

Amend Greater Hume LEP 2012 - Rezone Part Lot 12 DP 1074222 Holbrook from RU1 to R5 Zone and change the minimum lot size of all of Lot 12 to 2 ha

Proposal Title : Amend Greater Hume LEP 2012 - Rezone Part Lot 12 DP 1074222 Holbrook from RU1 to R5 Zone and change the minimum lot size of all of Lot 12 to 2 ha

Proposal Summary : The planning proposal seeks to amend Greater Hume LEP 2012 to rezone part lot 12 DP 1074222, Halford Drive, Holbrook (28.4 ha) from RU1 Primary Production Zone (100 ha minimum lot size (MLS)) to R5 Large Lot Residential Zone (2 ha MLS).

The planning proposal also seeks to change the MLS of land currently zoned R5 Large Lot Residential Zone on part Lot 12 DP 107422 (10.9 ha) from 1 ha MLS to 2 ha MLS.

PP Number : PP_2013_GHUME_001_00 **Dop File No :** 13/12711

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
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : The Executive Director, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Greater Hume Local Environmental Plan 2012 to;

- rezone part lot 12 DP 1074222, Halford Drive, Holbrook (approximately 28.4 ha) from RU1 Primary Production Zone (100 ha minimum lot size (MLS)) to R5 Large Lot Residential Zone (2 ha MLS).

- change the MLS of land currently zoned R5 Large Lot Residential Zone on part Lot 12 DP 1074222 (approximately 10.9 ha) from 1 ha MLS to 2 ha MLS;

should 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 ("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 plan for proponents and councils (Department of Planning and Infrastructure 2013).

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

- Office of Environment and Heritage
- Department of Primary Industries (Agriculture)

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.

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3. 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).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

5. Council's request for Authorisation to use its delegation be refused as the proposal is inconsistent with its local strategy.

6. The Council is to prepare draft LEP Maps that are consistent with the latest version of the "Standard technical requirements for LEP maps" and the draft maps are to be placed on public exhibition as part of community consultation.

7. The Director General can be satisfied that the inconsistency of the planning proposal with S117 Direction 1.2 Rural 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.

11. The Council is to prepare a draft amendment to the Greater Hume Strategic Land Use Plan 2007-2030 identifying the land for large lot residential development, consistent with the planning proposal. The amendment is to be placed on public exhibition with the planning proposal.

12. It is further recommended that the amended Greater Hume Strategic Land Use Plan 2007-2030 be forwarded to the Director General for endorsement.

Supporting Reasons :

1. Delegation has been refused because the planning proposal is not consistent with Council's adopted SLUP and the adopted Greater Hume Strategic Land Use Plan 2007-2030 (SLUP) does not have the endorsement of the Director General.
2. The SLUP is to be amended to ensure consistency with the planning proposal to amend Greater Hume LEP 2012 to rezone rural land to R5 Large Lot Residential Zone.

Panel Recommendation

Recommendation Date : **15-Aug-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - include existing and proposed land zoning and lot size maps, which are at an appropriate scale and clearly identify the subject land;
 - include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal; and
 - correctly reference the Greater Hume Local Environmental Plan (LEP) 2012 in Part 3 - 'explanation of provisions' within the planning proposal.
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 a minimum of 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 LEPs (Department of Planning & Infrastructure 2013).

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

- Office of Environment and Heritage
- Department of Primary Industries - Agriculture

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 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.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested to be issued with delegation for this planning proposal. Council's request to be issued with plan making delegation should be supported.

Signature:



Printed Name:



Date:

