

Warren LEP 2012 – rezone land at the Sewage Treatment Plant, expansion of general industrial zone (Mabel Street Site) and rezone land zoned RU1 Primary Production to R5 Large Lot Residential and change minimum lot size to 10ha (Bundemar Road Site)

Proposal Title :	Warren LEP 2012 – rezone land at the Sewage Treatment Plant, expansion of general industrial zone (Mabel Street Site) and rezone land zoned RU1 Primary Production to R5 Large Lot Residential and change minimum lot size to 10ha (Bundemar Road Site)		
Proposal Summary :	Amend the Warren Local Environmental Plan 2012 rezone land at the Sewage Treatment Plant, expansion of general industrial zone (Mabel Street Site) and rezone land zoned RU1 Primary Production to R5 Large Lot Residential as well as amend the minimum lot size to 10ha (Bundemar Road Site).		
PP Number :	PP_2017_WARRE_001_00	Dop File No :	17/03864

Proposal Details

Date Planning Proposal Received :	02-May-2017	LGA covered :	Warren
Region :	Western	RPA :	Warren Shire Council
State Electorate :	BARWON	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Mabel Street		
Suburb :	Warren	City :	Warren
Land Parcel :	Mabel Street - Part Lot 3 DP1104089		
Street :	Bundemar Road		
Suburb :	Warren	City :	Warren
Land Parcel :	Bundemar Road Warren - Lots 1, 2 and 4 DP1061015		
Street :	Oxley Highway		
Suburb :	Warren	City :	Warren
Land Parcel :	Lot 1 DP1163604 and Lot 82 DP752595		

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DoP Planning Officer Contact Details

Contact Name : **Tim Collins**
Contact Number : **0268412180**
Contact Email : **timothy.collins@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Maryanne Stephens**
Contact Number : **0268476600**
Contact Email : **mjs@warren.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 :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	67.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	6
Gross Floor Area :	0	No of Jobs Created :	200

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

If No, comment :

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

If Yes, comment :

Supporting notes

- Internal Supporting Notes :
- **Warren Local Environmental Plan 2012 shows the current land use zoning for the Warren Sewage Treatment Plant site as R5 Large Lot Residential. The current land use does not permit sewage treatment plants. If the plant is expanded the current zoning does not permit it therefore Council is requesting to have the land rezoned to SP2 Infrastructure. Council will complete an EIS for a new STP. Although the land is flood liable, Council has advised the new STP and associated infrastructure will be designed to be above the flood level and in accordance with Council's flood planning provisions.**
 - **Mabel Street rezoning is to ensure that there is adequate General Industrial land for**

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current and future demand. The existing minimum lot size is 2000m². The subject land is mapped under 'Area A' that allows subdivision to 500m² if serviced. Council has confirmed that the existing minimum lot size is satisfactory and allows flexibility.

- Bundemar Road Area re-zone from RU1 Primary Production to zone R5 Large Lot Residential, to ensure that the land zone is consistent with former opportunities and the adjacent land use. The minimum lot size is currently 1000ha and it is proposed to reduce the lot size to 10ha. This will potentially allow for approximately 6 additional lots.

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 states the intent of the planning proposal is to amend the Warren Shire Council Local Environmental Plan 2012 to enable the redevelopment of the Warren Shire Council Sewage Treatment Plant, expand the general industrial zone and rezone land at Bundemar Road to make it consistent with the adjacent land use and previous opportunities.

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

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

Comment :

Sewage Treatment Plant
Amend the Land zoning map (Sheet LZN_011) from R5 Large Lot Residential to SP2 Infrastructure at the current Sewage Treatment Plant site as well as the adjoining lot.

Mabel Street
Amend the Land Zoning Map (sheet LZN_007A) for Part Lot 3 DP1104089 currently zoned R1 General Residential to IN1 General Industrial with no change to mls.

Bundemar Road Area
Amend the land zoning map (sheet LZN_001) from RU1 Primary Production to R5 Large Lot Residential. Amend the minimum lot size map (sheet LSZ 001) from 1000ha to 10ha.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones**
1.2 Rural Zones
* May need the Director General's agreement **1.5 Rural Lands**
3.1 Residential Zones
4.3 Flood Prone Land

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 : **1.1 Business and Industrial Zones**
The Ministerial Direction is relevant to the planning proposal as the proposal proposes to rezone part of the lot to zone IN1 General Industrial. The planning proposal is consistent with the Direction in that it will not reduce the area of any commercial or Industrial zone but rather it will provide an additional 10.81ha of industrial zoned land.

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1.2 Rural Zones

The Ministerial Direction is relevant to the planning proposal as the proposal affects land within existing rural zones. The Direction requires a planning proposal must not rezone land from a rural zone to a residential zone or contain provisions that will increase the permissible density of land within a rural zone. The planning proposal proposes at Bundemar Road Area to zone approximately 67ha of RU1 Primary Production Land to land zone R5 Large lot residential

The Director Region, Western can be satisfied the planning proposal's inconsistency with this Direction is minor as Council has advised that the land zone R5 large lot residential better reflects the adjacent land use at the Bundemar Site and previous opportunities to erect dwellings on the land under prior local planning controls. The minimum lot size is currently 1000ha and it is proposed to reduce the lot size to 10ha. This will potentially allow for approximately 6 additional lots. This will make the subject land consistent with the surrounding lots which are also 10ha in area. This has been justified as being of minor significance given the circumstances. No further work is required.

1.5 Rural Lands

The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land within a rural zone at the Bundemar Road Area. The Direction requires the planning proposal be consistent with the rural planning principles and rural subdivision principles in the SEPP (Rural Lands) 2008.

The Director Region, Western can be satisfied the planning proposal's inconsistency with this Direction is minor. The planning proposal supports productive sustainable economic activities by zoning the land to better reflect the current and adjacent land uses. The minimum lot size is currently 1000ha and it is proposed to reduce the lot size to 10ha. This will potentially allow for approximately 6 additional lots. This will make the subject land consistent with the surrounding lots which are also 10ha in area. This has been justified as being of minor significance given the limited amount of development potential being generated. No further work is required

3.1 Residential Zones

The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land within a residential zone at the Mabel Street Subject Land. It is proposed to zone approximately 7ha of land zoned R1 General Residential to IN1 General Industrial.

The Director Region, Western can be satisfied the planning proposal's inconsistency with this Direction is minor as council has advised that the subject allotment currently zoned as R1 General Residential is a Greenfield development, with no infrastructure and is deemed surplus for residential purposes. Council also advise that the residential estate, Gunningba, has numerous vacant allotments available for development. This is also an expansion of existing adjacent industrial land precinct which will place a buffer between the railway line and existing built residential area to the east. The individual Development applications for industrial development will be able to mitigate any potential land use conflicts with the existing residential areas east of the subject site. It will also provide a good flexible supply of industrial land within the flood levee bank.

4.3 Flood Prone Land

The Ministerial Direction is relevant to the planning proposal as some of the subject sites in the planning proposal affects land that is flood prone.
Mabel Street is located inside town levee bank system, and Council has deemed the land as being protected from flooding.

The Bundemar Subject Land is flood prone land. The Director Region, Western can be satisfied the planning proposal's inconsistency with this Direction is minor. The minimum lot size is currently 1000ha and it is proposed to reduce the lot size to 10ha.

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This will potentially allow for approximately 6 additional lots. This will make the subject land consistent with the surrounding lots which are also 10ha in area. This is of minor significance given the limited amount of development potential being generated. The surrounding land use is predominantly rural residential in nature. Council has advised that this land was created for large lot residential purposes prior to the commencement of the Warren LEP 2012. Future development proposals on the land will be assessed against Council's flood provisions including the Warren DCP (Clause 16 (C) which requires the finished floor level to be at a height equivalent to or above the flood planning level (1:200ARI)) and the Warren LEP, 6.2 Flooding clause.

The Sewage treatment plant is also located on flood prone land. The Director Region, Western can be satisfied the planning proposal's inconsistency with this Direction is of minor significance given Council's existing planning controls adequately address the potential impact of development on flood prone land. The expansion of the sewage treatment plant will require an Environmental Impact Study prior to developing the subject site which must consider flooding. Council advised that the sewage treatment plant will be protected from flood impacts. Future development will comply with Council's flood provisions.

SEPP (Rural Lands) 2008

The SEPP is relevant as the planning proposal affects rural land. The planning proposal is consistent with the rural planning and rural subdivision principles of the SEPP due to the particular circumstances.

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 : The planning proposal seeks to amend the land zoning and minimum lot size maps. Subject land maps have been provided with the planning proposal but do not provide accurate boundaries for the subject land. The Gateway determination will require subject land maps, which clearly delineate the extent of the land application, to be produced and form part of the community consultation package.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal will be made available for public comment for 28 days.

Adjoining lots should be notified by way of letter advertising of the proposal.

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 : The planning proposal is adequate in the information provided.

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Warren LEP 2013 was notified on 21 December 2012.**

Assessment Criteria

Need for planning proposal :	The planning proposal is required to amend the land use zone and minimum lot size on various lots.
Consistency with strategic planning framework :	The planning proposal is consistent with the Western Councils Comprehensive Land Use Strategy with regards to Warren.
Environmental social economic impacts :	Sewage Treatment Plant The site will not be visually prominent with the existing landscape and will not impact on any heritage item or cultural significance. There is not expected to be an increase in traffic movements. Adequate access and services are available. Possible environmental impacts from the new sewage treatment plant will be considered and assessed in the EIS. Mabel Street The site will result in a visually prominent development within the existing landscape however it will be consistent with surrounding land uses and will not create a land use conflict. There will be an increase in traffic however the streets surrounding the subject site are classified as a road train routes and are designed and constructed to handle the expected traffic volumes. The land is located inside the Warren town flood levee system and is considered to be protected from flooding. Bundemar Road The change in land zone from RU1 Primary Production to R5 Large Lot Residential will generate minimal impact, and is a more appropriate zoning to reflect the current and surrounding land use. The change in land use zone and minimum lot size will provide greater flexibility on the subject land and will better reflect the existing and surrounding land uses. Future development will comply with Council's flood provisions including the Warren DCP and the Warren LEP, 6.2 Flooding clause. There are no known significant environmental, social or economic outcomes identified.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DG
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
Planning Proposal.pdf	Proposal	Yes
Section 117 Direction and SEPP Bundemar Road.pdf	Proposal	Yes
Section 117 Direction and SEPP Mabel.pdf	Proposal	Yes
Section 117 Direction and SEPP STP.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**
- 4.3 Flood Prone Land**

Additional Information :

The planning proposal to proceed subject to the following conditions:

- 1. 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;
 - (b) subject land maps must be produced which clearly identify which land forms part of the planning proposal and made available as part of the consultation package; and
 - (c) 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).
- 2. Prior to submission of the planning proposal under section 59 of the Environmental Planning and Assessment Act, 1979, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.**
- 3. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**

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Supporting Reasons : The planning proposal will allow for the land use zone to more accurately reflect the current land uses.
Additional dwellings on the Bundemar Subject land reflects previous opportunities. Council advise that the land was created for living purposes in local planning controls prior to Warren LEP 2012.
By correcting the land use zone at the sewage treatment plant, it will permit for any future expansion of the facility.
The Mabel Street Site will provide for logical and flexible staged expansion of the existing adjoining industrial area. The site has essential service infrastructure located within proximity.

Signature:



Printed Name:

K O'Haherty

Date:

12/5/2017

W Gansley
TLWR
12/5/17.


Planning Officer
12/5/2017