



Lockhart
Shire Council



Planning Proposal

Amendment No.1

Amendment to Lockhart Local Environmental Plan 2012

Various Matters:-

- Subdivision provisions in the RU1 zone
- Subdivision provisions in the R5 zone
- Large Lot Residential rezoning – Lockhart & The Rock
- Industrial Land rezoning – Lockhart & The Rock



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Environment Design Management

Town Planning Surveying Engineering Environmental Planning Building Design Project Management

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1 INTRODUCTION

EDM Group has been engaged by Lockhart Shire Council to assist in the preparation of a planning proposal which seeks various amendments to the Lockhart Local Environmental Plan 2012 (the “LEP”) as supported by the recently adopted *Lockhart Rural Lands Study* (April 2013) and *Lockhart Rural Settlement & Industrial Land Rezoning Study* (April 2013).

The following identifies the land affected by this planning proposal and summarises the various matters to be addressed by the Amendment. Figures 1 and 2 provide context plans for the subject land that is located in either Lockhart or The Rock.

- Reduce the minimum subdivision lot size for RU1 Primary Production land across the Lockhart Shire from 650ha to 250ha;
- Rezone ‘Area A’ to the north of Bond Street and east of Lockhart-Kywong Road, Lockhart from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot size of 2ha and an average lot size of 3ha;
- Rezone ‘Area B’ to the south of Federal Street and bounded to the east and west by East Street and Treasure Street, Lockhart respectively from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot size of 2ha and an average of 3ha;
- Rezone ‘Area C’ situated in Lockhart off Harry Davis Drive, from RU1 Primary Production to IN1 General Industry;
- Amend the minimum subdivision lot size across “Area D” situated to the north of The Rock and located either side of Collingullie Road from 2ha to 2ha and an average of 4ha.
- Rezone ‘Area E’ situated in The Rock to the south of Semmens Road and bounded to the east and west by Comans Street and Watson Street respectively, from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot subdivision size of 2ha and an average of 4ha.
- Rezone ‘Area F’ to the west of Burkes Road, The Rock from RU1 Primary Production to R5 Large Lot Residential with a minimum subdivision lot size of 2ha and an average of 5ha.
- Rezone ‘Area G’ to the west of Yerong Street and north of the Olympic Highway The Rock from RU1 Primary Production to IN1 General Industry.
- Rezone ‘Area H’ situated to the north west of The Rock to the south of Bullenbung-The Rock Road from RU1 Primary Production to IN1 General Industry.

2 PARTS OF THE PLANNING PROPOSAL

Consistent with *A guide to preparing planning proposals* (October 2012) this planning proposal is comprised of six parts:

- Part 1 - A statement of the Objectives or Intended Outcomes;
- Part 2 - An Explanation of the Provisions included in the proposed LEP;
- Part 3 - The Justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 - Maps to indicate the substantive effect of the proposed instrument,
- Part 5 - Details of the Community Consultation to be undertaken on the planning proposal.
- Part 6 - Project Timeline

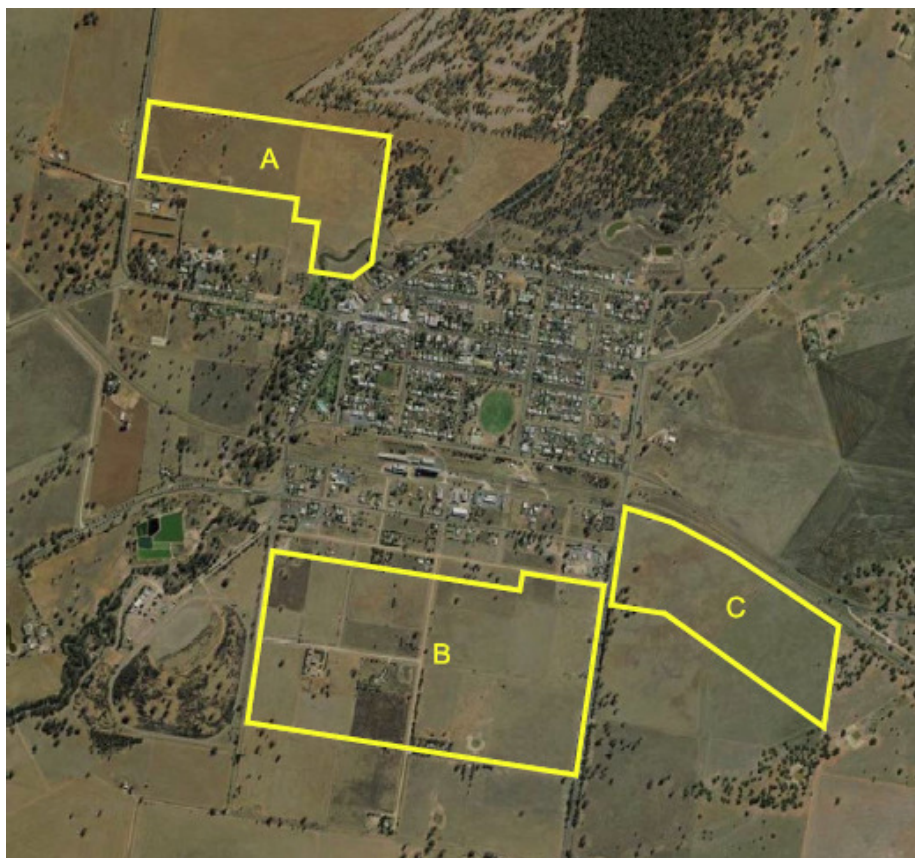


Figure 1: Recommended Areas Lockhart



Figure 2: Recommended Areas The Rock

2.1 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The intended outcome of this planning proposal is to effect various changes to the Lockhart LEP 2012 in response to strategic outcomes identified within the following documents:

- Lockhart Rural Lands Study; and
- Lockhart Rural Settlement & Industrial Land Rezoning Study.

2.2 PART 2 - EXPLANATION OF PROVISIONS

The Amendment of the LEP will comprise a number of components namely:

1. Amending the legend of Lockhart Local Environmental Plan 2012 Lot Size Map as it applies to all land within Lockhart Shire identified 'AG' on the map so as to indicate a minimum subdivision lot size of 250ha.
2. Amending the Lockhart Local Environmental Plan 2012 Land Zoning Map (ref: LZN_001; LZN_001B; LZN_003; and LZN_003C) as it applies to land within the vicinity of Lockhart and The Rock to rezone the subject land to Zone R5 Large Lot Residential (see plans at Appendix 1);
3. Amending the Lockhart Local Environmental Plan 2012 Land Zoning Map (ref: LZN_001; LZN_001B; LZN_003; and LZN_003C) as it applies to land within the vicinity of Lockhart and The Rock to rezone the subject land to Zone IN1 General Industry (see plans at Appendix 1);
4. Amending the Lockhart Local Environmental Plan 2012 Lot Size Map (ref: LSZ_001; LSZ_001B; LSZ_003; and LSZ_003C) as it applies to subdivision of land in Zone R5 within the vicinity of Lockhart and The Rock (see plans at Appendix 2);
5. Amendment of the Lockhart Local Environmental Plan 2012 in the manner indicated at Appendix 3 by inserting into the Land Use Table new provisions in respect of Zone IN1;
6. Amendment of the Lockhart Local Environmental Plan 2012 in the manner indicated at Appendix 3 to include an additional Part 4 'Principal development standards' local provision being Clause 4.1B in respect of subdivision of land in Zone R5 using average lot size provisions.

2.3 PART 3 - JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL.

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

Justification for the rezoning of the subject land is provided by the Lockhart Rural Lands Study (April 2013) and the Lockhart Rural Settlement & Industrial Land Rezoning Study (April 2013) both of which were prepared by Booth and Associates on behalf of Lockhart Shire Council through assistance from the Department of Planning and Infrastructure.

Both reports have been adopted by Council 17 June 2013 and subsequently endorsed by the Department of Planning and Infrastructure.

As noted within the Rural Lands Study the alteration to the minimum lot size across the Zone RU1 Primary Production from 650ha to 250ha can be justified on a number of grounds including:

- *A 250ha minimum lot size is large enough to minimise the risk of:*
 - *Land use conflict particularly new dwellings impacting on farming practices;*
 - *Impacts on land values beyond its true agricultural value;*
 - *Fragmentation of rural lands;*
 - *Inappropriate change of land use;*
 - *250ha will provide a measure of intergenerational equity by lowering to upfront capital cost of a holding with a dwelling entitlement making it easier for young people to enter agriculture.*
- *250ha is a reasonable risk managed balance to:*
 - *Provide opportunity for new industries and entry into agriculture;*
 - *Protect the agricultural land resource.*

As will be discussed further in this planning proposal these recommendations are also considered by Council to readily align with the *Rural Planning and Rural Subdivision Principles* of the Rural Lands (2008) SEPP.

In respect of the proposed Rural Settlement initiatives the respective amendments to minimum lot size provisions and/or the rezoning of land within the vicinity of Lockhart and The Rock for large lot residential purposes have been collectively justified on the basis of thorough analysis of a range of factors including:

- Township profiles;
- Constraints mapping;
- Supply and demand scenarios;
- Servicing;
- Community consultation; and
- Existing ownership patterns.

Further sieving of the Investigation Areas considered by Booth and Associates following subsequent in-house review by Council has resulted in the selection of four (4) areas for rezoning (Areas A, B, E & F) and amendment of the minimum subdivision lot size provisions for subdivision in a fifth area (Area D). [Note: The rezoning will also facilitate dwellings on existing vacant allotments without the necessity for further subdivision.]

Lastly in respect of the proposed rezoning of land for General Industry purposes it is noted within the Industrial Land Rezoning Study that the existing LEP does not currently designate any land specifically for industrial landuses. Current industrial landuses within both Lockhart and The Rock all commenced prior to the introduction of the Standard LEP and operate today under Existing Use right provisions. The Amendment seeks to achieve a more appropriate landuse zoning outcome reflecting both existing landuses as well as anticipated future development opportunities within the Shire.

The Amendment consequently seeks to rezone three selected areas (Areas C, G & H) to Zone IN1 - General Industrial. Stated objectives of the Zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

Through application of relevant provisions of the LEP including the zoning regime as well as provisions of the Lockhart DCP the above objectives can be achieved for the subject land under this planning proposal.

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

Having regard to the various points of discussion and recommendations within the abovementioned strategy documents the logical outcome is amend the LEP in the manner outlined within this planning proposal.

It is considered that the proposed:

- Amendment to subdivision provisions in the RU1 zone;
- Amendment to subdivision in the R5 zone;
- Large Lot Residential rezoning – Lockhart & The Rock; and
- Industrial Land rezoning – Lockhart & The Rock,

are all strategies that have merit in that they will result in proper and orderly planning outcomes that are consistent with the objectives of the Environmental Planning & Assessment Act.

The various matters covered within the current planning proposal have been discussed at public forums, considered on a number of occasions during special Council workshops and widely publicised by Council including online information at Council's web site. As a consequence of community feedback to date it can be demonstrated that there is now a legitimate expectation on the part of a section of the community that the various provisions outlined above would be "rolled" into the Standard Instrument as noted within relevant strategy documents.

In respect of the proposed introduction of a new clause within the LEP (see Appendix 3) to accommodate recommendations for adoption of a minimum lot size approach that also accommodated averaging provisions, consideration of the following Standard LEP's was undertaken, namely:

- Queanbeyan Local Environmental Plan 2012 - (Clause 4.1C - Subdivision using average lot sizes);
- Yass Valley Local Environmental Plan 2013 - (Clause 4.1B - Subdivision using average lot sizes);
- Singleton Local Environmental Plan 2013 - (Clause 4.1C - Lot averaging subdivision in certain residential and environmental zones); and
- Exhibition Draft Cooma-Monaro Local Environmental Plan 2012 - (Clause 4.1C - Lot averaging subdivision).

The point of difference with the current Lockhart proposal to the averaging examples cited above is that varying average lot sizes for subdivision are proposed across different areas of the Lockhart Shire.

The result of the above investigation is a recommendation to employ the strategy already adopted within the Lockhart LEP at sub-clause 4.1(4A) to designate specific areas on the Lot Size map for lot averaging and to correlate those designated areas to specific provisions as outlined at Appendix 3.

The Amendment seeks to utilise the existing Zone R5 as provided by the LEP.

Lastly the Amendment seeks to introduce a new zone, namely Zone IN1 - General Industrial as selected from the suite of zones provided by the Standard Instrument Principal Local Environmental Plan (as amended).

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

There are no regional or sub regional strategies in place that affect the land.

4. Is the planning proposal consistent with a Council's local strategy or other local strategic Plan?

The *Lockhart Shire Community Strategic Plan 2012 – 2022* includes the key goals of:

- *A dynamic and prosperous economy built on our location, our people and our land*
- *Infrastructure that is planned and maintained for the long terms needs of the community.*

Relevant objectives include:

- *A growing business sector with strong links to the broader economic environment*
- *A strong and resilient agricultural sector*
- *Infrastructure that facilitates an active community*
- *Vibrant rural planning and development*
- *Infrastructure that supports our community identity*

The planning proposal is consistent with the above by amending the LEP, the key land-use document for the LGA.

Also as previously stated the planning proposal is consistent with recently adopted local strategic planning in respect of rural lands, settlement and industrial lands with relevant strategy documents prepared for Council by Booth and Associates with assistance from the NSW Department of Planning and Infrastructure.

The planning proposal is also consistent with feedback received from the various community workshops undertaken as a preliminary component of this strategic planning process

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following discussion relates to applicable SEPPs.

5.1 SEPP – Rural Lands

Clause 7 of the SEPP – Rural Lands sets out eight (8) “Rural Planning Principles” that must be considered in preparing any LEP amendments affecting Rural Lands.

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (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,*
- (d) *in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (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,*

- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The proposed rezoning addresses these principles as follows:-

- In respect of the reduction in minimum subdivision lot size to 250ha an underlying justification has been the identified opportunity to provide for new industries and entry into agriculture as well as protecting the agricultural land resource.
- In respect of rezoning rural land for large lot residential and general industrial purposes the proposal seeks to facilitate legitimate opportunities for settlement and business development within the Shire.
- The rezoning of land in strategic locations in proximity of the Townships of Lockhart and The Rock will have minimal impact upon productive capacity and sustainable economic activities in rural areas while encouraging development in a planned and orderly manner that contributes to the social and economic welfare of the Shire.
- The Lockhart Rural Lands Study (April 2013) in recommending a reduction in the minimum subdivision lot size is quite clear in its acknowledgement of the significance of rural land uses to the Shire, including the social and economic benefits of rural land use and development.
- The planning proposal consequently seeks an appropriate balance across the social, economic and environmental interests of the community,
- The proposal will not adversely impact upon the existing productive potential of farm land across the Shire nor will it hinder the capacity of existing farm enterprises to continue to pursue landuse outcomes that support the ongoing rural use of land.
- The areas proposed for rezoning have not been identified as being “State Significant” agricultural land or as being of regional significance for farming activities.
- No natural resources or areas of significant biodiversity or native vegetation will be adversely impacted by the proposal;
- The proposal will not adversely impact upon any land with forestry value or forestry industry potential;
- In canvassing the subject land as suitable candidate areas for large lot residential development the strategic investigation took into account, among other things, servicing and infrastructure impacts, proximity to the established urban areas of Lockhart and The Rock and relevant site opportunity and constraints.
- There is no regional or local strategy applicable to the Lockhart LGA.

5.2 Other SEPPs

In respect of all other SEPP's applicable to the Lockhart Shire relevant comments are noted in the following Table.

SEPP	Comment
State Environmental Planning Policy No 6—Number of Storeys in a Building	Not applicable to this proposal..
State Environmental Planning Policy No 21—Caravan Parks	Not applicable to this proposal
State Environmental Planning Policy No 22—Shops and Commercial Premises	Not applicable to this proposal
State Environmental Planning Policy No 30—Intensive Agriculture	Not applicable to this proposal
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	Not applicable to this proposal
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Not applicable to this proposal
State Environmental Planning Policy No 36—Manufactured Home Estates	Not applicable to this proposal
State Environmental Planning Policy No.44 – Koala Habitat Protection	Consistent. No 'Potential Koala Habitat' is required to be removed from the subject land as a consequence of the proposal. It is further submitted that it will indeed be highly unlikely that there would be any threat to either Koala habitat or the persistence of the species in the broader region as a consequence of this proposal.
State Environmental Planning Policy No 50—Canal Estate Development	Not applicable to this proposal
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to this proposal
State Environmental Planning Policy No 55—Remediation of Land	No known areas of contamination on the subject land to be rezoned R5. The land is known to be historically used for agricultural purposes, however this predominantly comprised dryland cropping and grazing. These activities are unlikely to result in any significant land contaminants being present on the property
State Environmental Planning Policy No 62—Sustainable Aquaculture	Not applicable to this proposal
State Environmental Planning Policy No 64—Advertising and Signage	Not applicable to this proposal
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	Not applicable to this proposal
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Not applicable to this proposal
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to this proposal
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	All future dwellings will necessarily be designed and sited to comply with BASIX
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable to this proposal
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable to this proposal
State Environmental Planning Policy (Infrastructure) 2007	Not applicable to this proposal
State Environmental Planning Policy (Major Development) 2005	Not applicable to this proposal
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to this proposal
State Environmental Planning Policy (Temporary Structures) 2007	Not applicable to this proposal

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Minister for Planning, under section 117(2) of the EP&A Act may issue directions that a Council must follow when preparing planning proposals for new LEPs. The directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making.

The relevant s117 directions applicable in this instance are discussed as follows:

Direction	Consistency with Direction
1.1 Business and Industrial zones	Consistent. The planning proposal is consistent with relevant objectives of the direction by introducing the Zone IN1 – General Industrial, which will facilitate future employment opportunities in proximity of Lockhart and The Rock.
1.2 Rural Zones	Inconsistent. This direction applies in relation to a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). The Direction provides that a planning proposal must not rezone land from a rural zone to a residential zone. The inconsistency is justified in this instance as the planning proposal is identified as appropriate strategic outcomes within the following recently endorsed strategy documents: • Lockhart Rural Lands Study; and • Lockhart Rural Settlement & Industrial Land Rezoning Study.
1.5 Rural Lands	Consistent. This direction notes among other things that rural areas are increasingly under pressure for lifestyle housing opportunities. This demand for rural housing has both social and economic advantages and disadvantages for rural communities. The direction provides that planning should identify a range of housing choices within rural areas including urban areas and that housing opportunities should be determined through a strategic planning process to avoid land use conflict, avoid constraints, fragmentation of rural land and provide access to appropriate infrastructure and services. The subject land to be rezoned for large lot residential development has been identified within the Lockhart Rural Settlement & Industrial Land Rezoning Study (April 2013) as being suitable for expansion of the residential areas of Lockhart and The Rock.
2.3 Heritage Conservation	Consistent. The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. There are no known aboriginal or European heritage sites registered on the land. Appropriate due diligence at the time of any future subdivision will provide contingencies in the event that any unknown Aboriginal Cultural Heritage and/or human remains are found during the course of development works within the activity area.
3.1 Residential Zones	Consistent. This planning proposal relates to residential development that will broaden the choice of building types and locations available in the housing market. The provision of large lot residential land in this case is considered to be in line with evolving lifestyle and demographic trends.
3.3 Home Occupations	Consistent. The planning proposal does not alter existing provisions for home occupations in dwelling houses.
3.4 Integrating Land Use and Transport	Inconsistent. This direction applies where a planning proposal will create a zone or a provision relating to urban land, including land zoned for residential, or village purposes. The inconsistency is justified in this instance as the planning proposal

Direction	Consistency with Direction
	is supported by the endorsed Lockhart Rural Settlement & Industrial Land Rezoning Study (April 2013).
4.3 Flood Prone Land	Consistent. The Direction seeks to ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. Known flood constraints within Lockhart and The Rock have been factored into the selection of land for rezoning for large lot residential purposes. It is noted that existing flood mapping within the Shire has yet to be fully validated. Further flood investigation within both Township areas will greatly inform future development outcomes.
4.4 Planning for Bushfire Protection	Consistent, Council BFPLM was considered in the selection of land for rezoning for large lot residential purposes. Land identified in the vicinity of The Rock includes properties in proximity to land mapped as bushfire prone. The NSW RFS will be consulted if the planning proposal proceeds.
5.1 Implementation of Regional Strategies	Not applicable. There is no Regional Strategy in place that affects the subject land.
6.1 Approval and Referral Requirements	Consistent. The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The Planning Proposal does not propose any additional provisions which will require referral of development applications to the Minister or any other public authority.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes
6.3 Site Specific Provisions	Consistent: This Direction seeks to reduce the imposition of site specific controls on land rezoned for a particular development. The planning proposal relates to general zone amendments and particularly introduction of the IN1 Zone and extension of the existing R5 zone. Proposed average lot size provisions fall under Part 4 'Principal development standards' local provisions, rather than being site specific controls reference in Part 2 Schedule 2 or Part 6..

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.

7. 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?

As confirmed by recent site inspection it is submitted that there are no elements of critical habitat listed under legislation that occurs on the subject land to be rezoned R5 or IN1. Further the proposed rezoning will be highly unlikely to impact upon any threatened species, populations or ecological communities, or their habitats. Of relevance to the subject land it is noted that all that remains of significant native vegetation upon the land is located within road reserves and rather narrow riparian corridors.

Those parts of the subject land that forms a part of a vegetated corridor link patches or remnants of habitat. The degree of isolation of a patch / remnant depends upon several factors including its distance from other similar patches and the nature of the surrounding environment.

The degree to which isolation of patches is prevented by landscape elements (eg habitat corridors which allow organisms to move between patches) is measured as connectivity. Connectivity in a landscape is not only a factor of its spatial characteristics but other factors such as species behaviour and dispersal

characteristics and while scientific evidence in support of corridors as a conservation tool is weak, conservation biologists generally agree that landscape connectivity enhances population viability for many species and that many species live well in connected landscapes.

Having regard to the above it is submitted that the planning proposal will not have an adverse impact upon any corridors of native vegetation.

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

As previously noted the rationale for selecting areas to be rezoned has taken into account relevant environmental constraints including flooding, bushfire, natural resources and biodiversity. There are few environmental effects anticipated as a result of the planning proposal, given the generally highly disturbed and cleared nature of the subject land.

The density of subdivision of the subject land to be rezoned for large lot residential purposes will not result in significant impacts upon existing topography, waterways, drainage lines or native vegetation. The minimum lot size of 2ha for land in the Zone R5 will allow a significant area to be retained by future landowners for sustainable land management outcomes.

Sufficient site area will also be provided to ensure wastewater from future dwellings will be contained and treated onsite. The design and installation of future onsite domestic wastewater systems consistent with AS/NZS 1547.2000 will be determined through land capability assessment of future lots.

Future development of land will also have due regard to any land identified as bush fire prone on the Council's Bush Fire Prone Land Map (BFPLM).

9. How has the planning proposal adequately addressed any social and economic effects?

Relevant issues in relation social and economic effects have been take into account with the strategic work undertaken by Council. Among other considerations positive social and economic benefits attributes contributing to a net community benefit from the planning proposal proceeding to an Amendment of the LEP include:

- the proposed reduction in the minimum subdivision lot size across Zone RU1 from 650ha to 250ha so as to provide greater opportunity for new rural enterprise and entry into agriculture;
- improve opportunities for housing choice in attractive 'greenfield's' locations within relatively close proximity of the town centres of Lockhart and The Rock; and
- the introduction of an industrial zone which will guide future landuses to strategic locations in Lockhart and The Rock, assist Council in development attraction and facilitate positive economic development outcomes in appropriate locations within the Shire.

Rezoning of land will also facilitate an orderly extension of both Lockhart and The Rock and will address a genuine need for appropriately zoned land as identified within the Rural Settlement & Industrial Land Rezoning Study (April 2013).

The following analysis of Net Community Benefit concludes that the planning proposal will have a net community benefit and therefore the planning proposal should proceed.

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors)?	Not applicable: There are no state or regional strategies applicable to the subject land specifically or the broader Lockhart LGA.			No external cost to community.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy?	Not applicable to Lockhart LGA:			No external cost to community.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The planning proposal is supported by endorsed strategy documents: • Lockhart Rural Lands Study; and • Lockhart Rural Settlement & Industrial Land Rezoning Study.	The proposal seeks • Amendment to subdivision provisions in the RU1 zone; • Amendment to subdivision in the R5 zone; • Large Lot Residential rezoning – Lockhart & The Rock; and • Industrial Land rezoning – Lockhart & The Rock. As a consequence it would be difficult to establish a precedent from support for the LEP based on the specific characteristics of the proposal as well as the nature of the subject land as investigated within endorsed	The qualitative benefits of the proposal include: • the proposed reduction in the minimum lot size across Zone RU1 to 250ha will provide greater opportunity for new rural enterprise and entry into agriculture; • the eventual development of the land for large lot residential purposes will improve opportunities for housing choice in attractive 'greenfield's' locations within relatively close proximity of the town centres of Lockhart and The Rock; and • the introduction of an	No external cost to community.

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
		strategy documents.	industrial zone will guide future landuses to strategic locations in Lockhart and The Rock, assist Council in development attraction and facilitate positive economic development outcomes in appropriate locations within the Shire.	
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	As above. There have been no other spot rezonings within the vicinity of the subject land	The planning proposal has been prepared in response to Council's resolution at its meeting on 17 June 2013 and subsequent endorsement by the Department of Planning and Infrastructure.	As above. No external cost to community	No external cost to community.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No industry zones currently utilised with the Lockhart LEP 2012 as a consequence of the translation from the former LEP to a Standard LEP format.	The proposal will designate specific locations for industrial landuses within the LGA. As a consequence the proposal will nominate locations for employment generating activity in proximity of Lockhart and The Rock.	The rate of employment will be dependent on the specific nature of future industrial development. Facilitating investment in construction will also, in turn, facilitate employment in the construction sector.	No external cost to community.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	There is currently no Zone R5 land in vicinity of Lockhart. There is land zoned R5 situated to the north of The Rock as a consequence of the translation	The proposal seeks to rezone two new precincts in the Lockhart area and two additional precincts in the vicinity of The Rock.	The proposal will facilitate the future development of the land with a different market sector to land within the RU5 Village Zone. The proposed R5 Zone will cater for large lot residential	No external cost to community.

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
	from the former LEP to a Standard LEP format.	Minimum lot size provisions specific to each precinct including existing R5 land to the north of The Rock are to be introduced.	purposes which can be directed to specific precincts improving opportunities for housing choice in proximity of existing town centres.	
Is the existing public infrastructure (roads and utilities etc) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Existing level of services are commensurate with the respective rural locations of Lockhart and The Rock. Pedestrian and cycle access not relevant in the circumstances. Apart from taxi services no public transport exists.	A Strategy Report has been prepared as a basis of support for this planning proposal in respect of the rezoning of land to R5 and IN1 respectively. This report, among other relevant constraint considerations, has canvassed issues associated with existing levels of public infrastructure servicing the land.	As previously noted qualitative benefits will include improved opportunities for: • new rural enterprise and entry into agriculture; • housing choice in attractive 'greenfield's' locations within relatively close proximity Lockhart and The Rock; and • development attraction and positive economic development outcomes.	Any external costs to community will be offset by benefits associated with increased private investment, population growth and increased employment opportunities.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The zoning of land for residential purposes as well as range of existing uses currently allowed by the LEP will generate demand for car based travel.	The planning proposal will increase availability of land for residential purposes as well as the range of permissible land uses.	By selecting candidate areas for rezoning in relatively close proximity of the townships of Lockhart and The Rock the proposal will result in some opportunities for minor decreases in car distances travelled.	As above. While it is difficult to quantify likely impacts in terms of greenhouse gas emissions, operating costs and road safety and external costs to community will be offset by benefits associated with increased private investment, population growth and increased employment opportunities.

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	Not relevant to this Planning Proposal.			No external cost to community.
Will the proposal impact on land that the Government has identified a need to protect (eg land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The planning proposal is supported by endorsed strategy documents: • Lockhart Rural Lands Study; and • Lockhart Rural Settlement & Industrial Land Rezoning Study.	In respect of the rezoning of land to R5 and IN1 respectively the Rural Settlement & Industrial Land Rezoning Study considered, among other relevant constraints issues associated with flooding, bush fire, natural resources and biodiversity.	The subject land to be rezoned has not been identified as having any biodiversity value or constrained by environmental matters that would preclude development for large lot residential and/or general industrial purposes as the case may be.	No external cost to community.
Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	As above	In respect of the rezoning of land to R5 and IN1 respectively the Rural Settlement & Industrial Land Rezoning Study considered, among other issues existing amenity issues. Community forums also assisted with an understanding of community expectations as a consequence of this planning proposal proceeding.	It is considered that any future development as a consequence of this planning proposal will be consistent with existing and likely future character and amenity considerations. There are no issues in terms of the public realm which would preclude the planning proposal from proceeding.	No external cost to community.

EVALUATION CRITERIA	COMMUNITY COSTS AND BENEFITS			
	BASE CASE – CURRENT SITUATION	PLANNING PROPOSAL	QUALITATIVE COMMUNITY BENEFIT PER CRITERIA	QUANTITATIVE COMMUNITY BENEFIT PER CRITERIA
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Not relevant to this Planning Proposal. An industrial zone does not provide for retailing and commercial premises (unless in conjunction with, and subservient to, an industrial activity). In addition, there are no retail or commercial activities within the locality of the subject land.			No external cost to community.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not relevant to this Planning Proposal.			No external cost to community.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	As a consequence of the translation from the former LEP to a Standard LEP format. - The existing minimum lot size within Zone RU1 Primary Production is 650ha. - There are no industry zones currently utilised with the Lockhart LEP 2012. - There is currently no Zone R5 land in vicinity of Lockhart. - There is land zoned R5 situated to the north of The Rock	As supported by endorsed strategy documents the proposal seeks - Amendment to subdivision provisions in the RU1 zone to 250ha; - Amendment to subdivision in the R5 zone; - Large Lot Residential rezoning – Lockhart & The Rock; and - Industrial Land rezoning – Lockhart & The Rock.	The public interest is served by this planning proposal as it will provide: - improved opportunities for new rural enterprise and entry into agriculture; - improved opportunities for housing on existing vacant allotments; - additional large lot residential opportunities in strategic locations in the vicinity of Lockhart and The Rock; and - specific locations for industrial zoned land subsequent employment generating activities.	Any external costs to community will be offset by benefits associated with increased private investment, population growth and increased employment opportunities.
NET COMMUNITY BENEFIT			POSITIVE	POSITIVE

SECTION D – STATE AND COMMONWEALTH INTERESTS.

10. Is there adequate public infrastructure for the planning proposal?

Land proposed to be rezoned for general industry purposes will be appropriately serviced with reticulated electricity and road access. Water supply and effluent treatment will be commensurate with the location and likely demand.

In respect of land to be rezoned R5 Large Lot Residential it is not intended to provide reticulated urban infrastructure. Future lots will be provided with on-site wastewater disposal infrastructure and water supply, which will be established by future landowners.

Good road infrastructure exists to service the subject land. Any future local roads will be constructed to appropriate width and formation commensurate with the development proposed.

Other essential services such as health, education and emergency services are available within the Township areas and are of adequate capacity to meet the future needs of the proposal.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

Responses are not required on the proposal until after the Gateway determination.

2.4 PART 4 - MAPPING

As previously noted this planning proposal seeks the introduction of revised mapping into the LEP. Consistent with the provisions of s.55(2)(d) of the Act maps containing sufficient detail to indicate the substantive effect of the proposed instrument are provided at Appendix 1 (Land Use Zones) and Appendix 2 (Lot Size). LEP Maps (consistent with DoPI Standard Technical Requirements) will be prepared, prior to exhibition, to support further community consultation.

2.5 PART 5 - COMMUNITY CONSULTATION

The planning proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The gateway determination will specify the community consultation that must be undertaken on the planning proposal. As such, the exact consultation requirements will be determined upon receipt of the gateway determination.

At a minimum, the future consultation process is expected to be in accordance with the consultation requirements set out in “*A guide to preparing local environmental plans*” (Department of Planning, 2012), being:

- written notification will be provided to landowners who may be directly or indirectly impacted by the proposed amendment, with a minimum notification period of 28 days;
- consultation with relevant Government Departments and Agencies, service providers and other key stakeholders, as determined in the gateway determination;
- public notices to be provided in a local newspaper and on Councils’ website;
- static displays of the Planning Proposal and supporting material Council offices in Lockhart and The Rock;

- electronic copies of all documentation being made available upon request to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made with respect to the planning proposal and prepare a report to Council. It is considered unlikely that a Public Hearing will be required for the proposal under Section 56(2)(e) of the EP&A Act.

2.6 PART 6 - PROJECT TIMELINE

As provided for by Section 55(3) of the Act the Director-General has issued requirements with respect to the preparation of a planning proposal. These requirements include the preparation of a project timeline for the planning proposal.

Typical of the strategic planning process however it needs to be noted that there are indeed many factors that can influence compliance with the timeframe including the cycle of Council meetings, consequences of agency consultation and consequences of public exhibition.

As a consequence the following project timeline in respect of this planning proposal should be regarded as providing an indicative outline only as a mechanism to monitor the progress of the planning proposal through the plan making process.

Milestone	Date/timeframe
Anticipated commencement date (date of Gateway determination)	January 2014
Anticipated timeframe for the completion of required studies (if required)	2 months from Gateway determination
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	2 months from Gateway determination
Commencement and completion dates for Commence public exhibition period	3 months from Gateway determination
Dates for public hearing (if required)	Within 2 weeks of public exhibition completion
Timeframe for consideration of submissions	2 weeks following completion of exhibition
Timeframe for the consideration of a proposal post exhibition	1 month following completion of exhibition
Anticipated date RPA will make the plan (if delegated)	2 weeks following consideration of proposal
Anticipated date RPA will forward to the department for notification (if delegated).	1 month following consideration of proposal

3 CONCLUSION

This planning proposal report relates to proposed amendment to the Lockhart LEP and in particular:

- Amendment to subdivision provisions in the RU1 zone;
- Amendment to subdivision in the R5 zone;
- Large Lot Residential rezoning – Lockhart & The Rock; and
- Industrial Land rezoning – Lockhart & The Rock.

These strategies are supported in principle by the *Lockhart Rural Lands Study* (April 2013) and the *Lockhart Rural Settlement & Industrial Land Rezoning Study* (April 2013) both of which were prepared by Booth and Associates on behalf of Lockhart Shire Council through assistance from the Department of Planning and Infrastructure.

The outcomes outlined are considered to have merit in that they will result in proper and orderly planning outcomes that are consistent with the objectives of the Environmental Planning & Assessment Act.

The proposal will respond to the strategic direction of Lockhart Shire Council being the provision of land for industry and employment opportunities as well as additional large lot residential allotments for future development in proximity of Lockhart and The Rock.

In conclusion, the Planning Proposal is worthy of support and will deliver a net positive social and economic outcome not only for the residents of Lockhart and The Rock but also for the wider rural population across the whole of the Lockhart LGA.

APPENDIX 1

AMENDMENT OF LOCKHART LEP 2012 – Proposed Land Zoning



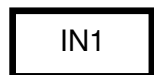
Lockhart
Shire Council

Lockhart LEP 2012 –
Amendment No.1

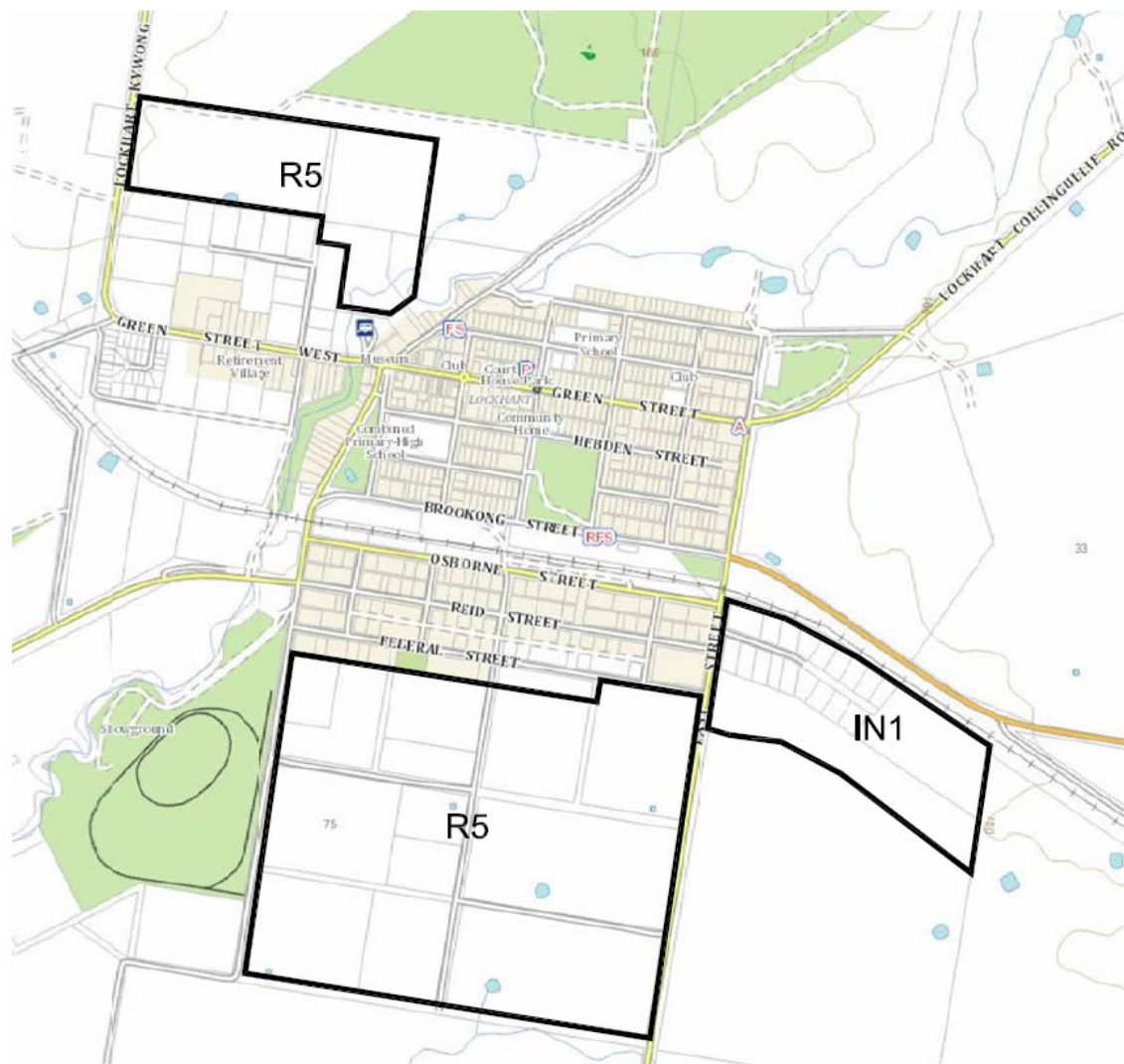
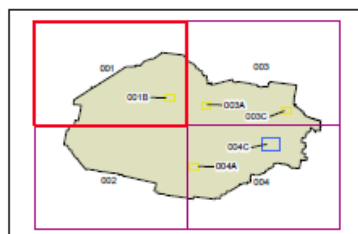
Land Zoning - Lockhart



Large Lot Residential



General Industrial



Environment Design Management



Lockhart
Shire Council

Lockhart LEP 2012 –
Amendment No.1

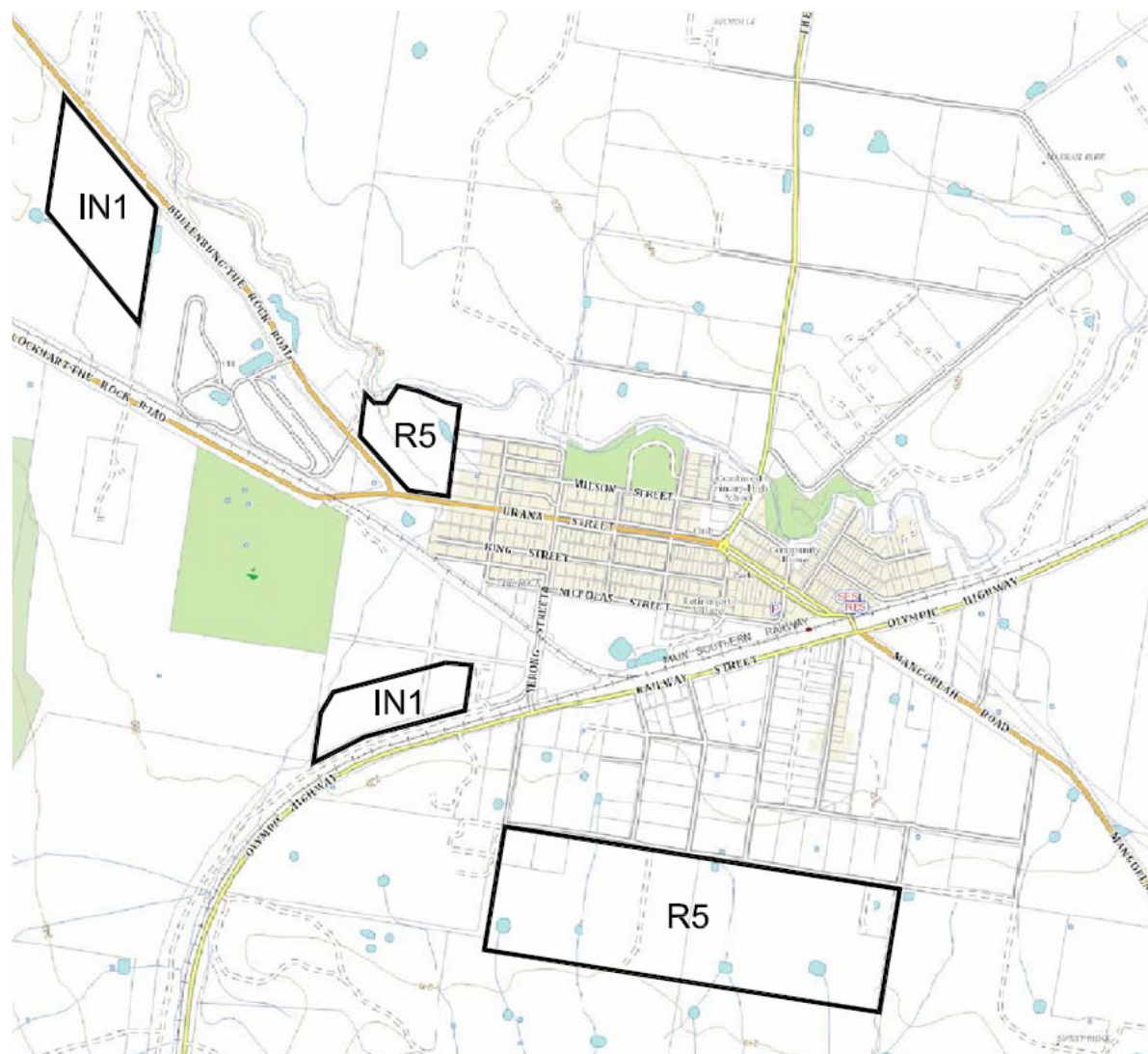
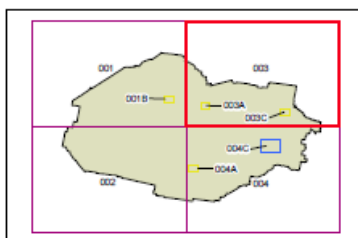
Land Zoning – The Rock

R5

Large Lot Residential

IN1

General Industrial



APPENDIX 2

**AMENDMENT OF
LOCKHART LEP 2012 –
Proposed Lot Sizes**



Lockhart
Shire Council

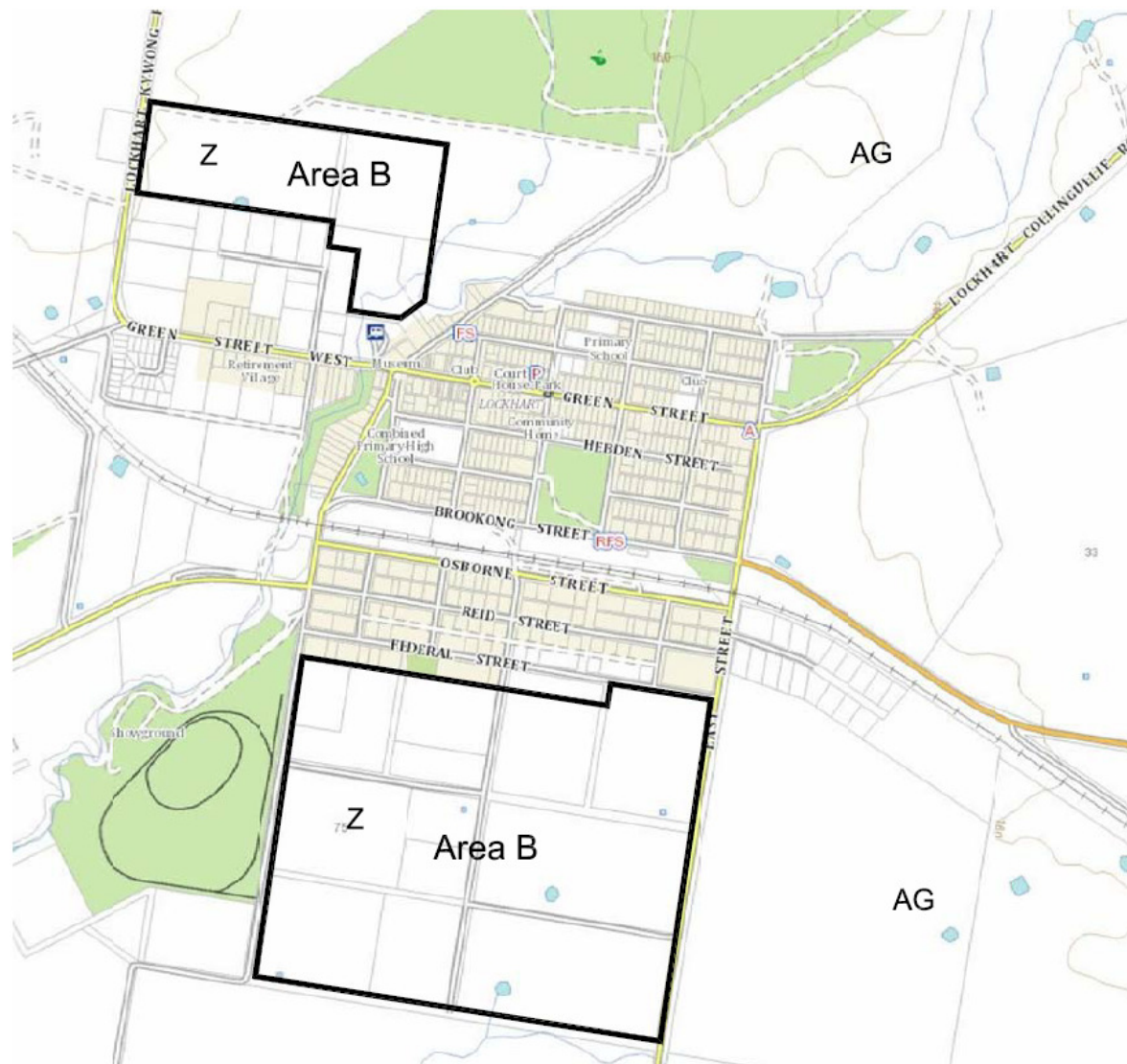
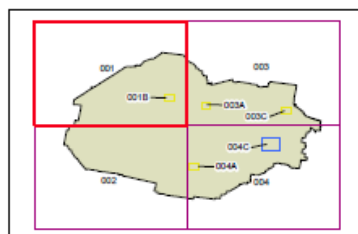
Lockhart LEP 2012 –
Amendment No.1

Lot Sizes - Lockhart

Z 2ha

Lot Averaging: Refer Clause 4.1B

AG 250ha





Lockhart
Shire Council

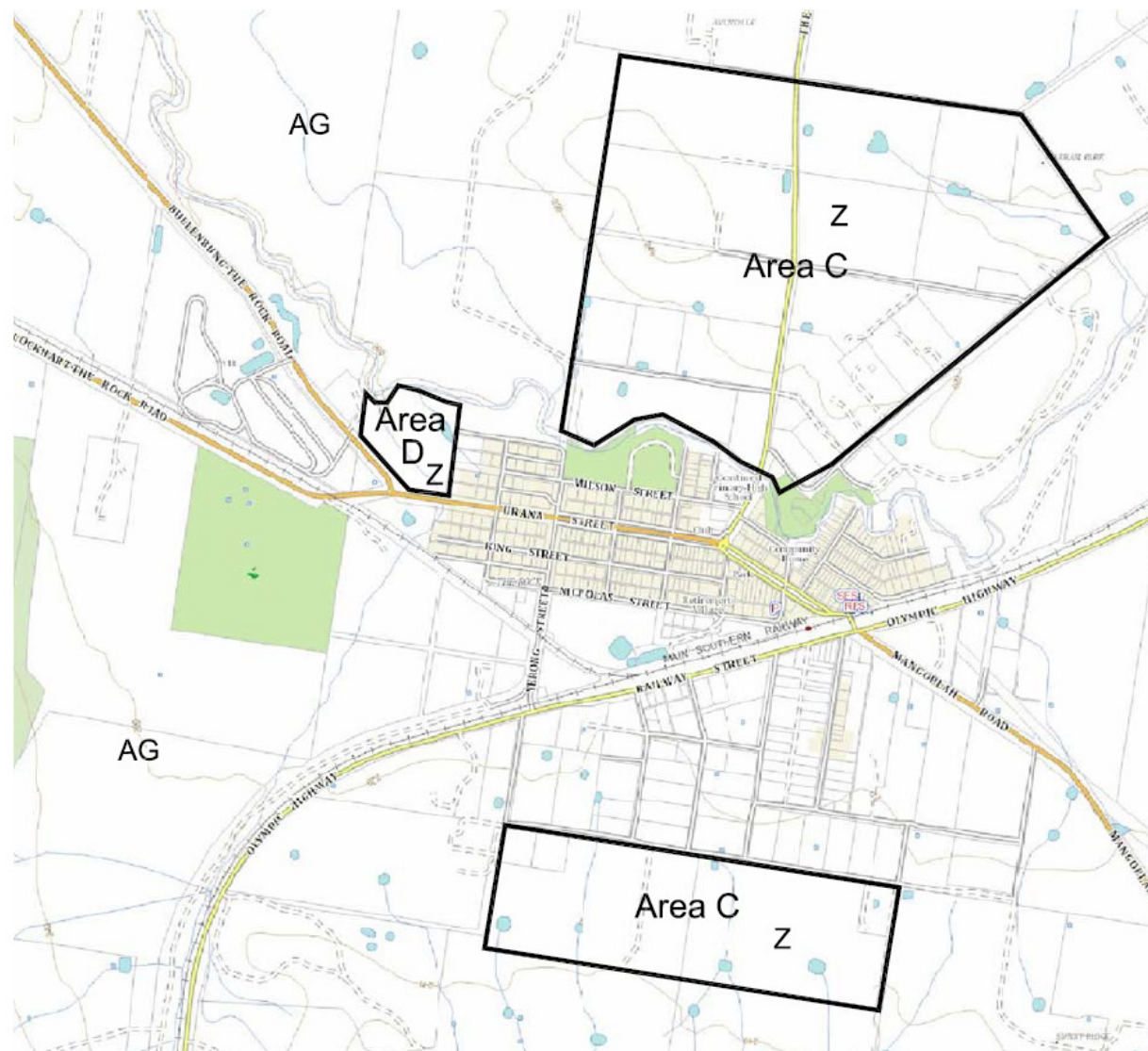
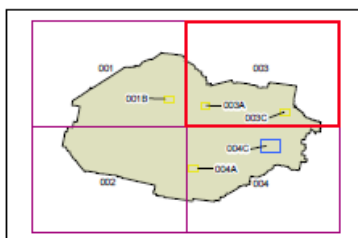
Lockhart LEP 2012 –
Amendment No.1

Lot Sizes – The Rock

Z 2ha

Lot Averaging: Refer Clause 4.1B

AG 250ha



APPENDIX 3

**AMENDMENT OF
LOCKHART LEP 2012 –**

Draft Ordinance

The Lockhart Local Environmental Plan is amended as follows:

1. Insert into the Land Use Table

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Environmental protection works; Roads

3 Permitted with consent

Depots; Food and drink premises; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Plant nurseries; Rural industries; Rural supplies; Stock and sale yards; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Child care centres; Commercial premises; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industries; Home-based child care; Home occupations (sex services); Information and education facilities; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation

2. Insert after Clause 4.1AA the following subclause

4.1B Subdivision of land in Zone R5 using average lot sizes

(1) The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the environmental values of the land by encouraging buildings to be appropriately sited.

(2) This clause applies to the land identified as “Lot Average” on the Lot Size Map.

(3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the Community Land Development Act 1989) if:

(a) the minimum area of the lots resulting from the subdivision will not be less than the minimum size shown on the Lot Size Map for the relevant land, and

(b) the average size of the lots resulting from the subdivision of the land identified as “Area B” on the Lot Size Map will not be less than 3ha; and

(c) the average size of the lots resulting from the subdivision of the land identified as “Area C” on the Lot Size Map will not be less than 4ha; and

(d) the average size of the lots resulting from the subdivision of the land identified as “Area D” on the Lot Size Map will not be less than 5ha..

(4) Despite subclause (3), land to which this clause applies may, with development consent, be subdivided under this clause, where the consent authority is satisfied that the land could have been subdivided under this clause had it not been affected by any one or more of the following:

(a) a minor realignment of its boundaries that did not create an additional lot,

(b) a subdivision creating or widening a public road or public reserve or for another public purpose,

(c) a consolidation with an adjoining public road or public reserve or for another public purpose.

(5) Development consent must not be granted for the subdivision of land to which this clause applies unless the number of lots to be created will not exceed the number of lots that could have been created under this clause had the land not been affected by a matter referred to in subclause (4) (a), (b) or (c).

3. Insert in the Dictionary the following definition:

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production. (Note. Rural supplies are a type of retail premises—see the definition of that term in this Dictionary.)