

Amend Greater Hume LEP 2012 to Rezone part 47 Hawthorn Road Jindera to R5 Large Lot Residential Zone

Proposal Title :	Amend Greater Hume LEP 2012 to Rezone part 47 Hawthorn Road Jindera to R5 Large Lot Residential Zone		
Proposal Summary :	Council seeks to amend Greater Hume Local Environmental Plan 2012 to rezone part of 47 Hawthorn Road (Part Lot 11 DP 1164647) Jindera from RU5 Village Zone (Nil MLS) to R5 Large Lot Residential Zone (4,000 m2 minimum lot size).		
PP Number :	PP_2015_GHUME_001_00	Dop File No :	15/15091

Proposal Details

Date Planning Proposal Received :	27-Oct-2015	LGA covered :	Greater Hume
Region :	Southern	RPA :	Greater Hume Shire Council
State Electorate :	ALBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	PART 47 Hawthorn Road		
Suburb :	City :	Jindera	Postcode :
Land Parcel :	Part Lot 11 DP 1164647		
			2642

DoP Planning Officer Contact Details

Contact Name :	Graham Judge
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RPA Contact Details

Contact Name :	Colin Kane
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DoP Project Manager Contact Details

Contact Name :	Deanne Frankel
Contact Number :	02000000
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Land Release Data

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

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MDP Number :		Date of Release :	
Area of Release (Ha) :	20.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	50
Gross Floor Area :	0	No of Jobs Created :	0

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 : **The site is currently owned by Greater Hume Shire Council. The Department was advised by Council on the 10 November 2015 that the land is 'Operational Land' therefore reclassification of the land is not required for the subdivision and sale of the site.**

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 indicates that Council seeks to amend Greater Hume LEP 2012 to rezone part 47 Hawthorn Road Jindera (part Lot 11 DP 1164647) from RU5 Village Zone (no MLS) to R5 Large Lot Residential Zone (4,000 M2 MLS) to provide for serviced rural residential development**

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

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

Comment : **Part 2 of the PP clearly outlines proposed amendments to the Land Zoning Map LZN 002C (R5 Large Lot Residential Zone) and Lot Size Map LSZ 002C (4,000 m2) for land described as Part 57 Hawthorn Road Jindera.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones**

* May need the Director General's agreement

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 No 21—Caravan Parks**

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SEPP No 30—Intensive Agriculture
 SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
 SEPP No 33—Hazardous and Offensive Development
 SEPP No 36—Manufactured Home Estates
 SEPP No 44—Koala Habitat Protection
 SEPP No 50—Canal Estate Development
 SEPP No 55—Remediation of Land
 SEPP No 62—Sustainable Aquaculture
 SEPP No 64—Advertising and Signage
 SEPP No 65—Design Quality of Residential Flat Development
 SEPP (Building Sustainability Index: BASIX) 2004
 SEPP (Exempt and Complying Development Codes) 2008
 SEPP (Housing for Seniors or People with a Disability) 2004
 SEPP (Major Projects) 2005
 SEPP (Mining, Petroleum Production and Extractive Industries) 2007
 SEPP (Rural Lands) 2008

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

No other matters to be considered

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

If No, explain :

2.1 ENVIRONMENT PROTECTION ZONES: This Direction does apply to the planning proposal as it will affect land within an environment protection zone or land otherwise identified for environment protection purposes. Part of the land is identified in the Biodiversity Map and therefore triggers the s117 Direction.

The proposal is considered to be **CONSISTENT** with this direction because it does not reduce the environmental protection standards applying to the site by the Biodiversity Map.

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance. The site contains and archaeological site identified as "Hawthorn Cottage (ruin)".

The proposal is considered to be consistent with this direction because the PP does not intend removing this item from the HER map. The land is already zoned for development under the RU5 Village Zone/ no MLS and the proposed R5 Large Lot Residential Zone/4,000 M2 MLS is unlikely to increase any potential impacts on the heritage item.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

The land was originally intended for serviced light industrial development under the RU5 Village Zone to enable expansion of the Jindera Industrial Area to the north. Council has identified an oversupply of industrial land in the locality and now wishes to use part of the site for fully serviced rural residential development. This change in intended future use of this site on the fringe of Jindera from industrial to residential development triggers an inconsistency with the s117 Direction because it increases the consumption of housing on the urban fringe.

The inconsistency is justified because the site can technically be subdivided for residential development under the existing RU5 Village Zone (no MLS) and Council wishes to clarify that the land will now be used for large lot residential development with a designated minimum lot size to create serviced rural residential lots rather than urban development at higher densities.

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Council also intends creating a buffer area between the proposed large lot residential development and the Jindera industrial area to the north (reduce land use conflict) when it subdivides the land for sale.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency with s117 Direction 3.1 Residential Zones is of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The PP includes maps that adequately identify the site and the proposed Zone and minimum lot size.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The PP recommends community consultation for a 28 days and consultation with relevant government departments and agencies.

The Jindera Industrial Area is located immediately to the north of the site. Land owners in close proximity to the site should be given an opportunity to comment on the proposal.

RECOMMENDATION:

1. That community consultation be undertaken for 28 days.

2. That Council consult with all adjoining land holders and all landholders along Stockwell Road within the Jindera Industrial Area located to the north of the site.

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 : **Recommend that the PP be issued with a Gateway Determination.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Greater Hume LEP 2012 is a Standard Instrument LEP that was notified in 2012.**

Assessment Criteria

Need for planning proposal :

The land was originally intended for serviced light industrial develop under the RU5 Village Zone to enable expansion of the Jindera Industrial Area to the north (Greater Hume Strategic Land Use Plan). Council has now identified an oversupply of industrial land in this locality and now wishes to use part of the site for a fully serviced rural residential development.

Although the site can already be subdivided for residential development under the existing RU5 Village Zone (no MLS) Council is seeking to clarify that the land will now be

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used for large lot residential development (4,000 m2 lot size).

Under clause 4.6 of the LEP the lot size within an R5 Large Lot Residential Zone cannot be varied by a subdivision proposal by more than 10% of the minimum lot size identified on the Lot Size Map. By applying an R5 Large Lot Residential Zone/ 4,000 m2 MLS Council seeks to create greater certainty on both the intended use (rural residential development) and the minimum lot size applying to the land compared to the current RU5 Village Zone/no MLS.

Council also intends creating a minimum 50 metre buffer area between the R5 Large Lot Residential Zone and industrial area to the north when it prepares a development application to subdivide the Council owned land to prevent potential land use conflict.

It is recommended that the proposal to rezone part 47 Hawthorn Road Jindera to R5 Large Lot Residential Zone/4,000 m2 to create serviced rural residential lots area be supported

RECOMMENDATION: That the planning proposal be supported by issuing a Gateway Determination.

Consistency with strategic planning framework :

The PP acknowledges that the proposed draft LEP would be inconsistent with the intent of Council's adopted Strategic Land Use Plan (SLUP) that identifies the site for future industrial development.

The PP also acknowledged that the SLUP will need to be undertaken concurrently with the planning proposal but as a separate process.

The intent of Council to amend the SLUP to ensure consistency with the planning proposal is supported.

RECOMMENDATION

It is recommended that the the Department advises Council that it supports an amendment to Council's Strategic Land use Plan to be exhibited concurrently with the exhibition of the PP to ensure consistency between the SLUP and the PP.

Environmental social economic impacts :

VEGETATION

The site is substantially cleared of vegetation and Council has indicated that the low housing/lot density will assist in retaining a narrow strip of trees along the western boundary. It is likely that the strip of trees will be retained under the proposed RU5 Large Lot Residential Zone and 4,000 m2 MLS compared with the RU5 Village Zone/no MLS.

LAND USE CONFLICT

Council has recognized in the PP that there is potential for land use conflict between industrial development within the existing Jindera Industrial Area and future residential development within the proposed RU5 Large Lot Residential Zone. Council has therefore resolved to adopt a minimum 50 metre buffer between industrial development and future large lot residential development when it subdivides the R5 Zone (Council owned land).

The larger residential minimum lot size will also provide additional buffer distance between industry and residential development.

RECOMMENDATION: The the planning proposal be supported by issuing a Gateway Determination.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

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

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

If no, provide reasons : **This is a minor change in zone on 20 ha of land from RU5 Village Zone to R5 Large Residential Zone.**

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
FINAL Planning Proposal v3.pdf	Proposal	Yes
Email GHSC re planning proposal Jindera.pdf	Proposal	Yes
Council Report and Resolution Oct 2015.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones**

Additional Information : **The Acting General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Greater Hume Local Environmental Plan 2012 to rezone part 47 Hawthorn Road (Part Lot 11 DP 1164647) Jindera to R5 Large Lot Residential Zone and 4,000 m2 minimum lot size should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental

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Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 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 local environmental plans (Department of Planning and Infrastructure).

2. No Consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

3. Council is required to consult with adjoining land holders and all land holders along Stockwell Road within the Jindera Industrial Area to the north of the site.

4. No public hearing is required to be held into the matter 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. The time frame for completing the draft local environmental plan is to be 12 months from the week following the date of the Gateway determination.

6. Council be Authorised to use its delegation for Plan Making to approve the Local Environmental Plan following public consultation.

7. That the the Department advises Council that it supports an amendment to Council's Strategic Land use Plan to be exhibited concurrently with the exhibition of the planning proposal.

S117 DIRECTION

8. The Secretary can be satisfied that the inconsistencies of the planning proposal with S117 Direction 3.1 Residential Zones is of minor significance.

9. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance.

10. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Supporting Reasons :

The proposal does not raise any significant issues because the site is currently zoned for residential development (i.e. RU5 Village Zone).

Consultation is required with the community and adjoining land owners because Council has earmarked the land for future light industrial development under its adopted Strategic Land Use Plan. It is therefore appropriate that community consultation includes consultation with adjoining land owners regarding the change in direction in the development of Council owned land located south of the Jindera Industrial Area.

Signature:



Printed Name:

Linda Davis

Date:

12/11/15

Acting General Manager
Southern Region

