

Amendment to Leeton LEP 2014 - Various amendments - housekeeping

Proposal Title : **Amendment to Leeton LEP 2014 - Various amendments - housekeeping**

Proposal Summary : **Various amendments - 10 items including to amend maps LZN_014E, FSR_014E, HOB_014E and LSZ_014E and reclassify land from Community to Operational for land at Yanco Ave, Leeton; insert clause 4.2E Exceptions to minimum subdivision lot sizes for certain rural zones; amend errors with clause 6.7 Development on riverfront areas; amend map LSZ_014B and the minimum lot size for land at Irrigation Way (West), Yeo Road, and Errey Road; amend map LSZ_014F and the minimum lot size for land at Irrigation Way (East); amend the land use table to resolve errors and amend clause 4.1 3(A) to remove reference to areas marked 'Z' and amend and 4.1 (3B) to replace reference to 'Z' with 'Z1' and 'Z2'.**

PP Number : **PP_2015_LEETO_001_00**

Dop File No : **15/04056**

Proposal Details

Date Planning
Proposal Received : **27-Mar-2015**

LGA covered : **Leeton**

Region : **Western**

RPA : **Leeton Shire Council**

State Electorate : **MURRUMBIDGEE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **12-14 Yanco Avenue**

Suburb : **Leeton**

City :

Postcode : **2705**

Land Parcel : **Lots 14 and 15 Section 57 DP 758606 - rezone from zone B3 Commercial Core to zone R1 General Residential with floor space, building height and lot size amendments**

Street : **Errey Road**

Suburb : **Leeton**

City :

Postcode : **2705**

Land Parcel : **Lot 86 DP 751735, Lot 298 DP 751735, Lots 1 & 2 DP 1190153 and Lot 1 DP 841216 - Amend the minimum lot size from nil to 150Ha**

Street : **Irrigation Way (West)**

Suburb : **Leeton**

City :

Postcode : **2705**

Land Parcel : **Lot 316 DP 751735 - Amend the minimum lot size from nil to 150Ha**

Street : **Yeo Road**

Suburb : **Leeton**

City :

Postcode : **2705**

Land Parcel : **Lots 88 & 89 DP 751735 - Amend the minimum lot size from nil to 150Ha**

Street : **Irrigation Way (East)**

Suburb : **Leeton**

City :

Postcode : **2705**

Land Parcel : **Lots 109 & 110 DP 751745 - Amend the minimum lot size from nil to 4000m2**

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment : **There have been no known meetings or communications with registered lobbyists.**

Supporting notes

Internal Supporting
Notes : **The planning proposal was originally submitted on 26 February 2015. It was noted that Council had not resolved to reclassify land for Lot 15 Section 57 DP 758606 and Council was requested to seek this resolution. Council requested the Department stop work on the matter until the resolution was sought. The Department was forwarded the Council resolution for the reclassification on 26 March 2015 where assessment of the planning proposal was resumed.**

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The planning proposal clearly states the following objectives and intended outcomes:**

- **Rezone certain lands from commercial to residential**
- **Introduce exceptions to minimum lot size requirements in the RU1 zone to meet the needs of existing and permissible land uses**
- **Correct local planning provisions relating to those zones where setbacks to the Murrumbidgee River apply**
- **Correct lot size maps**
- **Correct drafting errors affecting land use tables and principal development standards.**

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

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

Comment : **The planning proposal clearly explains the provisions required to meet the objectives. These provisions include:**

Item 1: Amend map LZN_014E to rezone lots 14 and 15 DP 758606 Yanco Avenue, Leeton from B3 Commercial Core to R1 General Residential.

Item 2: Amend the floor space ratio from 0.5:1.25 on lots 14 and 15 DP 758606, amend the maximum building height from 11.5m to 8.5m, and amend the minimum lot size from nil to 750m2. The maps to be amended are FSR_014E, HOB_014E and LSZ_014E to be consistent with the surrounding land use patterns.

Item 3: Reclassify Lot 15 Section 57 DP 758606 from Community land to Operational land, by inserting the land in Schedule 4 Part 1 – Land classified, or reclassified, as operational land – no interests changed.

Item 4: Insert model clause 'Exceptions to minimum subdivisions lot sizes for certain rural land' to apply to land in Zone RU1 Primary Production.

Item 5: Amend clause 6.7 'Development on riverfront areas' to replace reference to zone R5 Large Lot Residential with zone RU1 Primary Production, and replace zone E2 Environmental Conservation with zone SP2 Infrastructure.

Item 6: Amend the minimum lot size for nine (9) parcels of land from nil to 150Ha on map sheet LSZ_014B to be consistent with the surrounding land use patterns.

Item 7: Amend the minimum lot size for Lots 109 and 110 DP 751745 Irrigation Way (East) Road from nil to 4000m2 on map sheet LSZ_014F to be consistent with the surrounding land use patterns.

Item 8: Amend the land use table for zone R3 Medium Density Residential to remove 'Places of Public Worship' from 'Prohibited'.

Item 9: Amend the land use table for zone R5 Large Lot Residential to remove 'Flood mitigation works' from 'Permitted without consent'.

Item 10: Amend clause 4.1 (3A) to remove reference to areas marked 'Z' on the lot size maps. Amend clause 4.1 (3B) to replace reference to areas marked 'Z' with 'Z1' and 'Z2' to be consistent with the LEP map.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

3.1 Residential Zones

3.4 Integrating Land Use and Transport

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP (Rural Lands) 2008

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

S117 Directions

1.1 Business and Industrial zones: This direction requires that a planning proposal must retain the areas and locations of existing business and industrial zones and not reduce the potential floor space area for employment uses and related public services in business zones. The planning proposal provides justification that rezoning the land from zone B3 Commercial Core to zone R1 General Residential will not impact on the supply of commercial opportunities and that the site is better suited for residential purposes due to the character of the surrounding area. It is understood that the site was zoned for commercial uses during the preparation of the Leeton LEP 2014 to attract a take away food premises, however this has not eventuated and residential dwellings remain on the subject site. The delegate of the Secretary can be satisfied that the inconsistency with this direction is of minor significance and no further work is required.

1.2 Rural zones: This direction applies as item 6 contains provisions which impact rural land. The direction states that a planning proposal must not increase the permissible density or rezone rural lands. Item 6 of the planning proposal seeks to adopt a minimum lot size of 150Ha (from no minimum lot size) on RU1 Primary Production zoned land, however this does not permit any additional subdivision opportunities and the proposed minimum lot size will be consistent with the surrounding area. It is considered that the planning proposal is consistent with this direction.

1.5 Rural lands: This direction requires that a planning proposal be consistent with the rural planning and subdivision principles of SEPP (Rural Lands) 2008. Item 6 of the planning proposal is amending the minimum lot size from nil to 150Ha for RU1 Primary Production zoned land therefore item 6 must be consistent with SEPP (Rural Lands) 2008. As the proposed minimum lot size amendment is consistent with the surrounding minimum lot size applicable to land zoned RU1 Primary Production, and as the proposed lot size will not result in any additional subdivision opportunities, it is considered that item 6 is consistent with SEPP (Rural Lands) 2008 and this direction.

3.1 Residential Zones: This direction applies where a planning proposal affects land within an existing or proposed residential zone and must encourage the provision of housing that will broaden the choice of building types and locations, ensure efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated infrastructure and be of good design. This direction applies as item 1 affects land within a proposed residential zone, by proposing to rezone land from zone B3 Commercial Core to zone R1 General Residential. As the subject site is within an existing residential area that makes use of existing infrastructure and will validate existing residential development, the planning proposal is consistent with this direction.

3.4 Integrating land use and transport: This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The planning proposal must be consistent with 'Improving transport choice – Guidelines for planning and development' and 'The right

place for business and services – planning policy’. Items 1 and 2 of the planning proposal seeks to rezone land from zone B3 Commercial Core to zone R1 General Residential with amendments to the floor space ratio, maximum building height and lot size maps. The location of the site subject to the amendments is within an existing residential area with walking distance to local services and shopping amenities. It is therefore considered that the planning proposal is consistent with this direction.

SEPPs

SEPP (Rural Lands) 2008: This SEPP contains rural planning and subdivision principles which aim to retain land for rural purposes. The planning proposal seeks to insert a minimum lot size of 150Ha on land zoned RU1 Primary Production, which will result in a consistent minimum lot size with the surrounding land zoned RU1 Primary Production. As the proposed lot size will not result in any additional subdivision opportunities, it is considered that item 6 is consistent with SEPP (Rural Lands) 2008.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Adequate locality maps have been prepared as part of the planning proposal and are suitable for public exhibition.

A condition will be imposed on the Gateway determination requiring the preparation of amending maps in accordance with the Standard Technical Requirements for LEP maps prior to lodgement under section 59 of the Environmental Planning and Assessment Act 1979.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes the following community consultation:

- Public notice of the planning proposal in the local newspaper and Council website
- Written letters notifying of the planning proposal to affected and adjoining landowners

The public and written notices will contain:

- A brief description of the objectives and intended outcomes of the planning proposal
- Land affected by the planning proposal
- Where and when the planning proposal can be inspected
- Name and address of the relevant planning authority for the receipt of submissions
- Indicate the closing date for the submissions.

As the proposed community consultation is consistent with the Department’s Guide to preparing Local Environmental Plans, the proposed community consultation is acceptable. It is considered a 28 day community consultation period is adequate as the planning proposal is not considered low impact.

The planning proposal also states that Council will hold a public hearing on the matter consistent with Practice Note 09-003 and the requirements of the Local Government Act 1993. A condition will be imposed on the Gateway determination to this effect.

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 :

Comments in
relation to Principal
LEP :

The Leeton Local Environmental Plan 2014 was notified on 10 June 2014.

Assessment Criteria

Need for planning
proposal :

Item 1: This item seeks to rezone land from zone B3 Commercial Core to R1 General Residential at 12-14 Yanco Avenue, Leeton, as a commercial opportunity on the land never eventuated. As the existing development on the site is residential, the proposed rezoning will return the site to a residential use. A planning proposal is the only means to implement this aim.

Item 2: This item seeks to amend the floor space ratio, maximum building height and minimum lot size of 12-14 Yanco Avenue, Leeton, in line with surrounding development standards. A planning proposal is the only means to implement this aim.

Item 3: This item seeks to reclassify 14 Yanco Avenue, Leeton (Lot 15 Section 57 DP 758606) from Community to Operational. The site was originally part of a plan by Leeton Council to purchase the land and sell it for the purposes of a take away food premises. This opportunity did not eventuate and Council wish to sell the land for residential purposes. In order to sell the land, the land must be reclassified from Community to Operational. Council have advised that there are no interests in the land to be extinguished. It is considered an oversight that the land was not reclassified during time of purchase as the adjoining property, 12 Yanco Avenue, Leeton, has already been reclassified as operational land. A planning proposal is the only means to implement this aim and rectify this error. A public hearing is required and as no interests are being changed the Governor's approval will not be required.

Item 4: This item seeks to insert a model clause for 'Exceptions to minimum subdivision lot sizes for certain rural zones' to land in the RU1 Primary Production zone. The planning proposal states that this clause is required to permit a range of rural activities within the zone that do not require a 150Ha lot size. Council only wishes to utilise this clause in certain circumstances for approved and permissible land uses other than dwelling houses or dual occupancies. A planning proposal is the only means to implement this aim.

Item 5: This item seeks to amend existing clause 6.7 'Development on river front areas'. Councils existing clause applies setbacks to land zoned R5 Large Lot Residential (40m) and E2 Environmental Conservation (100m) however there is no land zoned R5 or E2 within Leeton LGA that has frontage to the Murrumbidgee River. Council proposes to rectify this error by to include land zoned RU1 Primary Production and SP2 Infrastructure with the relevant distances being 40m and 100m respectively. As the Department's policy in relation to the definition of riverfront areas is to specify a 40m setback for urban areas and a 100m setback for all other zones, a condition will be placed on the Gateway that both the proposed RU1 Primary Production zone and SP2 Infrastructure zone will both have a 100m setback under this definition. A planning proposal is the only means to implement this aim and rectify this error.

Item 6: This item seeks to implement a minimum lot size for a precinct of land currently zoned RU1 Primary Production. As there is no current minimum lot size, Council seeks to include a minimum lot size of 150Ha consistent with adjoining lot size for land zoned RU1

Primary Production. A planning proposal is the only means to implement this aim and rectify this error.

Item 7: This item seeks to implement a minimum lot size for a precinct of land currently zoned R5 Large Lot Residential. As there is no current minimum lot size, Council seeks to include a minimum lot size of 4000m2 consistent with adjoining lot size for land zoned R5 Large Lot Residential. A planning proposal is the only means to implement this aim and rectify this error.

Item 8: This item seeks to amend the R3 Medium Density Residential zone land use table by removing the land use term 'Places of Public Worship' from table 4 Prohibited. This will have the effect of allowing such land use to be permissible with consent. A planning proposal is the only means to implement this aim.

Item 9: This item seeks to amend the R5 Large Lot Residential zone land use table by removing the land use term 'Flood mitigation works' from table 2 Permissible without consent. As the land use is already permissible with consent, this will rectify the error. A planning proposal is the only means to implement this aim and rectify the error.

Item 10: This item seeks to amend clause 4.1 (3A). The existing clause permits subdivisions smaller than those on the minimum lot size map if identified within areas marked 'Z'. Council seeks to remove the reference as it does not wish to provide services to those lots.

As it is noted that the Leeton LEP does not contain reference to 'Z' within the lot size map series, Council has also requested that clause 4.1 (3B) be amended with reference to 'Z1' and 'Z2' to replace references to 'Z' to ensure the clause has the intended effect and consistent with the maps. A planning proposal is the only means to implement these aims and rectify these errors.

Consistency with strategic planning framework :

The planning proposal is not a result of any strategic study or framework, however most items of the planning proposal seek to rectify errors since the notification of the Leeton LEP 2014.

The planning proposal is consistent with relevant SEPPs and 117 directions, with the exception of item 1 although this inconsistency is considered of minor significance.

Environmental social economic impacts :

The planning proposal states that there is no critical habitat within the Leeton LGA. The planning proposal also states that there are no lands identified as bushfire prone or flood prone affected by the planning proposal. There are no known negative environmental impacts of the planning proposal.

The planning proposal seeks to rectify a number of errors which will ensure the Leeton LEP works effectively and as intended. This may increase development opportunities within the Leeton LGA. There are no known negative social impacts as a result of the planning proposal.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			

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

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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
Leeton Planning Proposal Various amendments.pdf	Proposal	Yes
4750_SUP_FSR_014E_010_20150330.pdf	Map	Yes
4750_SUP_HOB_014E_010_20140330.pdf	Map	Yes
4750_SUP_LSZ_014B_010_20150330.pdf	Map	Yes
4750_SUP_LSZ_014F_010_20150330.pdf	Map	Yes
4750_SUP_LZN_014E_010_20150330.pdf	Map	Yes
Council report Planning Proposal- Reclassification 25 March 2015.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 1.2 Rural Zones
 1.5 Rural Lands
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport

Additional Information : **The following conditions are recommended:**

1. Prior to undertaking community consultation, Council is to amend the planning proposal for item 5 so that a 100m setback is applicable to zones RU1 Primary Production and SP2 Infrastructure under the riverfront areas definition. The amended planning proposal is to be sent to the Department of Planning and Environment prior to undertaking community consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made

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publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

3. No consultation with agencies is required.

4. Leeton Shire Council is to conduct a public hearing in accordance with the requirements of section 29 of the Local Government Act 1993 as the proposal involves reclassification of the land from community to operational.

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act.

3. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is consistent with the Department's 'Guide to Preparing Planning Proposals'.

The planning proposal contains a number of items which seek to rectify errors with the planning proposal since the notification of the Leeton LEP 2014 and are considered housekeeping amendments.

Signature:



Printed Name:

NICOLE DUKINFELD

Date:

10.4.15

Endorsed
W Hamsey
A/GM WR

10/4/15