

Rural lifestyle/residential development at Merungle Hill, Leeton

Proposal Title :	Rural lifestyle/residential development at Merungle Hill, Leeton		
Proposal Summary :	Reduction in Minimum Lot size from 150ha to 8ha to facilitate rural lifestyle development at the locality of Merungle Hill, Leeton.		
PP Number :	PP_2013_LEETO_002_00	Dop File No :	13/11735

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 :	Merungle Hill and Tabain Roads		
Suburb :	Leeton	City :	Leeton
		Postcode :	2705
Land Parcel :	see mapping in planning proposal - 55 allotments subject to the proposal		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Dan Wagner
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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) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	24	No. of Dwellings (where relevant) :	24
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 : **The objective stated in the planning proposal is to apply an 8ha minimum lot size (MLS) to land identified as Merungle Hill, 55 allotments identified in the mapping accompanying the planning proposal. Merungle Hill is located off the Leeton-Yanco corridor, approximately 2.5km south-east of Leeton, and 2.5km north-east of Yanco.**

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

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

Comment : **To amend the MLS mapping to apply an 8ha MLS to the lots identified in the planning proposal. The current MLS is 150ha in the draft Leeton LEP 2012 (yet to be exhibited).**

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

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 :

Groundwater access/contamination will be an important consideration in this proposal due to the prevalence of high groundwater tables in Leeton Shire. It is proposed that the area subject to the planning proposal will not be serviced by water or sewer.

Areas of vegetation have been identified by aerial photography and mapping.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

*** Section 117 Direction 1.5 Rural Lands
SEPP (Rural Lands) 2008**

Council contends there is a gap in supply of rural lifestyle land at or around the proposed 8ha in size. Council has nominated this site because of it's limited agricultural viability, existing fragmentation of part of the site and current settlement pattern within the locality. Council also considers that the amendment is of minor significance.

Council does not have an endorsed Land Use Strategy, as their draft SI LEP is only converting the existing provisions into the SI.

The cadastre map (page 6) and aerial photography (page 24) contained in the planning proposal reveal some evidence of rural lifestyle development in the northern part of the precinct, bounded by Deveril, Qualitary and Tabain Roads. This was confirmed on a site visit by Departmental officers in May 2013.

The planning proposal does not directly address the above Ministerial Directions or the SEPP (Rural Lands) 2008. However the proposal does not present any significant conflicts with the rural planning and rural subdivision principles outlined in clauses 7 and 8 of the SEPP (Rural Lands) 2008, in that:

- the proposal fills a void in current housing supply, and contributes to housing choice in the community
- part of the site is already developed for rural lifestyle purposes
- the land is not irrigated, thus agricultural viability is questionable
- the land is located on the corridor between the Shire's two major urban settlements - Leeton and Yanco
- the constraints of the land are able to be managed through a development assessment process, where building envelopes could be established on sites to mitigate bushfire hazard and/or ensure protection of vegetation
- allowing subdivision of the subject site to a MLS of 8ha may decrease pressure for this type of development in other locations which have more constraints from adjoining agricultural uses, or be located further away from urban areas.

*** Section 117 Ministerial Direction 1.2 Rural Lands**

The proposal is not proposing to rezone the land, and will remain in the RU1 Rural Production zone. The application of the 8ha MLS to the site will result in a potential dwelling yield of 24 new dwellings (on top of existing dwelling entitlements and development). This is deemed to be of minor significance in the context of the whole LGA, provided that the Gateway determination conditions that Council prepare a relevant Land Use Strategy prior to preparing any new proposals for rural subdivision/rural lifestyle development, to determine need and existing supply across the whole LGA.

*** SEPP 55 Remediation of Land**

Council has appropriately addressed the requirements of the SEPP. Council has undertaken a search of the site on the NSW Contaminated sites register and no contaminated sites were identified in the Merungle Hill area. Historic land uses identified generally would not pose a risk; however Council has stated that the land was used for dryland grazing, which may mean that dipping/spraying of livestock could have occurred - presenting a contamination risk. As a condition of the Gateway approval, Council should provide details to the department prior to exhibition of any yards which may

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have been used for treating livestock - at which point, a revised Gateway determination may need to be issued to ensure the matter is addressed appropriately through site investigations.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Supporting mapping has been prepared in the SI format for the MLS changes.**

Mapping of potential development constraints (bushfire hazard and vegetation) has also been provided.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Because Council does not have an endorsed strategy and there is inconsistencies with the surrounding development/land uses, it is recommended that the proposal be exhibited for 28 days.**

Consultation with OEH (Vegetation/Biodiversity), NSW Office of Water (Groundwater) and Rural Fire Service (Bushfire hazard) is required to be undertaken as part of the consultation process.

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 :

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 for its comprehensive SI LEP.

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 for a Schedule 1 additional permitted use at Koonadan Road.

Assessment Criteria

Need for planning proposal :

A planning proposal is the only way to facilitate the proposed outcomes.

The proposal to amend the minimum lot size mapping is the most efficient way to achieve the intended outcomes of the proposal.

Consistency with strategic planning framework :

Council does not have an endorsed land use strategy as their draft LEP converts their existing provisions into the SI template.

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

Environmental social economic impacts :

Council has appropriately identified most matters of potential environmental

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Potential impacts relating to biodiversity/vegetation, bushfire hazard, groundwater contamination, contaminated land and agricultural land use will be further understood following consultation with the relevant agencies.

Council should provide details of any evidence of spraying/dipping of livestock on the site to the Department prior to exhibition. If it is deemed that spraying/dipping of livestock has historically occurred on the site, Council will be required to undertake a more comprehensive site investigation to determine any possible impacts.

An AHIMS search of the site has not identified any items of aboriginal heritage significance.

The proposal will contribute to housing choice and diversity in the LGA.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Murrumbidgee Catchment Management Authority Office of Environment and Heritage NSW Department of Primary Industries - Agriculture Department of Trade and Investment NSW Rural Fire Service		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :	Sufficient information has been provided to determine that inconsistency with section 117 Ministerial Direction 1.2 Rural zones is of minor significance.		
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
Other - provide details below			
If Other, provide reasons :	Further information is required from Council in regard to historic uses and activities on the land, as there is potential land contamination risks if previous activities associated with dryland grazing involved spraying/dipping of livestock.		
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
Planning Proposal - Merungle Hill Leeton.pdf	Proposal	Yes
Merungle Hill - cover letter and checklist.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

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

Additional Information : **1. Prior to exhibition, Council provide advice to the Department on any known historic activities of dipping/spraying of livestock on the subject land. If evidence is present on site that these activities have occurred, Council will be required to undertake further site investigations to determine the extent of contamination risks.**

2. The planning proposal should be exhibited for 28 days.

3. The following agencies must be consulted during the exhibition period:

- Department of Trade and Investment (NSW Office of Water)
- Office of Environment and Heritage (Biodiversity, Contaminated Land)
- Department of Primary Industries (Agriculture)
- NSW Rural Fire Service
- Murrumbidgee Catchment Management Authority

4. Following the making of this LEP, Council must prepare a land use strategy which addresses rural residential land supply and demand in order for any future LEP amendments to be considered for Gateway determination in relation to rural subdivision/rural residential development.

Supporting Reasons : **The proposal is supported for the following reasons:**

- the proposal fills a void in current housing supply, and contributes to housing choice in the community
- part of the site is already developed for rural lifestyle purposes
- the land is not irrigated, thus agricultural viability is questionable
- the land is located on the corridor between the Shire's two major urban settlements - Leeton and Yanco, which are approximately 2.5km away.
- the constraints of the land are able to be managed through a development assessment process, where building envelopes could be established on sites to mitigate bushfire hazard and/or ensure protection of vegetation
- allowing subdivision of the subject site to a MLS of 8ha may decrease pressure for this type of development in other locations which have more constraints from adjoining agricultural uses, or be located further away from urban areas.
- inconsistencies with s117 Ministerial Direction 1.2 Rural Zones are considered minor in the context of the LGA.

Consultation with relevant agencies will determine the extent of environmental impacts.

Signature:

Printed Name:


Dan Wagner Date: 15/07/13