



Planning Proposal

Rezoning to R5 Large Lot Residential

Halford Drive, Holbrook

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habitatplanning

town planning | urban design

Suite 1, 622 Macauley Street
ALBURY NSW 2640
t 02 6021 0662 | f 02 6021 0663
e habitat@habitatplanning.com.au

www.habitatplanning.com.au

Prepared for

Ken Follett

c/- Spiire
445 Townsend Street
ALBURY NSW 2640

habitatplanning
town planning | urban design

Suite 1 / 622 Macauley Street
ALBURY NSW 2640

Phone: 02 6021 0662

Fax: 02 6021 0663

habitat@habitatplanning.com.au

www.habitatplanning.com.au



Member – NSW Consulting Planners



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1. INTRODUCTION

1.1 Overview

This is a Planning Proposal relating to a parcel of land described as Lot 12 DP1074222 at Halford Drive Holbrook (“the subject land”). The land is an irregular shaped allotment of approximately 39.2 hectares. It is presently zoned part RU1 Primary Production and part R5 Large Lot Residential. A minimum lot size of 100 hectares applies to that part of the land zoned RU1, with a 10,000m² hectare minimum lot size applicable to the existing part R5 zone land.

The Planning Proposal seeks to change the zoning of the subject land to rezone the entire area of the lot to R5 Large Lot Residential and apply a 2 hectare minimum lot size across the lot.

This Planning Proposal has been prepared in accordance with the Department of Planning’s *A Guide to Preparing Planning Proposals* (“the Guide”).

1.2 Site Context

The subject land is located on the eastern side of the existing Holbrook township within a predominantly rural-residential area. Land to the south and further east comprise more agricultural activities, with land to the north and north west comprising establishing urban and rural-residential land use.

The property itself is approximately 39.2 hectares and comprises an irregular shaped lot. Access to the lot is made from Halford Drive to the western side of the lot, with a gravel access road providing access to a large machinery shed in the eastern portion of the land. The land is cleared of vegetation with only a small portion of vegetation located in the higher slopes of the south west part of the land, serving as a windbreak. Small patches of exotic vegetation are located within the centre of the land adjacent to the existing sheds and also scattered throughout the site.

The land includes generally undulating topography, with steeper slopes in the south western corner. The land generally rises up from Halford Drive towards the south east corner, with the northern side of the lot sloping down towards adjacent property (Lot 1 DP1005506).

Two dam storages are located on the property, one being in the south eastern corner and a second in the lower western portion of the land towards Halford Drive. Both of these dams provide stock water supply.



Figure 1 – Location of subject land within the context of Holbrook (Source: SixMaps 2013)

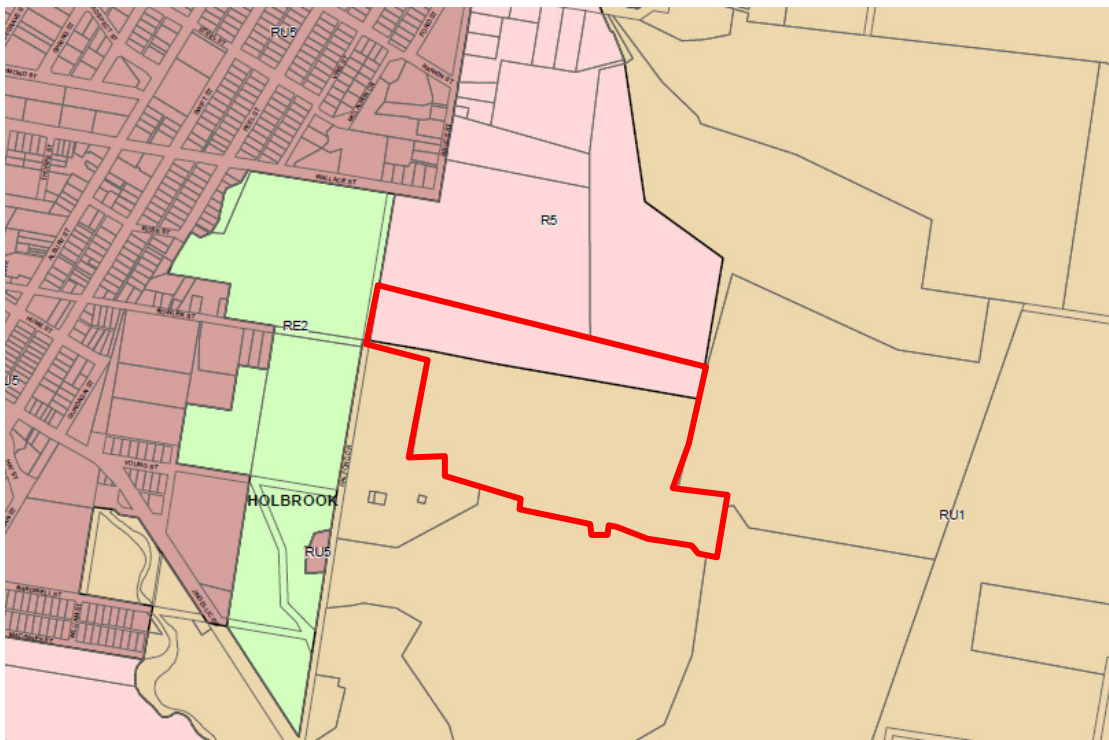


Figure 2 – Existing Land Use Zoning

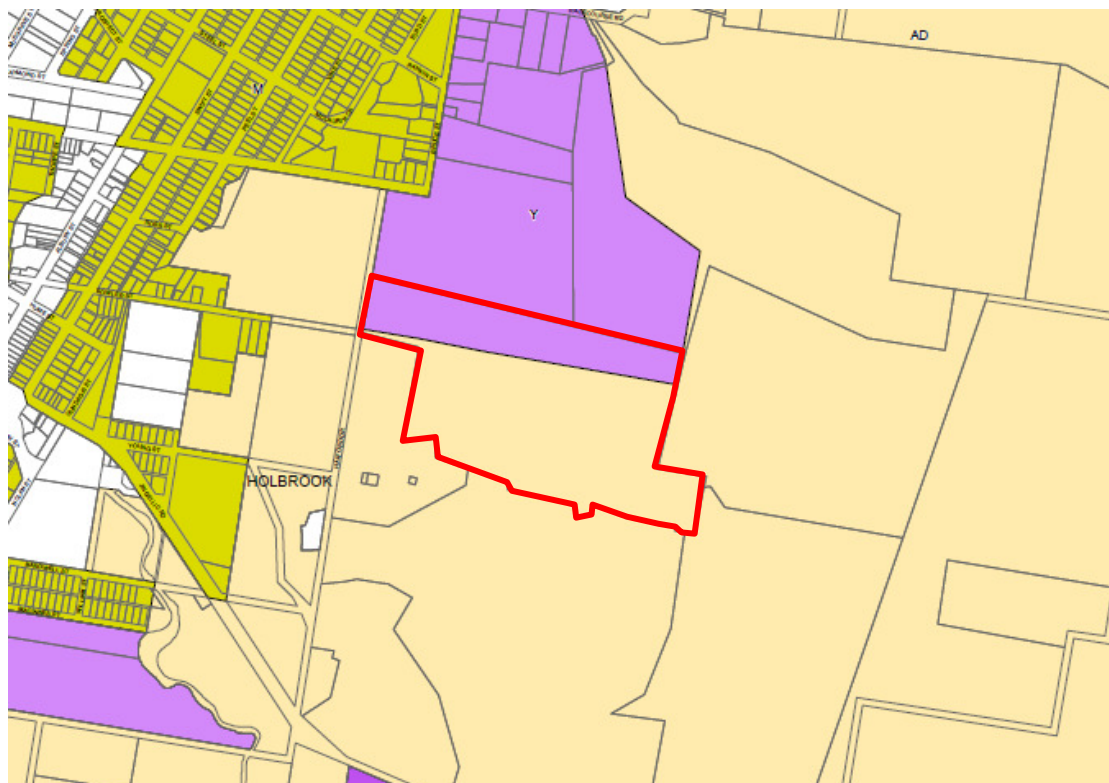


Figure 3 – Existing Minimum Lot Size

2. INTENDED OUTCOMES

The intended outcome of this planning proposal is the rezoning the full extent of the subject land to R5 Large Lot Residential. It is also sought to apply a 2 hectare minimum lot size across the full extent of the subject land, consistent with the enlarged R5 zone. Presently only part of the lot is covered by the R5 zone and the 10,000m² minimum lot size, with the intention of this planning proposal being essentially to resolve a split zoning to the subject land.

3. EXPLANATION OF THE PROVISIONS

The intended outcome of the planning proposal will be achieved by:

- Amending the *Greater Hume Local Environmental Plan 2013* Land Zoning Map (ref: LZN_003D) as it applies to Lot 12 DP1074222 at Halford Drive Holbrook (see plan at Appendix 1) showing the entire lot zoned R5 Large Lot Residential.
- Amending the *Greater Hume Local Environmental Plan 2013* Lot Size Map (ref: LSZ_003D) as it applies to Lot 12 DP1074222 at Halford Drive Holbrook (see plan at Appendix 1) to show the entire lot area with a 2 hectare minimum lot size.

The proposed amendment will not require any new controls or introduce any new zone or minimum lot size provisions. The proposal will utilise existing zoning and minimum lot size provisions already contained within the LEP.

The site is proposed to be zoned R5 Large Lot Residential under Greater Hume LEP 2012. The objectives of the R5 zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Through application of the minimum lot size controls and the zoning regime, the above objectives can be achieved for the subject land under this planning proposal. Future development is envisaged to be large lots (greater than 2 hectares) with dwellings and opportunity for small scale agriculture.

4. JUSTIFICATION

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guide.

4.1 Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The Greater Hume Strategic Land Use Plan (“the SLUP”) considered the future growth potential for all villages within the Greater Hume LGA prior to the introduction of the new principal LEP. The purpose of the SLUP was to provide a growth strategy for each of the towns and villages and provide a framework for the future zoning of the

The SLUP identified the land west of Halford Drive for ‘rural-residential activities, although only part of this area was zoned in accordance with the SLUP. Further, the interface between the RU1 and R5 zones were contained within the subject land, resulting in a split zoning.

Holbrook

Strategic Land Use Plan

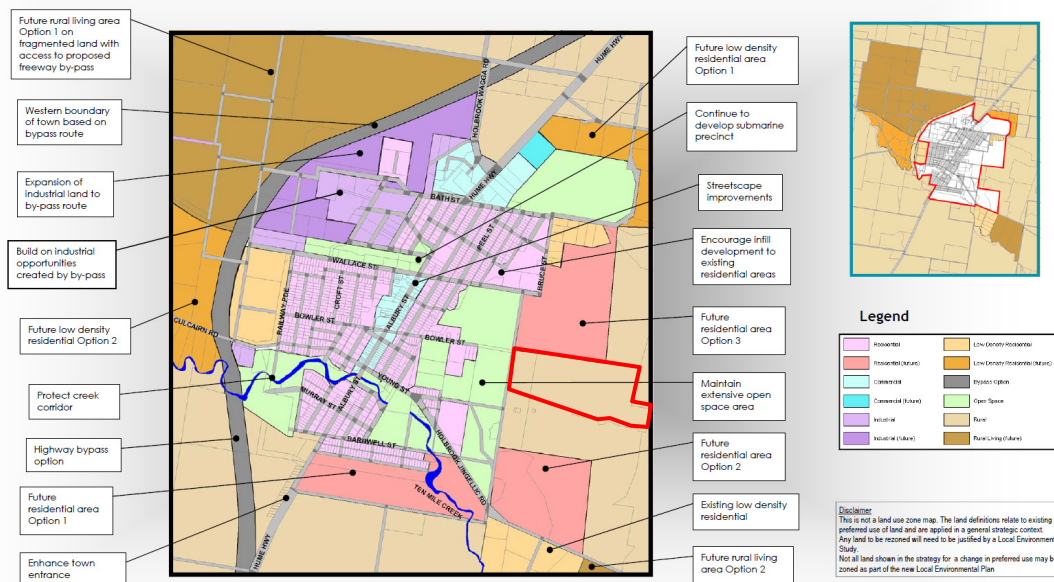


Figure 4 Subject land indicated in context to the proposed strategic direction of the Holbrook township as determined by the Strategic Land Use Plan.

This Planning Proposal will provide the necessary information to support a rezoning of the site to apply a consistent rural-residential zoning to the property.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A rezoning of the land is the best way to achieve the intended outcomes. The variation in potential land use outcomes of the land is significantly different between the two zones and prohibitive to future use of the land for rural-residential activities. The landowner has investigated options under the current LEP and has determined that a rezoning is the most suitable approach.

It is therefore necessary to rezone the site via a planning proposal.

Is there a net community benefit?

On balance, there is a net community benefit to be gained from the Planning Proposal. This is considered in greater detail within the below table.

Table 4.1 – Net Community Benefit Test

Evaluation Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The most relevant regional strategy for Greater Hume is the <i>Draft Murray Regional Strategy 2009</i> ('the Draft Strategy') which was prepared by the Department of Planning (DoP) in October 2009. The draft Strategy was also exhibited and is therefore a relevant matter to be considered in this planning proposal. This strategy is draft only and has not been adopted as a final strategy document. Notwithstanding this, the matters of this document are considered against the proposal. The primary aim of the Draft Strategy is to: ▪ <i>Protect and manage the sensitive Riverine environment of the Region's major waterways (such as the Murray River) to safeguard the future health and wellbeing of one of Australia's most important natural catchments...</i> Overall, the proposal is consistent with the general aims and objectives of the Draft Strategy given that it seeks to protect and enhance the natural environment, while providing appropriate residential opportunities within urban areas.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No. Holbrook is not identified as being a major regional centre.
Is the LEP likely to create a precedent or create or change in expectations of the land owner or other land owners?	The Planning Proposal seeks to rezone the land from RU1 Rural Primary Production to R5 Large Lot Residential. The proposed R5 zoning is already utilised within the LEP, and is in fact already partly applied to the northern portion of the subject land, and as such the proposal will not introduce any new zoning mechanism. The proponent of the proposal is the current landowner and it is not considered that the proposed rezoning will be unexpected. As identified, the land is already partly zoned R5, so it is unlikely that this proposal will unreasonable change the expectations of surrounding landowners in terms of rezoning rural lands.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Since the implementation of the Greater Hume LEP, there have been minimal spot rezoning undertaken across the villages, particularly in Holbrook. In this instance, the proposal is seeking to enlarge the portion of R5 zone which already applies to the in part, rather than introducing a new zone for the property.

Evaluation Criteria	Comment
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal involves enlarging an existing residential large lot zone, rather than any employment generating zoning. The provision of additional zoned residential land will have an indirect impact upon economic development and employment for Holbrook by providing additional permanent population in the urban area.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will provide opportunity for the subject land to be subdivided into large residential lots (2 hectares and larger) for future residential development. The result of this will be an increase in the supply of zoned residential land and greater variety in available residential lots.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is located on the eastern urban fringe of Holbrook within a transitional rural-residential area. Given the nature of this part of Holbrook, limited urban infrastructure is currently provided to the site. Electricity, telecommunications and public roads are provided for the property. Halford Drive, which provides the sole road frontage for the land exists as an unsealed urban road. An existing rural property access is provided from Halford Drive within a part of the property frontage with good visibility and sight lines in either direction. The expected increase in traffic is considered to be minimal and able to be accommodated by the existing road network of the surrounding area. Reticulated infrastructure will not be provided for the subject land, with future lots to incorporate on-site wastewater disposal and water supply. The large size of the lots (greater than 2 hectares) provides greater opportunity for disposal and water storage.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal is unlikely to have any negative impacts upon travel distances or the like, given that it will result in new residential land on the fringe of a small rural village. The land remains highly accessible to the core urban area of Holbrook and all services and employment locations.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are no known significant government infrastructure investments in the immediate area which would be affected by this proposal. In terms of Holbrook generally, the new Hume Freeway and bypass is nearing its full completion at the township and it is likely that additional population of Holbrook will make use of these provisions to access regional service towns such as Albury and Wagga.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The subject land is not identified as having any significant environmental or biodiversity values. The land has been subject to ongoing agricultural activities (such as grazing and dryland cropping) for a number of years. Consequently, the land has been cleared and highly disturbed.

Evaluation Criteria	Comment
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposed outcome will extend the existing R5 zone across the full extent of the subject land. This will maintain a consistent zoning along the northern portion of Halford Drive, with the zone being amended to incorporate the entire allotment, rather than only a portion of it. The proposal will have limited impact on the surrounding amenity of the area. It represents an area of transition from agricultural uses to rural-residential properties and ancillary small scale agricultural activities. The proposal is considered to result in an appropriate land use outcome in this part of Holbrook. The proposal is unlikely to have any impact upon the public domain. Indirect improvements to the public domain (such as streetscape and visual amenity) may result from new development in the area.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will have no impact upon commercial activities of the village, as it involves changing the zoning of a portion of rural land to residential land use.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not applicable, given the proposal involves a change in zoning for residential land use.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The public interest is served by this Planning Proposal as it will provide for additional zoned residential land within a transitioning rural-residential area of the village. The land is largely unconstrained and will provide flow on economic and employment benefits for the township.

Further to the above table, the proposal will result in the following additional benefits generally:

- The land would be available for development of new residential dwellings and opportunity for small scale ancillary agricultural activities where sought by future landowners.
- The rezoning would correct a split zoning for the property and encourage an appropriate future use of former agricultural land for new large lot residential use.
- The property is largely unconstrained by flooding, bushfire, vegetation and the like, and can be developed in the short term.
- The surrounding area is transitioning to a rural-residential area and has minimal intensive agriculture activities in close proximity. Consequently, the proposed land use change is considered to be an appropriate outcome for the land.

4.2 Relationship to strategic planning framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

There is no adopted regional strategy applicable to the Planning Proposal.

However the draft *Murray Regional Strategy* was prepared by the Department of Planning (DoP) in October 2009. The draft Strategy was also exhibited and is therefore a relevant matter to be considered in this planning proposal. The draft Strategy applies to the Greater Hume Shire Council and is relevant for discussion within this Planning Proposal.

The table below considers the proposal against the main aims of the draft Strategy.

Table 4.2 - Consistency with the relevant key aims of the draft *Murray Regional Strategy* (Department of Planning October 2009)

Aims	Response
Protect and manage the sensitive Riverine environment of the Region's major waterways (such as the Murray River) to safeguard the future health and wellbeing of one of Australia's most important natural catchments, its associated \$1 billion agricultural industry, the needs of downstream users and the \$400 million tourism industry.	A critical objective of the draft Strategy is to protect and properly manage the sensitive riverine environment of the region, particularly the Murray River and its tributaries. The sensitive biodiversity of the region is also acknowledged as being an important future environmental consideration. In this instance, the subject land is located within a cleared and highly disturbed area of the Greater Hume Shire, well away from any identified sensitive environmental areas. The Planning Proposal is considered to be consistent with the objective.
Cater for a housing demand of 13,900 new dwellings by 2036 to accommodate the combined pressure of the forecast population increase, the needs of a significantly changing population and growing tourism demands for new dwellings.	The provision of additional zoned land will increase the availability of residential lots for development. In this instance, the proposed land use change encourages larger lots to be created on the urban fringe, which will provide greater variety of residential land, catering to current residential demand in rural townships.
Prepare for and manage the significantly ageing population and ensure that new housing meets the needs of smaller households and ageing populations by encouraging a shift in dwelling mix and type.	As discussed elsewhere, the outcome of this proposal will be for the provision of future large residential lots. This future land use caters for a specific segment of the housing market, primarily rural-residential housing, and will add further variety to available residential land in Holbrook generally. Smaller urban lots are available within Holbrook and it is considered that current demand for smaller urban lots are presently being met with existing land supply.
Reinforce the role of Albury as the Region's major centre and the opportunities in taking advantage of its strategic location and emerging economic strengths, including transport, distribution, manufacturing, health services and education.	The Planning Proposal seeks to extend the portion of R5 zoned land (and subsequent minimum lot size) across the property for residential purposes. This outcome will have no impact upon the role of Albury as the major economic centre for the Murray region.
Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3,100 new jobs.	As above, the proposal will have no impact upon the supply and/or performance of industrial and commercial land in the Greater Hume Shire and the Murray region generally.

Aims	Response
Protect the rural landscape and natural environment by limiting urban sprawl, focusing new settlement in areas identified on local strategy maps and restricting unplanned new urban or rural residential settlement.	The subject land is noted as being partly zoned RU1, and has historically been used for agricultural activities. The land has been highly disturbed for its former use and is located within a part of the township which is considered to have minimal environmental sensitivity. As discussed elsewhere, the subject land is within the precinct identified within the Greater Hume Strategic Land Use Plan for future residential zoning. However the resultant zoning outcomes do not fully reflect the recommended areas, with part of the lot covered by the R5 zone. Notwithstanding this, the land has been identified in a strategic context as being preferred for transition to rural-residential zoning. Further, the provision of larger lot sizes serves as an appropriate transition for the urban fringe.
Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria [as provided in Appendix 1 of Draft Murray Regional Strategy 2009]	Not applicable, as the land has been identified within the preferred future residential area for Holbrook under the SLUP.
Ensure that the land use planning system can respond to changing circumstances for settlement and agricultural activity arising from water trading, by setting a strategic framework for decisions on land use change and investment in irrigation infrastructure	Not relevant. The proposal does not relate to a change in circumstances for settlement and agricultural activity arising from water trading.
Recognise, value and protect the cultural and archaeological heritage values of the Region for both Aboriginal and European cultures, including the visual character of rural towns and the cultural landscapes of Aboriginal people.	The proposal does not relate to a cultural or archaeological heritage site. While it is located within a rural town, it has been highly disturbed and is not considered to be of significant visual or physical importance to the character of the township.
Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of such infrastructure, having regard to the NSW Government State Infrastructure Strategy and equity considerations.	Not relevant. Likely additional infrastructure will be on-site provisions only, being the responsibility of the developer and future land owners.

Is the Planning Proposal consistent with the local Council's community strategic plan or other local strategic plan?

The *Greater Hume Strategic Land Use Plan* was endorsed in 2010, prior to the gazettal of the new LEP in 2012. The subject land is located within area of the Holbrook township preferred for future residential growth (see SLUP extract in Figure 5 above), with this preference clearly for larger allotments, as expressed by the zoning outcome within the LEP.

The current zoning arrangement includes a split zone, which is a poor land use outcome in any event. The proposal is therefore necessary to rectify the zoning anomaly and provide clearer opportunity and direction for the future use and development of the subject land. It is considered that the proposed outcome meets the community's expectations based on previous strategic work.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

There are a number of State Environmental Planning Policies (SEPP's) relevant to the Planning Proposal. The relevant SEPP's are addressed within Table 4.4 below.

Table 4.4 - Consistency with relevant State Environmental Planning Policies

	SEPP Title	Applicable to Planning Proposal	Assessment
1	State Environmental Planning Policy – Development Standards	No, does not apply to land in the Greater Hume LGA since gazettal of the new LEP 2012	
4	State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	No, does not apply to land in the Greater Hume LGA since gazettal of the new LEP 2012	
6	State Environmental Planning Policy – Number of Storeys in a Building	Not applicable to this proposal.	
14	State Environmental Planning Policy – Coastal Wetlands	No, does not apply to the Greater Hume LGA	
15	State Environmental Planning Policy – Rural Landsharing Communities	No, does not apply to the Greater Hume LGA	
19	State Environmental Planning Policy – Bushland in Urban Areas	No, does not apply to the Greater Hume LGA	
21	State Environmental Planning Policy – Caravan Parks	Not applicable to this proposal.	
22	State Environmental Planning Policy – Shops & Commercial Premises	Not applicable to this proposal.	
26	State Environmental Planning Policy – Littoral Rainforests	No, does not apply to the Greater Hume LGA	
29	State Environmental Planning Policy – Western Sydney Recreation Area	No, does not apply to the Greater Hume LGA	

	SEPP Title	Applicable to Planning Proposal	Assessment
30	State Environmental Planning Policy – Intensive Agriculture	Not applicable to this proposal.	
32	State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Not applicable to this proposal.	
33	State Environmental Planning Policy – Hazardous & Offensive Development	Not applicable to this proposal.	
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable to this proposal.	
39	State Environmental Planning Policy – Spit Island Bird Habitat	No, does not apply to the Greater Hume LGA	
44	State Environmental Planning Policy – Koala Habitat Protection	Not applicable to this proposal.	
47	State Environmental Planning Policy – Moore Park Showground	No, does not apply to the Greater Hume LGA	
50	State Environmental Planning Policy – Canal Estate Development	Not applicable to this proposal.	
52	State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	No, does not apply to the Greater Hume LGA	
53	State Environmental Planning Policy – Metropolitan Residential Development	No, does not apply to the Greater Hume LGA	

	SEPP Title	Applicable to Planning Proposal	Assessment
55	State Environmental Planning Policy – Remediation of Land	Yes, as the planning proposal will affect land that may be contaminated	SEPP 55 contains the matters that must be considered when assessing rezoning or development of a potentially contaminated site. Clause 6 of the SEPP requires that Council is: not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless: (a) the planning authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose. Subclause (4) identifies that the above provisions apply to land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out. Agricultural/horticultural uses are identified in Table 1 to the guidelines as being potentially contaminating uses. The land is known to have been used for agricultural purposes historically, however comprised predominantly dryland cropping and grazing. These activities are unlikely to result in any significant land contaminants being present on the property.
59	State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	No, does not apply to the Greater Hume LGA	
60	State Environmental Planning Policy – Exempt & Complying Development	Not applicable – does not apply to land in the Greater Hume LGA since gazettal of the new LEP 2012	
62	State Environmental Planning Policy – Sustainable Aquaculture	Not applicable to this proposal.	
64	State Environmental Planning Policy – Advertising & Signage	Not applicable to this proposal.	

	SEPP Title	Applicable to Planning Proposal	Assessment
65	State Environmental Planning Policy – Design Quality of Residential Flat Development	Not applicable to this proposal.	
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	No, does not apply to the Greater Hume LGA	
71	State Environmental Planning Policy – Coastal Protection	No, does not apply to the Greater Hume LGA	
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to this proposal.	
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable to this proposal.	
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable to this proposal.	
	State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable to this proposal.	
	State Environmental Planning Policy (Infrastructure) 2007	Not applicable to this proposal.	
	State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	No, does not apply to the Greater Hume LGA	
	State Environmental Planning Policy (Major Development) 2005	Not applicable to this proposal.	

SEPP Title	Applicable to Planning Proposal	Assessment
State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable to this proposal.	
State Environmental Planning Policy (Rural Lands) 2008	Yes, as the proposal involves a change in zoning from an existing rural zone to a residential zone.	State Environmental Planning Policy (Rural Lands) 2008 (SEPP Rural Lands) applies to all rural lands across the state. The subject land is presently zoned RU1 Primary Production (and part R5) and is proposed to be rezoned to R5 Large Lot Residential. As such, the planning proposal involves existing rural lands and the general provisions of the SEPP Rural Lands are relevant. Clause 7 of the SEPP sets out the general rural planning principles: (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General. An assessment of the Planning Proposal against these principles reveals the following: ▪ This land is presently utilised for agricultural activities, however is not considered to be high quality future rural land having regard to its location on the urban fringe of Holbrook adjacent to future large lot urban lands; ▪ The current use of the land for agricultural purposes is recognised, however given the urbanising context of the immediately surrounding land, it is not considered to represent significant agricultural land. It has not been used for intensive agricultural purposes for several years, with demand for larger rural residential lots being significant land use factors in the immediate area.

SEPP Title	Applicable to Planning Proposal	Assessment
		▪ The land is highly constrained for agricultural operations, and is unlikely to provide opportunity to expand activities on the land which would be regionally or locally competitive. ▪ The need for the landowners to diversify their agricultural production is representative of the changing nature of rural industries. The land presently offers limited opportunity to establish, expand and diversify the current agricultural activities and the urbanised surrounding location represents a more appropriate and logical long term use of the land. ▪ The proposal represents transition of existing rural land into a more logical future rural residential zoning. Ability for future growth and diversification of agricultural production in this location is very limited, however there is demand for additional urban growth on the township fringe. ▪ The land contains no sensitive environmental features which would be significantly impacted upon by future large lot residential lots and new dwellings and associated activities. ▪ This proposal provides alternative opportunities for the land which will benefit the economic growth and development of Holbrook
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No, does not apply to the Greater Hume LGA	
State Environmental Planning Policy (Temporary Structures) 2007	Not applicable to this proposal.	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No, does not apply to the Greater Hume LGA	
Murray Regional Environmental Plan No. 2 – Riverine Land (MREP2)	Not applicable to this proposal.	

Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 Directions)?

Section 117 of the EP&A Act allows the Minister for Planning to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft LEPs. A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of “*minor significance*”. Those S117 Directions considered relevant to this Planning Proposal are as follows:

Table 4.5 - Consistency with relevant Section 117 Directions

No.	Direction Title	Applicable to Planning Proposal	Consistency
1.	Employment and Resources		
1.1	Business & Industrial Zones	Not applicable	Not applicable
1.2	Rural Zones	Yes, involves land within an existing rural zone.	This direction applies to all relevant planning authorities and has the objective of protecting the agricultural production value of rural land. This direction states: (4) A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village). Planning proposals may be inconsistent with this Direction if the Planning Proposal is: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance. The land is part zoned both R5 and RU1, with the strategic directions for this area being for rural-residential transition. The property itself is unlikely to be utilised for any intensive agricultural purpose given its location on the urban fringe of Holbrook within an area designated for urban transition. It is also surrounded by rural-residential activities to the north and south. This Planning Proposal represents a study and investigation into the suitability of the land for rural-residential purposes generally and seeks to apply a consistent zone to the land.

No.	Direction Title	Applicable to Planning Proposal	Consistency
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	Not applicable
1.4	Oyster Aquaculture	Not applicable	Not applicable
1.5	Rural Lands	Yes, as it involves land within an existing or proposed rural or environment protection zone.	The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes. This direction is applicable when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone. This Planning Proposal represents a change to the land pursuant to subclause 3(a) as it will change the zoning of the land from its existing RU1 primary production zone to an R5 large lot residential zone. Consequently, the direction then requires that <i>“A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008”</i>. The Rural Planning Principles of the SEPP Rural Lands have been considered earlier within this report at Table 4.4.
2. Environment and Heritage			
2.1	Environmental Protection Zones	Not applicable	Not applicable
2.2	Coastal Protection	No, does not apply to the Greater Hume LGA	Not applicable
2.3	Heritage Conservation	Yes, applies to all Relevant Planning Authorities where a Planning Proposal is prepared	The Planning Proposal does not affect or alter any heritage items or heritage conservation areas or relevant controls contained in Schedule 5 of the Greater Hume LEP 2012.
2.4	Recreation Vehicle Areas	Not applicable	Not applicable

No.	Direction Title	Applicable to Planning Proposal	Consistency
3. Housing Infrastructure and Urban Development			
3.1	Residential Zones	Not applicable	Not applicable
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	Not applicable
3.3	Home Occupations	Not applicable	Not applicable
3.4	Integrating Land Use and Transport	Yes, applies to any Planning Proposal which will create, alter or remove a zone or a provision relating to urban land.	The Direction requires that: (1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). The site is located within a smaller rural village and as such has no public transport services or networks of arterial roads. The local road network functions adequately with scope for additional capacity within the township. Further, the Hume Freeway bypass of Holbrook is nearing completion, providing high accessibility to surrounding regional service towns. The proposed is considered consistent with the objectives and principles of the Guidelines and Policy identified in this Direction.
3.5	Development Near Licensed Aerodromes	Not applicable	Not applicable
3.6	Shooting Ranges	Not applicable	Not applicable
4. Hazard and Risk			
4.1	Acid Sulphate Soils	Not applicable	Not applicable
4.2	Mine Subsidence & Unstable Land	Not applicable	Not applicable
4.3	Flood Prone Land	Not applicable	Not applicable
4.4	Planning for Bushfire Protection	Not applicable	Not applicable

No.	Direction Title	Applicable to Planning Proposal	Consistency
5.	Regional Planning		
5.1	Implementation of Regional Strategies	No (there is no regional strategy applicable to the Greater Hume LGA)	Not applicable
5.2	Sydney Drinking Water Catchment	No (does not apply to the Greater Hume LGA)	Not applicable
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No (does not apply to the Greater Hume LGA)	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No (does not apply to the Greater Hume LGA)	Not applicable
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable. Revoked 18 June 2010	Not applicable
5.6	Sydney to Canberra Corridor	Not applicable. Revoked 10 July 2008.	Not applicable
5.7	Central Coast	Not applicable. Revoked 10 July 2008.	Not applicable
5.8	Second Sydney Airport: Badgerys Creek	No (does not apply to the Greater Hume LGA)	Not applicable
6.	Local Plan Making		
6.1	Approval and Referral Requirements	Yes	The Planning Proposal does not propose any additional provisions which will require referral of development applications to the Minister or any other public authority.
6.2	Reserving Land for Public Purposes	Not applicable	Not applicable

No.	Direction Title	Applicable to Planning Proposal	Consistency
6.3	Site Specific Provisions	Yes, as the Planning Proposal will allow particular development to be carried out.	This Direction seeks to reduce the imposition of site specific controls on land rezoned for a particular development. While the Planning Proposal relates to a general zone amendment and particularly an extension of the existing R5 zone, rather than a site specific zone not a particular development of the site. The outcome of the proposed change will be large lot rural residential development.
7.	Metropolitan Planning		
7.1	Implementation of Metropolitan Strategy	Not applicable	Not applicable

4.3 Environmental, Social & Economic Impact

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?

The proposal will not result in any disturbance of habitat areas or natural features of the area because it relates to the rezoning of a highly disturbed. The land to be rezoned has been subject to historical agricultural use, primarily dryland cropping and grazing activity.

There is limited vegetation within the subject land, with scattered trees provided across the site. The density and location of the existing vegetation is considered unlikely to be affected by future large lot residential uses.

Having regard to the current context of the site, it is unlikely that the future use and development of the land

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are few environmental effects anticipated as a result of the Planning Proposal, given the highly disturbed and cleared nature of the property. There are no defined watercourses located within the property however the land is well drained via overland flow with several storages existing within the property.

The density of the land sought by this Planning Proposal will not result in significant impacts upon existing topography, water storages or vegetation. The minimum lot size for the property will allow a significant area to be retained by future landowners. Revegetation works are considered likely of future landowners as part of overall landscaping works.

Wastewater from future dwellings will be contained and treated onsite. The subject land does not contain any defined watercourses. The type and location of future onsite wastewater storages will be determined through land capability assessment of future lots. However the existing nature of the site is considered capable of accommodating onsite wastewater storages without impact upon groundwater or surface water.

How has the Planning Proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive (see net community benefit assessment contained earlier in the report). The Planning Proposal relates to provision of new appropriately located residential land within the fringe of the Holbrook urban area. The proposal will increase the availability of zoned residential land for Holbrook, providing both greater variation in land available and additional permanent population.

The provision of additional population within the township area will have direct and indirect impact upon the retail, service and employment sectors of Holbrook and Greater Hume Shire generally. The additional permanent population will make use of existing retail and community services established within the township and also provide for possible increase in demand for such services.

The social and economic effects of the Planning Proposal are considered to be entirely positive.

4.4 State & Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

Yes, given the Planning Proposal seeks to apply an R5 Large Lot Residential zone to the property, it is not intended to provide reticulated urban infrastructure. Future lots will be provided with on-site wastewater disposal infrastructure and water supply, which will be established by future landowners.

Road infrastructure will be provided within the subject land to service future allotments. Any new internal road will intersect with Halford Drive, most likely at the location of the current property access. Halford Drive is unsealed, however has appropriate width and formation to cater for increased low density development.

The exact timeframe of development is not known at this stage, and is subject to a variety of external influences by planning authorities and other agencies. Despite this, it is expected that a development application for subdivision of the land could be made within 12 months after the gazettal of the Planning Proposal. Upon which, it is anticipated that it would be at least 12-18 months before any subsequent construction work for new properties would commence (allowing for construction works for the subdivision, registration of titles, sale of individual lots etc.).

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

Responses are not required on the proposal until after the Gateway determination.

5 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The gateway determination will specify the community consultation that must be undertaken on the planning proposal. As such, the exact consultation requirements will be determined upon receipt of the gateway determination.

This Planning Proposal is considered to be a minor proposal given it will essentially result in an extension of the current R5 zone and minimum lot size to cover the full extent of the subject land. The proposal will be exhibited for a period of 28 days in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979* and the NSW Department of Planning's: *A guide to preparing local environmental plans* (October 2012).

At a minimum, the future consultation process is expected to be in accordance with the consultation requirements set out in "A guide to preparing local environmental plans" (Department of Planning, 2009), being:

- written notification will be provided to adjoining and surrounding landowners who may be directly or indirectly impacted by the proposed development, with a minimum notification period of 28 days;
- consultation with relevant Government Departments and Agencies, service providers and other key stakeholders, as determined in the gateway determination;
- public notices to be provided in a local newspaper and on Councils' website;
- static displays of the Planning Proposal and supporting material Council offices in Holbrook and Culcairn;
- electronic copies of all documentation being made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and prepare a report to Council.

It is considered unlikely that a Public Hearing will be required for the proposal.

6 CONCLUSION

The subject site is considered to be suitable for an extension of the existing R5 zone and a 2 hectare minimum lot size provision. The proposal essentially rectifies the anomaly of having a split zoning and minimum lot size to the subject land and will ensure a more efficient future use of the subject land.

The land is located on the urban fringe of Holbrook, with the proposed outcome for the land resulting in an urban transition between conventional urban development to the northwest and rural uses to the east. The proposal will respond to the strategic direction of Greater Hume, being the provision of additional large lot residential allotment for future development.

Historically the land has been utilised for agricultural purposes, however the location of the land means that ongoing intensive agricultural is not preferred for this location of Holbrook. Surrounding land is already demonstrating transition into a rural residential location.

In conclusion, the Planning Proposal is worthy of support and will deliver a net positive social and economic outcome for the residents of Holbrook and Greater Hume generally.

