

Planning Proposal

Amendments to the *Weddin Local Environmental Plan 2011* affecting existing Zone R5 - Large Lot Residential land around the Town of Grenfell



Updated by **iPLAN PROJECTS**

Prepared on behalf of Weddin Shire Council for
Submission to NSW Department of Planning & Environment

8 May 2016

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1. INTRODUCTION

1.1. Aims of Amendments

This Planning Proposal ('Proposal') has been prepared to modify some of the existing zoning boundaries / controls for minimum lot size for parts of the existing R5 Large Lot Residential zoned land around the Town of Grenfell. Therefore, this Proposal seeks to modify *Weddin Local Environmental Plan 2011* ('LEP2011').

In 2011 consultants on behalf of the Department of Planning and Environment ('DPE') and Weddin Shire Council ('Council') prepared the *Rural Settlement Project* (October 2012) ('Project') that, amongst other matters, provided a land use strategy for land utilised for large lot residential or 'lifestyle' lot purposes. In the Standard Instrument this type of land use is commonly included in Zone R5 Large Lot Residential.

Since 4-5 years have elapsed since the Project was prepared, Council has requested a review of that land use strategy and update with new or improved information resulting in an updated supply and demand analysis for large lot residential land around the Town of Grenfell. This review is in the form of an *Addendum to the Rural Settlement Project* ('Addendum') prepared by **iPLAN PROJECTS** dated May 2016.

The key recommendations of this Proposal are supported by the Addendum that provides the justification for the proposed amendments. Therefore, the justifications will be only be briefly summarised when addressing the requirements for Planning Proposals and the Addendum should be read alongside the Proposal.

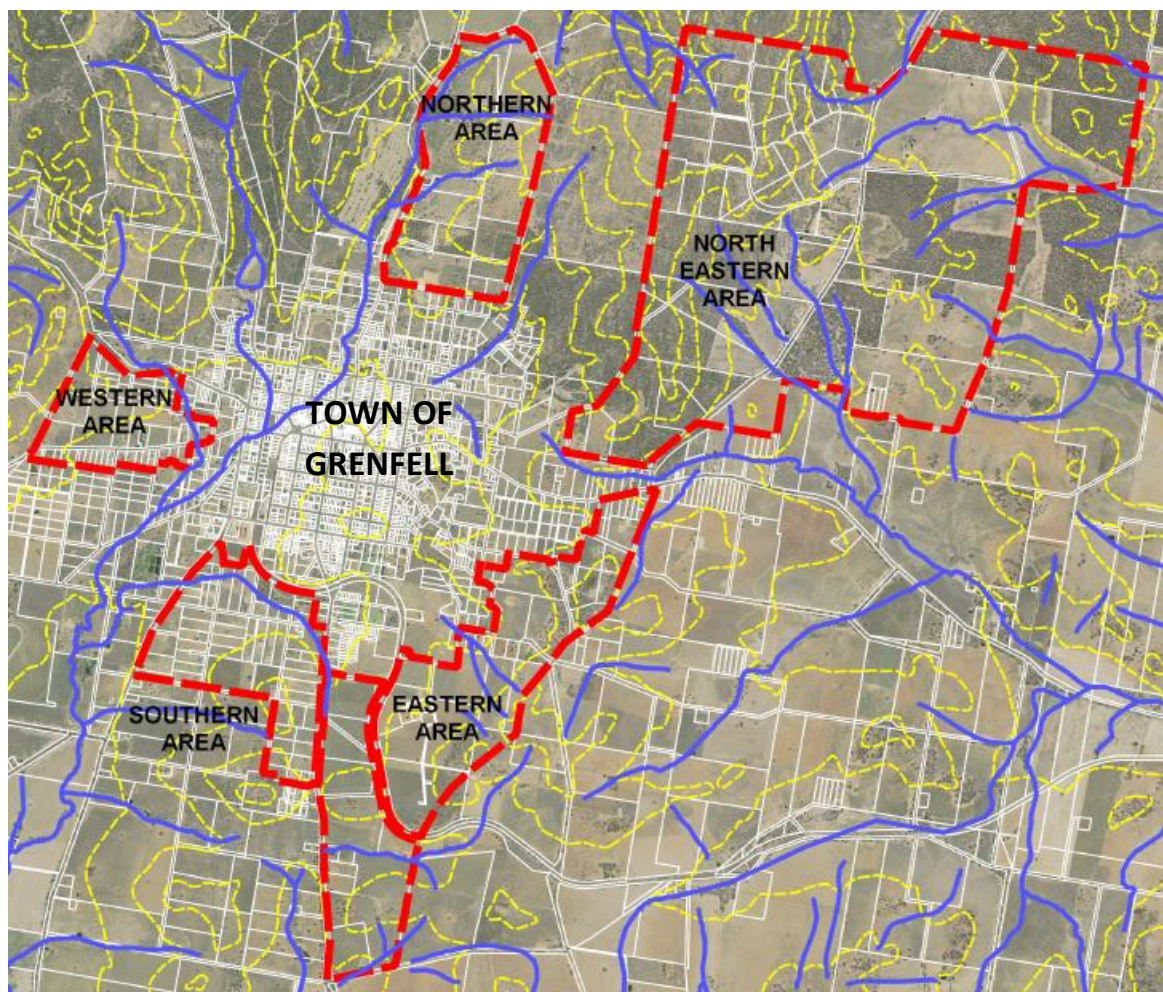


Figure 1: Location of Existing Zone R5 Large Lot Residential Land around the Town of Grenfell

All of the Shire's large lot residential areas are located around the Town of Grenfell and under *Weddin Local Environmental Plan 2011* ('LEP2011') are located in Zone R5 Large Lot Residential. There are **five (5) distinct areas** referred to in this report including (shown in Figure.1):

- a) **Northern Area** – located to the east of Gooloogong Road;
- b) **North Eastern Area** – known as 'Adelargo Heights' accessed from Adelargo Road;
- c) **Eastern Area** – south of Mid Western Highway around to Henry Lawson Way;
- d) **Southern Area** – between Henry Lawson Way and Mary Gilmore Way;
- e) **Western Area** – between Manganese Road and the Mid Western Highway.

1.2. Summary of Outcomes

The Addendum and this Proposal make recommendations to modify key controls in each of the areas excluding the area marked 'Western Area'.

The key amendments are summarised as follows:

Study Area	Key Recommendations / Planning Control Amendments
Northern Area	Retain the existing area in Zone R5 Large Lot Residential. Due to a number of site constraints and limited take-up of this area for new dwellings we recommend increasing the Minimum Lot Size for Subdivision from 5 hectares to 10 hectares.
North-Eastern Area	Retain the majority of this area in Zone R5 Large Lot Residential but remove five (5) lots that have nearly 100% vegetation coverage and high bushfire risk with limited dwelling potential. Due to a number of site constraints and limited take-up of parts of this area for new dwellings we recommend increasing the Minimum Lot Size for Subdivision from 5 hectares to 10 hectares.
Eastern Area	Retain this area in Zone R5 Large Lot Residential with slight modifications to the zone boundary to remove split zoning affecting four (4) lots resulting in a net increase of only ~2 hectares of large lot residential land. In accordance with the attached maps and in areas where there are less constraints and suitable access reduce the Minimum Lot Size for Subdivision from 10 hectares to either 1 or 2 hectares (See the maps attached to the Addendum for details).
Southern Area	Existing Southern Zone R5 area is nearly achieving 60-70% dwelling construction and is held in multiple ownerships indicating a high likelihood of development. This area should be retained in Zone R5 Large Lot Residential and retain the existing Minimum Lot Size of 4000m ² in this area (though the majority of lots created are 1-2 hectares in size). Due to demand for large lot residential to the south of Grenfell and the limited site constraints we recommend extending the existing Southern Area to the south (rezoning existing Zone RU1 Primary Production land that is highly fragmented) with a Minimum Lot Size of 2 hectares.

1.3. Process Overview

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government Guideline (October 2012) '*A guide to preparing planning proposals*'.

A gateway determination under Section 56 of the EP&A Act is requested from the Department of Planning & Environment ('Department') to allow this planning proposal to be placed on public exhibition.

We also request delegation to Council (as the Relevant Planning Authority or RPA) of the power to make this amendment (subject to discussions with DPE). We submit that if DPE is willing to endorse the Addendum to the *Rural Settlement Project* then the amendments will be consistent with an endorsed strategy and it is fitting that Council is provided delegation.

We submit that there is sufficient detail in this Planning Proposal to justify a positive Gateway Determination considering the low complexity of the proposed amendments and limited chance of any significant impacts on adjacent land uses, the natural environment and the community.

2. PLANNING PROPOSAL

The guidelines require the Planning Proposal to address five (5) parts, including:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 - Discusses proposed mapping changes;
- Part 5 - Details of the community consultation that is to be undertaken with the planning proposal. Part 5 would be confirmed following a gateway determination of this Planning Proposal by the Department of Planning.

2.1. Part 1: Objectives or Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The objective of the planning proposal is to amend key planning controls in *Weddin Local Environmental Plan 2011* ('LEP2011') relating to Zone R5 Large Lot Residential land so they better align with the known site opportunities and constraints and market demand for that land and to ensure a sufficient supply of large lot residential land based on updated supply/demand analysis.

2.2. Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The proposed objective(s) / outcome(s) will be achieved by amending *Weddin Local Environmental Plan 2011* ('LEP2011'), in particular the zoning boundaries on the **Land Zoning Map(s)** and the minimum lot size ('MLS') for subdivision on the **Lot Size Map(s)** that apply to the relevant areas of existing Zone R5 Large Lot Residential land.

The planning amendments are summarised for each of the four (4) affected areas as follows:

Study Area	Key Recommendations / Planning Control Amendments
Northern Area	Increase the Minimum Lot Size ('MLS') 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 (5) lots (Lot 1233 DP754578; Lots 1155 & 1190 DP754758; Lot 2 DP1053881; Lot 368 DP754578) from Zone R5 that have nearly 100% vegetation coverage and high bushfire risk with limited dwelling potential. These lots will be rezoned to Zone RU1 Primary Production. Increase the Minimum Lot Size ('MLS') for Subdivision from 5 hectares to 10 hectares for the amended Zone R5 Large Lot Residential area.
Eastern Area	Modification of zoning boundary to remove split zoning affecting four (4) lots as follows: i) Lot 2 DP114374 – Entire lot included in Zone R5 (addition of ~10.5ha); ii) Lot 1143 DP754578 – Entire lot included in Zone R5 (addition of ~6.8ha);

	iii) Lot 2 DP811453 – Removal of entire lot from Zone R5 (reduction of ~4.8ha – lot placed in Zone RU1 Primary Production with 400ha MLS); iv) Lot 52 DP1009851 – Removal of entire lot from Zone R5 (reduction of ~5.0ha – lot placed in Zone RU1 Primary Production with 400ha MLS). In accordance with the attached map of this area reduce the Minimum Lot Size for Subdivision for parts of the existing Zone R5 Large Lot Residential area from 10 hectares to either 1 or 2 hectares (as shown).
Southern Area	Removal of lots that form part of the Grenfell Cemetery from Zone R5 and rezone to Zone RU1 Primary Production with MLS of 400ha. Removal of split zoning of one (1) lot (Lot 367 DP754578) by placing the entire lot in Zone R1 General Residential (removing part of the lot from Zone R5). Extend the existing zone boundary to the south to rezone ~75 hectares of existing Zone RU1 Primary Production land to Zone R5 Large Lot Residential with a proposed MLS of 2 hectares.

The affected maps include:

- *Weddin Local Environmental Plan 2011* Land Zoning Map – Sheet LZN_008
- *Weddin Local Environmental Plan 2011* Land Zoning Map – Sheet LZN_008A
- *Weddin Local Environmental Plan 2011* Lot Size Map – Sheet LSZ_008
- *Weddin Local Environmental Plan 2011* Lot Size Map – Sheet LSZ_008A

Assuming that a positive Gateway Determination is provided, updated copies of these LEP2011 maps will be prepared prior to the public exhibition of the Planning Proposal to show the intended changes.

2.3. Part 3: Justification of Proposed LEP Amendments

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed instrument. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised within the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally detailed technical studies are not required prior to the Gateway determination.

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: state and commonwealth interests

2.3.1. Section A - Need for the Planning Proposal

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

Yes. This Proposal is supported by a combination of the previously adopted *Rural Settlement Project* (2012) and the *Addendum to the Rural Settlement Project* (2016) ('Addendum') that is attached to this Proposal. The Addendum has re-reviewed the key planning controls relating to the Zone R5 Large Lot Residential area around the Town of Grenfell and has made recommendations for amendments that are to be facilitated by this Proposal. By resolution of Council (attached), it has adopted the Addendum and seeks for the NSW Government to endorse this updated land use strategy.

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

Amendments to *Weddin Local Environmental Plan 2011* ('LEP2011') are the only method to achieve the objectives of the planning proposal as land zoning boundaries and minimum lot size for subdivision are set by LEP2011 and development applications must generally be in accordance with these controls.

2.3.2. Section B - Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

There is no regional or sub-regional strategy for the Weddin Local Government Area.

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

As stated above, this planning proposal is consistent with the *Addendum to the Rural Settlement Project* (2016) which is provided with this Proposal.

The only other local strategy that has high level objectives for development in Weddin LGA is the *Community Strategic Plan 2013-2023* and the associated Delivery Program and Operational Plan. The purpose was to identify the community's main priorities and aspirations for the future and to plan strategies for achieving those goals but it does not provide specific goals relevant to the proposed amendments that haven't been addressed in relation to the *Rural Settlement Project* and its Addendum.

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

An analysis of the applicable State Environmental Planning Policies (SEPP) is included in the table below and the relevant SEPPs are addressed in more detail at the end of the table. It is noted that the proposal is either consistent with or not inconsistent to any applicable SEPP's.

State Environmental Planning Policy ('SEPP')	Relevant for Consideration
1 - Development Standards	Not applicable.
21 - Caravan Parks	Not applicable.
30 - Intensive Agriculture	Only indirectly relevant (see below).

State Environmental Planning Policy ('SEPP')	Relevant for Consideration
32 - Urban Consolidation (Redevelopment of Urban Land)	Not applicable.
33 - Hazardous and Offensive Development	Not applicable.
36 - Manufactured Home Estates	Not applicable.
44 - Koala Habitat Protection	Relevant (see below).
55 – Remediation of Land	Relevant (see below).
62 - Sustainable Aquaculture	Not applicable.
64 - Advertising and Signage	Not applicable.
65 - Design Quality of Residential Flat Development	Not applicable.
(Affordable Rental Housing) 2009	Not applicable.
(Building Sustainability Index: BASIX) 2004	Not applicable.
(Exempt and Complying Development Codes) 2008	Not applicable.
(Housing for Seniors or People with a Disability) 2004	Not applicable.
(Infrastructure) 2007	Not applicable.
(Major Development) 2005	Not applicable.
(Mining, Petroleum Production and Extractive Industries) 2007	Relevant (see below).
(Rural Lands) 2008	Relevant (see below).
(State and Regional Development) 2011	Not applicable.

SEPP No.30 – Intensive Agriculture

SEPP defines when intensive livestock agriculture will require development consent and consideration of public feedback, pollution, and measures to mitigate potential adverse impacts. Zone R5 Large Lot Residential permits extensive agriculture without consent but prohibits intensive agriculture. However, where the Southern Area is proposed to extend into existing Zone RU1 Primary Production then intensive agriculture is permitted with consent but unlikely considering the topography and constraints of this land. Therefore, the proposed amendments are unlikely to have any additional impacts on intensive agriculture across the Shire and land use conflicts are addressed above. Therefore, the Proposal is consistent with this SEPP.

SEPP No.44 – Koala Habitat Protection

Weddin is a listed LGA to which this SEPP applies. This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

Minor modifications to existing Zone R5 boundaries and minimum lot sizes are unlikely to have any significant impact on koala habitat – particularly as lots where there is increased development potential have been chosen on the basis they generally have limited significant vegetation whereas lots where development potential has been decreased are generally more heavily vegetated lots and could potentially protect koala habitat (particularly in the Eastern Area). Generally there is limited connectivity of koala habitat in the more intense development areas.

There is still potential, even on lot sizes down to 1 hectare in size, to allow for protection of existing significant trees and setbacks for dwellings and on-site effluent systems to further protect potential koala habitat. Therefore, on balance the outcomes / amendments in this Proposal are more likely to protect koala habitat than impact on that habitat and this is consistent with the objectives of this SEPP. The biodiversity overlay and control in LEP2011 will also aid in protecting significant stands of native vegetation through the area.

SEPP No.55 – Remediation of Land

This policy applies to the whole State including the Site. Under Clause 6, contamination and remediation is to be considered in zoning or rezoning proposals.

The minor zoning boundary amendments associated with removing split zoning will only increase the Zone R5 area slightly and has generally been utilised for large lot residential or grazing purposes for some time.

The primary area of modified zoning is the expanded area to the south of the Southern Area. Again, the topography and constraints of this land have resulted in it generally being used for grazing and/or is already fragmented for dwelling purposes. There were no visible signs of any buildings or uses that are likely to have resulted in contamination and the likelihood of historical intensive agricultural use of this land is low. This can be addressed as part of any development application for subdivision and development of this land. If any contamination is found then it will be remediated in accordance with SEPP55 and the relevant guidelines / policies. Therefore, the Proposal can be consistent with this SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This SEPP applies to land identified as having mineral potential. The most relevant map is the Mineral Resource Audit map provided by the former Department of Mineral Resources and mapping of known resources by the Department of Energy & Resources.

The increased MLS in the Northern Area is partly in response to the existing quarries and quarry potential in that area and is consistent with the objectives for this SEPP.

There is an Exploration Licence No.8263 that covers most of the Town of Grenfell but primarily falls on existing urban or large lot residential land. Based on a desktop review, access to this resource is unlikely to be any further affected by expansion of large lot residential development to the south away from this EL. Therefore, the Proposal is broadly consistent with this SEPP.

SEPP (Infrastructure) 2007

This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State. The primary issue for large lot residential development is impact on State and Regional Road networks (such as the Mid Western Highway; Henry Lawson Way; Mary Gilmore Way). In many ways one of the reasons for increasing yield is to make it more viable and likely to require internal access roads that minimise the number of new driveway accesses to State and Regional Roads. The likely yield is unlikely to create traffic generation that significantly affects these roads. The existing rail line is no longer active and unlikely to be reactivated so it has not been considered a constraint to future development. Therefore, the Proposal is consistent with this SEPP.

SEPP (Rural Lands) 2008

This policy aims to facilitate the orderly use and development of rural lands, identify Rural Planning Principles, reduce land use conflicts, and identify State significant agricultural land.

The Rural Planning Principles are as follows:

- (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.*

For existing large lot residential zoned areas and an increase or decrease in minimum lot size these requirements are not strictly relevant. However, it is acknowledged that there will be some rezoning of Zone RU1 Primary Production land to Zone R5 as part of this Proposal.

As detailed in the Addendum, the rural capabilities of the land proposed to be rezoned are already significantly compromised by the topography, vegetation, watercourses, fragmentation of land holdings, and a significant number of existing dwellings or proximity to existing dwellings that increase land use conflict potential. Whilst the increase in total Zone R5 land will potentially increase the interface area for land use conflict the boundaries have been chosen where they will have the least impact.

This Proposal seeks to balance the social, economic and environmental outcomes for the community by increasing housing choice and aligning it with more suitable lands. This has generally meant reducing dwelling potential in heavily vegetated areas and increasing it in cleared areas that may conflict with agriculture. However, the impacts on the environment and of natural hazards are deemed more significant than the productive capacity of the land selected for increased yield. The proposed lot sizes will still enable protection of natural resources and setbacks to watercourses and significant vegetation.

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

Section 117 Direction		Applicable to PP	Consistent	Remarks
1. Employment and Resources				
1.1	Business and Industrial Zones	No	N/A	N/A
1.2	Rural Zones	YES	YES	See detailed review below.
1.3	Mining, Petroleum Production and Extractive Industries	YES	YES	See detailed review below.
1.4	Oyster Aquaculture	No	N/A	N/A
1.5	Rural Lands	YES	YES	See detailed review below.
2. Environment and Heritage				
2.1	Environment Protection Zones	YES	N/A	See detailed review below.
2.2	Coastal Protection	No	N/A	N/A
2.3	Heritage Conservation	No	N/A	There are no items of heritage significance in the area affected.
2.4	Recreation Vehicle Areas	No	N/A	N/A
2.5	E2 / E3 Zones & Env. Overlays in Far North Coast LEPs	No	N/A	N/A

Section 117 Direction		Applicable to PP	Consistent	Remarks
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Yes	Yes	See detailed review below.
3.2	Caravan Parks & MHEs	No	No	N/A
3.3	Home Occupations	No	N/A	N/A
3.4	Integrating Land Use and Transport	Yes	No	See detailed review below.
3.5	Development Near Licensed Aerodromes	No	N/A	N/A
3.6	Shooting Ranges	No	N/A	N/A
4. Hazard and Risk				
4.1	Acid Sulfate Soils	No	N/A	N/A
4.2	Mine Subsidence and Unstable Land	No	N/A	N/A
4.3	Flood Prone Land	YES	YES	See detailed review below.
4.4	Planning for Bushfire Protection	YES	YES	See detailed review below.
5. Regional Planning				
5.1	Implementation of Regional Strategies	Whilst the Draft Central West & Orana Regional Strategy is on exhibition it is not listed in Direction 5.1 at this time.		
5.2	Sydney Drinking Water Catchments	No	N/A	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No	N/A	N/A
5.4	Commercial & Retail Development along the Pacific Highway North Coast	No	N/A	N/A
5.8	Second Sydney Airport: Badgerys Creek	No	N/A	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A	N/A
6. Local Plan Making				
6.1	Approval & Referral Requirements	Yes	Yes	Will be consistent with Ministerial Direction
6.2	Reserving Land for Public Purposes	No	N/A	N/A
6.3	Site Specific Provisions	Yes	Yes	Rezoning for large lot residential purposes.

Employment & Resources - 1.2 Rural Zones

This direction seeks to protect the agricultural production value of rural land and seeks to prevent rural zoned land from being rezoned for another use or increase the permissible density of that land. In this Proposal, other than minor rezoning of split zoned lots, the key issue arises from the extension of the Southern Area into Zone RU1 Primary Production lands.

A Planning Proposal can only be rezone land from a rural zone to a residential zone if it is justified

by a strategy that gives consideration to the objectives of this direction. In this case, the Addendum has determined that the affected ~75ha of land has marginal agricultural significance due to the topography/slope; watercourses; fragmentation of land holdings; and presence of a number of dwellings that increases land use conflict potential.

It is therefore submitted that it is a natural extension of an existing Zone R5 area to the south and that the primary agricultural production areas to the south of Grenfell remain intact and would be relatively unaffected by the Proposal.

Therefore, the Proposal can address the objective of this SEPP and seeks approval from the Department for the inconsistency. **If there is any inconsistency with this direction it is either justified or of minor significance.**

Employment & Resources - 1.3 Mining, Petroleum Production and Extractive Industries

This direction seeks to avoid proposals that would prohibit mining / extractive industries or restrict the potential development of resources. It is noted that there is an Exploration Licence over the Town of Grenfell but this has a low likelihood of proceeding in an urban area.

This Planning Proposal has demonstrated that the proposed development will not create any significant additional impact on any known or likely mineral resources in the area according to the mapping on the NSW Resource & Energy website. This has been addressed also in the SEPP review above. This Proposal can be provided to DPI for comment. **If there is any inconsistency with this direction it is either justified or of minor significance.**

Employment & Resources - 1.5 Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. As stated above for Direction 1.2, the Addendum has determined that the affected ~75ha of land that would be rezoned from rural to residential use has marginal agricultural significance due to the topography/slope; watercourses; fragmentation of land holdings; and presence of a number of dwellings that increases land use conflict potential. This Direction requires that the Rural Planning Principles in SEPP (Rural Lands) 2008 are addressed – see the SEPP section above and are justified by the Addendum / Strategy. **If there is any inconsistency with this direction it is either justified or of minor significance.**

2. Environment & Heritage – 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas including areas identified for environmental protection in an LEP and must not reduce the environmental protection standards that apply to the land.

The Proposal does not seek to rezone any land in an Environmental Protection Zone. It does apply to land that is identified in Environmentally Sensitive Area mapping in LEP2011 including biodiversity, waterways, lands and groundwater areas. However, the Proposal does not remove the relevant mapping for these areas. Instead, it seeks to better align planning controls (and development potential) with less constrained land to minimise impacts of development on these environmentally sensitive areas. In this way it meets the objective of this direction. **Satisfied.**

Housing, Infrastructure & Urban Development – 3.1 Residential Zones

The objectives of this direction are to encourage a variety of housing choice, to make efficient use of existing infrastructure, and to minimise the impact of residential development on the environment and resource lands.

This proposal seeks to better align planning controls (and development potential) with less constrained land to minimise impacts of development on these environment and resource lands whilst providing housing choice, predominantly in existing areas. Except for the extension of the Southern Area, the remainder of changes are minor or only increase yield in suitable areas (whilst

reducing it in unsuitable areas). Whilst there is some consumption of land for housing, the increased minimum lot size in other less suitable areas may partly offset this. This is justified by the Addendum that gives consideration to the objectives of this direction.

If there is any inconsistency with this direction it is either justified or of minor significance.

Housing, Infrastructure & Urban Development - 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban development improves access to housing, jobs and services, decreases dependence on cars, reduces travel demand, supports public transport and provides for the efficient movement of freight.

This objective must be considered in terms of the opportunities and challenges in the Town of Grenfell and Weddin Shire. Public transport opportunities are limited (but still relevant). There are no existing bike or pedestrian paths that service the existing large lot residential area, however, the existing road network is adequate to cater for any additional traffic. The existing school bus service will continue to service the area.

Whilst large lot residential housing is unlikely to be directly serviced by public transport, increased development in and around the primary centre of Grenfell supports public transport to/from Grenfell and its strength as a node /centre for the sub-region.

The aim of this Proposal is to reduce yields in unsuitable areas and increase them in suitable areas where there is reasonable access and services.

If there is any inconsistency with this direction it is either justified or of minor significance.

Hazard & Risk - 4.3 Flood Prone Land

This direction applies to all land that may be flood prone land in accordance with the *Floodplain Development Manual 2005* and has been addressed also in the Site Analysis Section. The aim is to minimise land rezoned from a purpose that limits development to a more urban zone and thereby subject development to potential increased flood risk.

The only relevant areas identified on the Flood Planning Maps are existing large lot residential areas that are already development and there are no changes to the development potential of these lots.

Where development potential has been potentially increased the lands are generally either likely to be free of flooding or can address suitable setbacks to existing first or second order watercourses on each lot. Most of these watercourses do not have a large catchment or likely flood potential except for limited flash flooding. Any known flood impacts can be addressed during the assessment process and minimised with setbacks on lots of minimum 1-2 hectares in area up to 10 hectares. **If there is any inconsistency with this direction it is either justified or of minor significance.**

Hazard & Risk - 4.4 Planning for Bushfire Protection

This direction seeks to protect life, property and the environment from bush fire hazards but discouraging incompatible uses in bushfire prone areas. This Proposal is consistent with this direction in that it seeks to reduce development potential in more bushfire prone lands (to the North and North-East) and increase development potential on lands that are not bushfire prone lands and have a lower bushfire risk. Therefore, demonstration of compliance with *Planning for Bushfire Protection 2006* in detail is not required but is addressed in brief in the Addendum.

The Proposal is consistent with this Direction.

Local Plan Making – 6.1 Approval & Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the number of referrals/concurrences required to assess an application. In this case the Planning Proposal does not create any new clauses or referrals and merely changes the land zoning maps and lot size maps in LEP2011.

The Proposal is consistent with this Direction.

2.3.3. 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?

Given that the majority of land is already zoned R5 Large Lot Residential and contains a number of residential dwellings, limited significant environmental impacts are expected as a result of the amended minimum lot size. In fact, the increase in MLS for the Northern Area and North-Eastern Area combined with removal of some heavily vegetated lots is likely to on balance improve the protection of potential environmentally significant areas.

The proposed rezoning of ~75ha of Zone RU1 Primary Production land to Zone R5 Large Lot Residential to the south of the Southern Area is not likely to have any significant impact as the area has been used for grazing and is heavily disturbed, it is compromised by existing residential uses, and the minimum lot size of 2 hectares will allow suitable setbacks to existing waterways and significant stands of vegetation for assessment during the subdivision/development process.

Based on a desktop review of the Atlas for NSW Wildlife (www.bionet.nsw.gov.au) (see Addendum), the areas where amendments to development controls may have an increased development potential are not known or likely to contain any critical habitat, threatened species, populations or ecological communities or habitats due to limited significant vegetation and extensive disturbance from human activity.

There is potential for some eucalypt species that may be considered part of the Box Gum Grassy Woodland but this can be assessed as part of each development application.

Therefore there is a low probability of significant impact on areas of environmental significance as a result of the planning proposal and a net positive outcome from improving alignment of development potential with less constrained lands.

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

One of the key reasons for this Proposal is to better align land development potential with known site and environmental constraints including natural hazards such as flooding and bushfire. The less constrained land in and around Grenfell is generally to the south of the Town where flood risk on the sloping lands is minimal, there is limited significant/continuous vegetation, and thus less bushfire risk. The reduced potential yield in the North and North-Eastern Areas in part offsets the increased potential yield in the South and Eastern Areas in this Proposal where natural hazards are less significant. Appropriate setbacks to watercourses and retention of significant vegetation can occur with the proposed minimum lot sizes.

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

There are social and economic pros and cons of large lot residential development, however, the market is still demanding this as **one of** the housing choice solutions in Weddin Shire. The market has clearly preferred development of less constrained land with lots sizes of 1-2 hectares the average (even when lower lot sizes are permissible with consent) – for example in the Southern Area.

Lot sizes of 1-2 hectares still provide sufficient areas for on-site effluent management, suitable buffers and setbacks between dwellings and to other land uses, and to allow a range of activities and landscaping to improve amenity.

Where zoning or minimum lot size changes are proposed to reduce development potential the Addendum has detailed which lots will be affected and determined that based on existing site constraints these lot are likely to have supported limited if any development. The owners of these lots can lodge a development application with Council prior to these changes commencing if they wish to test the development potential of their land. Existing lots continue to have the potential to apply for a dwelling even if vacant and below the minimum lot size after the amendments commence.

No heritage items will be adversely affected by the development. There are no foreseeable impacts on existing social infrastructure such as schools, hospitals, or existing retail centres.

Overall the economic and social benefits of better aligning development of large lot residential land with less physically and environmentally constrained land is likely to reduce development costs, improve development yields, create more effective use of existing infrastructure, without unduly creating social impacts.

2.3.4. Section D - State and Commonwealth Interests

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

It is expected that all large lot residential development will not be connected to reticulated sewerage services and will rely on on-site effluent management. The suitability of lot sizes and areas can be determined through geo-technical testing at the time of application.

The areas that have been chosen for additional development potential (reduced minimum lot sizes) generally have potential access to reticulated water supply from Central Tablelands Water (CTW). See maps in Addendum that show the location of existing water lines (blue dotted lines).

For example, in the Eastern Area the proposed 1 hectare MLS lots have a water line along Brickfield Road and from Hilder Road across to McSpaddens Lane and also near the Henry Lawson Way. Therefore, there is potential for extension / augmentation of existing reticulated water supply from Central Tablelands Water to the areas where additional development potential is proposed (subject to negotiation with CTW and Council's engineers about capacity and suitability for use with on-site effluent systems). However, it is also likely that rainwater / tank collection will form a suitable potable water solution for sites that cannot connect to the CTW system.

The Addendum highlights that one of the reasons for increasing yield in some areas is to improve the viability of creating new internal roads that will further open up land for development, improve connections and accessibility, and minimise new lot access to State and Regional roads. Developers will be required to provide all internal roads to Council's Engineering specifications.

It is considered that other public infrastructure, such as waste management, health, education and emergency services is adequate to support the future development.

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

No public authorities have been consulted prior to the preparation of this planning proposal. No Commonwealth authorities are believed to be relevant to this application but this can be determined at the Gateway stage. Any future consultation with public authorities will be carried out in accordance with the requirements of the Gateway Determination.

2.4. Part 4: Mapping

The proposed amendments are reflected on the mapping attached to this Planning Proposal. The maps in *Weddin Local Environmental Plan 2011* that are likely to require modification include:

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

Assuming a positive Gateway Determination is provided, updated copies of these LEP2011 maps (in Standard Instrument format) will be prepared prior to the public exhibition of the Planning Proposal to show the intended changes.

2.5. Part 5: Community Consultation

In accordance with Section 57(2) of the *Environmental Planning and Assessment Act 1979*, this planning proposal must be approved prior to community consultation is undertaken.

The planning proposal would be notified for a period of 28 days, as per the requirements detailed in the EP&A Act, EP&A Regulations and Gateway Determination. The notification would be sent to all affected and adjoining land owners, be placed on Council's website and included in the Grenfell Record. The written notice would provide:

- a description of the objectives or intended outcomes of the planning proposal;
- the land affected by the planning proposal;
- advise when and where the planning proposal can be inspected;
- give the name and address of the Council for the receipt of submissions; and
- indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director General of Planning;
- the gateway determination;
- the *Addendum to the Rural Settlement Project* (2016) prepared by iPLAN PROJECTS; and
- any reports relied upon by the planning proposal (such as the Report to Council).

2.6. Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments):

Table 1 - Project Timeline Task	Anticipated timeframe
Resolution of Council on Planning Proposal	May 2016
Forward Planning Proposal to DPE	May – June 2016
Gateway Determination	July - August 2016
Additional technical information	Assumed not to be required
Government agency consultation (pre exhibition as required by Gateway Determination)	Possible consultation with RMS in August 2016. Other agency consultation not expected.
Commencement and completion dates for public exhibition	September 2016
Consideration of submissions	October 2016
Council adoption of final Planning Proposal	November 2016
Commencement of Amendments	Early 2017