

Additional Dwelling Entitlement - Cnr Koonadan and Ciccia Road, Leeton

Proposal Title : **Additional Dwelling Entitlement - Cnr Koonadan and Ciccia Road, Leeton**

Proposal Summary : **Proposal to facilitate subdivision of Lot 1 DP848120, from 1 lot into 2, with 2 dwelling entitlements.**

PP Number : **PP_2013_LEETO_001_00** Dop File No : **13/11734**

Proposal Details

Date Planning Proposal Received : **09-Jul-2013** LGA covered : **Leeton**

Region : **Western** RPA : **Leeton Shire Council**

State Electorate : **MURRUMBIDGEE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Koonadan and Ciccia Roads**

Suburb : **Leeton** City : **Leeton** Postcode : **2705**

Land Parcel : **Lot 1 DP 848120**

DoP Planning Officer Contact Details

Contact Name : **Dan Wagner**

Contact Number : **0268412180**

Contact Email : **daniel.wagner@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Garry Stoll**

Contact Number : **0269530921**

Contact Email : **garrys@leeton.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Dan Wagner**

Contact Number : **0268412180**

Contact Email : **daniel.wagner@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	3.80	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	2	No. of Dwellings (where relevant) :	2
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council's planning proposal states:**
"The objective and intended outcome of the proposal is to permit the subdivision of Lot 1 DP 848120 Koonadan Road Leeton into two (2) new allotments."
Council also seeks a dwelling entitlement for the newly created allotment.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Council is seeking an amendment of the draft Leeton Local Environmental Plan 2012 Schedule 1 - Additional Permitted Uses to include the following:**
Subdivision of land at Koonadan Road
(1) This clause applies to Lot 1 DP 848120 Koonadan Road, Leeton
(2) Subdivision of Lot 1 DP 848120 into two (2) allotments and the erection of a dwelling house on each allotment is permitted with consent of Council.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

4.4 Planning for Bushfire Protection

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Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **** Section 117 Directions 1.2 - Rural Subdivision and 1.5 Rural Lands
SEPP (Rural Lands) 2008**

Council contends that non-compliance with the relevant section 117 directions and SEPPs can be justified as minor significance.

The planning proposal conflicts with clause 8 - Rural subdivision principles of SEPP (Rural Lands) 2008, and subsequently section 117 Ministerial Direction 1.5 Rural lands in that the proposal would increase land fragmentation and residential density in proximity to productive agricultural land.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping has been provided to identify the allotment and proposed boundaries of subdivision.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Should the planning proposal proceed to public exhibition, it ought to be exhibited for a minimum of 28 days, as there is no strategic planning framework (endorsed local strategy or otherwise) to support the proposal.**

Department of Primary Industries is a relevant agency which should be consulted.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The planning proposal documentation is sufficient for assessment.**

Proposal Assessment

Principal LEP:

Due Date : **November 2013**

Comments in relation to Principal LEP : **Council was issued with a revised Gateway Determination on 22 May 2013.**

Council has advised that exhibition of the draft LEP won't commence until they receive a Gateway determination on this planning proposal, and that of a planning proposal at Merungle Hill for rural residential subdivision.

Advice to Council from the Department is to proceed to exhibition of the draft LEP as soon as possible.

Assessment Criteria

Need for planning proposal :

Council contends that there is a need for the planning proposal exists due to the implementation of SEPP (Rural Lands) 2008 extinguishing 'concessional lot' provisions.

Council also contends that use of Schedule 1 is the best means of achieving the proposal's intended outcomes.

Should the proposal proceed to public exhibition, it is recommended that the proposal should amend the MLS maps to reflect the intended outcome of the proposal. This would result in a more transparent outcome in the LEP document, than that of a Schedule 1 inclusion.

Consistency with strategic planning framework :

The draft Leeton LEP 2012 simply converts the existing two LEPs into the standard instrument. No local land use strategies have been developed to inform the draft LEP.

The Leeton LEP No. 35 prepared in 2000 provides some direction for the future urban growth of Leeton, but does not include the subject site.

No regional/sub-regional strategies apply to the Leeton LGA.

Environmental social economic impacts :

*** Groundwater**

Council has identified that the site is within an area of moderately high groundwater, and further advises that presence of high groundwater is a common occurrence across the LGA. In order to manage this issue, Council requires all footings/slabs for buildings including new dwellings to be designed by a structural engineer based on a soil and ground water test. Sewerage treatment on unsewered allotments requires installation of aerated wastewater treatment systems so that effluent is applied above ground rather than sub surface disposal.

*** Buffer areas to surrounding intensive agricultural lands**

Intensive agricultural uses lie to the north and west of the site. The only buffer between these uses and the site is Ciccia Road to the west (approx. 30 metres) and an easement to the north (approx. 10 metres wide). Positioning of a new dwelling set back from the north and west boundaries could allow for a buffer of approximately 100 metres.

Further to the above, an increase in residential uses in close proximity to agriculture may increase complaints about spray drift and normal agricultural operations, which could impact on agricultural viability.

Should the planning proposal proceed, it is strongly recommended that consideration be given at the Development Assessment stage for a vegetated buffer along the property boundary and a building envelope be established to maximize the buffer distance between intensive agriculture and sensitive land uses.

*** Bushfire hazard - not identified in a bushfire hazard area.**

**** No other matters of economic, social or environmental impact have been identified.**

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Assessment Process

Proposal type : **Inconsistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **NSW Department of Primary Industries - Agriculture**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **The planning proposal cannot be supported by the officer.**

Conflicts with the proposal and SEPP (Rural Lands) 2008 and s.117 Ministerial Direction 1.5 Rural Lands have not been sufficiently justified.

The planning proposal conflicts with clause 8 - Rural subdivision principles of SEPP (Rural Lands) 2008, and subsequently section 117 Ministerial Direction 1.5 Rural lands in that the proposal would increase land fragmentation and residential density in proximity to productive agricultural land.

While it is acknowledged the proposal results in only one (1) additional allotment, the proposal would set an undesirable precedent of ad-hoc fragmentation of rural land in a strategically undesirable location. Should Council see a need for increased rural residential development, based on genuine (not aspirational) population growth, an environmental study/land use strategy should be prepared to identify strategic locations which can be efficiently serviced by infrastructure and away from productive agricultural lands.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Gateway Planning Proposal - Koonadan Cicc Road Leeton FINAL DRAFT.pdf	Proposal	Yes
Cover letter and checklist Koonadan Road Leeton.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 4.4 Planning for Bushfire Protection

Additional Information : **The planning proposal cannot be supported by the officer.**

Conflicts with the proposal and SEPP (Rural Lands) 2008 and s.117 Ministerial Direction 1.5 Rural Lands have not been sufficiently justified.

Supporting Reasons : **The planning proposal conflicts with clause 8 - Rural subdivision principles of SEPP (Rural Lands) 2008, and subsequently section 117 Ministerial Direction 1.5 Rural lands in that the proposal would increase land fragmentation and residential density in proximity to productive agricultural land.**

While it is acknowledged the proposal results in only one (1) additional allotment, the proposal would set an undesirable precedent of ad-hoc fragmentation of rural land in a strategically undesirable location. Should Council see a need for increased rural residential development, based on genuine (not aspirational) population growth, an environmental study/land use strategy should be prepared to identify strategic locations which can be efficiently serviced by infrastructure and away from productive agricultural lands for rural residential development.

Signature:



Printed Name:

Dan Wagner

Date:

12/07/2013