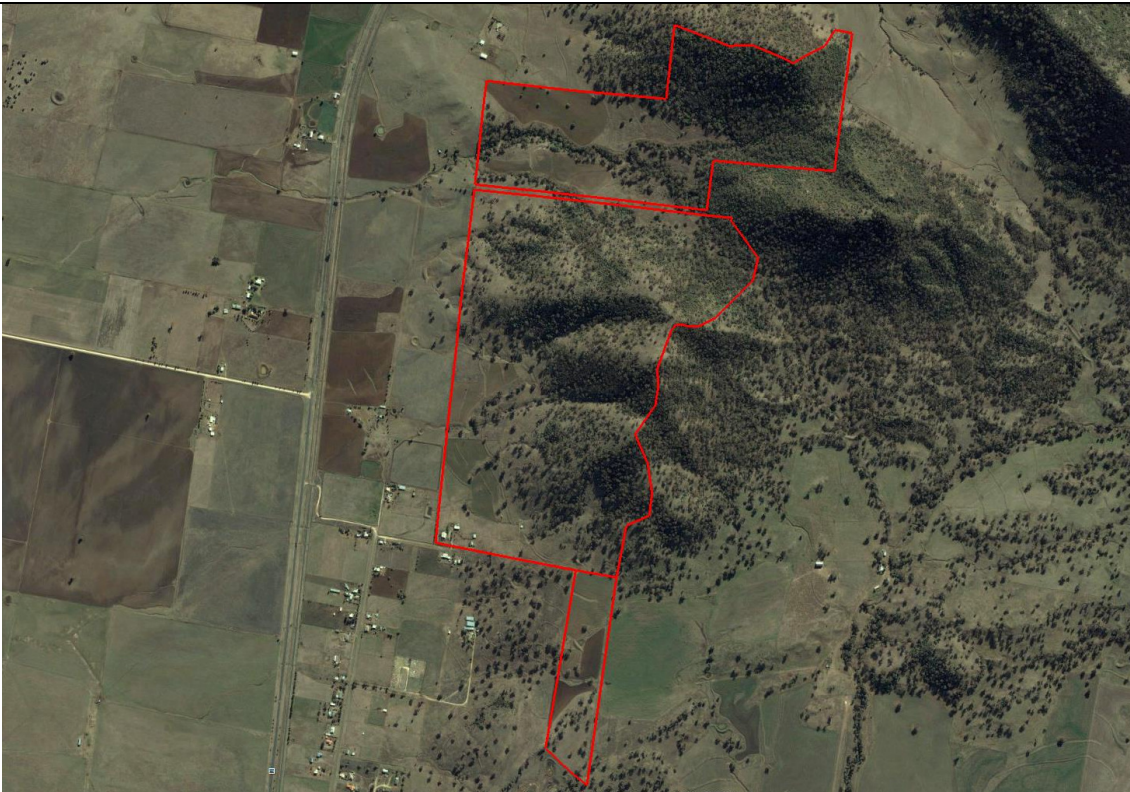
4D.12 Views of State & Commonwealth public authorities?

It is proposed that the issues raised by State and Commonwealth public authorities will be addressed during the Planning Proposal's public exhibition phase. It is intended that formal consultation will be undertaken with relevant public authorities and agencies, including the NSW RFS and RMS, upon gateway determination.

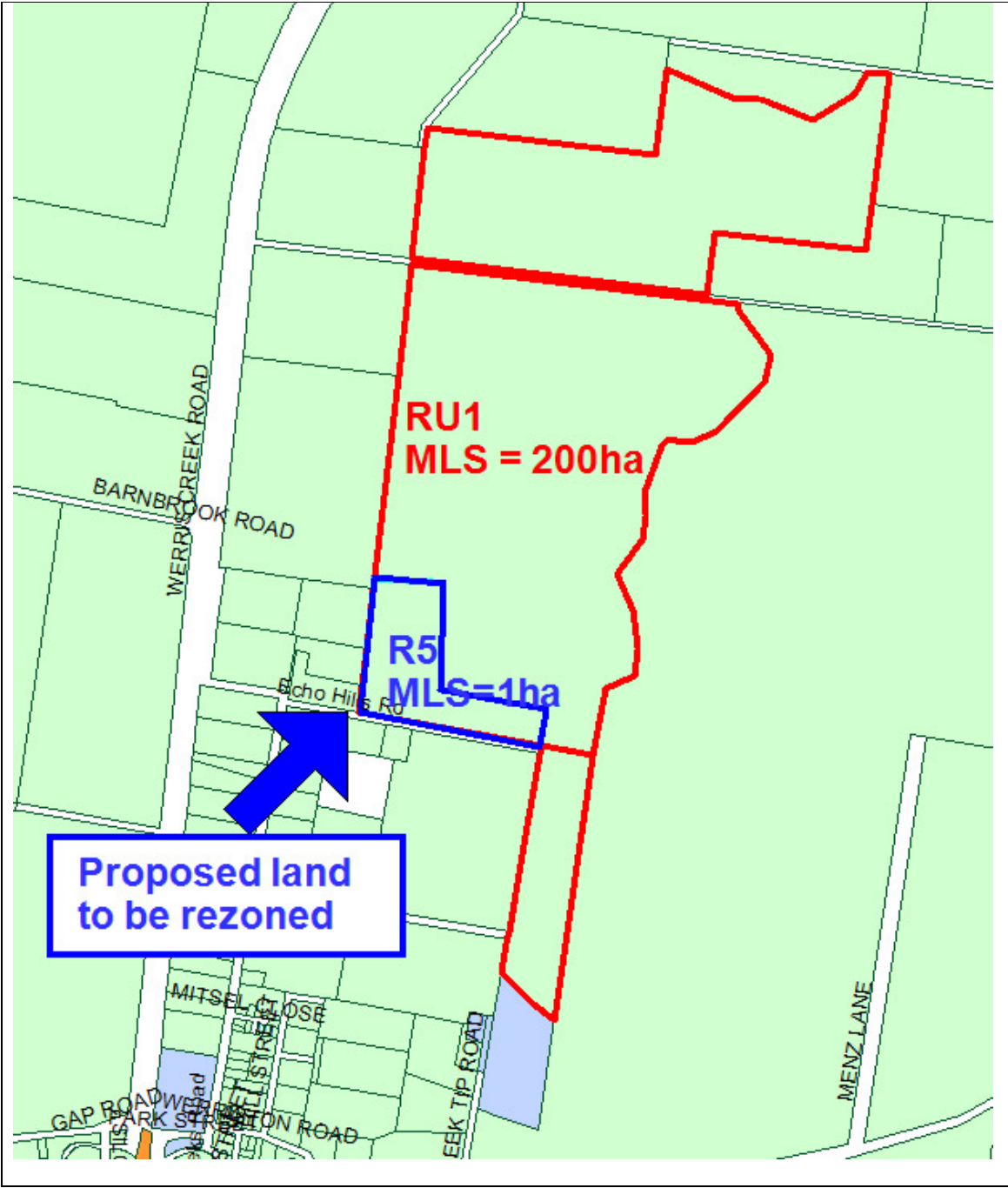
Map 17: WC01 & WC02 – Lot 112 in DP611306 & Lot 17 in Sec A DP29984 (Mac Group & Lewis)



Map 18a: WC03 – Lot 14 Sec A in DP29984 & Lot 1 in DP624133 (Macklinshaw)



Map 18b: WC03 – Lot 14 Sec A in DP29984 & Lot 1 in DP624133 (Proposed Zoning)



Map 19: WC04 – Lot 4 in DP751034 (Glen Alpine Station - Heritage)



Chapter 5 – Bundella

5.1 Objectives and Intended Outcomes of the Planning Proposal

To rectify heritage listing descriptions on certain allotments within the Bundella environs.

5.2 Explanation of the Provisions

Amending the Liverpool Plains Local Environmental Plan (LPLEP) 2011 as described in the following table:

Property ID	Real Property Description	Commentary
BU01 Ass: 69,628	Part of Lot 1 DP1101627	Rectification of the heritage schedule to confirm site of the Bundella Homestead is located on Part of Lot 1 DP1101627. (LEP Heritage Schedule Ref: I006)
BU02 Ass: 69,628	Part of Lot 1 DP1101627	Site is described as the Bundella Polo Ground. However, the site is no longer utilised for this purpose and is currently under crop. Removal from the heritage register is recommended. (LEP Heritage Schedule Ref: I007)

Table 6: Schedule of Proposed Amendments (Bundella)

5.3 Justification for the Planning Proposal

The Planning Proposal is the result of a review of drafting errors and anomalies identified during the preparation of the LPLEP 2011. The drafting anomalies include the incorrect property description associated with a site listed in the heritage schedule (Item No. I006). The *Liverpool Plains Shire Community Based Shire Wide Heritage Study 2004-05* recommended listing of the Bundella Polo Ground (Item No. I007) as a place of local heritage significance in the Rural and Village Areas. It was subsequently included in the draft LEP Heritage Schedule based on this recommendation. When inspected by Heritage Advisor Mr Ray Christison in February 2012, the place was found to be totally under crop with no former polo ground infrastructure visible. Based on this inspection it was recommended that the place be removed from the schedule.

5.4 Proposed Community Consultation

It is considered appropriate to apply the recommended community consultation guidelines, which include the following:

- An exhibition period of 28 days commencing on the date that a notice of exhibition is printed in the local news press.
- Advertising in the local newspaper at the start of the exhibition period.
- Advertising on Council's website for the duration of the exhibition period.

Section A: Need for the Planning Proposal

5A.1 Is the planning proposal a result of any strategic study or report.

The Planning Proposal is not the result of any strategic study or report.

5A.2 Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

It is considered that the Planning Proposal is the most appropriate vehicle for implementing the required changes to the LPLEP2011.

5A.3 Is there a net community benefit?

Amending the heritage register will ensure that heritage information available to the community is factual and correct. Further, the heritage register will contain only sites considered to be of true heritage value to both current and future generations.

Section B: Relationship to the Strategic Planning Framework

5B.4 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy?

The recently released Draft New England Strategic Regional Land Use Plan (Draft SRLUP) was reviewed in relation to the Planning Proposal. The objectives of the Draft SRLUP are not considered to be of relevance to the subject lands.

5B.5 Is the planning proposal with the local Community Strategic Plan, or other local strategic plan?

The proposed rezoning is considered to be consistent with the following key strategic directions and actions under the LPSC Community Strategic Plan:-

- *To develop strategies that facilitate growth and guide Council toward ecological sustainability through responsible management of both natural and built environments.*
- *To be recognised as a leader in environmental management.*
- *To maximise the tourism and economic development potential of the Shire and facilitate increased growth and sustained development.*

5B.6 Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs) as follows:

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

The subject lands are not known to comprise core koala habitat. Further, this Planning Proposal relates to the rectification of drafting errors only. This Planning Proposal has no implications in terms of application of the provisions of SEPP 44.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The planning proposal has no implications in terms of the application of the provisions of SEPP 55. None of the lands identified are known to be contaminated.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

This Planning Proposal relates to the rectification of drafting errors only. This Planning Proposal has no implications in terms of application of the provisions of the ISEPP.

State Environmental Planning Policy (Rural Lands) 2008

The aims of this Policy are as follows:

- (a) *to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) *to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) *to implement measures designed to reduce land use conflicts,*
- (d) *to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) *to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

Given that the proposal entails the rectification of drafting errors pertaining to heritage provisions, it is not considered that the planning proposal is inconsistent with the attainment of the RSEPP objectives.

5B.7 Is the planning proposal consistent with applicable Ministerial Directions (section 117 Directions)?

Direction No.	Provisions	Consideration
1.1 Business & Industrial Zones	When this Direction Applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or a proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies A planning proposal must: (k) Give effect to the objectives of this direction, (l) Retain the areas and locations of existing business and industrial zones, (m) Not reduce the total potential floor space area for employment uses and related public services in business zones, (n) Not reduce the total potential floor space area for industrial uses and industrial zones, and (o) Ensure that proposed new employment areas are in accordance with a Strategy that is approved by the Director-General of the Department of Planning.	This chapter of the planning proposal will not affect any lands located within a business or an industrial zone. The planning proposal is not considered to be inconsistent with this S117(2) Direction.
1.2 Rural Zones	What a relevant planning authority must do if this direction applies A planning proposal must: (e) Not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (f) Not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or	The planning proposal does not propose to rezone any lands. The Planning Proposal is identified as being consistent with this S117(2).

	village). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (i) Justified by a strategy which: (vii) Gives consideration to the objectives of this direction, (viii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (ix) Is approved by the Director General of the Department of Planning, or (j) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (k) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (l) Is of minor significance.	
1.3 Mining, Petroleum Production & Extractive Industries	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of: (e) Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (f) Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting land use that is likely to be incompatible with such	The planning proposal does not affect nor compromise the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials.

	development.	
1.4 Oyster Aquaculture	Where this direction applies This direction applies to Priority Oyster Aquaculture Areas and oyster aquaculture as identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i>.	The planning proposal does not relate to any identified oyster farming areas.
1.5 Rural Lands	When this direction applies This direction applies when: (e) A relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (f) A relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are: (e) Justified by a strategy which: (vii) Gives consideration to the objectives of this direction, (viii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (ix) Is approved by the Director-General of the Department of Planning and is in force, or (f) Is of minor significance.	The planning proposal does not relate to any lands identified within rural or environmental protection zones.
2.1 Environment Protection	What a relevant planning authority must do if this direction applies	This planning proposal does not

Zones	A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in an LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change in a development standard for minimum lot size in accordance with clause (5) of Direction 1.5 “<i>Rural Lands</i>”.	affect any environmentally sensitive lands or lands that are zoned for environment protection purposes. The planning proposal is not inconsistent with this direction.
2.2 Coastal Protection	Where this direction applies This direction applies to the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.	This planning proposal does not apply to designated coastal zones. The planning proposal is not inconsistent with this direction.
2.3 Heritage Conservation	What a planning authority must do if this direction applies A planning proposal must contain provisions that facilitate the conservation of: (g) Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (h) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and (i) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	A comprehensive overview of heritage provisions was undertaken as part of the LPLEP2011 process. This chapter of the planning proposal seeks to amend existing heritage schedules by rectifying a drafting error to item no. 1006 and removing a listed item considered to have no heritage conservation merit (1007). The planning proposal is not considered to be inconsistent with this direction as the alterations are considered to be of minor significance.

	Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (e) The environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (f) The provisions of the planning proposal that are inconsistent or are of minor significance.	
2.4 Recreation Vehicle Areas	What a relevant planning authority must do if this direction applies A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>): (g) Where the land is within an environmental protection zone, (h) Where the land comprises a beach or a dune adjacent to or adjoining a beach, (i) Where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration: (v) The provision of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and (vi) The provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.	This planning proposal does not relate to the establishment of any recreation vehicle areas. The planning proposal is not inconsistent with this direction.

3.1 Residential Zones	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (e) An existing or proposed residential zone (including the alteration of any existing residential zone boundary), (f) Any other zone in which significant residential development is permitted or proposed to be permitted. What a relevant planning authority must do if this direction applies A planning proposal must include provisions that encourage the provision of housing that will: (i) Broaden the choice of building types and locations available in the housing market, and (j) Make more efficient use of existing infrastructure and services, and (k) Reduce the consumption of land for housing and associated urban development on the urban fringe, and (l) Be of good design. A planning proposal must, in relation to land to which this direction applies: (e) Contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority have been made to service it), and (f) Not contain provisions which will reduce the permissible residential density of land. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by	It is not considered that the planning proposal is inconsistent with this direction.
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	the Director General) that are inconsistent are: (i) Justified by a strategy which: (vii) Gives consideration to the objectives of this direction, (viii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (ix) Is approved by the Director-General of the Department of Planning and is in force, or (j) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (k) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objectives of this direction, or (l) Of minor significance.	
3.2 Caravan Parks & Manufactured Home Estates	What a relevant planning authority must do if this direction applies In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must: (e) Retain provisions that permit development for the purpose of a caravan park to be carried out on land, and (f) Retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must: (g) Take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs	No caravan parks or Manufactured Housing Estates are affected, nor are envisaged as a result of this planning proposal. The planning proposal is not considered to be inconsistent with this direction.

	should not be located. (h) Take into account the principles listed in clause 9 of SEPP36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and (i) Include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.	
3.3 Home Occupations	What a relevant planning proposal must do if this direction applies Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	The Planning Proposal is considered to be consistent with this direction.
3.4 Integrating Land Use & Transport	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. What the relevant planning authority must do if this direction applies A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (e) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (f) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are:	The proposal does not enhance or intensify development potential of lands within Bundella nor increase substantially demands on public transport and reliance on motor vehicles. This chapter of the planning proposal is consistent with this direction as it seeks to rectify a drafting error.

	(i) Justified by a strategy which: (vii) Gives consideration to the objective of this direction, and (viii) Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (ix) Is approved by the Director General of the Department of Planning, or (j) Justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (k) In accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (l) Of minor significance.	
3.5 Development Near Licensed Aerodromes	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	The lands affected by the planning proposal are not in proximity to any licensed aerodromes. The planning proposal is not inconsistent with this direction.
3.6 Shooting Ranges	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	The lands affected by the planning proposal are not in proximity to any existing or proposed shooting ranges. The planning proposal is not considered to be inconsistent with this direction.
4.1 Acid Sulphate Soils	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	The lands affected by the planning proposal are not identified as containing acid sulphate soils. The planning proposal is not considered to be inconsistent with this direction.

4.2 Mine Subsidence & Unstable Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that: (e) Is within a mine subsidence district, or (f) Has been identified as unstable in a study, strategy or other assessment undertaken.	The land is not identified as being located within a designated mine subsidence district. The planning proposal is not considered to be inconsistent with this direction.
4.3 Flood Prone Land	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The land affected by the planning proposal is not identified as flood prone land. No alterations to existing flooding provisions are proposed. The planning proposal is not considered to be inconsistent with this direction.
4.4 Planning for Bushfire Protection	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	No properties within Bundella, or in proximity to the village, are identified as being bushfire prone. This chapter of the planning proposal is not considered to be inconsistent with this direction.
6.3 Site Specific Provisions	When this direction applies This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. What a relevant planning authority must do if this direction applies A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (e) Allow that land use to be carried out in the zone that the land is situated on, or (f) Rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or	No schedule amendments (enabling clauses) are proposed as part of this chapter of the planning proposal. The proposal endeavours to rectify drafting errors and remove an item from the heritage schedule. This chapter of the planning proposal is not considered to be inconsistent with this direction.

	requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development. Consistency A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are of minor significance.	
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Section C: Environmental, Social & Economic Impacts

5C.8 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 proposal is unlikely to adversely affect critical habitat or threatened species, or ecological communities, or their habitats.

5C.9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed drafting and schedule amendments are unlikely to result in any negative environmental effects.

5C.10 How has the planning proposal adequately addressed any social or economic effects?

The Planning Proposal is considered unlikely to result in adverse social or economic impacts.

Section D: State & Commonwealth Interests

5D.11 Is there adequate public infrastructure for the planning proposal?

The proposed amendments do not require upgrades or additional services with regard to public infrastructure.

5D.12 Views of State & Commonwealth public authorities?

It is proposed that formal consultation will be undertaken, if necessary, with relevant public authorities, including the Office of Environment and Heritage (OEH) upon gateway determination.

Map 20: BU01 & BU02 – Lot 1 in DP1101627 (Bundella Station & Former Polo Ground)

