

REQUEST FOR INITIAL GATEWAY DETERMINATION

Relevant Planning Authority Details

Name of Relevant Planning Authority: Junee Shire Council

Contact Person: Mr Ralph Tambasco, Director Development & Environmental Services

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Planning Proposal Details

1. LAND INVOLVED (If relevant – eg. Street Address and Lot and Deposited Plan):

The land which is subject of the Planning Proposal is as follows:

- Lots 1, 2, 3, 4, 5 and 6, Section 14 in DP 758533 Illabo, NSW
- Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Section 13, DP 758533, Illabo, NSW
- Lots 136, 137, 138, 139, 140, 141, 142, 143 and 144, DP 751398, Illabo NSW
(See attached documentation)

2. MAPS (if application – electronic and hard copy)N/A

Not applicable. All maps are included in the Planning Proposal document.

3. PHOTOS and other visual material (if applicable)N/A

Aerial photos of land affected by the Planning Proposal are included in the documentation.

4. COMPLETE PLANNING PROPOSAL (electronic and hard copy)√

- All matters to be addressed in a Planning Proposal – including Director-General's requirements for the justification of all Planning Proposals (other than those solely to reclassify public land) in accordance with a 'Guide to preparing a Planning Proposal' are completed prior to forwarding to the Regional Office in the first instance. See attached pro-forma.

5. PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL√

- Council has considered the written Planning Proposal before it is sent to the Department of Planning and Infrastructure.
- Appendix D of the Planning Proposal is a copy of the Report to Council and the Council Resolution. Resolution relates to the preparation and submission of the written Planning Proposal to the Department of Planning and Infrastructure.

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- Appendix E of the Planning Proposal is a copy of the Report to Council and the Council Resolution following advice from the Department of Planning and Infrastructure that the proposal should proceed as an amendment to the proposed Junee Local Environmental Plan 2012 and not the Local Environmental Plan 1992.
- Appendix F of the Planning Proposal is a map showing Indicative Extents of Inundation.
- Appendix G of the Planning Proposal is a map showing the area under consideration for the Rezoning.
- Appendix H of the Planning Proposal is a map showing the Floodway – Flood Planning Area of the proposed area to be rezoned.

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Signed for and on behalf of the Relevant Planning Authority

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Date:



Junee Shire Council



**Amendment to Junee Local
Environmental Plan 2012**

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LOCAL GOVERNMENT AREA: JUNEE SHIRE COUNCIL

NAME OF LOCAL ENVIRONMENTAL PLAN: JUNEE LOCAL ENVIRONMENTAL PLAN 2012

Part I: Objectives or Intended Outcomes

To implement amendments to the proposed Junee Local Environmental Plan 2012 in relation to the village of Illabo as follows:

- Introduce an R5 Large Lot Residential zone to existing Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Section 13, DP 758533 and Lots 1, 2, 3, 4, 5 and 6, Section 14, DP 758533, having a smaller lot size than the minimum 4000 m².
- Introduce an R5 Large Lot Residential zone to existing Lots 136, 137, 138, 139, 140, 141, 142, 143 and 144, DP 751398.
- Allow the construction of a dwelling on each of the above vacant lots subject to the consideration and approval by Junee Shire Council.
- Not allow the further subdivision of Lots 136, 137, 138, 139, 140, 141, 142, 143 and 144, DP 751398; Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Section 13, DP 758533; and Lots 1, 2, 3, 4, 5 and 6, Section 14, DP 758533.



Part 2: Explanation of Provisions

Amendment of proposed Junee Local Environmental Plan 2012 as follows:

- a. Land Zoning Map – Sheet LZN 003 be amended to zone the following parcels of land R5 Large Lot Residential:
 - Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Section 13, DP 758533
 - Lots 1, 2, 3, 4, 5 and 6, Section 14, DP 758533
 - Lots 136, 137, 138, 139, 140, 141, 142, 143 and 144, DP 751398
- b. Lot Size Map – Sheet LSZ 003 be amended to allow the following:
 - Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Section 13, DP 758533 to have a minimum lot size of 1250 m² so that the lots cannot be further subdivided and to allow a dwelling to be erected on each existing vacant lot in accordance with Council Resolution Item 21.11.11 dated 15 November 2011.
 - Lots 1, 2, 3, 4, 5 and 6, Section 14, DP 758533 to have a minimum lot size of 1250 m² so that the lots cannot be further subdivided and to allow a dwelling to be erected on each existing vacant lot in accordance with Council Resolution Item 21.11.11 dated 15 November 2011.
 - Lots 136, 137, 138, 139, 140, 141, 142, 143 and 144, DP 751398 to have a minimum lot size of 3 hectares so that the lots cannot be further subdivided and to allow a dwelling to be erected on each existing vacant lot in accordance with Council Resolution Item 21.11.11 dated 15 November 2011.

Part 3: Justification

Section A – Need for the planning proposal.

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

Yes.

A review of the Junee Residential Land Strategy 2006 and recent community consultation has identified some shortcomings within the strategy in relation to the planning and development of the village of Illabo. To address these shortcomings Council has prepared a land use strategy for Illabo aimed at providing an overview of the existing situation and needs of the village, whether planning, community, recreational or economic. This strategy also identifies and recommends those areas within and adjacent to the village that are most suitable for future growth and development, in addition to proposing solutions to existing zoning and land use constraints.

The Draft Illabo Village Strategy has provided justification for further residential and small holdings development to the east of Illabo. This proposal was not included within the Junee Residential Strategy, however a comprehensive planning assessment of the village and subsequent outcomes have determined that there is substantial merit in facilitating the further development of this land. Amendments to the Junee Residential Strategy 2006 have been endorsed by Council to reflect this.

Council resolved at its meeting held Tuesday 15 November 2011 to create special provisions in regard to specific lots to the east of Illabo. In Council's judgement this land is fragmented in both ownership and lot size.

In regard to the land shown at Appendix B, Sheet 1, the current 1(a) General Rural zoning and existing holding status prohibits dwellings on the majority of these existing lots which range in size from 1255m² to 2141m² with the majority being slightly more than 2000m² in area. The intent of this planning proposal is to permit dwellings on these existing lots but Council will not consent to the further subdivision of this land.

In regard to the land shown at Appendix B, Sheet 2, the existing holding status of the majority of this area also prohibits the erection of dwellings on these lots which range in area from 3.24 hectares to 4.06 hectares. Due to their size, they are unable to be utilized for productive agricultural purposes typical of the locality e.g. broadacre cropping, and do not meet the objectives of their current 1(a) zoning. The intent of this planning proposal is to permit the erection of a dwelling on each existing lot.

Attached to this planning proposal is a map showing the Lot numbers, Section numbers, and DP numbers of the subject lands (Appendix B), a copy of the Draft Illabo Village Strategy 2011 (Appendix C) and the report to and resolution of Council regarding this proposed local environmental plan (Appendix D).

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

This planning proposal is considered the most effective way of achieving the objectives and intended outcomes of this planning proposal.

3. Is there a net community benefit?

The net community benefit of this plan for Illabo is sizeable. Following is a summary of the community benefits applicable to the land subject to the draft plan, in addition to a summary of the specific benefits and costs for each area of land.

Community Benefits

- Promote, maintain and enhance the existing community services and facilities that exist within and adjacent to the village. These include the Illabo Primary School, Catholic and Uniting Churches, Rural Fire Service Depot, Showground and campdraft arena, tennis courts and hall, football ground, and Red Cross rooms. Council and the local community have identified these services, particularly the primary school as a crucial facility to both the village residents and surrounding rural community.
- To promote economic and employment opportunities of the existing businesses within the village. These include transport and mechanical businesses, a hotel/motel and general store. These businesses provide essential goods and services to the village and surrounding rural community.
- Development of fragmented rural land for residential and rural small holding purposes.
- Provide for a range of affordable lifestyle opportunities.
- Provide a range of lot sizes for rural small holdings uses in close proximity to the village of Illabo.
- Minimal additional infrastructure costs to the community.
- Additional residential access points onto Eurongilly Road are able to be accommodated.
- An upgrade and widening of Eurongilly Road in 2009 enabled an increase in the daily carrying capacity of this road. Currently, approximately 100 vehicles per day utilise Eurongilly Road, however following the upgrade the road is now capable of carrying 1000 plus vehicles per day.
- Any extension of infrastructure and services will be required to be met by the developer.
- Proximity to existing public recreation areas including sportsground and showground.
- Existing lot sizes are suited to sustainable onsite effluent disposal in accordance with Council's Development Control Plan No. 20 – Onsite Sewage and Wastewater Management.

- A Reticulated water pipeline currently extends along Eurongilly Road to the intersection of Showground Road.

Costs

- The Draft Jerelgambeth Creek Flood Study 2011 has shown the potential for minor flooding on an area of land bounded by Lawson Street, Boree Street, Morgan Street and Eurongilly Road (refer Sheet 1). The consideration of the requirements of this draft study is required prior to the approval of any dwelling on lots within this area. Note: several of these existing lots have a current dwelling entitlement as they are vacant existing holdings.

Net Community Benefit

It is considered that there is a net benefit on land use and a positive impact on community welfare. At present the existing holding status of land within this area has resulted in several of these fragmented lots being unable to be utilised for the purpose for which they were intended. Agricultural enterprises typical of the rural locality are unable to be profitably operated on these lots. This planning proposal will have the net community benefit of being able to contribute to the local community both economically and socially, and is eagerly awaited by the Illabo community.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

June Shire Council is not subject to nor forms part of a region defined by any regional or sub-regional strategies.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

In June 2009, Council adopted a Community Strategic Plan for the June Shire. This Plan was based on four themes, the first of which was "A Growing Community". Under this theme two of the key strategies proposed by the Plan included:

- Making changes to Council's Local Environmental Plan to enable investors to take advantage of land use and business opportunities within the shire, in June township and in village areas, such as rural residential on the urban edge of villages.
- Develop a town and village business plan to identify opportunities for the development and promotion of June, Illabo, Old June, Bethungra, Wantabadgery and districts.

The quantifiable performance measures that were set to identify the achievement of the above strategies included increasing the town and village populations, increasing the number of new businesses in the town and villages, and the creation of new jobs.

As part of the Community Strategic Plan, consultation workshops were held with village residents and the surrounding rural community in relation to their local community. At the Illabo workshop the issues of zoning and facilitating population growth were identified as key priorities. These priorities were then incorporated into the Community Strategic Plan as discussed above.

This planning proposal is consistent with Council's Community Strategic Plan. The outcome of the planning proposal will assist in achieving the adopted strategies of Council in regard to village growth, economic development, retention of key services and an increase in employment opportunities in village areas.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The following State Environmental Planning Policy is applicable to this planning proposal:

State Environmental Planning Policy (Rural Lands) 2008

The planning proposal is considered to be consistent with the rural planning principles and rural subdivision principles contained within the SEPP, in particular through:

- Balancing of the social, economic and environmental interests of the community by promoting the residential growth and economic development whilst ensuring that the social infrastructure of these communities is retained and enhanced.
- Provision of additional opportunities for rural lifestyle, settlement and housing that retains and promotes the existing social and physical infrastructure of Illabo.
- Ensuring that future development will not have an adverse impact on natural resources as it promotes the sustainable utilisation of fragmented rural land. Future development will ensure the protection of native vegetation and introduce tree planting and vegetation standards.
- Promotion of development that utilises existing services and infrastructure and ensures that additional costs to the community are minimised in this regard.
- Prevention of rural land use conflicts between existing and future residential development and existing rural land uses.

State Environmental Planning Policy No. 55 – Remediation of Land

The Council has a Contaminated Land Register. A search of this register has revealed that the subject lots are not listed in the register as being contaminated lands.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The following section 117 Directions are applicable to the planning proposal:

1.2 Rural Zones

The provisions of this direction are applicable to the village of Illabo.

The proposal is inconsistent with clause 4(b) of this Direction as it involves increasing the permissible density of land within a rural zone. However, under clause 5(b) of this Direction, the planning proposal is justified due to its compliance with the Draft Illabo Village Strategy which has been prepared in support of the planning proposal and complies with the objectives of this Direction. It is also considered that in regard to Clause 5(c) of the Direction the proposal is of minor significance as it will not involve the subdivision of rural land, but rather will define land for the residential and rural small holding purposes for which it was originally intended.

1.5 Rural Lands

This planning proposal has been considered in regard to this Direction and it is concluded that the planning proposal is consistent with the rural planning principles listed in SEPP (Rural Lands) 2008 (refer section 6) and is of minor significance. The planning proposal will both facilitate the orderly and economic development of land for rural small holdings purposes and protect the agricultural production value of adjoining rural land.

4.3 Flood Prone Land

In January 2011, the Council commissioned Lyall and Associates Consulting Water Engineers to prepare a Floodplain Risk Management Study and draft Plan for Jeralgambeth Creek at Illabo. Also prepared in 2011 was a "Jeralgambeth Creek at Illabo Flood Study". The objective of this study was to define flood behaviour at the village of Illabo in terms of flows, levels and flooding patterns for flood frequencies ranging between 5 and 100 year ARI, as well as for the Probable Maximum Flood.

The Study has referenced NSW Government's Floodplain Development Manual, 2005, and other publications, thereby complying with Clause (1) of the Direction. The Flood Study was adopted by Council at its 15 November 2011 Ordinary Meeting. The Floodplain Risk Management Study and Plan document has been placed on public exhibition until 10 February 2012. Following the conclusion of the exhibition period, the document will be referred to a forthcoming Council Meeting for adoption.

Although the rezoning proposal appears to be non compliant with Clauses (2) and (3)(a) of the Direction, Clause (6) of the Direction allows the Director-General of the Department of Planning and Infrastructure to vary or exclude a provision or area of the Direction having regard to the provisions of Section 5 "Objects" of the Environmental Planning and Assessment Act, 1979 and if

- (a) the rezoning is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual, 2005, or
- (b) the rezoning is, in the opinion of the Director-General, of a minor significance.

This Proposal

At issue in this proposal are lots 2, 3, 4 and 5, Section 14, DP 758533. All other subject lots are not adversely affected by flooding owing to their shallow indicative extents of inundation (See "Indicative Extents of Inundation" Map at Appendix F). A map showing the area under consideration in the Planning Proposal from the Floodplain Risk Management Study (FRMS) document is included as Appendix G.

A map showing the "Floodway – Flood Planning Area" is included as Appendix H. A perusal of this map indicates that Lots 2, 3, 4, and 5, Section 14, DP 758533, are affected by the High Hazard Floodway, as well to a lesser extent by the "Low Hazard Overland Floodpath" and the "Intermediate Floodplain".

However, the map at Appendix F indicates that only half of Lot 4 and a very small area of Lot 3 are subject to depths of inundation of greater than 1 metre. The remainder of these lots are subjected to depths of inundation ranging from 0.4m (400mm) to 1.0m (1000mm). It can be seen that there would be suitable "building envelope" areas to the Eastern section of Lots 3 and 4 for a dwelling to be located.

In respect to Lots 2, 3, 4 and 5, Section 14, DP 758533, and Council has deemed that any area falling within the Interim Flood Planning Area, as shown on Figure 5.11 in "Flood Study Volume 2 – Figures" is flood affected. As such, by referring to the aforementioned figure, it can be seen that Lots 2, 3, 4 and 5, are wholly within the Flood Planning Area. However, for the purposes of future residential development of these lots, an examination of Figure 5.9 of the Flood Study Volume 2 indicates that approximately half of each of the four lots is affected by High Hazard flood flows. The remainder of the lots are within the Low Hazard area of the flood plain and will therefore be available for future residential development.

Reference to Figure 2.6 of the FRMS shows that Lots 3 – 12, Section 13, DP 758533, Lots 1 and 6, Section 14, DP 758533, and Lots 136 – 141, DP 751398, have varying degrees of flood affectation. Hydraulic modelling has shown that in all but a few small areas, the flooding can be categorised as Low Hazard Overland Flow Path. Accordingly, there is sufficient room on these lots for development that complies with the design and structural requirements nominated in Appendix A "Flood Policy" of the FRMS.

The nature of the flooding through Illabo is such that High Hazard flows are confined to a relatively narrow corridor and the remaining flood plain is subject to low velocity, shallow inundation. As such, the hazards posed to potential residents living on a flood-prone lot are considered to be negligible.

Any future effluent disposal area is to be in the form of a Transpiration/Evapotranspiration area in accordance with Council's Development Control Plan No. 20 – On Site Sewage and Wastewater Management, and will therefore be built up above ground level, which will reduce the potential for surface water infiltration.

In support of the above, the Consultant has stated on page 15 of the FRMS and Plan document, inter alia:

“Portions of four of the lots (ie lots 2, 3, 4 and 5, Section 14, DP 758533) lie within the High Hazard Floodway, as defined in the Flood Study 2011, which should be kept clear of future development. However, there would be room on these four lots for a dwelling outside that zone.

Council concluded that any future application for a dwelling on these lots would need to conform with the requirements of the draft Flood Policy of Appendix A (of the Study), specifically in regard to the dwelling being located outside the extent of the High Hazard Floodway, having a minimum floor level equal to the FPL (Flood Planning Level) and being accompanied by a site survey. The design of the dwelling would also include flood compatible materials below the FPL, along with structural requirements nominated by the policy.”

Therefore, provided that any future dwelling is not constructed within the High Hazard Floodway area shown on the map in Appendix H, and the design of any future dwelling conforms to the design and structural requirements nominated in Appendix A “Flood Policy” of the Floodplain Risk Management Study, including the requirements of a Surveyor’s Report in relation to the height of the floor level of the dwelling, the provision of this Direction would be satisfied.

Alternatively, the Council is of the opinion that the Director-General has sufficient information available to him to deem this proposed rezoning to be of a “minor significance”, as per Clause (6)(b) of the Direction.

3.1 Residential Zones

By allowing the construction of a future dwelling on each of the lots included in this Planning Proposal, it will enable a broader choice of building (dwelling) types in the village on lots that would have otherwise remained vacant and used for grazing of a few animals.

It is considered that the Draft Illabo Village Strategy November 2011 document included with the Planning Proposal adequately addresses Clause 4 of this Direction.

In respect to Clause 5(a) of this Direction, any future Development Application or Complying Development Certificate will not be released by the Council until the applicant has submitted and obtained approval for a Section 68 (Local Government Act) Application for onsite effluent disposal.

The lots are serviced by reticulated water supplied by Goldenfields Water County Council and all applications have an appropriate condition of consent requiring the premises to be connected to a water supply and a water meter.

Electricity is available in the area and is provided by Essential Energy.

In respect to Clause 5(b) of the Direction, the proposal, if approved, will increase the permissible residential density of the land, not reduce it.

Section C – Environmental, social and economic impact

8. 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?

To the best knowledge of Council, there are no documented critical habitats or threatened species populations or ecological communities that are currently recognised within the land subject to the planning proposal.

There exists some remnant White Box trees within the land shown on Sheet 1 however the removal of these trees will be considered as part of any future development consent or complying development certificate.

Further assessment of the above will be undertaken as part of the public authority consultation process however it is considered that any advice that will be provided by relevant authorities will be in regard to trees on land shown on Sheet 1.

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

There are no other likely environmental effects as a result of the planning proposal. None of the subject lots are bushfire prone according to the Council's Bushfire Prone Land Map.

10. How has the planning proposal adequately addressed any social and economic effects?

Council is not aware of any identified items or places of European or Aboriginal cultural heritage within the land subject to this planning proposal.

Additional social and economic effects of the proposal have been discussed in Section B.

Section D – State and Commonwealth interests

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

Yes, there is adequate public infrastructure to support this planning proposal, as follows:

- Public infrastructure and utilities are available and readily accessible to support the planning proposal. Essential infrastructure services such as roads, utilities (water, electricity and telephone) and waste management are available.
- Ready access to primary school education within the village (Illabo Public School), businesses providing basic goods and services, and sporting and social facilities are presented.
- Community facilities such as halls and sporting areas contribute to the public infrastructure, whilst the larger centres of June, Cootamundra and Wagga Wagga provide close access to goods and services.

- The existing lots are considered to be of sufficient size to provide sustainable on-site effluent disposal and avoid land use conflicts in accordance with Council's Development Control Plan No. 20 – Onsite Sewage and Wastewater Management.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with relevant State and Commonwealth public authorities has not yet occurred, however will be undertaken and addressed as part of the Local Plan Making Process.

Part 4: Community Consultation

Extensive community consultation will be undertaken with both the landowners and adjoining landholders of the land subject to the planning proposal, in addition to the Illabo residents and wider rural community. This consultation will follow the principles specified within the Department of Planning "Guide to Preparing Local Environmental Plans".

Whilst it is considered that the planning proposal is a "low impact planning proposal", consultation will be extended to 28 days to allow additional time for interested persons to consider the proposal and make submissions to Council in this regard.

Any additional requirements specified by the Gateway determination will be complied with.

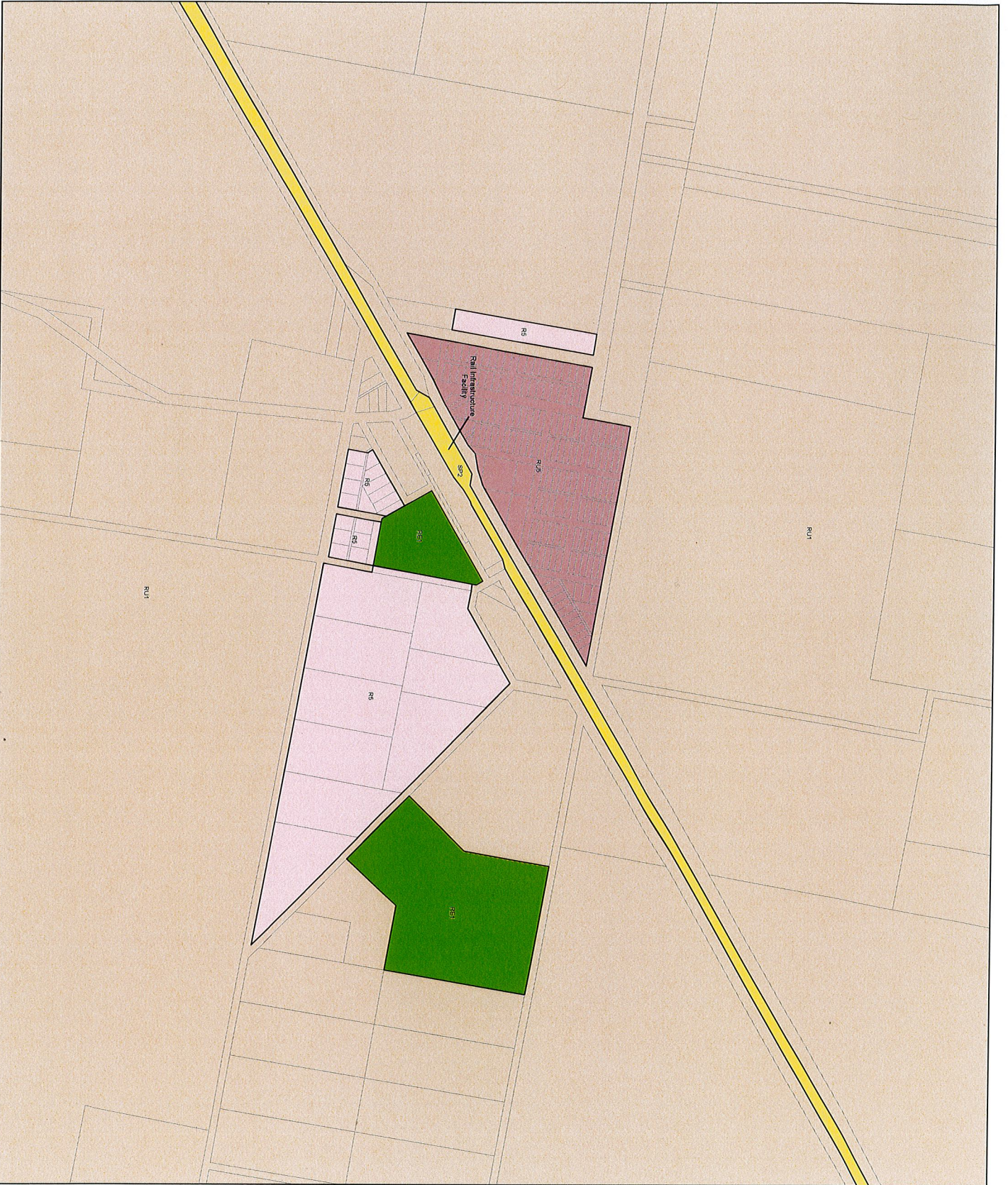
Appendix A

Amended Lot Size Map and Land Zoning Map

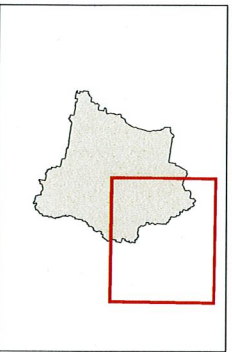
- Zone**
- R5 Large Lot Residential
 - RE3 Public Recreation
 - RU1 Primary Production
 - RU5 Village
 - SP2 Infrastructure
- Cadastre**
- Cadastre 17/06/11 @ Land and Property Information (LPI)



Project: COA 1984
MGA Zone 55
Map identification number: 4500_COA_LZN_001_010_20120221



- Zone**
- ET** National Parks and Nature Reserves
 - RS1** Large Lot Residential
 - RS2** Public Recreation
 - RU1** Primary Production
 - RU5** Village
 - SP2** Infrastructure
- Cadastre**
- Cadastre 17/06/11 © Land and Property Information (LPI)



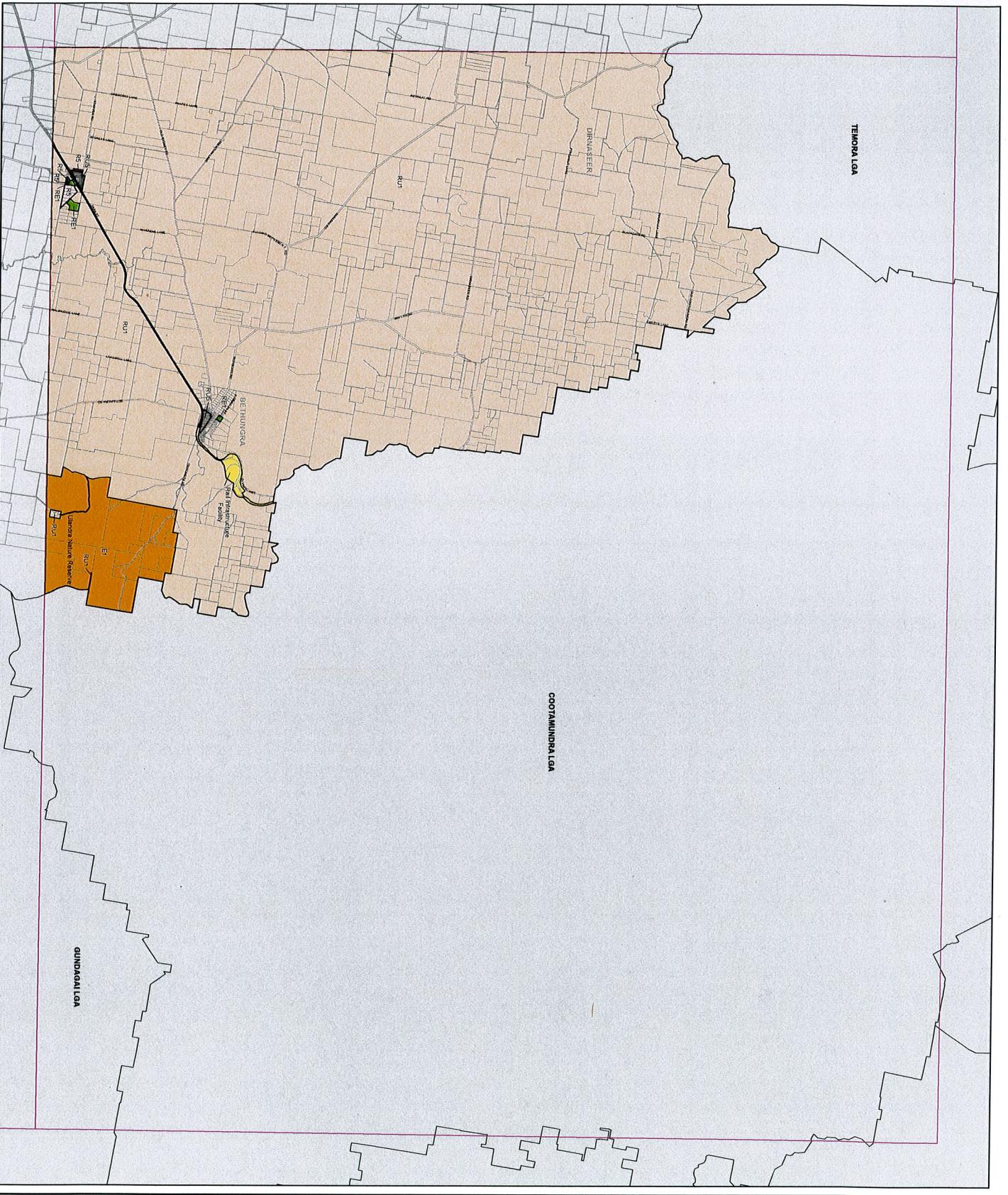
North Arrow

Scale 1:160,000 @ A3

7.5km

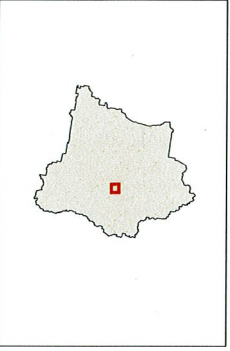
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MOA Zone 55

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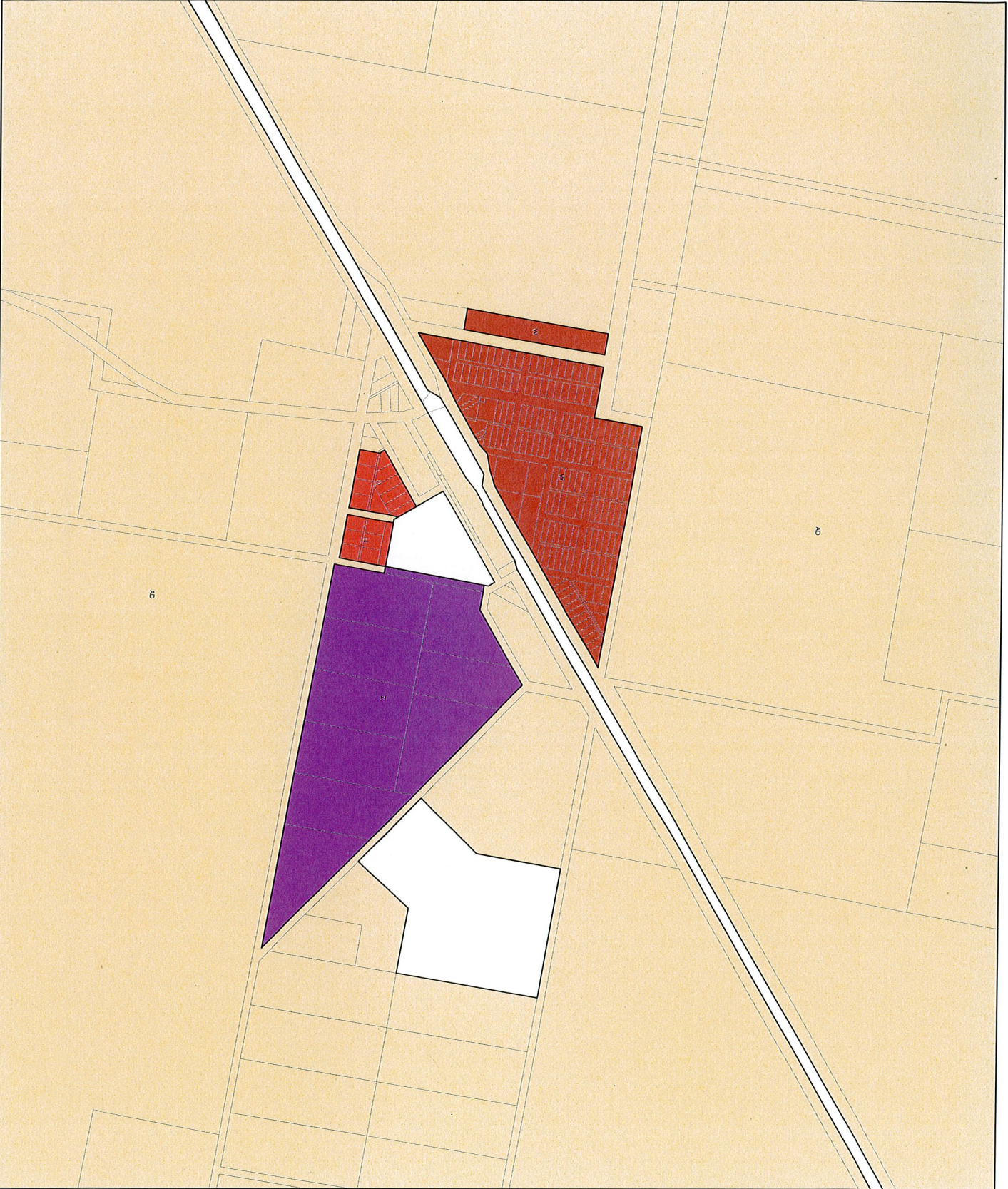


Minimum Lot Size (sq m)

- U** 1250
- W** 4000
- Z** 30000
- AD** 100 ha
- Cadastral**
- Cadastral 17/06/11 @ Land and Property Information (LPI)



Project: LGA 1994
MCA Zone 55
Map identification number: 4300_CDM_LSZ_001_010_20120221

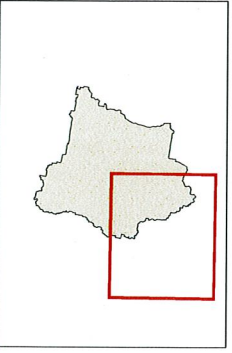


Minimum Lot Size (sq m)

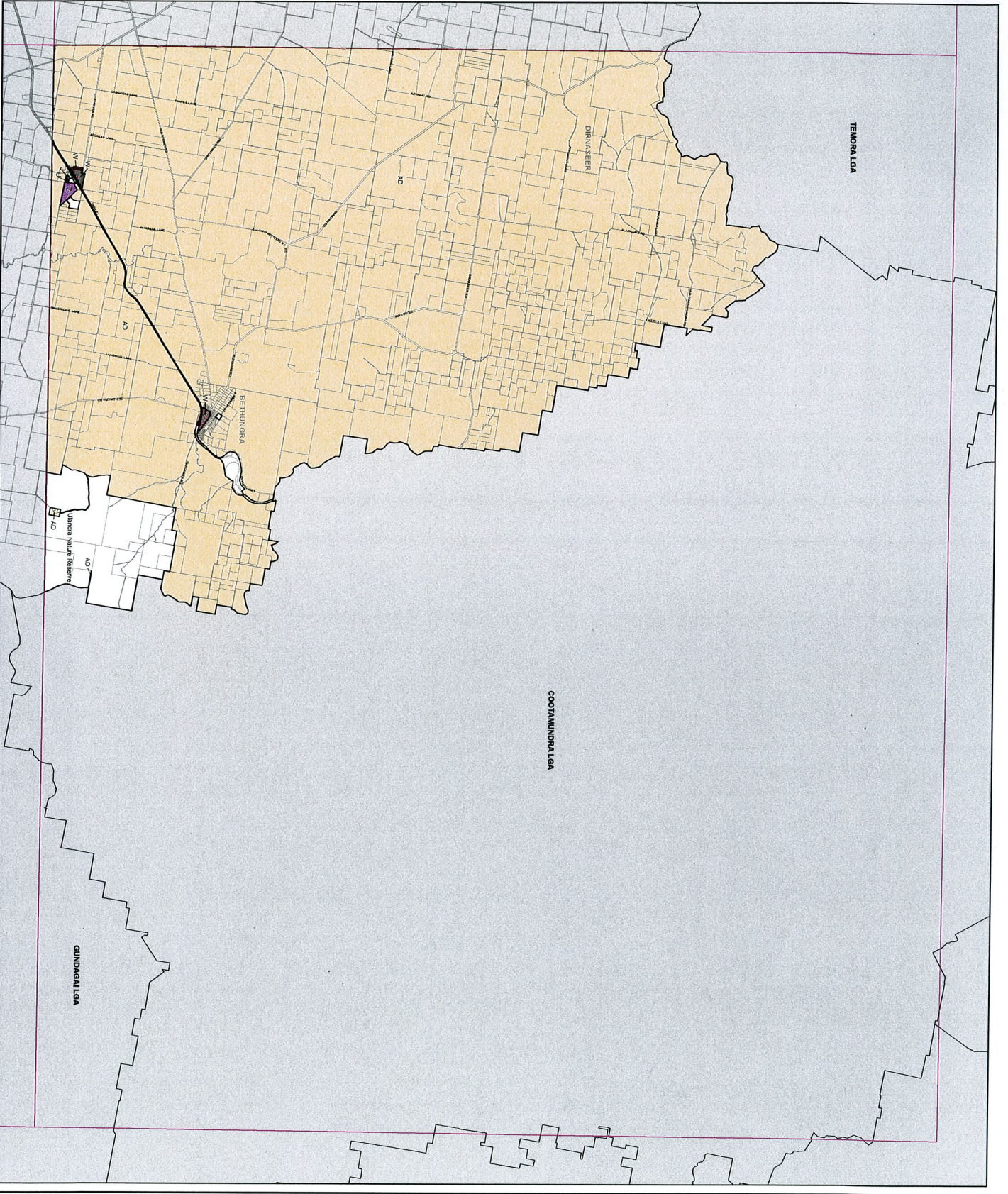
- 0 1250
- W 4000
- Z 3 ha
- AD 100 ha

Cadastre

Cadastre 17/06/11 @ Land and Property Information (LPI)



Project: CMA 1984
MGA Zone 55
Map identification number: 4000_CMA_LSZ_001_010_20120222



Appendix B

Maps Showing Lot Numbers, Section Numbers, and DP Numbers of Subject Lands

Sheets 1 & 2

