

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

Proposal Details

Date Planning Proposal Received :	29-Jul-2013	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 :	Halford Drive		
Suburb :		City :	Holbrook
		Postcode :	2644
Land Parcel :	Lot 12 DP 1074222		

DoP Planning Officer Contact Details

Contact Name :	Graham Judge
Contact Number :	0262297906
Contact Email :	graham.judge@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Colin Kane
Contact Number :	0260448928
Contact Email :	CKane@greaterhume.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Mark Parker
Contact Number :	0242249468
Contact Email :	mark.parker@planning.nsw.gov.au

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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
MDP Number :	n/a	Date of Release :	
Area of Release (Ha) :	28.40	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	8	No. of Dwellings (where relevant) :	8
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 :

GENERAL

The rezoning of 28.4 ha of land from RU1 Primary Production Zone (100 ha MLS) to R5 Large Lot Residential Zone (2 ha MLS) will generate a maximum of 14 lots.

The change of the minimum lot size of 10.9 ha of land currently zoned R5 Large Lot Residential from 1 ha MLS to 2 ha MLS will reduce the maximum number of potential lots from 11 to 5.

The additional lots that can be generated by the Planning Proposal (PP) is 8 lots.

Council has confirmed that a 2 ha minimum lot size has been applied to Lot 12 because reticulated sewerage supply will not be provided to the site.

Council has also confirmed that reticulated water supply will not be available to those parts of the site that exceed the height of the Council Reservoir located to the west (Colin Kane pers. comm 5/8/13).

The site proposed to be zoned from RU1 Primary Production Zone to R5 Large Lot Residential Zone is not included in Council's Strategic Land Use Plan 2007-2030 (See Figure 4 in the PP).

DELEGATION

Council has requested Authorisation to use the Minister's delegation for plan making (by submitting the evaluation form for issuing Authorisation).

The Planning Proposal (PP) will rezone rural land (28.4 ha) to R5 Large Lot Residential Zone and the land is not identified in Council's adopted strategic plan (Greater Hume Strategic Land Use Plan 2007-2030 (SLUP)). This strategic plan has also not been endorsed by the Director General.

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It is recommended that Authorisation for plan making be refused because the proposal to rezone rural land is not identified in a Council strategic plan and the strategic plan has not been endorsed by the Director General.

One of the recommended conditions of the Gateway determination requires Council to prepare a draft amendment to include the site in Council's SLUP and to place the draft amendment on exhibition with the PP.

It is further recommended that the covering letter to Council request the amended strategic plan be forwarded to the Director General for endorsement.

MISCELLANEOUS

There is an error under Part 3 of the PP on page 3. The 'Explanation of Provisions' incorrectly refers to the "Greater Hume Local Environmental Plan 2013" instead of "Greater Hume Local Environmental Plan 2012". It is recommended that this error be mentioned in the covering letter to Council with the Gateway Determination.

External Supporting Notes :

The site is located on the eastern side of Holbrook on an elevated and undulating site cleared for agriculture.

The site is neither flood prone land nor bush fire prone land.

The site adjoins land to the north that is currently zoned R5 Large Lot Residential (1 ha MLS) and the Holbrook Golf course is in close proximity to the site to the west.

The PP states that reticulated water and sewerage infrastructure will not be provided to the site. Future lots will therefore require on-site effluent disposal and water storage for domestic use. The 2 ha lot size has been chosen for this reason.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The PP clearly states the intended outcomes of the PP to rezone land to R5 and amend minimum lot size to 2ha.

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

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

Comment : The PP clearly states that the Land Zoning Map LZN_003D and the Lot Size Map LSZ_003D will be amended to rezone all of Lot 12 DP 1074222 to R5 Large Lot Residential Zone with a minimum lot size of 2 ha.

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

1.5 Rural Lands

* May need the Director General's agreement

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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 55—Remediation of Land

SEPP (Rural Lands) 2008

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

GREATER HUME STRATEGIC LAND USE PLAN 2007-2030

The site to be rezoned for residential purposes is not consistent with Council's adopted Strategic Land Use Plan 2007-2030 (SLUP)(see Figure 4 of the PP).

The SLUP has not been endorsed by the Director General.

To ensure there is consistency between Council's adopted SLUP and the PP it is suggested that the Council prepare an amendment to the SLUP to identify the site for large lot residential development. The amendment to the SLUP is to be placed on public exhibition with the PP.

Recommendation: Council prepare an amendment to the SLUP to identify the site for large lot residential development and the amended is to be placed on public exhibition with the PP for comment. The amended SLUP should then be forwarded to the Director General for endorsement.

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

If No, explain :

S117 DIRECTION 1.2 RURAL ZONES

1. The PP is inconsistent with this Direction because it seeks to rezone rural land to a residential zone. The inconsistency is justified on the basis that the site is in close proximity to Holbrook on elevated cleared land and the rezoning will only generate an additional 8 lots.

2. Under the Greater Hume LEP 2012 a number of sites in Holbrook, Culcairn and Henty that were initially identified to be rezoned for residential use were not rezoned because of the requirement to address flooding issues under s117 Direction 4.3. Flood studies to address this matter are yet to be finalised. The rezoning of this land provides an opportunity for Council to rezone land for residential purposes on flood free land in Holbrook until flooding concerns for other sites have been resolved.

3. The rezoning of 28.4 ha of RU1 Primary Production Zone (100 ha MLS) to R5 Large Lot Residential Zone (2 ha MLS) and the change of the minimum lot size on 10.9 ha of land zoned R5 Large Lot Residential Zone from 1 ha MLS to 2 ha MLS, will create a maximum of 8 additional residential lots. A PP to create 8 additional lots on unconstrained land in close proximity to an existing town is considered to be of minor significance.

Recommendation: The Director General can be satisfied that the inconsistency with s117 Direction 1.2 Rural Zones is of minor significance.

S117 DIRECTION 1.5 RURAL LANDS AND SEPP (RURAL LANDS) 2008

This Direction applies to the PP because it affects land within a rural zone and changes the minimum lot size applying to that land.

The PP has indicated that the land is only used for agriculture of low intensity because it is heavily constrained due to surrounding residential land uses/zones. The PP further states that the land would be best utilised as a transition zone between rural and residential development.

Recommendation: The PP is consistent with s117 Direction 1.5 Rural Lands because it is consistent with the Rural Planning Principles contained in SEPP (Rural Lands) 2008.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

Draft LEP Maps have not been submitted with the PP.

Recommendation: That Council prepare draft LEP Maps consistent with the 'Standard technical requirements for LEP maps' for community consultation.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The PP has indicated that the PP will be publicly exhibited for 28 days.**

Recommendation: That community consultation be undertaken for 28 days and Council consult with the Office of Environment and Heritage and Department of Primary Industries (Agriculture).

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Greater Hume LEP 2012 was notified in October 2012.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the only means by which all of Lot 12 can be rezoned to large lot residential development with a 2 ha MLS.**

The release of additional land for residential development in Holbrook, Henty and Culcairn was deferred by Council in 2012 because of flooding issues. Flood studies have not yet been finalised and it is unclear at this stage if these areas will be viable for future residential use.

The small release of large lot residential land (28.4 ha) and the change of lot size from 1 ha to 2 ha on the current R5 Large Lot Residential Zone on Lot 12 (10.9.ha) will generate a maximum of 8 additional lots. This small increase in residential land will partly compensate for the delays in the rezoning of land in Holbrook.

Consistency with strategic planning framework : **GREATER HUME STRATEGIC LAND USE PLAN 2007-2030**
The site to be rezoned for residential purposes is not identified in Council's adopted Strategic Land Use Plan 2007-2030 (see Figure 4 of the PP)(SLUP) and the SLUP has not been endorsed by the Director General.

To ensure there is consistency between Council's adopted SLUP and the PP it is suggested that the Council prepare an amendment to the SLUP to identify the site for future large lot residential development. The amendment to the SLUP is to be placed on public exhibition with the PP for public comment.

Recommendation: Council prepare an amendment to the SLUP to identify the site for future large lot residential development and the amendment is to be placed on public exhibition with the PP for public comment. The Council should then forward the amended SLUP to the Director General for endorsement.

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Environmental social
economic impacts :

Assessment Process

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

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture**

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. :

Other - provide details below

If Other, provide reasons :

GREATER HUME STRATEGIC LAND USE PLAN 2007-2030

As explained above the SLUP should be amended, exhibited and forwarded to the Director General for endorsement.

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
Covering email GHSC.pdf	Proposal Covering Letter	Yes
Halford Drive_Planning Proposal_revb.pdf	Proposal	Yes
Holbrook_PP_Locality_Map.pdf	Map	Yes
Holbrook_PP_Air_Photo.pdf	Photograph	Yes
Greater_Hume_PP_Checklist_Authorisation_Delegation.pdf	Proposal	No

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**

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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.

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.

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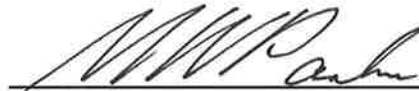
11. The Council is to prepare a draft amendment to the Greater Hume Strategic Land Use Plan 2007-2030 identifying the land for large lot residential development, consistent with the planning proposal. The amendment is to be placed on public exhibition with the planning proposal.

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 to ensure consistency with the planning proposal to amend Greater Hume LEP 2012 to rezone rural land to R5 Large Lot Residential Zone.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

9th August 2013