

**Wellington Local Environmental Plan 2012 (Amendment No 2) – Increase in supply of R5 Large Lot Residential zoned land**

|                    |                                                                                                                                                                                                          |               |                   |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------|
| Proposal Title :   | <b>Wellington Local Environmental Plan 2012 (Amendment No 2) – Increase in supply of R5 Large Lot Residential zoned land</b>                                                                             |               |                   |
| Proposal Summary : | <b>To rezone 8 areas of land in Wellington, Geurie, Stuart Town, Elong Elong and Euchareena from zone RU1 Primary Production to zone R5 Large Lot Residential including minimum lot size amendments.</b> |               |                   |
| PP Number :        | <b>PP_2015_WELLI_001_00</b>                                                                                                                                                                              | Dop File No : | <b>15/01607-1</b> |

**Proposal Details**

|                                   |                      |                      |                               |
|-----------------------------------|----------------------|----------------------|-------------------------------|
| Date Planning Proposal Received : | <b>13-Jan-2015</b>   | LGA covered :        | <b>Wellington</b>             |
| Region :                          | <b>Western</b>       | RPA :                | <b>Wellington Council</b>     |
| State Electorate :                | <b>ORANGE</b>        | Section of the Act : | <b>55 - Planning Proposal</b> |
| LEP Type :                        | <b>Spot Rezoning</b> |                      |                               |

**Location Details**

|               |                                                            |        |                   |
|---------------|------------------------------------------------------------|--------|-------------------|
| Street :      |                                                            |        |                   |
| Suburb :      | <b>Wellington</b>                                          | City : | <b>Postcode :</b> |
| Land Parcel : | <b>Lot 58 DP 655377</b>                                    |        |                   |
| Street :      |                                                            |        |                   |
| Suburb :      | <b>Wellington</b>                                          | City : | <b>Postcode :</b> |
| Land Parcel : | <b>Lots 59-61 &amp; 67-72 DP 2987</b>                      |        |                   |
| Street :      |                                                            |        |                   |
| Suburb :      | <b>Geurie</b>                                              | City : | <b>Postcode :</b> |
| Land Parcel : | <b>Lots 175&amp;176 DP 754313</b>                          |        |                   |
| Street :      |                                                            |        |                   |
| Suburb :      | <b>Geurie</b>                                              | City : | <b>Postcode :</b> |
| Land Parcel : | <b>Lots 3 &amp; 4, 132-138 and 201 &amp; 202 DP 754313</b> |        |                   |
| Street :      |                                                            |        |                   |
| Suburb :      | <b>Geurie</b>                                              | City : | <b>Postcode :</b> |
| Land Parcel : | <b>Lot 2 DP 133138</b>                                     |        |                   |
| Street :      |                                                            |        |                   |
| Suburb :      | <b>Stuart Town</b>                                         | City : | <b>Postcode :</b> |
| Land Parcel : | <b>Lots 52A &amp; 53, 92-95, 126 &amp; 142 DP 756886</b>   |        |                   |
| Street :      |                                                            |        |                   |
| Suburb :      | <b>Stuart Town</b>                                         | City : | <b>Postcode :</b> |
| Land Parcel : | <b>Lots 1-7 DP 251124</b>                                  |        |                   |

**Wellington Local Environmental Plan 2012 (Amendment No 2) – Increase in supply of R5  
Large Lot Residential zoned land**

Street :

Suburb : **Stuart Town** City : Postcode :

Land Parcel : **Lot 1 DP 740314**

Street :

Suburb : **Stuart Town** City : Postcode :

Land Parcel : **Lot 1 DP 722885**

Street :

Suburb : **Stuart Town** City : Postcode :

Land Parcel : **Lots 5, 6, 8, 16, 23, 42, 50 & 57 DP 756886**

Street :

Suburb : **Elong Elong** City : Postcode :

Land Parcel : **Lots 105 & 119 DP 754323**

Street :

Suburb : **Euchareena** City : Postcode :

Land Parcel : **Lots 2-4 DP 1097937**

**DoP Planning Officer Contact Details**

Contact Name : **Jenna McNabb**

Contact Number : **0268412180**

Contact Email : **jenna.mcnabb@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Peter Harlow**

Contact Number : **0268401736**

Contact Email : **peter.harlow@wellington.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 :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

## Wellington Local Environmental Plan 2012 (Amendment No 2) – Increase in supply of R5 Large Lot Residential zoned land

|                        |               |                                                      |                    |
|------------------------|---------------|------------------------------------------------------|--------------------|
| MDP Number :           |               | Date of Release :                                    |                    |
| Area of Release (Ha) : | <b>478.00</b> | Type of Release (eg Residential / Employment land) : | <b>Residential</b> |
| No. of Lots :          | <b>0</b>      | No. of Dwellings (where relevant) :                  | <b>60</b>          |
| Gross Floor Area :     | <b>0</b>      | No of Jobs Created :                                 | <b>0</b>           |

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 : **No known meetings have been held with registered lobbyists.**

### Supporting notes

Internal Supporting Notes :

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 outlines that the planning proposal seeks to rezone 8 areas of land with minimum lot size changes in response to a rural lands review and to ensure an adequate supply of rural residential living opportunities.**

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

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

Comment : **The planning proposal outlines 8 areas of land to be rezoned from RU1 Primary Production to R5 Large Lot Residential with proposed minimum lot sizes of between 10 hectares and 7000m2.**

### Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

**1.2 Rural Zones**

\* May need the Director General's agreement

**1.3 Mining, Petroleum Production and Extractive Industries**

**1.5 Rural Lands**

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

**SEPP (Rural Lands) 2008**

**Wellington Local Environmental Plan 2012 (Amendment No 2) – Increase in supply of R5  
Large Lot Residential zoned land**

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

**s117 Directions**

**1.2 Rural zones - The Planning Proposal is inconsistent with this direction as it contains provisions that will increase the density of rural land. Although the draft Wellington Rural Land Use Strategy 2014 has not been formally endorsed there is adequate information provided to satisfy the Minister's delegate the inconsistency is of minor significance.**

**1.5 Rural lands – The Planning Proposal is inconsistent with this direction as it affects land in the RU1 Primary Production zone. Although the draft Wellington Rural Land Use Strategy 2014 has not been formally endorsed there is adequate information provided to satisfy the Minister's delegate the inconsistency is of minor significance.**

**4.4 Planning for bushfire protection – This direction is relevant as the subject land is identified as bushfire prone in the draft Wellington Rural Land Use Strategy 2014. Council is to address this issue in its 59 submission after consultation with the NSW Rural Fire Service. In addition, an assessment of Planning for Bushfire Protection will be undertaken at DA stage by council for any dwelling.**

**SEPP (Rural Lands) 2008 – The Planning Proposal is consistent with the principles of the SEPP as the planning proposal seeks to provide opportunities for rural living in a strategic manner.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment :

**Mapping has been provided however it is not consistent with the Department's technical guidelines. The submitted mapping provides sufficient information to inform the public.**

**Mapping will need to be compliant with the Department's technical guidelines at Section 59 submission.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment :

**The Planning Proposal requests a public exhibition period of 28 days and it is agreed that this period is acceptable due to the number of amendments.**

**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 :

## Wellington Local Environmental Plan 2012 (Amendment No 2) – Increase in supply of R5 Large Lot Residential zoned land

### Proposal Assessment

#### Principal LEP:

Due Date :

Comments in  
relation to Principal  
LEP :

The Wellington LEP 2012 was notified on 23 November 2012.

### Assessment Criteria

Need for planning  
proposal :

The Planning Proposal is supported by the draft Wellington Rural Land Use Strategy (2014) (the Strategy) and outlines the need for the Planning Proposal. The Strategy has not been endorsed by the Department. The Strategy states that existing R5 zoned areas have not had uptake to meet demand due to infrastructure costs and existing holding patterns, resulting in only a short term supply of R5 zoned land being available. Specifically, the Strategy states that "A review of constraints has identified suitable areas for consideration of future R5 zoning, and in several areas the existing cadastre pattern enables development of medium to large lots without the need for further subdivision. Rezoning these lands will enable rapid supply of land ready for development without the development costs associated with development of englobed parcels (pg 1)". The Strategy also outlines that there is a demand for larger sized lots between 10-20 hectares, which is not currently available in the Wellington LGA, hence the need for the Planning Proposal.

The Planning Proposal identifies a number of sites proposed for rezoning based on their location on the fringe of existing townships and available infrastructure including frontage to sealed roads. The total dwelling potential as a result of the planning proposal, including recognition of dwelling entitlements, is 60 dwellings. This includes an additional dwelling potential of 19 should subdivision potential be realised. The Planning Proposal also seeks to provide dwelling entitlement for lots which were previously allowed under the superseded LEP. Proposed minimum lot sizes reflect existing settlement patterns and also provide potential for subdivision in some instances.

The Strategy provides adequate information to allow this Planning Proposal to progress.

The Planning Proposal will provide adequate R5 zoned land to meet demand in the medium term.

Consistency with  
strategic planning  
framework :

The planning proposal is consistent as it is a result of the draft Wellington Rural Land Use Strategy 2014. The planning proposal is consistent with the strategic planning framework.

Environmental social  
economic impacts :

Sites subject to the proposed rezoning are partly subject to groundwater vulnerability, biodiversity and bushfire hazard. Conditions will be imposed on the Gateway Determination to consult with agencies to consider these issues. Further assessment of the impacts of dwellings on the sites will be undertaken by Council at DA stage.

### Assessment Process

|                                             |                                                                                                                             |                                 |         |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------|
| Proposal type :                             | Precinct                                                                                                                    | Community Consultation Period : | 28 Days |
| Timeframe to make LEP :                     | 12 months                                                                                                                   | Delegation :                    | Nil     |
| Public Authority Consultation - 56(2) (d) : | Office of Environment and Heritage<br>NSW Department of Primary Industries - Agriculture<br>NSW Rural Fire Service<br>Other |                                 |         |

## Wellington Local Environmental Plan 2012 (Amendment No 2) – Increase in supply of R5 Large Lot Residential zoned land

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 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**

Additional Information : **1. 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 publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.**

**2. Consultation is required with the following agencies under Section 56 (2)(d) of the EP&A Act:**

**(a) NSW Rural Fire Service**

**(b) Department of Planning and Environment – NSW Office of Environment and Heritage**

**(c) Department of Primary Industries – Agriculture and NSW Office of Water**

**Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the planning proposal prior to community consultation.**

**3. Planning Proposal documentation, including the draft Wellington Rural Land Use Strategy – R5 Land, dated March 2014, be placed on public exhibition and forwarded to**

**Wellington Local Environmental Plan 2012 (Amendment No 2) – Increase in supply of R5  
Large Lot Residential zoned land**

the agencies as part of the consultation process.

4. 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. 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).

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

6. Submission of the Planning Proposal under section 59 of the EP&A Act must address the Planning Proposal's inconsistencies with Section 117 Direction 4.4 – Planning for Bushfire Protection after consultation with NSW Rural Fire Service.

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

Supporting Reasons :

The objectives of the planning proposal are justified by the draft Wellington Rural Land Use Strategy 2014. The relevant s117 directions and SEPPs have been appropriately justified.

Signature:



Printed Name:

Jenna Menzies

Date:

21/1/15

Endorsed

Wgamsen

AAMWR 21/1/15