

Weddin LEP 2011 - Amendment 2 - Rezone land to R5 Large Lot Residential and amend the minimum lot size map for land surrounding Grenfell

Proposal Title :	Weddin LEP 2011 - Amendment 2 - Rezone land to R5 Large Lot Residential and amend the minimum lot size map for land surrounding Grenfell		
Proposal Summary :	To rezone land to R5 Large Lot Residential and amend the minimum lot size in 5 areas at Grenfell.		
PP Number :	PP_2016_WEDDI_001_00	Dop File No :	16/08007-1

Proposal Details

Date Planning Proposal Received :	14-Jun-2016	LGA covered :	Weddin
Region :	Western	RPA :	Weddin Shire Council
State Electorate :	ORANGE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Existing zone R5 Large Lot Residential land surrounding Grenfell		

DoP Planning Officer Contact Details

Contact Name :	Jenna McNabb
Contact Number :	0268412180
Contact Email :	jenna.mcnaabb@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Brendan Hayes
Contact Number :	0263431212
Contact Email :	brendan@weddin.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268412180
Contact Email :	wayne.garnsey@planning.nsw.gov.au

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	130
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

No

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

Supporting notes

Internal Supporting Notes : **This planning proposal seeks to amend the zoning and minimum lot size of four (4) areas of land surrounding the town of Grenfell, by rezoning to R5 Large Lot Residential and adjusting the minimum lot size.**

The key amendments as justified by the draft Addendum to the Rural Settlement Project prepared by iPlan dated 8 May 2016 Version B (draft Addendum) are summarised as follows:

Northern Area:

Increase the minimum lot size for subdivision from 5 hectares to 10 hectares for the existing zone R5 Large Lot Residential area.

North-Eastern Area:

Modification of zoning boundary to remove five lots (Lot 1233 DP 754578, Lots 1155 and 1190 DP 754758, Lot 2 DP 1053881 and Lot 368 DP 754578) from zone R5 that have nearly 100% vegetation coverage and high bushfire risk with limited dwelling potential. These lots are to be rezoned to zone RU1 Primary Production. It is also proposed to increase the minimum lot size from 5 hectares to 10 hectares for the amended zone R5 area.

Eastern Area:

Modification of the zoning boundary to remove the split zoning affecting four (4) lots as follows:

- Lot 2 DP 114374 - rezone 10.5ha of zone RU1 land to R5
- Lot 1143 DP 745478 - rezone 6.8ha of zone RU1 land to R5
- Lot 2 DP 811453 - rezone entire lot from R5 to RU1 (reduction of 4.8ha of R5 land) and increase minimum lot size to 400ha.
- Lot 52 DP 1009851 - rezone entire lot from zone R5 to zone RU1 (reduction of 5ha of R5 land) and increase minimum lot size to 400ha.

The area identified as the 'Eastern Area' (with the exception of the above mentioned lots) on the map will also be rezoned from RU1 to R5 and the minimum lot size of the area decreased from 10 hectares to either 1 or 2 hectares.

Southern Area:

Removal of lots that form the Grenfell Cemetery from Zone R5 and rezone to zone RU1

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Primary Production and increase the minimum lot size to 400 hectares.

Removal of split zoning of Lot 367 DP 754578 by rezoning part of the lot from R5 to zone R1 General Residential.

Extend the existing zone boundary to the south to rezone 75 hectares of existing zone RU1 land to zone R5 with a minimum lot size of 2 hectares.

The Rural Settlement Project was prepared in 2011/2012 and adopted by Council, and provided a land use strategy direction for land utilised for large lot residential or lifestyle lot purposes. Council reviewed this strategy and updated with new or improved information resulting in an updated supply and demand analysis for large lot residential land surrounding the town of Grenfell. The key recommendations of the planning proposal are supported in the draft Addendum to justify the proposed amendments to the Weddin LEP 2011. The initial strategy was endorsed by Council but has not been endorsed by the Department.

On 27 November 2013 the Department agreed that Council could proceed to finalise the rural settlement project.

The planning proposal will necessitate an amendment to the following maps:

- Land Zoning Map LZN_008
- Land Zoning Map LZN_008A
- Lot Size Map LSZ_008
- Lot Size Map LSZ_008A

The addendum has been submitted to support the proposed amendments and for endorsement by the Department to allow community consultation.

Council has requested authorisation to undertake plan making delegations. This is considered appropriate.

The Director Regions, Western is able to utilise delegations to determine this planning proposal and endorse the draft Rural Settlement Project documentation for community consultation (under separate cover).

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The Statement of Objectives clearly identifies the objective of the planning proposal is to facilitate the amendment of the Weddin LEP 2011 relating to zone R5 Large Lot Residential Land near Grenfell.**

The proposal is based on evidence provided in the draft Addendum to the Rural Settlement Project relating to zone R5 Large Lot Residential lands around Grenfell (dated 8 May 2016 Version B) (the Addendum) so it better aligns with the known site opportunities and constraints and market demand for land and to ensure a sufficient supply of large lot residential land based on an updated supply/demand analysis.

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

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

Comment : **The explanation of provisions clearly state the outcome of the planning proposal will be achieved by amending the applicable lot size maps and land zoning maps.**

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Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 30—Intensive Agriculture

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

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

SECTION 117 DIRECTIONS:

1.2 - Rural Zones

The proposal intends to rezone approximately 75 hectares of zone RU1 land. It has been found that this land has marginal agricultural potential due to its topography/slope, watercourses, fragmentation of land holdings, and the presence of a number of dwellings which increase land use conflict potential. The proposed rezoning is considered to be a natural extension of the existing zone R5 area to the south. It is considered that the inconsistency with this direction is justified and of minor significance at this time subject to the draft Rural Settlement Project documentation being finalised and consultation with DPI Agriculture. This inconsistency is to be resolved prior to the plan being finalised.

1.3 – Mining, Petroleum Production and Extractive Industries

This Direction is applicable to the proposal, as the proposal will prohibit the mining, petroleum production or extractive industries on land zoned R5. It is noted that there is currently an Exploration Licence over the town of Grenfell however it is unlikely that exploration would occur in residential areas. Consultation will be required with Resources and Energy before this Direction can be satisfied. This inconsistency is to be resolved prior to the plan being finalised.

1.5 - Rural Lands

The proposal seeks to remove approximately 75 hectares of zone RU1 land from the supply in Weddin LGA and rezone to zone R5. The subject land has been identified as having marginal agricultural significance due to the topography/slope, watercourses, fragmentation of land holdings and a number of dwellings contributing to potential land use conflict with agricultural activities. It is considered that given the land's proximity to the town of Grenfell, and the limited agricultural potential of the land, the rezoning of the land to R5 has been justified in the Addendum. However consultation with DPI - Agriculture is required and the draft Rural Settlement Project documentation endorsed prior to this direction being satisfied and before the plan being finalised.

2.1 - Environment Protection Zones

The proposal does not relate to land within an environmental protection zone. The proposal does include land that is identified in Environmentally Sensitive Area mapping, however the proposal does not include provisions to remove this mapping.

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The Director Regions, Western can be satisfied that the proposal is consistent with this Direction.

3.1 - Residential Zones

The proposal is consistent with this Direction. The rezoning of the subject land from zone RU1 to zone R5 will broaden the choice of building types and locations within Weddin, and is justified by the draft Addendum. The subject land is not proposed to be sewer, however the minimum lot sizes proposed for land located in the northern area and the north-eastern areas range between 5-10 hectares, which is considered adequate to provide on site effluent management. The eastern area proposes to reduce the minimum lot size from 10 hectares to 1-2 hectares, which the applicant has advised is of a sufficient size to dispose of effluent on-site. The southern area does not propose a change to the minimum lot size.

The draft Addendum identifies that on-site disposal of effluent may be difficult in some locations due to the soil type/topography. It is recommended that the NSW DPI - Water be consulted to determine the appropriate lot size for some areas to facilitate on-site effluent disposal and sustainable water supply. This issue is to be settled prior to the plan being finalised.

3.4 - Integrating Land Use and Transport

The proposal is increasing the number of lots in the vicinity of the town of Grenfell, which has access to public transport. The existing road network is also capable of catering to additional traffic movements. The Director Regions, Western can be satisfied that the proposal is consistent with this Direction.

4.3 - Flood Prone Land

The proposal includes a portion of land that is identified as flood prone land, however is identified as already been developed with no changes to the development potential of this land. The Director Regions, Western can be satisfied that the proposal is consistent with this Direction.

4.4 - Planning for Bushfire Protection

The draft Addendum identifies the following land as identified as bushfire prone:

- Northern Area: the eastern and parts of the western sides;
- North-eastern Area: significant proportion of land on both sides of Adelargo Road;
- Eastern Area: Significant clusters of vegetation along Derribong Lane and Quondong Road; and
- Southern Area: Nil.

The planning proposal is therefore inconsistent with this Direction at this time. Consultation with the NSW RFS will be undertaken prior to community consultation.

SEPPS:

SEPP 30 - Intensive Agriculture:

The proposed amendments are unlikely to have any impacts on intensive agriculture across Weddin LGA. The proposal is considered to be consistent with the SEPP.

SEPP 44 - Koala Habitat Protection:

Weddin is an LGA to which this SEPP applies. The proposal includes minor boundary modifications to existing R5 boundaries, and amendments to minimum lot sizes. Impacts on koala habitat will be assessed on a case-by-case basis at the development application stage. Consultation with OEH is being recommended. The proposal is generally consistent with the objectives of the SEPP.

SEPP 55 - Remediation of Land

The proposal involves the rezoning of RU1 land to zone R5. The proposal modifies existing boundaries between RU1 and R5 land. Initial investigations have determined that there are no known visible signs or buildings or activities that indicate the land may

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have been used for potentially contaminating uses. Contamination will be required to be considered for any future development of the sites.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007:

The proposal is broadly consistent with this SEPP. No mining or other extractive industry uses are proposed as part of this planning proposal. Consultation with NSW DPI - Resources and Energy is being recommended.

SEPP (Infrastructure):

The proposal is consistent with this SEPP.

SEPP(Rural Lands) 2008:

The agricultural production of the land proposed to be rezoned from RU1 to R5 has been significantly reduced due to the surrounding land fragmentation and existing uses. In this regard, the draft Addendum justifies the land be rezoned for large lot residential uses. The proposal is considered to be inconsistent with the SEPP at this time until community and agency consultation is undertaken and the draft Rural Settlement Project documentation is endorsed. There is adequate justification provided to proceed to Gateway.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Indicative mapping has been provided. Final LEP mapping in accordance with the Departments Technical Guidelines will be required to be provided at section 59 stage.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days community consultation has been proposed. This is considered adequate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Unknown**

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 : **December 2011**

Comments in relation to Principal LEP : **The Weddin LEP 2011 was notified on 5 December 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required as Council have prepared an Addendum to the Rural Settlement Strategy, endorsed by Weddin Shire Council in 2012 but not by the Department.**

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Consistency with strategic planning framework :

The Addendum has reviewed the key planning controls relating to zone R5 land around the town of Grenfell and has made recommendations for adjustments to zone boundaries and minimum lot size. A planning proposal is the only mechanism to implement these recommendations.

The draft Weddin Primary Production (PPS) and draft Rural Settlement Supply and Demand Analysis (RSSDA) are applicable to the planning proposal. The PPS and RSSDA have been endorsed by Council, however have not been endorsed by the Department.

The RSSDA and PPS were prepared in 2011/2012, and provided land use strategies for most of the major land uses in Weddin.

Council has updated the Rural Settlement Project with draft Addendum to reflect current supply and demand figures, as well as the future desired land use outcomes of the community. The Addendum also reflects the land use constraints of the areas identified and provides amended lot yields and appropriate minimum lot sizes for the land.

The planning proposal was accompanied by an Addendum to the RSSDA, which outlines and justifies the proposed changes to the boundaries of the zone R5 land. The planning proposal is consistent with the draft Addendum and provides adequate strategic justification to allow the matter to proceed to Gateway determination.

The Addendum to the Rural Settlement Project has been submitted for endorsement. The Department raises no issues with the endorsement of the draft Rural Settlement Project documentation for public exhibition. This endorsement will be undertaken separately but the intention is that the draft documentation will be placed on public exhibition concurrently supporting this proposal.

Environmental social economic impacts :

The planning proposal and Addendum to the Rural Settlement Strategy have been prepared to align land development potential with known site and environmental constraints, including natural hazards such as bushfire and flooding.

Parts of the subject land are identified as bushfire prone land and flood prone. Consultation with the RFS and Water in relation to these natural hazards will be required. Site specific issues in relation to environmental impacts of development will be considered at the development application stage.

The social impacts of the proposal are considered positive, providing a range of large lot residential land to the Weddin LGA, creating greater housing choice.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	0 months	Delegation :	
Public Authority Consultation - 56(2)(d) :	NSW Department of Primary Industries - Agriculture NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Other		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			

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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
0. Addendum to Weddin R5 Strategy.pdf	Study	Yes
1. PP Northern R5 Area Comparative Existing-Proposed Zoning MLS.pdf	Map	Yes
1. Request for Initial Gateway Determination (Signed).pdf	Proposal Covering Letter	Yes
2. Information Checklist (Attachment 1).pdf	Proposal Covering Letter	Yes
2. PP North Eastern R5 Area Comparative Existing-Proposed Zoning MLS.pdf	Map	Yes
3. Evaluation Criteria for Delegation (Attachment 4).pdf	Proposal Covering Letter	Yes
3. PP Eastern R5 Area Comparative Existing-Proposed Zoning MLS.pdf	Map	Yes
4. PP Southern R5 Area Comparative Existing-Proposed Zoning MLS.pdf	Map	Yes
5. PP Western R5 Area (No Changes).pdf	Map	Yes
Planning Proposal (2016) Grenfell Zone R5 Amendments.pdf	Proposal	Yes
Weddin Council Full Agenda-Minutes -May 2016.pdf	Study	Yes
Weddin Mtg Minutes - Excerpt for LEP -May 2016.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements

Additional Information : The amendment to the Weddin Local Environmental Plan 2011 (LEP) to provide additional zone R5 Large Lot Residential land at Grenfell should proceed subject to the following conditions:

1. 1. Prior to community consultation being undertaken consultation is required with the NSW Rural Fire Service under Section 56 (2)(d) of the Environmental Planning and Assessment Act 1979 to comply with the requirements of section 117 Direction 4.4 Planning for Bushfire Protection. Council is to forward the NSW Rural Fire Service

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response to the Department and seek approval to proceed to community consultation.

The NSW Rural Fire Service is to be provided with a copy of the planning proposal, the draft Rural Settlement Project documentation and any relevant supporting material, and given at least 21 days to comment on the planning proposal.

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

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (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 publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

3. Consultation is required with the following State Agencies under Section 56 (2)(d) of the Environmental Planning and Assessment Act 1979 and/or to comply with the requirements of relevant section 117 Directions:

- (a) Department of Primary Industries – Water and Agriculture
- (b) Department of Industry - Resources and Energy
- (c) NSW Roads and Maritime Services
- (d) NSW Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal, the draft Rural Settlement Project documentation and any relevant supporting material, and given at least 21 days to comment on the planning proposal.

4. The draft Rural Settlement Project and Addendum documentation is to be placed on public exhibition concurrently with the planning proposal for a minimum of 28 days.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act, 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. Prior to submission of the planning proposal under Section 59 of the Environmental Planning and Assessment Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' (2015).

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

8. Weddin Shire Council is authorised to exercise plan making delegations.

Supporting Reasons :

The proposal is supported by the draft Addendum. This is a timely review of the R5 Large Lot lands at Grenfell.

Whilst there are inconsistencies with s117 Directions at this time, these can be resolved through consultation with the community and agencies prior to finalisation of the plan. There is adequate justification that this proposal can proceed.

Signature:



Printed Name:

Jenna McNeill

Date:

12/7/16

Endorsed
Whymorey A DR, W
12/7/16