

Rezoning land from RU1 to R5 near Illabo Village

Proposal Title : Rezoning land from RU1 to R5 near Illabo Village

Proposal Summary : Council seeks to amend Junee LEP 2012 (when it is finalised) to rezone approximately 38.6 ha of land south east of Illabo Village from RU1 Primary Production Zone (100 ha minimum lot size (MLS)) to R5 Large Lot Residential Zone (3.6 ha with a 1250 m2 MLS and 35 ha with a 3 ha MLS).

The intent of the rezoning is to permit dwellings houses on 25 existing small lots comprising 16 lots with an area of 1,255 m2 to 2,100 m2 and 9 lots with an area of 3 to 4 ha each. However, it is intended prevent any further subdivision of the land.

Council has concurrently requested that the Director General endorse a revised Junee Residential Strategy 2006 that includes this land release. The original strategy was endorsed by the Director General in January 2008.

Note: A Gateway Determination to enable exhibition of the draft Junee LEP 2012 (DJLEP) was issued by the Minister's delegate on the 2 February 2012. Council is yet to commence the public exhibition of the draft LEP. The PP to rezone 38.6 ha of land south of the village of Illabo is not part of the DJLEP.

PP Number : PP_2012_JUNEE_002_00 Dop File No : 11/19074

Planning Team Recommendation

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

S.117 directions :
 1.2 Rural Zones
 1.5 Rural Lands
 3.1 Residential Zones
 4.3 Flood Prone Land

Additional Information : The Director General as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that a planning proposal to amend the Junee Local Environmental Plan 2012 to rezone land south of Illabo from RU1 Primary Production (100 ha MLS) to R5 Large Lot Residential Zone with a 1,250 m2 MLS (16 lots) and 3 ha MLS (9 lots), should proceed subject to the following conditions:

1. The planning proposal is to be amended to only rezone lots 138, 139, 140, 141, 142, 143 and 144 DP 751398 to R5 Large Lot Residential Zone (3 hectares MLS). All other lots in the planning proposal are to be removed from the proposal. The draft LEP Map sheets are to be amended accordingly.

2. Council is to submit the revised planning proposal and Map sheets to the Regional Director, Southern Region, for endorsement prior to community consultation.

3. 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 and 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

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- Office of Environment and Heritage (flooding and biodiversity related matters); and
- Transport for NSW – RailCorp (railway crossing);
- Department of Primary Industries (agricultural land);
- Department of Industry and Investment - Crown Lands (lots owned by the Crown);
- Goldfields Water County Council (water supply).

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. The public consultation under sections 56(2) (c) and 57 of the EP&A Act must be undertaken during or after the exhibition of the draft Junee LEP 2012.

6. 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).

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

Supporting Reasons :

1. The inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Land, 3.1 Residential Zones and 4.3 Flood Prone Land have not been adequately justified to rezone flood prone land from a rural zone to a residential zone.
2. The population of Illabo Village has remained stable despite a significant amount of flood free vacant land in the village under the draft Junee LEP 2012.
3. There is merit in permitting Council to exhibit a PP to rezone the larger, flood free, rural lots in the planning proposal to R5 Large Lot Residential Zone (3 ha MLS) to provide a variety of housing choice near Illabo Village.
4. To avoid confusion the exhibition of the revised PP should be undertaken during or after the public exhibition of the draft Junee LEP 2012.

Panel Recommendation

Recommendation Date : 29-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. The planning proposal has not justified the need to rezone flood prone land for additional housing supply. Therefore, Council is to amend the planning proposal to only rezone those lots that are flood free (i.e. 138, 139, 140, 141, 142, 143 and 144 DP 751398) to R5 Large Lot Residential with a 3ha minimum lot size. Council is to revise the planning proposal to remove the remaining flood prone lots and amend the LEP Map sheets and provide a copy to the Department's Regional Office prior to the commencement of community consultation
2. 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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - Department of Trade and Investment

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- Transport for NSW – Railcorp
- Goldfields Water County Council
- Department of Industry and Investment – Crown Lands

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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

Signature:



Printed Name:

G. CORIO

Date:

10/4/12